

The Police Code of Silence in Queensland

The Impact of the Fitzgerald Inquiry Reforms†

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The Royal Commission into the New South Wales Police Service has highlighted the problems involved in identifying and controlling corruption and promoting ethical conduct amongst police. The Royal Commission has achieved considerable success in exposing areas of corrupt activity within the New South Wales Police Service, by utilising innovative surveillance technology, offers of indemnity to officers already identified as corrupt and 'sting' operations. However, as policing researchers have long emphasised, high profile corruption busting exercises like the Royal Commission only have a limited life span (Henry 1994). Unless the organisational and cultural context in which police operate can also be changed, the old patterns of behaviour are likely to reappear over time.

In the late 1980s, the Queensland Police Service (QPS) was the subject of a similarly sensational public inquiry into allegations of widespread police corruption. The Fitzgerald Inquiry Report, tabled in June 1989, was unique in that it dealt not only with specific allegations of corruption, but also put forward a comprehensive blueprint for the reform of the QPS (and, indeed, of the State's political institutions generally). Many of these recommendations were aimed at changing those organisational features of the QPS which, in the Inquiry's view, had allowed widespread misconduct to go undetected and unpunished. Not all of these proposed reforms have been implemented (despite the claim by the Government of the day that the report would be adopted 'lock, stock and barrel'), but the Service and the institutional environment in which it operates have undoubtedly changed significantly as a result of the Fitzgerald Inquiry. It is therefore instructive, given the current focus on issues relating to police corruption and misconduct, to assess the extent to which this package of reforms has been successful in promoting attitudinal and behavioural change within the QPS.

The specific focus of this paper is on assessing the impact of the Fitzgerald Inquiry reforms on the 'code of silence' within the QPS. According to the Inquiry, for many years the majority of Queensland police officers had adhered to an unwritten code, under which it was considered impermissible for police to criticise their colleagues, particularly to anyone outside of the organisation, or to cooperate in investigations of fellow police. The Inquiry

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described the code 'as an integral element of police culture ... [which] has been a critical factor in the deterioration of the Police Force' (1989:202) by reducing, if not almost eliminating, concern for possible apprehension and punishment as a deterrent to misconduct.

The paper utilises three types of data to measure the present strength of the code of silence within the QPS: interviews with officers of various ranks who have been exposed to the pre- and post-Fitzgerald Inquiry complaints and discipline system; data on police against police complaints collected from CJC complaints files; and, findings from an 'ethical perspectives' survey administered in late 1995 to groups of police recruits, first year constables (FYCs) and more experienced rank and file officers. Data from these various sources suggest that the Fitzgerald Inquiry reforms have made police in supervisory and managerial positions more conscious of their obligations to take action against police officers who they suspect of misconduct. There are some positive signs that the influence of the code of silence among rank and file police has also diminished since the pre-Fitzgerald Inquiry era, but many officers are still reluctant to report misconduct by their peers, unless the behaviour in question is perceived as very serious. The final section of the paper identifies the factors which have made it difficult to bring about more wide ranging cultural change within the QPS and briefly addresses the broader implications for reforming policing organisations.

The Fitzgerald Inquiry and the code of silence

According to the Fitzgerald Inquiry Report, most members of the QPS abided by a code under which:

- loyalty to fellow officers was paramount
- it was impermissible to criticise fellow police, particularly to outsiders
- critical activities of police, including contact with informants, were exempt from scrutiny
- police did not enforce the law against, or carry out surveillance on, other police
- those who breached the code would be punished and ostracised (1989:362).

The Inquiry attributed the influence and resilience of the code to several factors.

First, the internal investigations area was inadequately resourced and largely ineffective, and there was no effective external oversight mechanism. Consequently, police could cover up for each other, and frustrate investigations, with little fear of being exposed.

Second, there was little or no organisational support for those officers who might have been motivated to report misconduct by their peers. Complaints had to be made either to the commissioned officer immediately responsible for the complainant, or to the Commissioner of Police. There was no scope for matters to be referred to an independent body. As pointed out by the Inquiry:

If they [honest police] made an allegation, they would be required to provide evidence, while a legal shield would be erected around the accused, usually with legal representation paid for by the Police Union. Meanwhile the police brotherhood would punish the 'whistleblower'. The Rules could be turned against the complainant who would often become the subject of false complaints, fabricated evidence and punitive transfer. Fellow officers would shun and mock the 'whistleblower' who would be given the worst rosters and duties (1989:286).

Moreover, the Commissioner of Police and some other senior officers, were themselves implicated in the coverup of corrupt behaviour and were prepared to use their positions of

power to deal harshly with dissenters. This elite was able to exploit, to its own advantage, the natural attractions of the code to rank-and-file police (1989:202).

Third, recruitment practices had contributed to, and reinforced, the insular mentality of the QPS. Most police were recruited straight out of school, entered the Service as cadets, and then remained in it for their entire working lives, during which time they socialised 'almost exclusively' with their colleagues (1989:201). There was a *de facto* prohibition on lateral recruitment at officer level and little use was made of civilians, other than to perform low level clerical tasks.

Fourth, Queensland had a long history of strong police unionism, which had resulted in the creation of a virtual closed shop. The Police Union had for many years been successful in deflecting criticisms of police and in undermining attempts to bring about reform, and itself had played an active role in policing the code of silence. For instance, the Union's rules required that any member making a charge against any other member provide notice in writing to the Union (1989:287).

Finally, successive governments and, in particular, the National Party government of Sir Joh Bjelke-Petersen, had promoted an environment in which scrutiny and criticism of the QPS was discouraged. According to the Fitzgerald Inquiry:

There was a general policy of official encouragement for the Police which has conveyed a message of approval for their attitudes and practices ... Any criticism of the Police Force was rejected, and the critic trenchantly attacked, often under Parliamentary privilege, sometimes with false information provided by the Police (1989:201).

In this context, it was easy for police to form the view that they were above the law and to maintain a united front against 'outsiders'.

Understandably, the Inquiry's analysis focused heavily on local factors to explain why the code of silence had such a strong hold within the QPS. However, this is obviously not a phenomenon unique to the QPS. As the work of other policing researchers shows, it is important to locate discussion about the code of silence within a broader analysis of the police role and the nature of police work and policing organisations (Sherman 1983; Reiner 1985; Wagner and Decker 1989; Skolnick and Fyfe 1993). It also must be recognised that the Inquiry's report was aimed at prompting decisive action on the part of Government, and that key findings were therefore expressed in fairly stark language. A more 'academic' approach to the subject would probably have paid more attention to sub-cultural variations within the organisation and expressed some conclusions with more caution. However, while the Report may have over-simplified the position in some respects, we have proceeded on the basis that the Inquiry was basically correct in its diagnosis of the situation which prevailed in the QPS at the time.

Implementation of the Fitzgerald Inquiry reforms

Several of the reforms introduced as a result of the Fitzgerald Inquiry were aimed at changing those aspects of the QPS and its environment which, in the Inquiry's view, had perpetuated and reinforced the code of silence within the organisation. The more significant of these initiatives are outlined below.

New leadership for the QPS

The Inquiry was highly critical of the elite which had exercised control over the QPS and stressed the need for 'fresh leadership ... to educate and persuade the Police Force to modify its attitudes and practices and build up a mutually supportive relationship with the general community' (1989:212). Within a few months of the tabling of the Fitzgerald Report,

a new Police Commissioner, a Deputy Commissioner and several Assistant Commissioners had been appointed. The Commissioner, Noel Newnham, was recruited from the Victoria Police, and several other senior positions within the Service were also initially filled by Victorians. Subsequently, Newnham was replaced by J.S. O'Sullivan, who had been in charge of the police contingent attached to the Fitzgerald Inquiry. By 1993, all of the other Victorian 'imports', except one, had also left the State, to be replaced by officers who had come up through the ranks of the Service.

Creation of the CJC

A key element of the Fitzgerald Inquiry recommendations was the creation of the CJC: a well resourced, powerful and independent agency to oversee the process of police service reform and investigate allegations of misconduct by police and other public officials. Under section 37(3) of the *Criminal Justice Act* 1989, all complaints of, or matters involving, suspected misconduct by members of the Police Service must be referred to the CJC, regardless of whether such complaints have arisen from within or outside the Service. In contrast to the experience of some other external oversight bodies, the CJC has sufficient resources to investigate a large number of these complaints itself. It also has the legislative and operational capacity to initiate investigations into areas of suspected police misconduct without waiting for the receipt of an official complaint (see CJC 1995a).

It was anticipated that the presence of the CJC would help reduce the influence of the code of silence by:

- improving the quantity and quality of investigations, thereby increasing the risk of detection for officers who might be tempted to coverup for the misdeeds of their peers
- utilising various statutory powers, particularly those provisions relating to compulsory hearings, to break down police resistance to testifying against other officers
- providing police who wished to report misconduct by other police with a mechanism to have their complaints dealt with impartially and confidentially outside of the QPS.

The establishment of the CJC was also accompanied by a tightening of QPS procedures for recording complaints, and significant changes to internal disciplinary procedures.

Officers' legal obligation to report misconduct

Another change to emerge from the Fitzgerald Inquiry was a strengthening of the legal obligation on police to report suspected misconduct by fellow officers. The Inquiry argued that the then Police Rules couched the obligation of police to report misconduct in unduly restrictive terms.

Rule [81] only requires police to report knowledge, not suspicion, or what they have been told or overheard. That limitation has been exploited by police, who, when asked why they did not report their suspicions, have taken refuge in the excuse that they have no proof of misconduct, only suspicion (1989:285)

This rule was replaced by s.7.2 of the *Police Service Administration Act* 1991, which requires any sworn or unsworn member of the QPS who knows or reasonably suspects that misconduct has occurred to report that misconduct to the Commissioner of Police and the CJC. It is also the duty of all police officers to take appropriate action under the regulations when a breach of discipline or misconduct is suspected. A related provision, s.7.3, makes it an offence for a person to take any form of retribution against a person who has made a report under s.7.2. A similar provision is to be found in the *Criminal Justice Act*.

Recruitment

The Fitzgerald Inquiry argued that an important long term strategy for achieving cultural change in the QPS was to recruit older, better educated, personnel who had been exposed to a wider range of 'life experiences' and had developed social networks outside of policing. Consistent with the recommendations of the Inquiry, the character of recruit intakes into the QPS has changed substantially over the last few years. According to data supplied by the QPS, females now account for just under 30 per cent of the annual recruit intake, compared with around only 10 per cent in the mid 1980s. The majority of officers recruited since 1991 have had exposure to higher education and/or previous working experience, compared with less than 10 per cent in the pre-Fitzgerald era. Also, in the last three years the proportion of recruits under the age of 21 has fallen from over 50 per cent to around 15 per cent.

Areas of continuity

At the same time as documenting these important changes, it is important to be aware of what has not altered, or has changed only marginally, in the wake of the Fitzgerald Inquiry.

First, although a new leadership was installed at the top of the QPS, and substantial changes made to the composition of recruit intakes, the crucial middle management ranks of sergeant, senior sergeant and inspector were left largely undisturbed. Turnover in these positions has been gradual and most of the replacements have themselves been products of the old recruitment and training system. Most importantly, the QPS only recently has begun to give priority to enhancing the training and qualifications of officers with supervisory responsibilities, despite the strong criticisms made in the Fitzgerald Inquiry report of the quality and quantity of training provided at this level.

Second, only limited progress has been made in the areas of lateral recruitment and civilianisation. The Inquiry's recommendations in relation to lateral entry have not been implemented (CJC 1993:24-26), except for a recent initiative to recruit police from other state police services at the constable level. The ratio of civilians to police improved from 1:6.1 to 1:5 between 1989 and 1994 (CJC 1994:108), but progress has been slow in recent years. In addition, with a few high profile exceptions, most civilian positions in the QPS are still administrative/clerical in nature and are relatively junior levels (CJC 1994:113).

Third, in some important respects the 'day-to-day' organisational environment in which Queensland police operate is not significantly different to that which prevailed in the pre-Fitzgerald Inquiry era. The Inquiry's report contained ambitious proposals to shift from a reactive mode of policing to one where 'community policing ... [would] be adopted as the primary policing strategy, with policing again becoming a neighbourhood affair' (1989:381). This was to be accompanied by a devolution of authority and responsibility to the local level and management changes which would result in preventive policing strategies being 'an integral part of the normal activities of every police officer' (1989:381). However, as detailed in the CJC's 1994 report on the QPS response to the Fitzgerald Inquiry, the QPS has made only limited progress in implementing this alternative model of policing (1994:67-72). Reactive patrolling remains the dominant service delivery format. There has been little change to the basic hierarchical authority structure of the QPS and efforts to promote greater interaction with the community, through such means as the establishment of community consultative committees, have met with only limited success.

Methodological issues

The shorthand term 'code of silence' encompasses a complex mix of shared values (loyalty to one's peers; antagonism to the police hierarchy and outsiders), informal social controls (such as ostracism of 'whistleblowers') and reciprocal self interest ('you cover me and I'll cover you'). This makes it difficult to identify and develop indicators which adequately capture the phenomenon which is being studied. In addition, as pointed out earlier, the QPS, like other large-scale policing organisations, is a very complex body which contains a variety of sub-cultures. It cannot be assumed, for example, that the typical general duties officer is exposed to the same influences as an officer in Traffic Branch, or a detective in State Crime Operations. There is also the potential for significant regional differences to exist in the QPS, given the size and decentralised nature of the State, and the considerable degree of autonomy afforded to the regions under the post-Fitzgerald organisational arrangements.

Our approach utilises three discrete data sources, each of which provides a different 'window' into the organisational culture of the QPS. These various indicators all have limitations, especially when viewed in isolation, but collectively they can be used to cross-validate each other and present a more balanced picture. The measures consist of:

- *insider assessments* provided by officers with experience of the pre- and post-Fitzgerald QPS
- *behavioural indicators* based on an analysis of police-initiated complaints made to the CJC for the years 1991/92 and 1994/95
- *attitudinal data* obtained from surveys of recruits, trainees, and rank-and-file police.

It should be emphasised that our interest at this stage is in providing an overall assessment of the strength of the code in the QPS, rather than in mapping intra-organisation variations, a task which would require the development of different, more labour-intensive, research strategies. Some might criticise us for reducing a complex concept to a few simple indicators. However, development of replicable, easy to apply, measures is crucial if the CJC is to discharge its monitoring responsibilities properly and be in a position to assess the effectiveness, or otherwise, of initiatives designed to bring about cultural and behavioural change within the QPS.

Key findings

Interview data

Interview data for this study were obtained from two sources: interviews conducted with a small sample of middle-level officers recruited into the QPS prior to the Fitzgerald Inquiry; and, interviews with representatives of senior management in the regions and at QPS headquarters. The following discussion briefly summarises the findings from each of these sources.

Middle level officers

In mid-1995 the CJC arranged with researchers from the Centre for Crime Policy and Public Safety, Griffith University, to interview a sample of police officers who had joined the QPS prior to the Fitzgerald Inquiry. The purpose of the interviews was to obtain the officers' views about the current state of discipline within the QPS and the impact of the Inquiry on police attitudes and behaviour. By using independent university researchers to conduct these interviews, and providing strict guarantees of anonymity to interviewees,

we hoped that police would be willing to talk frankly about their perceptions of the old and new discipline systems. Another reason for utilising the services of the Centre for Crime Policy and Public Safety was that both of the interviewers were former members of the QPS, with extensive contacts within the Service.

Twenty six officers were interviewed, selected at random from police deployed in the three largest centres of population in Queensland: Brisbane, Townsville and the Gold Coast. The sample group included all ranks from Senior Constable to Inspector. Uniformed and plain clothed officers participated, along with officers from general duties and specialised duties backgrounds. Both male and female officers participated. All but one of those interviewed had served for at least 12 years, with one officer having had 30 years service.

The methodology employed consisted of semi-structured confidential interviews, most of which were conducted away from police premises at a time and location determined by the police officer. The interviews, which were tape recorded and later transcribed, took an average of 30–40 minutes to be completed.

It was apparent that many of the officers interviewed were disgruntled and disillusioned, but the sample also included some who had benefited from the post-Fitzgerald arrangements in terms of promotion and job satisfaction. Surprisingly, there was little variation in the views expressed by these officers and those who had a more jaundiced view of the Fitzgerald Inquiry reforms. The opinions expressed by the interviewees were therefore probably reasonably representative of police who occupy middle level positions in the QPS.

There was fairly broad agreement amongst those interviewed that police were now more likely to report fellow officers for misconduct than they were in the pre-Fitzgerald era. However, several interviewees denied that this was indicative of a basic attitudinal change in officers. Rather, it was suggested that the prime motivating concern, particularly for officers in supervisory positions, was fear of what would happen to them if they did not report suspected misconduct.

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

In addition, some of those interviewed claimed that there was a belief among some operational police that reporting other officers could be used as a means of discrediting, albeit temporarily, competitors for particular positions, and of enhancing one's resume for promotional panels. According to one of the interviewees:

I have seen it or suspected it in the past that police officers have reported other officers purely with a view to reducing that other police officer's merit for promotion.

Some interviewees said that they were still prepared to take the risk of not reporting questionable conduct, citing the overriding need for collegiality. However, even among these officers there was substantial agreement that one's obligations to one's colleagues did not extend to covering up 'serious' matters.

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

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

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

It has to be something fairly serious before other police officers accept another police officer informing on them.

An officer reporting another was seen to be acting legitimately if he or she had complained about some action which could not be justified by invoking values of comradeship. There also appeared to be grudging acceptance that officers may sometimes have to report misconduct by another officer to avoid being subjected to disciplinary action themselves.

Finally, some interviewees suggested that younger officers were more likely than their more experienced counterparts to report misconduct by other police.

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

It should be noted, however, that most of those interviewed were older and of more senior rank, and therefore were not necessarily in a position to give an informed assessment of the attitudes and behaviour of their more junior colleagues.

Senior management

As part of a broader review of the complaints and discipline process, CJC research staff interviewed the Assistant Commissioners of each of the eight police regions, as well as senior officers from QPS Headquarters. On some occasions, especially in the regions, several other officers were also in attendance and took part in the discussions. All of those interviewed were informed that they would not be identified in any public material prepared by the CJC. It is impossible to say whether this assurance had the desired effect in all cases, although most of those who participated gave the impression that they were speaking frankly.

Some of the senior officers who were interviewed were keen to stress that, in their experience, the Fitzgerald Inquiry had considerably exaggerated the strength of the code of silence and, indeed, the level of misconduct in the QPS generally. However, others took a less critical view and conceded that there had been significant discipline problems prior to the institution of the Fitzgerald Inquiry.

Interviewees also differed in their assessment of the extent to which the code of silence still played a significant role within the QPS. For example, in one region we were told by one senior officer that 'you'll never crack the code', whereas another officer present at the same meeting declared that 'its not a problem in this region'. However, most of those interviewed considered that police were now more likely to make formal complaints against other officers.

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

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

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

The senior officers also acknowledged that an important consideration for many officers was fear of what would happen to them if they were found to have turned a blind eye to misconduct by another officer.

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

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

Police against police complaints

A second component of our research consisted of an analysis of CJC complaints files from 1991/92 and 1994/95 to identify patterns and trends in complaints of misconduct made by police against other police.¹ This research was designed to ascertain how many complaints against police were initiated by police who did not hold managerial or supervisory positions, and to identify the circumstances in which such complaints were most likely to be made.

Using the database maintained by the Complaints Section of the CJC, we initially identified 183 files from 1991/92² and 310 files from 1994/95 as police against police complaints. For the purposes of this analysis we then excluded: files where the complainant or subject of the complaint was a non-sworn member of the QPS or a member of another policing organisation; complaints which did not relate specifically to an allegation of misconduct (such as reports of high speed pursuits, firearm discharges and attempted suicides by prisoners or detainees which have to be reported to the CJC regardless of whether the reporting officer suspects misconduct); complaints which were simply passed on by a police officer from an outside source; notifications that an officer had appeared in court or was the subject of a Domestic Violence Order; and, a small number of matters which had been incorrectly classified. A further 16 files from 1991/92 and 13 from 1994/95 could not be accessed. This left us with a sample of 95 complaints involving 112 subject officers in 1991/92 and 102 complaints involving 135 subject officers in 1994/95.

Rank of informing officer

Officers were categorised into three groups: management (inspectors and upwards, including the Commissioner), supervisors (sergeants and senior sergeants), and non-supervisory ranks (recruits to senior constables). We found that in most of the police against police complaints — 76 per cent in 1991/92 and 86 per cent in 1994/95 — the officer who *formally* reported the alleged misconduct was of the rank of sergeant or above. However, further analysis showed that, in a considerable number of cases, these senior officers had acted on the basis of information provided to them by a junior officer. Table 1 therefore presents data on the rank of the officer who was the *source* of the information on which the complaint was based, regardless of whether he or she was the formal complainant in the matter.

Table 1 Rank of Informing Officer in Police Against Police Complaints (1991/92 & 1993/94)

Rank of Officer	1991/92		1994/95	
	No. complaints	% complaints	No. complaints	% complaints
Non-supervisor	37	38.9	35	34.3
Supervisor	39	41.0	37	36.3
Management	18	18.9	30	29.4
Total	94	100.0	102	100.0

Note: In 1991/92, the rank of one reporting officer was unknown.

- 1 The QPS is required to notify the CJC of all allegations of misconduct made against police officers, regardless of whether these complaints are made by a member of the public or emanate from within the Service.
- 2 1991/92 was the first full year of data captured in the database.

Table 1 shows that, in both years, more than one third of police against police complaints were based on information provided by constables and senior constables. This may indicate that the influence of the code of silence among rank and file police has been weakened to some extent by the Fitzgerald Inquiry reforms. However, it should also be noted that the number of complaints based on information from non-supervisory ranks did not increase between 1991/92 and 1994/95, suggesting that a new equilibrium may have been reached.

Subject matter of complaint

Table 2 presents, for both years, data on the types of misconduct which formed the basis of police-initiated complaints and provides a comparison with the total population of complaints against police received by the CJC in these years. The table shows that only a small proportion of police-initiated complaints related to assaults, improper arrests and misuse of powers matters, although such matters made up 26 per cent of total complaints against police in 1991/92 and 43 per cent in 1994/95. Conversely, a relatively large proportion of police initiated complaints fell into the category of criminal acts and omissions (defined to include drug-related offences, involvement with prostitution, stealing and other dishonesty offences). Allegations of duty failure also accounted for a sizeable proportion of police-initiated complaints, especially in 1994/95. Not surprisingly, complaints in this category were mostly initiated by officers with supervisory responsibilities.

Table 2 Types of Misconduct Allegations Reported Against Police Officers, (1991/92 and 1994/95)

Major Allegation	1991/92		1994/95	
	Police complaints against Police (%) (n=112)	Total complaints against Police (%) (n=1782)	Police complaints against Police (%) (n=135)	Total complaints against Police (%) (n=1593)
Assault	8.9	15.5	5.2	22.8
Improper arrest/ detention/ misuse of powers/ searches	2.7	10.1	5.9	20.4
Behaviour	9.8	11.4	3.7	4.1
Corruption/ Favouritism/ Evidence	11.6	8.2	8.9	6.2
Criminal Act or Omission	32.1	12.6	28.9	16.1
Firearms	5.4	0.7	2.2	0.6
Goods and Property	3.6	1.9	5.9	2.2
Harassment/ Victimisation	7.1	8.3	5.2	4.9
Information Breaches	8.0	5.4	12.6	8.7
Failure to Perform Duties	8.9	18.6	19.2	9.8
Traffic/ Vehicles	0.9	3.8	2.2	1.2
Miscellaneous/ Unknown	0.9	3.5	-	2.9

The small number of police-initiated complaints relating to assault and misuse of powers reflects apparently widespread police views that it is acceptable to use a substantial degree of force in the course of carrying out one's duties. (Significantly, most of the police-initiated complaints of assault concerned off duty officers, whose behaviour could not be justified by invoking the demands of 'the job'.) On the other hand, police appeared to be more willing to report an officer who was seen as having engaged in criminal conduct unrelated to the performance of his or her duties, or to have been derelict in the discharge of those duties.

Survey findings

Our third source of data consisted of surveys undertaken in 1995 of police recruits, first year constables (FYCs) and experienced officers about their perspectives on ethical conduct (see CJC 1995b for a detailed account of this study). Because no comparable data are available for earlier years, the results of these surveys do not bear directly on the issue of whether there has been a *change* in prevailing police attitudes towards the reporting of misconduct since the Fitzgerald Inquiry. However, the surveys are useful for identifying the extent to which, and reasons why, police remain reluctant to report misconduct by their peers. The surveys also provide a useful cross-check on the complaints data discussed above.

The surveys included a series of scenarios based on situations which police might find themselves involved in. These scenarios described conduct by police which, if proven, would generally result in some form of disciplinary action being taken against the officer(s) concerned. The scenarios were modelled on questions used in a 1992 National Police Research Unit survey (Huon et al 1995).

Respondents were asked to rate the seriousness of the conduct described in each scenario on a scale of one to ten, according to how it would be scored by themselves, a typical officer, the QPS 'hierarchy' and the public. In addition, respondents were asked to identify what action they might take if they became aware from a 'very reliable non-police source' that another officer had engaged in the conduct described in the scenario. The options were to: do nothing; raise the matter directly with the officer concerned; bring the matter informally to the attention of a senior officer; make a formal report to the QPS; or, report the officer to the CJC. In another section of the survey, officers were asked to indicate the extent to which they agreed or disagreed with a number of statements concerning the QPS. These statements focused on issues such as the incidence of misconduct within the QPS, the management style of the organisation, and the level of support provided to 'whistle blowers'.

The three groups surveyed were selected as follows:

- The recruit sub-sample consisted of 59 recruits in three squads from the January 1995 intake. The survey was administered a few weeks after the recruits had commenced their training at the Academy.
- The FYC sub-sample consisted of 56 officers, being all of the January 1994 recruit intake remaining in the Service. The FYCs were surveyed after approximately six months in the field, while attending a training course at the Academy.
- The experienced officer sub-sample consisted of 65 officers obtained by surveying two groups of officers at detective training and investigative skills courses held in March and April 1995. These officers had between three and 12 years policing experience, with an average of 5.6 years.

Surveys were administered to each group during class time by a CJC Research Officer. Respondents were not required to provide any identifying information on the questionnaire and were advised that all responses would be treated confidentially. Respondents were asked for their cooperation in the study but were told that participation was not compulsory. Only one officer chose not to complete the questionnaire.

Table 3 provides details on the age and gender composition of each subsample.

Table 3 Demographic Summary of Ethics Survey Groups

	Recruits	FYCs	Experienced
Number	59	56	65
Gender (%)			
Male	61.0	66.1	78.5
Female	39.0	26.8	18.5
U/K	-	7.1	3.1
Age (%)			
<21	11.9	-	-
21-25	64.4	60.7	-
26-30	13.6	21.4	49.2
31-35	3.4	3.6	35.4
36-40	3.4	3.6	13.8
41+	3.4	3.6	-
U/K	-	7.1	1.5

Note: 'U/K' refers to the percentage of respondents who chose not to answer these questions.

The table shows that the large majority of respondents in each group surveyed were male, with the experienced officers' group containing the smallest proportion of women. It was not possible in this study to analyse responses by gender, due to the relatively small size of the samples. However, other research undertaken by the CJC suggests that gender is not a significant determinant of how officers respond to the scenarios contained in the surveys (Alley et al 1996).

By accessing recruits and FYCs while they were at the Academy, it was possible to obtain close to perfect samples of two recent intakes. The demographic make-up and educational background of recruit intakes can vary to some extent, depending on factors such as the quality of the recruitment pool, the size of the intake, and the time of year when the selection is made, but there is no indication that the two intakes surveyed were atypical, or that significantly different results would have been obtained had another group of recent recruits or FYCs been surveyed. In the case of the experienced officers' sub-sample there was an over-representation of plain clothes detectives, who accounted for 59 per cent of all respondents. However, this may not have had a significant influence on the results obtained, given that there were few identifiable differences within the sample in the responses of plain clothes and general duties officers.

The scenarios to which the officers were asked to respond were as follows:

Scenario 1 Off duty officer tries to avoid RBT

'An off duty police officer who has drunk a little too much is stopped for an RBT by police officers he doesn't know. The off duty officer is obviously a bit under the weather. He identifies himself as a fellow police officer in an effort to avoid blowing in the bag.'

Scenario 2 Officer at bottle shop pockets cigarettes

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

Scenario 3 Officer retaliates against youth who assaulted female officer

'In a pub brawl a young female First Year Constable responding with her partner to a 'disturbance' call, receives a nasty black eye from a tattooed youth wielding a billiard cue. As the arrested youth is led into the cells, the male team member gives him a savage kidney punch saying, "hurts, doesn't it".'

Scenario 4 Accident by police misrepresented in report

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

Scenario 5 Words added to suspected rapist's statement

'An offender is picked up for a particularly nasty rape/assault in a local park. There's no doubt he's the culprit. There's an excellent I.D. but the offender who is 'streetwise' says nothing. To make matters certain, the arresting officer attributes the words, "OK I *was* in the park but I didn't touch the bitch" to the offender in his note book.'

Scenario 6 Pickup outside of patrol area

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

Scenario 7 Registration check to get details of attractive woman

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

Scenario 8 Officers accept free beer at Christmas time³

'The publican of a local tavern requests some extra police patrols as he is experiencing some problems with troublesome patrons. The officers at the station accept a couple of cartons of beer sent by the publican to the station's Christmas party in appreciation of the officers' services during the year.'

3 This scenario was not included in the survey administered to the FYCs.

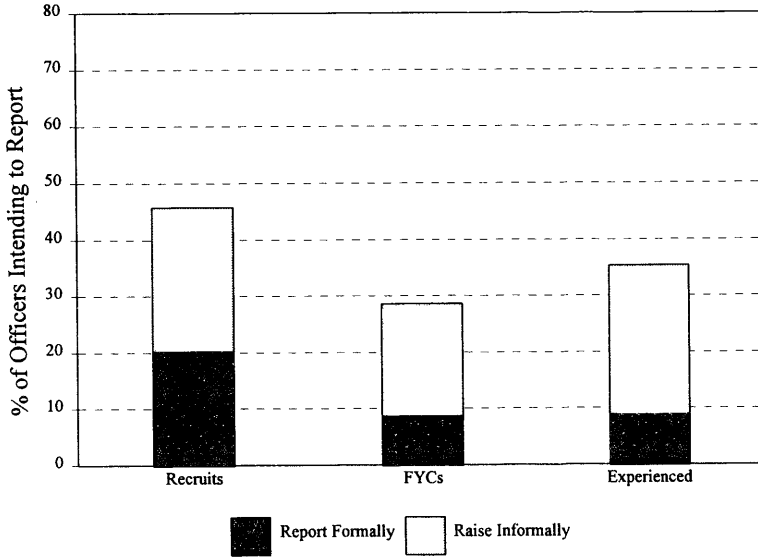


Figure 1 Officer at Bottle Shop Pockets Cigarettes (Scenario 2)

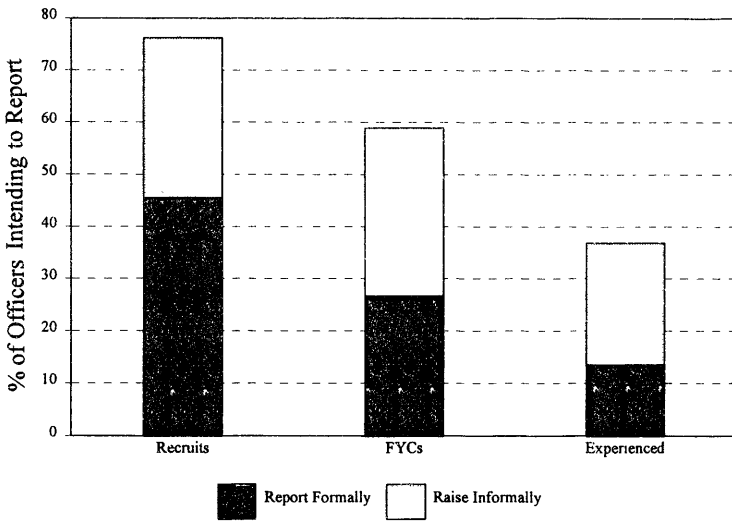


Figure 2 Words Added to Suspected Rapist's Statement (Scenario 5)

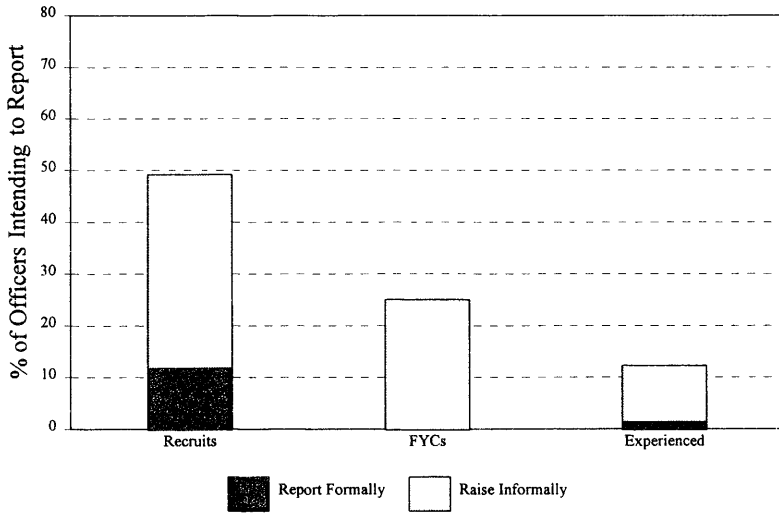


Figure 3 Off Duty Officer Tries to Avoid RBT (Scenario 1)

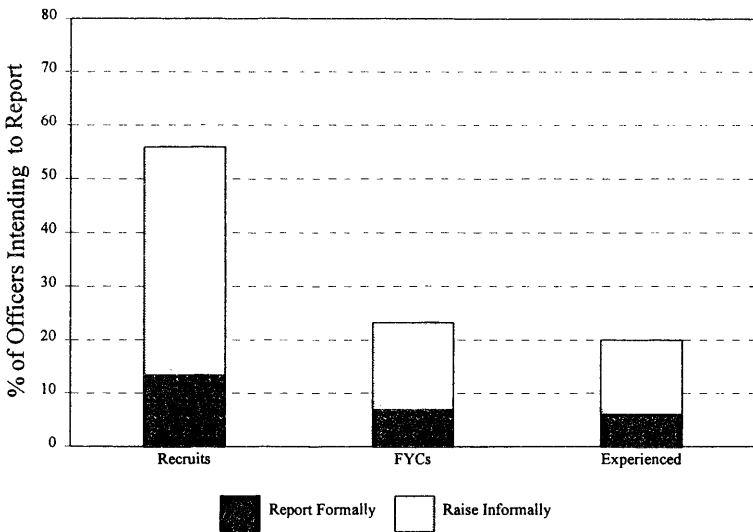


Figure 4 Accident by Police Misrepresented in Report (Scenario 4)

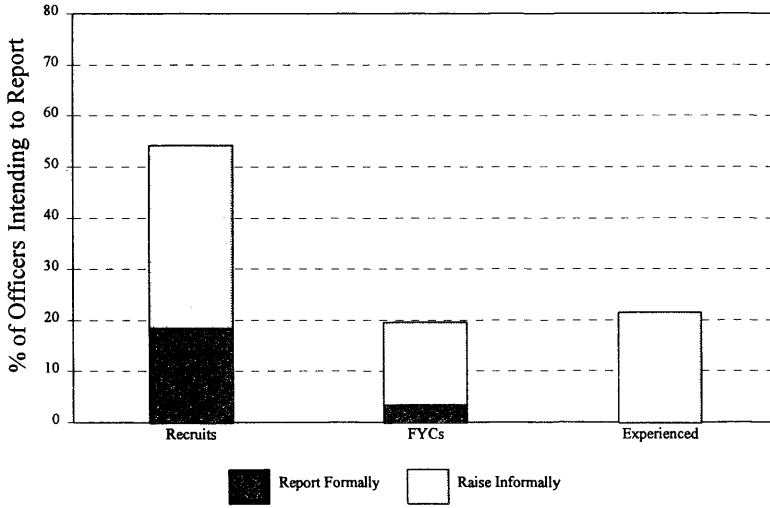


Figure 5 Officer Retaliates Against Youth who Assaulted Female Officer (Scenario 3)

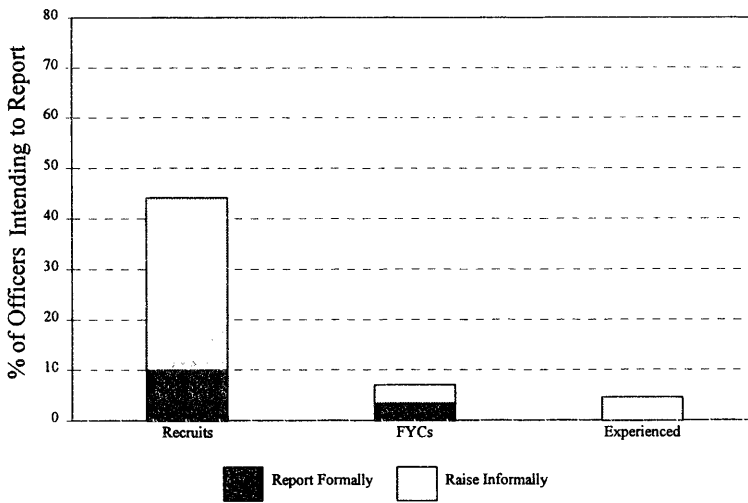


Figure 6 Registration Check to Get Details of Attractive Woman (Scenario 7)

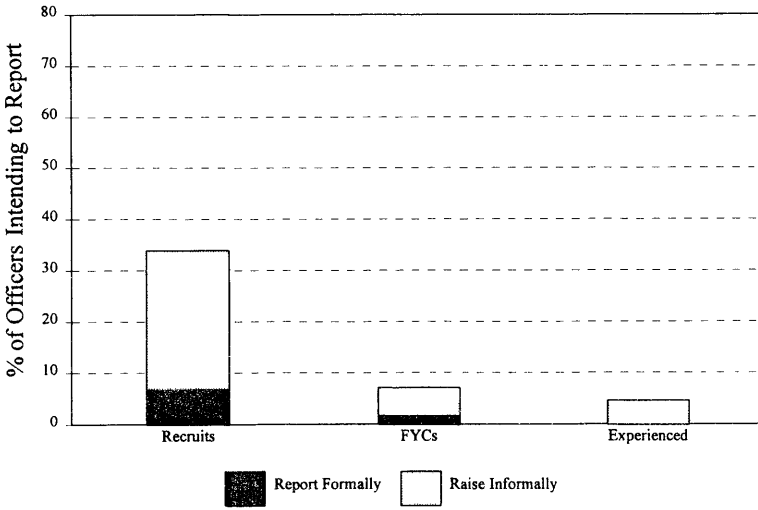


Figure 7 Pick-up Outside of Patrol Area (Scenario 6)

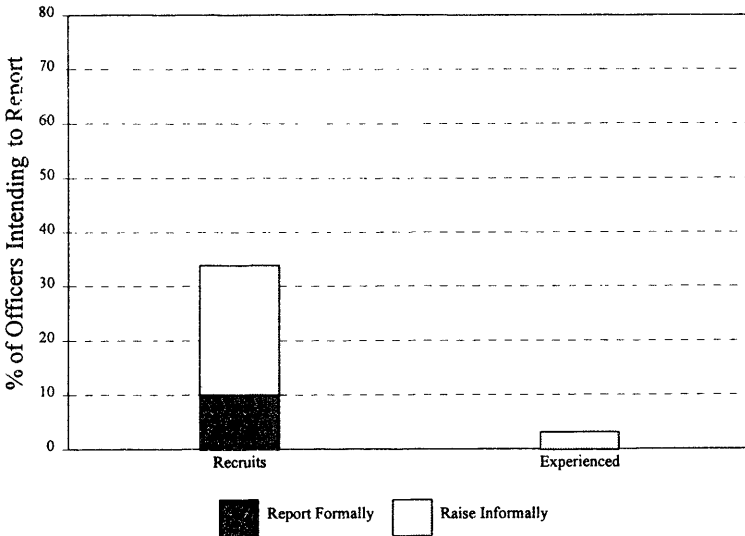


Figure 8 Officers Accept Free Beer at Christmas Time (Scenario 8)

At least six of the scenarios described behaviour amounting to misconduct as defined under the *Police Service Administration Act*, meaning that officers would be under a statutory responsibility to report such behaviour if they became aware of it. The *possible* exceptions were Scenario 6 (pickup outside patrol area) and Scenario 8 (free beer at Christmas time). Scenario 6 would probably constitute a breach of discipline (that is, a less serious disciplinary offence). It is unclear whether the behaviour described in Scenario 8 would have attracted disciplinary action, as the QPS Code of Conduct which was in force at the time was very ambiguous on the question of when a police officer should accept a gratuity.

Figures 1 to 8 show, for each scenario, the proportion of respondents in each sub-sample who stated that they would formally report a fellow officer who engaged in such conduct to the QPS or CJC, or would informally bring the matter to the attention of a senior officer.

Respondents in the FYC and experienced officer sub-samples were generally reluctant to make an official complaint against other police. There was only one scenario — that relating to ‘verballing’ — where more than 10 per cent of respondents from these two groups said that they would be prepared to report the offending officer directly to the QPS or CJC. Consistent with the findings from our analysis of police against police complaints, we found that respondents were more willing to ‘informally raise the matter with a senior officer’ than to make a formal report. However, there were only two scenarios — verballing, and theft of cigarettes from a bottle shop — where more than one quarter of the FYCs and experienced officers said that they would bring the behaviour concerned to official attention. These two scenarios were also those to which respondents assigned the highest seriousness ratings (CJC 1995b).

For all scenarios the recruits expressed a considerably greater willingness than the other two groups to take action against the officer(s) concerned. The FYC sample, on the other hand, was generally very close to the experienced officer sample in its responses. As discussed above, the recruits and FYCs were recruited only 12 months apart from very similar populations. Hence there is no reason to believe that the marked differences between the two groups were attributable to cohort effects. Rather, the differences point to the powerful socialising effect of the prevailing rank-and-file culture. In this respect, our findings are consistent with other research on police culture showing that recruits often substantially modify their views, once they come into contact with serving police officers and the daily demands of the job (Ellis 1991; Niederhoffer 1967; Sherman 1982; Reiner 1985).

Respondents in each sub-sample were also asked to record, on a seven-point scale ranging from ‘strongly disagree’ (1) to ‘strongly agree’ (7), their level of agreement with a number of statements relating to QPS management and discipline process. Table 4 presents the responses of the FYC and experienced officer sub-samples to some of these items.

Table 4 Respondents' Perceptions of the Complaints and Discipline Process

Statement	Average Score (1=Strongly Disagree; 7=Strongly Agree)	
	FYCs	Experienced Officers
1. The QPS rules for proper conduct have been made clear to me.	4.9	4.6
2. The QPS takes a very tough line on improper behaviour by police.	5.9	5.5
3. The QPS concentrates on what we do wrong rather than what we do right.	5.9	6.3
4. It is not unusual for a typical officer to turn a blind eye to improper conduct by other officers.	4.7	4.6
5. Sometimes you have to break the rules if you want to get on with other officers.	3.3	3.4
6. The QPS recognises and rewards proper behaviour by police.	2.8	2.2
7. There is little incidence of improper conduct in the QPS.	4.3	4.7
8. Expecting officers to always follow the rules is incompatible with getting the job done.	4.8	4.8
9. Whistle blowing is not worth it.	4.4	4.6
10. It is understandable if officers behave improperly after the QPS has let them down.	3.5	4.3
11. An officer who reports another officer's misconduct shouldn't expect much support from the police hierarchy.	3.2	3.9
12. An officer who reports another officer's misconduct is likely to be given the "cold shoulder" by his or her fellow officers.	5.7	5.7

Note: FYCs' n = 56; Experienced Officers' n = 65. Officers not responding to the question were excluded from this table.

The key points to note from Table 4 are that:

- The majority of respondents agreed that it was 'not unusual for a typical officer to turn a blind eye to improper conduct by fellow officers'.
- There was a very high level of agreement with the proposition that officers who report misconduct by other police were likely to be ostracised by their fellow officers.
- The QPS was seen as reasonably supportive of officers who report misconduct by their fellow officers, but the majority of respondents agreed that 'whistleblowing is not worth it'.
- QPS management was seen as punitive, rather than supportive, in its approach to promoting proper conduct by police. A substantial majority of respondents from the FYC and experienced officer sub-samples agreed with the proposition that the QPS 'concentrates on what we do wrong rather than what we do right', and disagreed that 'the QPS recognises and rewards proper behaviour by police'.

Overall, these responses indicate that many rank-and-file police still do not regard the organisational climate within the QPS as very conducive to the reporting of misconduct by fellow officers. However, there were also some positive findings. The surveys show that QPS senior management has been fairly successful in communicating to police that

the organisation takes a serious view of misconduct and will take firm action against officers who behave improperly (although, as indicated this theme has largely been communicated by relying on a process of negative, rather than positive, reinforcement). In addition, the responses to the verballing scenario suggest that police views of this practice may have altered substantially since the Fitzgerald Inquiry, which reported that verballing and the fabrication of evidence were widely practised and tolerated within the QPS. Factors which may have contributed to this change in police attitudes include: strong pronouncements by QPS leadership, the courts and the CJC that verballing is an unacceptable practice; vigorous investigation of such allegations by the CJC; and the development of investigative procedures, particularly the introduction of mandatory tape recording, which have significantly reduced the opportunities for verballing.

Implications

Our research indicates that, as a result of the Fitzgerald reforms, internal disciplinary processes in the QPS have been tightened up and police in management and supervisory positions have become more active in setting standards and initiating action against officers suspected of misconduct. There are also *some* positive signs that the code of silence has less of a hold over the rank and file of the QPS than in the pre-Inquiry era. Officers with first-hand experience of this earlier period generally agree that the influence of the code has diminished, albeit more as a result of fear than positive attitudinal change. Consistent with this view, we found that around one third of police against police complaints made to the CJC in 1991/92 and 1994/95 originated from information provided by officers below the rank of sergeant. The attitudes of rank and file police concerning the practice of verballing also appear to have changed significantly since pre-Fitzgerald days. However, it is apparent that many officers still express a reluctance to report misconduct by their peers, especially for what are perceived to be the less serious forms of misbehaviour. Moreover, there is a widespread perception among rank and file police that officers who report other police for misconduct risk being ostracised by their peers.

In explaining why more wide-ranging cultural change has not been achieved to date in the QPS, we would draw particular attention to the following factors.

First, as pointed out earlier in the paper, the basic task environment of policing — arguably the single most important factor underpinning the code of silence (Sherman 1983; Skolnick and Fyfe 1993) — has changed relatively little since the report of the Fitzgerald Inquiry was handed down. As discussed at the outset of this paper, the QPS, like most large policing organisations, remains a centralised para-military organisation, in which reactive patrolling and traditional investigative work remain the dominant modes of policing.

Second, it takes a considerable amount of time for changed recruitment policies to have a significant impact on the overall makeup of an organisation. As illustrated by Figure 9, in 1994/95 — eight years after the commencement of the Fitzgerald Inquiry — officers recruited in the pre-Fitzgerald era still accounted for around two-thirds of the total complement of the QPS. In addition, as our surveys show, the rank and file culture continues to have a powerful influence on recruits into the Service, regardless of the increasing age and education levels of recruits. In part, this is because the QPS has not had any strategies in place, such as mentoring arrangements or on-going ethics training programs, to counteract the influence of this culture on new entrants.⁴

4 This situation is now changing, with the establishment by the QPS in late 1995 of a unit with specific

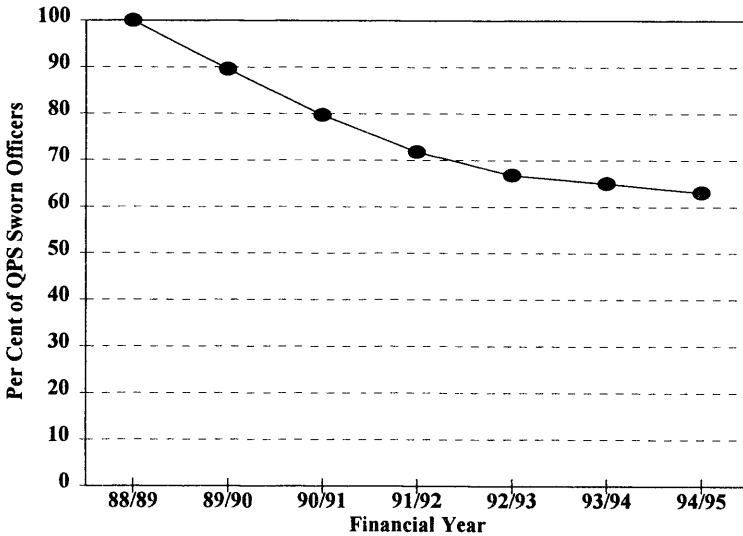


Figure 9 Estimated Proportion of QPS Officers Who Commenced Service Pre-Fitzgerald Inquiry

Third, only limited progress has so far been made in reforming middle management within the QPS. Officers at this level potentially have a crucial role to play not only in enforcing discipline, but also in providing role models to more junior officers and actively promoting ethical behaviour standards. In practice, a considerable number of the middle ranking positions in the QPS are still occupied by officers from the 'old school' who remain disaffected with the changes that have been instituted as a result of the Fitzgerald report. Moreover, it is only recently that the QPS has begun to develop programs for ensuring that appropriate training in management skills and obligations is provided to officers at the middle management level.

A final observation is that in the immediate post-Fitzgerald Inquiry period there was necessarily a heavy reliance on an enforcement-based strategy for dealing with the problem of police misconduct. This approach focused on increasing the risks and costs of detection for those who engaged in misconduct, or who directly or indirectly assisted in covering up improper behaviour by other officers. The strategy has undoubtedly resulted in a better disciplined police service, and appears to have been effective in preventing a recurrence of the systemic problems of corruption which plagued the pre-Fitzgerald QPS. However, this approach also has limitations as a technique for bringing about cultural and behavioural change. Policing, by its nature, involves numerous unsupervised encounters between police and citizens where the detection of misconduct is extremely difficult (Elliston and Feldberg 1985:1-2). Despite the very significant increase in the resources and powers

available to investigators, it is still difficult to prove, to the requisite legal standard, that a police officer engaged in misconduct, or that other officers were aware of this fact and had failed to take action. Also, as our surveys show, a purely punitive approach does little to promote positive identification with the organisation and its values: to the contrary, under certain circumstances it may serve to reinforce the 'us against them' attitudes of rank-and-file police towards management and external oversight bodies (for a similar view see Bracey 1989).

Conclusion

The specific focus of this paper has been on assessing the progress which has been made in diluting the influence of the code of silence within the QPS. However, the Queensland experience also provides some important lessons for those concerned about reducing misconduct and corruption in other policing organisations.

The first lesson is that long term cultural and behavioural change will not be achieved simply by getting tough on police. Effective disciplinary and investigative processes obviously are an essential element of the response to the problem of police misconduct and corruption, but it is also important to develop and implement strategies for changing the 'task environment' of police and, in particular, the way in which they are trained and managed (Sherman 1983; Baron and Greenberg 1990). The second, and perhaps more obvious, lesson is that it is much harder to achieve genuine cultural change than it is to alter structures and formal systems. Policing reformers therefore need to be realistic about what they can achieve in the immediate aftermath of corruption inquiries and scandals, and to ensure that strategies are in place for maintaining the momentum of organisational reform over the longer term.

References

- Alley, A, Ede, A and Waugh, L (1996) *Police Culture, Women Police and Attitudes Towards Misconduct*, paper presented at First Australasian Women Police Conference, Sydney.
- Baron, R and Greenberg, J (1990) *Behaviour in Organisations*, Allyn and Bacon, Boston.
- Bracey, D (1989) 'Proactive Measures Against Police Corruption; Yesterday's Solutions, Today's Problems', *Police Studies*, vol 12, no 4, pp 175-79.
- Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (1989) *Report of a Commission of Inquiry Pursuant to Orders in Council*, (Chairperson: G. E. Fitzgerald QC), Government Printer, Brisbane.
- Criminal Justice Commission (1993) *Recruitment and Education in the Queensland Police Service: A Review*, Goprint, Brisbane.
- Criminal Justice Commission (1994) *Implementation of Reform Within the Queensland Police Service. The Response of the Queensland Police Service to the Fitzgerald Inquiry Recommendations*, Criminal Justice Commission, Brisbane.
- Criminal Justice Commission (1995a) *External Oversight of Complaints Against Police in Australia: A Cross-Jurisdictional Comparison*, Criminal Justice Commission, Brisbane.
- Criminal Justice Commission (1995b) *Ethical Conduct and Discipline in the Queensland Police Service: The Views of Recruits, First Year Constables and Experienced Officers*, Criminal Justice Commission, Brisbane.

- Ellis, R (1991) 'Perceptions, attitudes and beliefs of police recruits', *Canadian Police College Journal*, vol 15, no 2, pp 95-117.
- Elliston, F and Feldberg, M (1985) *Moral Issues in Police Work*, Rowman and Allanheld, Totowa, New Jersey.
- Henry, V (1994) 'Police Corruption: Tradition and Evolution' in Bryett, K and Lewis, C (eds) *Un-Peeling Tradition: Contemporary Policing*, Macmillan Education Australia Pty Ltd, Melbourne.
- Huon, G F, Hesketh, B L, Frank, M*G, McConkey, K M and McGrath, G M (1995) *Perceptions of Ethical Dilemmas: Ethics and Policing Study 1*, National Police Research Unit, Payneham.
- Niederhoffer, A (1967) *Behind the Shield: The Police in Urban Society*, Doubleday, New York.
- Reiner, R (1985) *The Politics of the Police*, Harvester Wheatsheaf, New York.
- Sherman, L (1982) 'Learning Police Ethics', *Criminal Justice Ethics*, vol 1, no 1, pp 10-19.
- Sherman, L (1983) 'Scandal and Reform' in Klockars, C (ed) *Thinking About Police: Contemporary Readings*, McGraw Hill, New York.
- Skolnick, J and Fyfe, J (1993) *Above the Law: Police and Excessive Use of Force*, Free Press, New York.
- Wagner, A and Decker, S (1989) 'Evaluating Citizen Complaints Against the Police' in Dunham, R and Alpert, G (eds) *Critical Issues in Policing: Contemporary Readings*, Waveland, Prospect Heights Illinois.