

Chapter Five: The Effect of Zero Tolerance Policing on the Police

The Accountability for the ‘Uncompromising’ Policing of Minority Groups

Obviously the police culture is not a freestanding phenomenon but is a living representation and a living microcosm of the conflicts and contradictions in a class society. Australian society today, as we have seen, is currently dominated by the tenets of economic liberalism (Reiner 1997), although these are often somewhat distorted by legal and social pressures. Nevertheless, within these relatively inflexible boundaries, as a microcosm of the society it serves, police culture is not monolithic and invariant and is structured from above by executive ideologies. For this reason, while accounts of deviancy within policing organisations may be descriptively true, explanations of police corruption need to consider a range of different positions from the apex to the base of the broader criminal justice structure (Reiner 1997, p.1023). For it is these, which determine police culture, practice and accountability.

Stereotyping or labelling by police is governed by the style of policing adapted for the specific community. However, only a few critics take into account the data-led specificity of contemporary operational police work or the fact that most operational police have only a limited access to information and knowledge, which appears to go hand in hand with limited discretion.

This is in contrast to others in socio-legal professions and, ironically, to police executives.

It could be argued that there are different standards about propriety being applied to those at the top and those at the bottom of the police organisational structure. For example, an article in the *Sydney Morning Herald* in April 2000 told its readers that ‘Assistant Police Commissioner Alf Peate ordered a delay in a search for drugs in the house of John Marsden, a member of the Police Board. Shortly after Superintendent Small, who initiated the information for the search, was transferred’ (McClymont 2000a, p.3). An earlier article in the *Sydney Morning Herald* in February 2000 had reported the following courtroom exchange in which Marsden had told the court that ‘A lot of my sexual partners have been clients of mine — one way or the other’. In response to this statement ‘Barrister Mr Stitt asked him to repeat what he had said... ‘There is nothing unethical about that,’ replied Mr Marsden. ‘That’s what the Law Society rules are sir’ ...’ (McClymont 2000, p.3). Clearly, it is reform implemented and monitored by a police executive, which will effect and marginalise the police at the bottom of the hierarchical structure.

Criminologists argue that police form stereotypical opinions about the criminality of minority groups and that this effects the way they deal with such minorities. Janet Chan, for example, cites the 1992 ABC drama ‘Cop it Sweet’ by Jenny Brockie as evidence of police racism against Aborigines. Chan acknowledges that it is often the police officer’s perceptions of what is suspicious and who is respectable that can lead to stereotyping and prejudice, arguing that police cannot claim professionalism and fairness if they allow racism to become part of their occupational milieu. Maher *et al* (1997, p.53) and Janet Chan (1997, p.20, 21) cite Robert Reiner when they argue that racism and ethnic stereotyping are the reasons many people from

ethnic minorities in low-income communities are likely to be stopped, questioned and arrested by police (Reiner 1985). In fact, Robert Reiner (1997, ch.28) takes the argument much further by differentiating between individual and institutionalised racism, pointing out that it is feasible in some communities and specific circumstances that minority groups do commit more crimes.

The evidence that black people are disproportionately at the receiving end of police powers is overwhelming. What remains contested is the extent to which this is due to more black offending or to discrimination by the police because of individual or institutionalised racism (Reiner 1997, p.1011).

Cunneen and White (1995, p.211) also explain the contradictory demands in relation to the social control and criminal investigation aspects of policing as well as facilitation traffic control, lecturing , domestic, immigration and welfare matters. The widespread cynicism of police amongst disadvantaged young people also occurs because of the regularity of police intervention in their lives that is perceived as over-policing. Unfortunately, the critics of law and order policy seldom examine the hypothesis that police are similarly seen as the enemy by minority groups, whether they display individual prejudices or not. What is often left to one side is debate on the more complex realities of law enforcement and order maintenance styles implemented by the police hierarchy. There is no question that, regardless of the style of policing used, black people, ethnic minorities and the poor are disproportionately at the receiving end of police power, both as suspects and as victims. However, it is not the case that simply being a member of the police community essentially gives an individual a particular mindset although it is clear that there is an institutionalised racism at work in the police force itself. An

argument that police are not prejudiced is as difficult to sustain as the essentialist notion that most police are prejudiced or racist.

In New South Wales a good deal of academic opinion on police racism flows from the *Anh Hai* study conducted by Maher *et al* (1997), which was about the perceptions and experiences of young Asian people and policing. A total of 123 young Asian heroin users were interviewed in relation to their experiences with the police. The executive summary of the study reads:

The results are disturbing. Encounters between police and young Asian background people are often conducted in a climate of fear, racism and hostility. We found that these young people are subject to routine harassment, intimidation and mistreatment by members of the New South Wales Police Service ... The study also provides evidence of questionable and unlawful conduct on the part of police officers in relation to the seizure of drugs and money (Maher *et al* 1997, p.v).

There has been a general acceptance in professional circles that the NSW police hierarchy were still committed to a principal operational strategy of watchman-service style community policing. Janet Chan, a criminologist who has published books and articles about 'police culture' (Chan 1997; 1999), maintained in 1997 that she had extensively researched the issues of policing and racism and come to the conclusion that 'It was safe to assume there had been a degree of cultural change amongst relatively senior officers' and 'that senior police seemed fairly positive about the performance of the organisation' (Chan 1997, p.214). Maher *et al* (1997, p.vi) also argued that 'policy commitment to harm minimisation does not filter down to the police on the street or their practices.' Both Chan and Maher *et al* suggest that

problems within the police force exist mainly at the lower and middle levels of the organisation. Resistance to change, and in particular lack of ‘policy commitment to harm minimisation’, they believe, is the province of middle level management and operational police. They suggest that the hierarchy is battling to reform this inflexibility.

Interestingly, at the time these reports were being written senior NSW police were already in the process of evaluating the New York police’s zero tolerance policing strategy called Compstat (see Chapter 1). As a result, OCR, which as we have seen is a version of Compstat (Miranda, 2000d, p.1; New South Wales Police Service 2000), was implemented in 1998 as the principal operational and performance management strategy of the NSW Police (Davis & Coleman 2000). Compstat, as this thesis has shown, is about data-led, ‘uncompromising’ policing; a policing strategy which is not supportive of community policing or of harm reduction.

Police were not interviewed during the *Anh Hai* study and many were already protesting that there was little examination of the legalistic, value-for-money policing they were being expected to put into practice. David Dixon, who was a co-author of the *Anh Hai* study, has argued later that police informants often have reasons to provide inaccurate information because they are used in areas of police work where corruption is endemic. Misinformation can have serious repercussions (Dixon, 1999, p.51). Yet the status of the same drug addicts and informants was taken to be totally acceptable in the terms of academic research and Maher *et al* (1997, p.vii) even raised concerns about members of the police attacking the integrity of the principal researchers by making false and defamatory allegations. This concern failed to extend to include the young police who, without being interviewed, often felt demoralised by being stereotyped and labelled.

In thus criticising *Anh Hai* I am certainly not suggesting that there are no intolerant or corrupt police but that operational police have been disadvantaged by research which appears to accept the assurances of senior management without considering the relative powerlessness of police officers at the middle and lower levels of the organisational structure. Research should begin with the premise that the meanings and ideas of all participants are of equal importance and that all stakeholders should be given a voice. In this case, this would include not only Asian young people but the police as well. In some instances they are, after all, one and the same. The interpretation of the information from research subjects requires the researcher to be transparent and see things from the position of all others. Michael Crotty has argued that to understand the attitudes of the community we must be able to take on the role of others; we have to see ourselves as social objects and we can only do that by adopting their standpoint (Crotty 1998, p.74). Robert Connell (1993, p.41) takes this a little further by suggesting that intellectual work has to be done from the point of view of the least advantaged. Of course young Asian heroin addicts are very disadvantaged. However, within the police hierarchical and criminal justice occupational structure, operational police are also disadvantaged.

The existence of institutionalised prejudice within policing can partly be explained by the concepts of value-for-money and zero tolerance policing styles, which are themselves both intrinsically prejudicial and discriminatory (Reiner 1997, p.1011). This can only be compounded when police have their competency assessed by a performance management policy. Any semblance of zero tolerance policing will justify the targeting of minority groups, even if an officer is not individually prejudiced. The most predictable outcome is that 'uncompromising' policing immediately places the officer at odds with minority groups and the poor (Wilson 1968).

Stereotyping is an inescapable product of the suspiciousness which is widespread in police work. Robert Reiner believes that is not its survival that should cause major concern, but the degree to which it is established and proves useful, in contrast to any discriminatory way it is applied (Reiner 1992, p.115). OCR promotes discriminatory law enforcement and individual police are viewed in the light of their organisation's principle operational strategy. Whilst 'police culture' has become a cliché in public discourse, it is the politicians, police hierarchy and the media who react to public fear by offering hopeless solutions and simplistic slogans such as zero tolerance, tough on crime, tough on the cause of crime (Dixon 1999, p.175) which 'police culture' must then carry out. As Robert Reiner (1992, p.115) argues, the collected works on racist policing often reflect the structure of power in society and also serves to reproduce that structure.

The notion that police are racist and discriminatory because they stop and arrest more people from minority groups perhaps should be measured against a similar concept that magistrates are racist and discriminatory because the majority of people who are convicted or sent to gaol are from disadvantaged communities. Whilst police may once have been the gatekeepers of the criminal justice system (Cunneen & White 1995, p.198), trends of 'uncompromising' law enforcement and the withdrawal of informal discretion means that many other occupations and professionals are now the *de facto* gatekeepers to the criminal justice system. Politics and Policing For those in the police service, it is the loss of public confidence and mandated authority, which is one of the most difficult aspects of modern policing. The complex dilemma of New York police, who have to deal with an 'uncompromising' executive as well as 'uncompromising strategies, is explained in the following quotes. ... and a number of officers from a variety of ranks said that many of their colleagues, caught between the scorn of some

communities and the pressure to reduce ever- declining crime rates, had begun to count the days to their retirement at twenty years. Some are sporting hats that say '20 and Out', one officer said (Flynn 2000)... interviews with 18 officers, most of whom were white, indicated that Mr Giuliani's relationship with the 40,000 member police force was a complex one ... even if debates had made it appear at times as if he and police officers spoke with one voice, from the same side of the issue (Flynn 2000).

For two years New York City has been struggling to attract potential recruits to take the Police Department's admissions test ... Professor Skolnick said the prosperous economy had caused the decline ... he also said the cases of Abner Louima tortured in a Brooklyn police station ... and Amadou Diallo who was killed by the police had raised awareness of racial tensions ... discouraging some applicants (Chivers 2000).

The same resistance between operational police and their executive is mirrored in New South Wales. When Commissioner Ryan attended the 2000 biennial NSW Police Association Conference, his support for OCR and zero tolerance strategies were simply confirmed. There were no concessions to the fact that 'uncompromising' policing is causing conflict with the public. Commissioner Ryan (2000) has also confirmed that he believes operational policing is a young person's job, on the basis that young police are better suited to wrestling with drunks, or being attacked by other fit young people. Jude McCulloch makes a valid point when he says that unsupervised, immature young male police will use policing to test their manhood through physical confrontation (McCulloch and Schetzer 1993, p.15), especially as zero tolerance policing has a tendency to promote confrontation and restrict alternative methods of resolution. Contrary to Peter Ryan's opinion,

experience and maturity are essential parts of the diversity required in any law and order service delivery.... it is grossly unfair, in my view, for men and women over 45 or 50 to wrestle with drunks in the street, to be attacked by healthy, fit young people ... 'The Police Service should be recognised in terms of operational policing as young person's job'... it would also eliminate the huge number of people who take long term sick leave... Andrew Tink mentioned the 700 odd long-term sick. How many of those truly, if you could sit them down and say: 'why do you feel stressed out? Why are you on long term sick leave?' They would say to you. I really don't have the heart for it any more (Ryan 2000).

White & Cuneen (1995, p.206-7) have examined the link between police and young people and consider that, as harassment, intimidation and violence are at the centre of most complaints, the relationship is often spoiled by conflict. Perhaps it would be useful if researchers made more of an effort to examine these same operational police independently of their organisation? This would certainly assist them in determining whether the conflict inherent in the relationship between police young people and minority groups is a product or a cause of bad policy.

Commissioner Ryan acknowledges that OCR policing is data driven, 'uncompromising', 'difficult and stressful' (New South Wales Police Service 2000, p.3), although he does not acknowledge that the implementation of OCR in 1998 has anything to do with the reason so many police are resigning or requiring long-term sick leave. Certainly, this reflects the post Compstat human resource problems of the New York Police Department (Chivers 2000; Flynn 2000). His main concern — and the concern behind current policing policy — is, above all, with economic costs, not human costs.

Mark Robinson (1999, p.3) reports that, while crime levels had dropped and arrest rates had increased for the first time in more than a decade, this has come at a considerable cost for the NSW Police Annual Report (1999) indicates that assaults against police had risen almost ten percent, with an average of thirty-one officers being attacked every week. In spite of this, blame for individual or organisational stress is still conveniently moved from the executive and placed squarely at the feet of middle management.

The subject of OCRs was mentioned this morning. They have proven to be an outstanding accountability mechanism ... The focus of the OCRs is on our core activities of reducing crime and improving public safety ... It does and it will place commanders under great deal of pressure to account for the management of their command ... In a financial sense ... An operational sense ... A people management sense... let us be quite clear about what OCRs were intended to do. They were intended to put people under pressure ... And it has worked ... But what, if anything has gone wrong? ... The OCRs were never intended, there was never a direction given, nor has any pressure been applied by any of the executive, to force Local Area Commanders and their staff to spend inordinate amounts of time preparing for an OCR ... (Ryan 2000).

Andrew Tink, who as Opposition police spokesperson has raised the issue of police stress in the past, on this occasion raised the issues of growing resignations and falling recruitment numbers.

why is it that out of a class of 403 in CEP 5 [Police Academy], only 340 were attested and what happened to the other 60 or 15%? why is it that May's *Police News* shows that 20% of the resignations in February were probationary constables and a further 30% were constables — that is to say 50% of the resignations were by people new to the service... (Tink 2000).

Within one week of the conference, Police Association research director Greg Chilvers issued a public statement to the print media stating that five percent of the State's police were on sick leave.

five per cent of the State's police force are on sick leave ... I don't know any organisation which could sustain that. And what they are doing is speeding up the medical exit process — it's crazy. That's not solving the problem; the problem is much deeper than that. They need to start addressing the underlying problems, the lack of support and the way they treat people (Jones 2000, p.25).

In one command, one in seven of the police — including the commander — were on stress related sick leave. When relieving staff were appointed, the temporary commander commented 'We have always maintained our response times, but this has let us get some pro-active policing done, target property offences and our drug problem' (Jones 2000, p.25). The commander's priority is clearly demonstrated by his remarks.

Arguing that police do not enjoy the prospect of being granted additional powers would be very foolish. What is very questionable, however, is whether most police fully understand the whole concept and political outcome of being granted these additional politicised powers. When

suspects, perpetrators or victims from minority groups become part of a dispute involving police it is the police practitioner, more likely than not, who will be immediately seen as ‘the enemy’ in the incident. Inexperienced police with a limited range of options tend to use a chemical or physical restraint at the first sign of trouble, causing an already strained relationship to deteriorate even further.

‘Shoot him,’ the male officer yelled as Ali Hamie stabbed him in the head, neck and chest with a shard of glass ... with four shots from her service revolver, she became what is believed to be the first female police officer in NSW to shoot someone dead... the male officer believed to have been a police officer for two years attempted unsuccessfully to subdue the man by spraying him with capsicum spray ... the victim pushed the male officer to the ground and started to stab him with the large shard of glass in the head and neck ... the female officer also tried spraying the man with her capsicum spray ... this also failed to subdue him ... A number of shots were fired (Kennedy, L 2000, p.1).

In New York comments about the damage to the police force because of the stress and strain suffered by individual police who are poorly prepared to implement ‘uncompromising’ law enforcement are now becoming very newsworthy. This extract is from the *New York Times*... the damage they have done to this job — I won’t see the repair of it in my time He [Giuliani] and Mr Safir [Commissioner] remain committed to policies that push cops who are deficient in judgement, training and supervision into situations they are not prepared to handle. Inevitably some of those cops will degrade, maim and kill the innocent (Herbert 2000).

A paradox for most police, however, is how can they possibly perform their duties in a broad context which simultaneously satisfies demands for zero tolerance and community policing?

In New York on June 15, 2000, a large group of young men, who were affected by alcohol while celebrating National Puerto Rican Day, abused and ripped the clothing of numerous women in a wild rampage. Although three of the women ran to a nearby group of police and asked for help, the officers did nothing to stop the assaults. It was only because onlookers had videotaped some of the incidents, that the police were able to release the photographs of seven suspects, all of whom were black or Latino (Rashbaum & Chivers 2000). Obviously, the individual police officers, who had disregarded the three women's pleas for help, were also the subject of the resulting public outcry:

Politician, Pat Buchanan said ... Morale has been undermined by the 'liberal cop bashing' ... Commissioner Safir said ... 'It shouldn't be used as an attempt to create some prejudicial attitude about the parade, and it shouldn't be used to attack a police department that does a very good job ... Internal Affairs have been ordered to deal with the officers who failed to stop the assaults (Riley 2000, p.17).

As Crotty (1998, p.74) argues, to enter the attitudes of the community we must be able to take on the role of others. It is not difficult to imagine what would be the likely consequences for any police officer attempting to engage with the drunken men who were in the process of assaulting and abusing numerous women. Similarly, any attempt to interview or arrest a perpetrator would have been interpreted by some liberal minded citizens

as harassment or racist. An internal investigation revealed that when the assaulted females requested assistance from police on traffic duty they were told to contact 911, the emergency phone number (Riley 2000a). The police concerned would not leave their delegated parade routes. The three civilian 911 operators also responded inadequately, causing delays. These are the negative consequences of a military style, aggressive, policing policy; a police force which is managed like a business rather than a social contract.

The job

A vital quality of police thinking is that policing is not just a job but also a respectable way of life with a worthwhile purpose. Policing is not conceived as a business or a political enterprise but rather as part of a social contract representing the thin blue line between order and anarchy or the protection of the weak against the strong and predatory. This genre, of course, is not itself without flaws. As Robert Reiner suggests, there can be no doubt that adrenalin and machismo play a large part in the hedonistic, action centred aspects of policing. However, the core of the police outlook is the subtle intermingling of action and cynicism. When these hedonistic aspects become blurred, they can feed off each other. Given the right circumstances of aggressive policing and pressure for results, the concepts of due process can be easily strained and damaged (Reiner 1992, p.111).

Even Ian Ball, who is generally optimistic about the OCR process in New South Wales, has expressed concerns which are shared by many other critics:

Staff have expectations of their commander, too, and generally find command and control freaks create environments, which are less

than healthy to work in ... [although] I don't have a difficulty with the OCR process conceptually ... The process does not take into account any of the human issues (Ball 2000).

Conclusion

As we have seen, James Q Wilson (1968) examines different policing styles and outlines watchman, legalistic and service as the three prominent models. The legalistic styles are accused of racism, with no informal discretion on how rules and standards should be applied. The service style favours cautioning for crimes and is only considered possible in middle-class communities. The watchman style emphasises order maintenance with wide informal discretion.

The main thrust of my argument begins with the premise that police discriminate against minority groups and that generally minority groups in society are stereotyped and situated at the base of the social structure. However research professionals seldom see things from the position of the other when dealing with police and there is evidence that operational police, situated at the base of the criminal justice occupational structure, are also labelled and stereotyped as a result.

As this thesis has already shown, the politicising of law and order issues has turned what was originally designed to be a policing social contract into a data-led business, supported by an OCR and focused on arrest rates and crime levels. In both New York and New South Wales the welfare of operational police has become a secondary issue, with experienced police on long-term sick leave and junior police resigning because of stress (Doherty 2000).

Jenny Brockie examines the willingness of some senior police to embrace any change, which empowers police to question what they did and why they did it? This concept also requires senior police to behave appropriately. A senior executive officer commented. 'Behavioural change is not something that you can quantify' (Brockie 2000). On the 19th April 2000 Commissioner Ryan received an honorary doctorate at Macquarie University and is member of the newly established advisory council on the University's graduate school of management. 'He said one of his ambitions after 37 years working in the public service was to improve the way the public service does business' (*Macquarie University News* 2000).

Operational police should be able to see their role as not just a job but as a respectable way of life. Theirs is not a business. Nor is it a political enterprise. Rather it is a social contract representing the thin blue line protecting the weak against the predatory (Reiner 1992). Zero tolerance policing, however, is far from this and it has a well documented history of being at odds with the public and obsessive about data. The liberal concepts of tolerance and discretion have been placed to one side in preference of 'value-for-money' policing. The state and its criminal justice executive forfeit moral authority when 'uncompromising' policy is presented to citizens as if they and the police are enemies, which is more often than not the only outcome of such policing strategies.

Conclusion

The aim of this research has been to explore the circumstances in which ‘uncompromising’ law and order strategies have been developed and implemented and, in particular, to explore the effect that such strategies have had upon ethnic young people from disadvantaged communities. It is the contention of this thesis that this situation has never been examined from the perspective of all participants simultaneously. Instead, law and order activists, politicians and the police hierarchy have tended to blame ethnic gangs and prescribed a ‘crackdown’, which violates individual rights, as the solution to criminal activity and drug dealing. The media, too, while demanding such strategies amidst a welter of fear inspiring headlines about gang violence and rising crime rates, have continued, at the same time, bludgeoning police officers for their racism and corruption.

The long-standing critics of police organisations, who see themselves as crusaders exposing the many failings of ‘police culture’ while actively pillorying police officers and middle management for their lack of flexibility, fear of change and their refusal to use harm reduction rather than ‘uncompromising’ policing strategies, continue to exonerate the police hierarchy from any responsibility for such organisational failings. Nowhere has there been any attempt to comprehend the position of the police officer, who is often young and very poorly prepared, and ‘expose’ the very real causes which have created the ‘police culture’ which is so much the subject of social criticism. In fact, as this thesis has shown, the situation is an extremely complex one. For the problems currently being experienced both by young ethnic men in southwestern Sydney and the young police officers who harass them — often unjustly— are products of one and the same political and economic process.

In order to fulfil the aims of this research I have conducted an extended literature review of policing strategies and the manner in which they are imposed upon disadvantaged groups. This thesis has combined documentary analysis of both secondary and primary sources, including a wide range of contemporary media material, supplemented with interviews and historical diary notes.

The limited findings of this literature review reveal a complex web of positive, negative and neutral interactions that are all linked together through the stakeholders affected by zero tolerance policing. The Lebanese community in Sydney, as we have seen, is very much a marginalised ethnic minority group; a group which is severely disadvantaged by socio- economic factors relating to housing, health, education and employment and experiences high levels of racism and discrimination. ‘Uncompromising’ policing has further marginalised the Lebanese community. It has caused Lebanese young people to be labelled as deviant and publicly humiliated and, in the process, has facilitated the growth of a ‘protest masculinity’ which has assisted the construction of even more deviant behaviour. The Lebanese community views ‘uncompromising’ policing to be unjust, racist and discriminatory and is progressively withdrawing the moral authority it extends to the police. When they are accused by politicians of erecting a ‘wall of silence’ to protect undesirable elements in the community, this is very much a reaction to ‘uncompromising’ policing and cultural and racial vilification.

Zero tolerance policing is a conservative policy, which falls outside the liberal-democratic principles of justice. It represents, in fact, a direct break with the social contract originally implicit in policing. In the pursuit of quantifiable data and performance-based assessment which makes a mockery of the intuitive skills of service policing but which gives the general community a misleading notion of reduced crime rates, a safer society and a productive ‘value-for-money’ police service, the police have lost sight of the real socially based moral Contract Zero tolerance is also discriminatory in its effect upon operational police, who are seen by disadvantaged communities as an invading army and seen by the community as corrupt, gung-ho and often immoral. High levels of resignation, sick leave and recruiting difficulties are all indicators of the toll exacted from both experienced and inexperienced operational police. Humiliated not only by a populist media but also by the silence of a police executive whose orders they are following, many police officers feel as alienated as the young ethnic persons they are targeting. Cohen’s deviancy theory (Cohen 1955), as this thesis has shown, has a very useful place in the evaluation of this continually escalating situation.

Assertive policing does not have to be ‘uncompromising’ or be judged successful on the basis of increased arrest rates and a lower crime levels. It is, however, like any law and order policy, very dependent upon the goodwill and legitimate support of any community it purports to serve. Essentially any policing strategy can only be successful if the entire police organisation, including the executive pays heed to the civil rights and liberties of that community, which must include the use of tact, discretion and consultation with all sectors of a community. These standards cannot be met whilst competency of service providers and the success of the policy are measured solely in terms of quantitative outcomes (Chemerinsky 2000; Hopkins-Burke 1998b).

Recommendations

Regardless of the fact that ‘uncompromising’ policing in the form of Compstat or OCR is a top down policy, recent publications about the excesses of modern policing (Chan 1997 Maher et al 1997) have made findings and recommendations without consulting any police at the base level of the organisation. Erwin Chemerinsky (2000) has argued that this is a serious flaw in any analysis and cites an evaluation of aggressive anti-gang policing and corruption in the Los Angeles Police Department, where all blame is apportioned to middle-ranking and junior police by a state appointed board of inquiry (Chemerinsky 2000)

Chan (1997), Chemerinsky (2000), Dixon (1999) and Maher *et al* (1997) all recommend improved individual training and greater accountability in order to establish a more professional police service. These recommendations ignore the determination of a police executive driven by its own performance management strategies. Tremain (2000) has described how the officer in charge of the Bankstown Police was transferred to the NSW Police Academy and put in charge of all training in September 2000 because his performance indicators statistically demonstrated a high level of arrests attributable to his leadership. In Superintendent Madden’s own words, ‘Arrests have been higher in the past few years than ever before. We are certainly putting more people away.’ Maddens standpoint suggests that future police training in relation to human rights and tolerant/discretionary policing will probably be subordinated to these performance management criteria.

Lou Cannon recently examined the LAPD 2000 corruption inquiry, in particular the actions of Rafael Perez a Los Angeles police officer sent to gaol for corruption, which began with the use of aggressive policing strategies in dealing with gangs from the Los Angeles disadvantaged and ethnic communities. Cannon was present in court the day Rafael Perez was sentenced.

Perez claims that it was the aggressive LAPD culture itself that corrupted him. In a tearful statement at his sentencing earlier this year, Perez said he had become consumed by the ‘us-against-them ethos of the overzealous cop’ after he transferred to Rampart Crash. His was a cautionary tale. ‘My job became an intoxicant that I lusted after,’ he said. ‘I began to lust also for things of the flesh. The end result: I cheated on my wife, I cheated on my employers and I cheated on all of you, the people of Los Angeles’. Perez warned rookie officers not to be seduced by the ‘pressure of status, numbers and impressing supervisors’ or by ‘flip, awful statements’ like the one that appeared over the door of Rampart Crash, ‘We intimidate those who intimidate others’ (Cannon 2000).

This statement from Perez and the data from this thesis establishes that there is a need for further research into the effects on both the police and the community of zero tolerance policing. James Q Wilson, one of authors of the ‘Broken Windows’ theory upon which OCR has been based (Wilson and Kelling 1982), cautioned policy makers in the late 1960s (Wilson 1968) that ‘legalistic’ policing, which rejected discretion and was based on rigidly enforced rules, would be discriminatory and racist towards disadvantaged groups. Despite this, it has become the preferred style of policing in lower income areas, with the ‘service’ style of policing that favours discretion being considered possible only in middle-class and higher income communities.

It certainly appears that the hierarchy in the NSW Police Service has maintained a rhetoric supporting community policing, while transforming the work of the police service into an accounting-driven aggressiveness directed against the communities they are supposed to serve. While this is often justified by populist appeals to increase arrest and incarceration rates, policy makers would do well to consider the way such public fears are generated by a headline hunting media interested in the financial benefits of a ‘good story’ and a research base which largely ignores the complexities that this thesis has uncovered. The lessons that need to be learnt are that future research should be independent of the New South Wales Police Service and its executive. Furthermore, in order to make any findings and recommendations valid and reliable, the research should include a large ethnographic interview component in which all stakeholders, from the effected community to the operational police, are given a voice.

This thesis has never maintained that operational police are the innocent victims of a scurrilous fiction that distorts ‘police culture’. Ultimately, the key to change in the workplace lies in the training given to police officers, however, accountability for a top down policy such as OCR needs to be qualitatively measured at the top as well as the bottom of the organisation’s structure. Qualitative measurement, as opposed to quantitative measurement, must measure the ability for the organisation to fulfil the terms of the social contract that, although it is presently being ignored, still exists between the police and the community they serve.

Treating the New South Wales Police — or any police force for that matter — as a performance driven business structure simply ignores the basic fact that policing is not a business but a community service. In a democratic society — and especially in a capitalist society driven by a growing political, social and economic gulf between rich and poor, powerful and powerless — it is more important than ever to ensure the protection of the common wealth. It is clearly time that our government rediscovers and renegotiates the social contract that morally binds it to the people who elect it as their representatives and give organisations such as the police service a mandate to enact both the common good and the common will. This mandate, however, can only be based on a sense of mutual trust, rather than on the levels of fear and force that are the products of powerlessness.

Before this can be achieved there is an important lesson that should be learnt from the evidence of Rafael Perez, the Los Angeles police officer who discovered too late that he had been corrupted by ‘pressure of status, numbers and impressing supervisors’ and by ‘flip, awful statements’ such as ‘We intimidate those who intimidate others’. Perez concluded his courtroom evidence with the plea that ‘Whoever chases monsters should see to it that in the process he does not become a monster himself’ (Cannon 2000)

