

# Contemporary Comments

## 'A Transformed Organisation'? The NSW Police Service Since the Royal Commission\*

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During discussions with the auditors, the Commissioner expressed his preference to avoid discussion on reform issues with 'the troops', rather, encouraging them to leave the reform in the hands of the CET and Service leadership and to concentrate on reducing crime. He has also stated that, in his view, the reform process has been completed and the key focus within the service is now on the measure of 'cost effective, ethical crime reduction' (QSARP 2000:289).

The experience of Cabramatta LAC (Local Area Command) ... is a case study of the post Wood Royal Commission Police Service. It shows how new style management tools ... were introduced on top of an unchanged authoritarian command and control culture. The result was a demoralized local command, a decline in effective policing and a breakdown in community trust... If Cabramatta's recent history is any guide, the 'new' Police Service resembles the old Police Force in the way it manages its staff (Legislative Council 2001: 16-17).

### Introduction

In *A Culture of Corruption* (Dixon 1999a), I argued that an assessment of the reform process in the NSW Police Service since the Wood Royal Commission's Report in 1997 had to be ambivalent. Recognition of substantial achievement had to be tempered by concern that the 'desire and momentum for reform' (Wood 1997:4) which the Royal Commission engendered was slipping away. In this paper, I focus on the evaluation of the Police Service in the first report of the Qualitative and Strategic Audit of the Reform Process (QSARP) which was prescribed by the Royal Commission. I also comment on its frosty reception, and two other recent publications, the Police Service's *Future Directions 2001-2005* (Ryan 2000) and the report of the Legislative Council's inquiry into policing in Cabramatta (Legislative Council 2001)

The QSARP report concludes that the success of the reform process has been overstated and that the Police Service has turned away from the reform model recommended by the Royal Commission in favour of a strategy built on crime-fighting. My paper points to some potential dangers in this approach. It argues that rational consideration of the reform process is hampered by the over-politicisation of policing (and law and order issues more generally) in New South Wales. My purpose is not to comment on the validity or otherwise of the QSARP (although many of its criticisms echo those made in *A Culture of Corruption*), but rather to comment on the way in which the issues have been framed and, specifically, to argue that consideration of the reform process requires the focus to be widened to include not just the police, but also their surrounding social and political contexts.

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\* An earlier version of this paper was presented at a Police Reform Symposium, Griffith University, July 2001

## The Qualitative and Strategic Audit of the Reform Process

The Royal Commission was well aware that many of its predecessors' reform efforts had not been sustained, and that an apparently endless cycle of corruption, scandal, and reform had continued. The Commission had pretensions to do more: 'the occasion of this Royal Commission and the strength of the present climate for change, provide a opportunity to challenge the inevitability of that cycle' (Wood 1997:523). In an innovative attempt to ensure that its program of reform would not be set aside or forgotten and that reform would continue in ways which would fundamentally change the institutional culture of the Service, the Commission recommended that the Police Integrity Commission (PIC) should engage an external auditor to carry out an 'external strategic audit' which should 'report on success and failure, and to advise on measures to improve the reform process' (Wood 1997:535). A 'blueprint' for this audit process, which was 'endorsed' by Commissioner Ryan (Wood 1997:535), is provided in the Report's Appendix 31 (1997:A246-54). This has a familiar form as the product of the retreat facilitator's white board. Appendix 31 was the product of a workshop attended by experts in management and transformational change. They identified ten Key Reform Areas that they considered to be critical to review in an organization undergoing transformational change.

It is easy to be cynical about such exercises, and some criticisms of Appendix 31 will be made below. However, it has real substance, requiring extended investigation of crucial matters in three annual audits. For example, the key reform area, 'Changing culture and values', requires police managers to identify and articulate their goals, and to make external comparisons. Appendix 31 has achieved the status of an examination paper which the Police Service must pass three times. (Recent exposure by the PIC's Florida Inquiry of the depth and extent of corruption in Manly and the northern beaches<sup>1</sup> suggests that the audit should continue indefinitely.) The intention was that reform should be both fundamental and measurable: the success of the reform process is 'to be measured by the extent to which it transformed or was ... transforming the organisation's culture, behaviours, core systems and processes and structural arrangements' (QSARP 2000:284). So this was no mere final bureaucratic flourish: recommendation 174 and Appendix 31 were put forward as being vital to the long-term success of the reform agenda outlined in the report (and to prevent the cycle of corruption reappearing). The Royal Commission's implicit message was that the extent to which the Police Service changes would depend to a considerable degree on the rigour with which the audit process is carried out.

## The QSARP's findings

The Police Integrity Commission appointed an independent management consultancy company, the Hay Group, to carry out the QSARP. In its report on the first of the three annual audits (QSARP 2000), the Hay Group comes to six principal conclusions.

### *Vision of reform*

According to the Hay Group, the Police Service has taken a narrow view of what the Royal Commission recommended, overstates the progress of reform, and operates on the mistaken belief that the reform process is complete. The auditors report that 'the long term nature of the reform process envisaged by the Royal Commission has largely been ignored' (QSARP 2000:ix), that the 'Commissioner's current vision and strategy for the Service do not address the key themes developed in the recommendations of the Royal Commission'

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1 'Drugs, violence focus of new police inquiry', *Sydney Morning Herald*, 5 October 2001.

(QSARP 2000:ix), and that their 'findings and conclusions ... do not support the Commissioner's view that the reform process is near completion' (QSARP 2000:ii). For example, the Police Service's Reform Coordination Unit was found to be 'working on the premise that reform has taken place. The most recent business plan indicates a significant downscaling of reform related activities' (QSARP 2000:ix). The Commissioner told his officers 'that the Service has implemented all of the Royal Commission's recommendations, with the exception of those requiring legislative change' (QSARP 2000:207). The Commissioner's expressed view is that 'reform has "happened" and that the Service is now in a period of "consolidation"' (QSARP 2000:221). In *Future Directions 2001-2005*, Peter Ryan presents the NSWPS as 'a transformed organisation' heading into its third phase of reform. Phase 1 of the reform process is described as 'substantially meeting the recommendations of the Royal Commission', while Phase II 'successfully concentrated on getting back to basics – that is ethical, cost-effective crime reduction' (Ryan 2000:np). According to Peter Ryan, 'The Service has transformed itself from an organization with poor morale, lacking direction and suffering loss of public confidence ... to a progressive, well managed, police service'.<sup>2</sup> By contrast, QSARP concludes that 'given the length of time that has elapsed since the conclusion of the Royal Commission, we would have expected more progress to have been made ... (A)chievement of the full scope of reform objectives, as intended by the Royal Commission, has faltered or fallen short in a range of key areas' (QSARP 2000:283).

### ***Crime fighting as reform***

What has replaced the Royal Commission's reform agenda is a commitment to crime fighting. The Police Service's Annual Report 1998-99 states that the 'key priority of the NSW Police is to reduce crime' (NSWPS 1999:np). QSARP 'found that the Service is pursuing a reform agenda centred on "... ethical, cost-effective, crime reduction", which differs in focus from the key themes addressed in the Royal Commission's recommendations' (QSARP 2000:i, see also 285). The replacement of Wood's vision of reform and prescription of fundamental change by Ryan's focus on 'ethical cost-effective crime reduction' happened almost indecently soon after the Final Report was published. Within seven months, the Commissioner's earlier consistency with the Royal Commission's approach had been replaced by a series of specific projects 'which, while important in their own right, do not address the need to support culture change at a time of reform' (QSARP 2000:285). Attempts have been made to 'influence public opinion in the direction of the Commissioner's own reform agenda ... rather than that detailed in the Royal Commission's Final Report' (QSARP 2000:vi, see also 76). Indeed, Peter Ryan has blamed the reform process for diverting the police from meeting popular expectations: he commented that 'the Police Service had "taken its eye off the ball" while it cleaned up corruption within the force and that was the cause of the State's high crime rate'.<sup>3</sup> A telling comment is the Hay Group's note that 'In the course of the audit, our requests for information were frequently met with the suggestion that we were "on the wrong track" and that Appendix 31 and the 10 Key Reform Areas were not the focus of the Service' (QSARP 2000:207).

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2 Ryan, P: 'Partners in crime fighting', *Sun-Herald*, 28 January 2001.

3 'Stay out of politics Ryan told', *Daily Telegraph*, 25 September 1997.

### ***Rhetoric and reality***

There has been too much rhetoric about, and insufficient substance in, the reform process:

the Service has shown an ability to articulate reform priorities, accept the need for change and form some sound and considered ideas for initiating change in key areas. Some real progress has been made. [However] good ideas and intentions have frequently stalled or faltered in being fully implemented and sustained, thereby limiting real progress (QSARP 2000:ii).

An important example of the lack of substance in the Service's reforms is the production of policies and codes (QSARP 2000:v). The 'Service is assuming that the simple existence of policies and codes of conduct is an indication that culture change has taken place' (QSARP 2000:50). For example, the Service's Code for Custody, Rights, Investigation, Management, and Evidence (CRIME, sic) is described in *Future Directions* as having 'improved protection of the rights of the individual, and the standards of integrity and professionalism in investigations' (Ryan 2000:np). While it may have done so, there has been no research on which such a claim can be based or assessed. The Service's commitment to harm minimization in drug policy is another example of practice differing sharply from policy statements in glossy pamphlets (Dixon & Maher 1998).

The preference for rhetoric over substance is also evident in police-public consultation. Support from headquarters for Local Area Commands 'to encourage local community consultation and strategies for improving police/community ... is limited to the distribution of guidelines on how to deal with the media.' The Hay Group found that while some good work was being done at the local level, 'there were no specific community consultation plans or strategies in the commands visited, nor was community consultation included as an accountability (sic) in any of the performance agreements sighted' (QSARP 2000:78). More recently, the Police Service's obsession with image was criticized by the Legislative Council inquiry into policing in Cabramatta (2001:168).

### ***Cultural change***

While Peter Ryan expressed pride in 'the highly satisfactory pace at which we have been able to bring about cultural change' (NSWPS 2000a:4), QSARP reported a lack of commitment to such change. Despite all the talk about the problems of police culture, the 'Service had not nominated culture change as a reform priority in its own right' (QSARP 2000:v). A list of reform priorities which the Reform Coordination Unit told the auditors were 'the Service's focus for the reform process' (QSARP 2000:49) does not specify cultural change. Reviewing Chief Executive Team minutes over a two-year period, the Hay Group found

no documentation recording discussion on values and culture or evidence that the leadership team is reinforcing the desired culture change on a continuing basis ... Reform is related as a series of projects and we are given no sense that culture and values are being considered as specific issues and that there are strategies and plans to address gaps (QSARP 2000:49, 50).

The fact that too much reliance is put on cultural change by deterrence is, in itself, an indication of a problematic attitude to reform. Internal Affairs is expected to take prime responsibility for ensuring the Service's honesty. 'The responsibility for ongoing corruption prevention and the development of an ethical culture, to shift from a culture of blame, should however more effectively be devolved to operational levels' (QSARP 2000:72). By contrast, *Future Directions* claims that the 'issue of cultural change has been fundamental to my program of reform ... I am pleased with many aspects of the changes that have occurred ... However there is still some way to go and there is no margin for complacency' (Ryan 2000:np). The blandness of this claim leaves the commitment to cultural change amorphous.

### *Command and control*

Despite the Royal Commission's insistence on the need for a new management style, 'command and control' survives. Ironically, this is evident in the reform process itself: 'the Commissioner and other members of the Chief Executive Team have assumed sole ownership of the reform process by communicating to Service employees that reform should be left to the Commissioner and his leadership team' (QSARP 2000:x). Reform is something which is to be done by management to the organisation. The Commissioner told the Hay Group that 'he and his management team are responsible for reform. The Deputy Commissioners confirmed to us that terms like "reform" and "change" are avoided in communications with the "troops"' (QSARP 2000:221). There has been a good deal of rhetoric about the new style of management: as elsewhere, substance is harder to find. Peter Ryan may be 'convinced that effective change of police culture must be driven by open and consultative leadership' (NSWPS 2000:i), but half of the commanders interviewed for QSARP stated that 'management-by-fear continues to be the message communicated from the top' (QSARP 2000:30). Command and control is also expressed in the Commissioner's personal style, notably his habit of claiming personal responsibility for positive developments (the word 'I' appears no less than 48 times in the executive summary for *Future Directions*) and of disowning problems, as in his attempt to distance himself from and blame others for the problems at Cabramatta police station<sup>4</sup>. Deputy Commissioner Jeff Jarratt's head eventually rolled. The manner in which Jarratt was informed of his 'termination' – via a media unit press release – suggests that, far from being an exponent of a new management style, Peter Ryan is a senior executive with an old-fashioned predilection for keeping his senior managers on their toes.<sup>5</sup> While the Commissioner states publicly that he invites emails and faxes from his officers and appears at police stations such as Cabramatta and Lakemba at points of crisis, his personal style is conventionally distant. This is understandable: he felt that he had to begin by adopting a management style that was 'firm, hard and autocratic ... because that is what the organization understood' (quoted Baker 1997:6). The problem is that it has set the tone for his commissionership. This gap between rhetoric and substance creates problems for his staff. 'While the Service's rhetoric is about moving away from a "command and control" leadership style, there is uncertainty around the leadership principles that are to replace it' (QSARP 2000:31). While most Local Area Commanders 'acknowledge the need to move away from a "command & control" style of leadership', where they should move to is less clear (QSARP 2000:30).

It is very hard for police to abandon command and control, particularly when the institution would regard anything less as a sign of weakness. However, it is equally hard to see how rank and file can own the reform process when command and control is used (particularly when the practice is in such stark contrast to rhetorical disavowals of it). According to the Hay Group, the 'Commissioner and CET view reform as a series of projects, owned by members of the CET, rather than an integral part of the everyday work of the Service. Best practice change management indicators suggest, however, ... the devolution of responsibility for reform needs to be pushed further down the organization. In our opinion, all members of the Service needed to be considered responsible for and actively involved in the delivery of reform' (QSARP 2000:221-2). As I suggested in *A Culture of Corruption*, far from forgetting the Commission, police officers should be reminded of it every day. If policing in New South Wales is to be fundamentally refashioned (as Wood showed it needs to be), then the active involvement in the process of every officer will be needed (Dixon 1999a:157).

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4 'I was misled on Cabramatta woes, says Ryan', *Sydney Morning Herald*, 17 July 2001.

5 'Deputy last to hear of sacking', *Daily Telegraph*, 6 September 2001; 'Big blue', *Sydney Morning Herald*, 8-9 September 2001.

The problems of command and control's longevity were made very clear in the Legislative Council's report on Cabramatta Policing, which concluded that 'too often the views expressed by front line officers have been treated as dissent and have been dealt with in an authoritarian manner' (Legislative Council 2001:x). Five officers from Cabramatta gave evidence which was highly critical of their superiors, who responded negatively and aggressively. 'That the NSW Police Service decided to respond to their evidence in the way in which it did does the Service no credit whatsoever and calls into question the extent to which the Service has embraced reform' (2001:62).

A particularly acerbic summary was provided by the Police Association's submission to the Cabramatta inquiry:

There have been many changes since the (Wood) Commission, but the areas that relate to the way people are managed have remained basically the same. The Police Service, irrespective of its rhetoric, is managed in a command and control manner. Decision-making and planning is not collegial. Fear remains the overriding atmosphere – fear of mistake, fear of punishment for being different. Creativity, initiative and vision is not promoted and when found is treated with suspicion (quoted, Legislative Council 2001:65).

The Police Service continues to insist on its commitment to change: for example, Assistant Commissioner Small's strategy for Cabramatta includes

creating a management and operating environment that values all officers and ... is built upon transparency, trust, ethics and professionalism ... Leadership and strategy are not limited to top management but must become everyone's everyday job. This can be achieved only when we achieve participation rather than mere compliance from our people (quoted, Legislative Council 2001:100; 209).

*Future Directions* insists that 'Our culture must be open and consultative, not the punitive and authoritarian approach of the old police culture' and looks to a 'working environment (which) will be democratic, tolerant, just, equitable and progressive' (Ryan 2000:np). There appears to be much work to do if this is to be achieved, as the Commissioner envisages, by 2005.

### ***The Operations and Crime Review process***

Command and control and the focus on crime fighting come together in a key mechanism of the reform process – the Operations and Crime Reviews (modeled on the NYPD's Compstat meetings), at which local area commanders are called to account for their performance (QSARP 2000:56-7). The Police Service's *Annual Report 1998-99* described the OCR as 'a Winner' and 'a key tool in driving down or stabilizing crime' which is 'moving the Service towards a performance based culture' (NSWPS 1999:np). *Future Directions* presents 'the OCR process as one of the key drivers of reform and organizational success' (Ryan 2000:np), claims that it has been 'particularly successful in generating cultural change' (Ryan 2000:29), and indeed recommends that it should be used as a model for examining the crime prevention performance of other government agencies (Ryan 2000:47). The Hay Group was rather less impressed, reporting that confrontational management styles characterized the OCR, the main forum in which commanders 'are exposed to the leadership styles of the Service's most senior leaders' (QSARP 2000:31). 'The OCR highlights the potential for ambiguous leadership messages to be delivered to commanders. Commanders are being told to behave in an open consultative way; they are observing a "Management by fear" style on the part of some members of the Chief Executive' (QSARP 2000:41). Despite the oft-acknowledged need for police leaders to set a good example, 'commanders and other staff attending the OCR meetings are not generally witnessing role models of the leadership style they have been instructed to demonstrat

themselves' (QSARP 2000:161) and 'the experience of the OCR process by many personnel is one of "punishment" when standards are not met, rather than a demonstration of alternative ways of behaving and managing' (QSARP 2000:286). The OCR 'reinforces the culture of "fear and punishment" that is said to be characteristic of the past' (QSARP 2000:61). Most Local Area Commanders 'commented on the aggressive and confrontational style they saw being demonstrated during OCR meetings' (QSARP 2000:233).

As regards the substance rather than the style, the auditors were critical of the OCR's restricted focus of 'attention to "hard" data only, and the exclusion of measures of effectiveness other than crime statistics' (2000:vi, cf 61). The OCR is not used (as it could be) to advance reform other than through crime reduction activities (QSARP 2000:vi-vii). While the NSW Bureau of Crime Statistics and Research has been monitoring the police production of crime statistics, it is appropriate that the QSARP notes that a performance culture (particularly one in which the emphasis is on individual productivity) 'increases the potential for process corruption' (QSARP 2000:61; see also HMIC 1999). The valorization of ends over means has had such a problematic history in policing: 'We regard it as important that commanders be measured, not only against results (i.e. what is achieved) but also against the behaviours they demonstrate (i.e. how the results are achieved)' (QSARP 2000:235). Similar concerns have been expressed about the impact of OCR-driven crime strategies on Aboriginal people (AJAC 2000:ch9).

More recently, the QSARP's criticisms have been brought into focus by the report of the Legislative Council's inquiry into policing in Cabramatta. The Committee confirmed the QSARP's view, finding that the OCR process is a new management tool which has been 'superimposed over an old culture of management by fear' (Legislative Council 2001:44). While the OCR may provide desirable accountability, 'for accountability to be effective, there must be some capacity for Local Area Commanders and the officers under their command, to engage in dialogue with senior management' (2001:134). The Committee found problems in substance as well as style: the OCR had been perverted by dependence on a performance indicator, the Crime Index, which had been introduced 'to assess progress by the LACs across the State in reducing crime' (Legislative Council 2001:38). In order to make such comparison meaningful, the Index only included five 'volume' crime categories: assault; break, enter and steal; robbery; stealing; and motor vehicle theft. According to the Legislative Council Committee, the 'priority in allocation of tasks and resources within the (Cabramatta) station became based around improving the Command's performance in Crime Index category offences'. Consequently, insufficient attention was paid to drug offences and serious violence associated with the drug trade. This was exacerbated by the Police Service's public self-congratulation about success in crime control at a time when very serious, non-Index crimes were rife: in this, 'the role of the Police Commissioner was particularly unfortunate' (2001:73). According to the Legislative Council's Committee, the contrast between rhetoric and reality was very harmful to public perceptions of the police in Cabramatta. The (now reversed) downgrading of Cabramatta to a category two station would seem to indicate that this was an extraordinary example of a managerial misuse of a performance indicator. While criticising the local command, the Legislative Council Committee concludes emphatically that 'the responsibility for the impact of the Crimes Index on Cabramatta LAC lies directly with the most senior management of the Service. The Command spent two years being driven by a centrally imposed performance measure that was irrelevant to the priorities of the community' (2001:44). Deputy Commissioner Jarratt told the Committee that the Crime Index is no longer used and that the OCR is evolving into 'a problem solving case study' (2001:131).

OCRs concerning Cabramatta must have had a surreal character if, as is claimed, they did not focus on drugs. Unfortunately, most of their evidence on this matter was second-hand and the Committee did not take what would seem to be the obvious step of consulting the OCR record or examining the then local and regional commanders,<sup>6</sup> or the responsible Deputy Commissioner, about the Cabramatta OCs. It is certainly not the case that the Crime Index is the only measure used in OCs: one that I observed focused on the use of stop/search and move on powers under the *Crimes Legislation Amendment (Police and Public Safety Act 1998)* (see also AJAC 2001:ch9). In the context of Cabramatta, analysis of these statistics would surely involve discussion of drug policing.

In summary, the Hay Group concluded that, while reform was evident in some areas, in many others

'the Service has yet to make significant progress. The Royal Commission foresaw a lengthy, challenging period of reform, requiring strong and sustained focus, with the involvement of all staff. Staff themselves report confusion and a lack of clarity on the status of reform and the expectations of them in implementing reform locally ... Audit findings and conclusions do not support the Commissioner's view that the reform process is complete' (QSARP 2000:289).

In this light, Commissioner Ryan's insistence that the PIC's Florida inquiry into corruption in Manly and the northern beaches is to be read as the sign of a 'corruption resistant' Police Service<sup>7</sup> may be questioned. The QSARP recommends that if a 'reformed and corruption-resistant Service, as envisaged by the Royal Commission' is to be achieved (QSARP 2000:289), it is necessary to return to the reform agenda laid down by the Royal Commission in recommendation 174 and Appendix 31. In transmitting the report to the Police Minister, the Police Integrity Commission recommended, inter alia, that representatives of the Police Service, the PIC, and the auditors should meet 'to advise the Commissioner of Police on ... measures to improve the reform process ... in the context of the reform process contemplated by the Royal Commission in Appendix 31'.<sup>8</sup>

## Publication and reception of QSARP

The QSARP report provided an unmistakably negative assessment which was as welcome as a rat in a pantry both to the Police Service and to the Government, which had so much politically invested in the Commissioner's success. Peter Ryan was predictably furious. Efforts were made to discredit and undermine the QSARP's work even before the report was made publicly available. Getting retaliation in first seemed to be the approach adopted. A draft of *Future Directions* which called for QSARP to be discontinued was leaked (NSWPS 2000b:np). By the time the final version was published, it had become much more diplomatic, but the point had been made effectively. Ryan complained to a talkback radio audience that 'I get overlooked by people who haven't got a bloody clue ... They couldn't run a chook raffle' and that he was getting more advice than 'someone learning to drive or play golf'.<sup>9</sup>

6 Inexplicably, neither Superintendent Peter Horton nor Assistant Commissioner Chris Evans gave evidence to the Committee. Given the relevance of their experience and the potential harm to their reputations, they should surely have been given the opportunity to give their account of what happened.

7 Ryan, P, letter, *Sydney Morning Herald*, 13 October 2001

8 Letter, Judge PD Urquhart to Paul Whelan, 13 February 2001, on file with author.

9 'Ryan's push for free hand on reforms', *Sydney Morning Herald*, 24 November 2000. Despite complaining about being subject to costly over-auditing, the Police Service engaged KPMG to carry out its own evaluation of the reform process (NSWPS 1999:np).



The report was released in a way clearly designed to minimize its impact. Made available to the Press on a very busy news day, it did not even make the front page of the *Sydney Morning Herald*.<sup>10</sup> It did not appear on the internet and the availability of hard copies was limited and not publicised. The Police Service deployed its standard response to critical reports: it was suggested that QSARP contained was old news, that 'many of the concerns raised in the audit had already been addressed', and that the reform process had moved on.<sup>11</sup> While the Police Minister appeared in a public show of support for the Commissioner, the Premier dismissed the report's findings as 'management jargon'.<sup>12</sup> The Police Ministry prepared a 'Fact sheet' to accompany the report, presenting it as marginal and as dealing with a relatively minor and distinct aspect of the reform process. It emphasizes that the QSARP relates only to recommendation 174 and that it

is not an audit of the other 173 recommendations, ninety-nine per cent of which have been or are being implemented. Appendix 31 does not require the auditors to consider the Service's success in implementing Royal Commission recommendations or the Service's progress with reform generally, unless it relates to a specific threshold activity. Therefore, the Hay Report is not a scorecard of the Police Service's implementation of the Royal Commission's 174 recommendations, nor is it a picture of the general state or condition of the Police Service.<sup>13</sup>

Ryan responded to the report's criticisms by saying that the 'differences in approach to reform were more a matter of philosophy'.<sup>14</sup> He is right. The problem is that the philosophy in QSARP is not the idiosyncratic product of a management company which might well be expected to take second place to that of a successful and experienced Commissioner. As noted above, the philosophy is that of the Royal Commission itself, as expressed in the concluding chapter of its Final Report. Recommendation 174 and Appendix 31 were not a bureaucratic afterthought, but were fundamental elements of the Royal Commission's vision of reform.

The Royal Commission's aspirations for the reform process were that it would facilitate the transformation and "rebuilding" of the NSW Police Service. It was intended that change would be far-reaching and touch every aspect of organizational life. ... The measures set for change of this scale are captured in Appendix 31 of the Royal Commission's Final Report ... They are the measures of reform set by the Royal Commission (QSARP 2000:283).

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- 10 The Government also muffled the Legislative Council's Cabramatta report by announcing a controversial change in gaming regulation on the same afternoon, forcing a delay in the publication of the report and distracting the attention of the media: see 'Childish Carr and co hide behind the pokies', *Sun-Herald*, 29 July 2001. This followed earlier ministerial criticism of the Committee and the Government's attempt to pre-empt its recommendations by announcing a 'package' of measures for Cabramatta in March and criticising police for taking their eye off the ball in Cabramatta in July: 'Police took eye off drug problem, says Carr', *Sydney Morning Herald*, 13 July 2001.
- 11 'Ryan told to get cracking on police reforms', *Sydney Morning Herald*, 16 February 2001. Ryan's riposte that the report was a year old is a typical example of police downplaying the significance of reports whose publication has been delayed by a requirement to allow police an opportunity for pre-publication comment. Ryan expressed similar frustration at the Legislative Council's Cabramatta report: his complaints about 'constantly carping on about history' did not create a good impression: see 'Resignation call "ridiculous": Ryan', *Daily Telegraph*, 27 July 2001.
- 12 'The minister, the commissioner and the PIC', *Sydney Morning Herald*, 19 March 2001.
- 13 Ministry of Police 'Fact Sheet', undated.
- 14 'Ryan told to get cracking on police reforms', *Sydney Morning Herald*, 16 February 2001.

## Deficiencies in QSARP and the Cabramatta Report

An academic audience is likely to see some weaknesses in the QSARP. It is the report of a management consultancy, not a research monograph. There is almost no reference to other studies: for example, it might have been useful to consider Janet Chan's research when surveying attitudes of police recruits at the Police Academy (Chan et al. 1999; see also Chan 2001). Given the significance attributed to the OCR process, it is a little surprising that the auditors attended only two OCRs. Even by its own professional standards, the QSARP is not exemplary: relying too much on repetition and rhetoric, it is less impressive than the influential reports on policing by the English Audit Commission. It could also have learnt substantively from England: for example, Australian discussions of identifying 'core functions' in policing are often conducted in apparent ignorance of the long and controversial debate about this in the UK (Dixon 1999a:149).

Similarly, the Legislative Council report into policing in Cabramatta suffers from methodological weaknesses. Its information gathering was receptive rather than proactive. Relying on submissions and oral evidence made the Committee too dependent on what was presented to it, particularly orally. Again, there is little reference to research literature. As the dissenting statement by the ALP members of the Committee states, 'the inquiry accepted as fact testimony that was at best anecdotal or untested opinion' (2001:278). Notably, the Committee gives considerable prominence to the opinions of Richard Basham, a 'psychological anthropologist' who is described as a professor and 'a leading expert on crime and ethnicity' (2001:12), when he is neither, at least if judged according to accepted academic standards. Another problem is the way that crucial issues (such as police involvement in the notorious Stardust Hotel) were not examined properly because they were outside the witnesses' historical experience (2001:82-5). Inexplicably, previous local area and regional commanders were not called to give evidence on a matter that has been of great significance in harming police-public relations in Cabramatta.

Some of the QSARP's limitations were due to those in the Royal Commission's report. Firstly, Appendix 31's lack of integration into the body of the Royal Commission's report invited the tendency (noted above) to treat it as separate. In addition, like the report more generally, Appendix 31 is not clear on how cultural change is expected to flow from the other recommendations. The Commission seems to have assumed that managerial and institutional changes would affect culture, but the specific manner in which this was expected to occur was not explored.

Secondly, Ryan's ability to dominate and his confidence in reshaping the reform agenda must be attributed, in part at least, to the power and autonomy which the Royal Commission recommended that Ryan should be given. The abolition of the Police Board was a symbol of a broader act of faith in Ryan and of a willingness to give him what he demands (Dixon 1999a:152). While, understandably, annoyed by the multiplicity of agencies to which he must provide reports and information, his accountability in the stronger sense of being controlled is limited. This has been complemented by the Government's apparent willingness to grant new police powers on demand: the Premier has repeatedly said that, if police identify the need for a new power, 'his' government will give it to them (Dixon 1999:166). Having given Ryan a free rein, Justice Wood and the government must take some responsibility for the outcome.

Thirdly, the Police Service's failures in local community consultation should come as no surprise to anyone with knowledge of the research literature. The Royal Commission came to almost perversely misleading conclusions from its survey of community consultation in England (indeed, the conclusions are so perverse that one can hardly but suspect that Ryan again influenced the outcome).

Fourthly, it is de rigueur to criticize command and control leadership: management has to be consultative and empowering. But what if the rank and file's proposals are unacceptable? It seems likely that, if operational officers were currently allowed to set policy for drug law enforcement, the outcome would undermine commitments to harm minimization and would cause risks to public health and community safety (cf Dixon & Maher 1998). The problem is exactly that encountered in community consultation exercises: the demands of the 'community' may be unacceptable, particularly when 'the police deal with those regarded as "alien"', disreputable, and "police property" (and) the constraints of traditional communal morality are not an adequate protective guide or check' (Reiner 2000:172). This argument will, no doubt, be regarded as elitist. However, the point is not to reject consultative management (or police-community consultation) but to recognize that it may be harder and more controversial than its exponents allow.

## The limits of crime fighting

The Wood Report's recommendations were not written on tablets of stone. Commissioner Ryan and Police Minister Whelan claim that their approach is vindicated by success in affecting crime rates. Perhaps it is understandable that the Service should prefer to focus on something as tangible, publicly popular and apparently 'deliverable' as reducing crime, rather than the amorphous and challenging task of cultural change.

Perhaps one should be realistic. It may be Wood's vision was too ambitious and that police services are not amenable to fundamental change, and that Ryan's crime reduction model is the best available. There is, however, the niggling issue of the Crime Management Support Unit's Behavioural Change Program (BCP). This promised not just cultural change, but cultural change which made police more effective in fighting crime.<sup>15</sup> For a brief period in 2000, it appeared that the BCP had the Commissioner's favour, as Ken Seddon, one of his recruits from England, was appointed to take charge of the Unit which was given additional resources and was brought under the Commissioner's wing. This came to a very messy end in December, when Seddon and BCP leader Jim Ritchie were sacked and other members of the Unit were suspended. *Future Directions* comments that the BCP 'showed some operational benefits. But it had the major problems of non-acceptance (resistance) in many places and a huge demand on time and resources' (Ryan 2000:30). As will be suggested below, a key problem appears to have been entrenched personal and institutional conflicts within the Police Service.

No-one will argue that the police should not devote much of their energy to controlling crime. The issue is how crime control is to be effected. The model adopted by Ryan is (despite a long overdue development of technological sophistication) essentially traditional. Crime fighting is the organisation's espoused *raison d'être*. Its manner is the aloof distance of expertise professionalism. There is rhetorical devotion to community, partnerships, and problem-solving. However, community is seen as a resource rather than a source of

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15 See QSARP 2000:viii, 130. For an account of the BCP's achievements, see Ritchie et al. 1998 and Matt Casey's evidence to the Legislative Council's inquiry, 23 February 2001, available at <<http://www.nsw.gov.au>>.

direction. Inter-agency partners are expected to acknowledge police hegemony over issues of crime and public safety. The prevailing mood in the Service is isolation, embattlement, and antagonism towards critics: 'Public criticisms of policing strategy degenerate into attacks on personal credibility rather than debates about issues' (Legislative Council 2001:167). The Police Service is, in other words, conforming to the stereotype of the twentieth century policing organization which Justice Wood had taken pains to expose for its weakness and failure.

At the heart of the matter is the problem that police set for themselves when they ask to be judged on their record in fighting crime. The danger of promoting stable or falling crime rates as 'proof that reform is working'<sup>16</sup> or 'as sure an indication as any that Commissioner Ryan's focus on fighting crime and the Government's commitment to improving police resources is paying off'<sup>17</sup> is that critics are invited to draw the opposite conclusion when crime rates rise, as they almost inevitably will at some point. Then police get pulled into unedifying attempts to defend their crime fighting credentials. For example, in July 2001, Deputy Commissioner Jeff Jarratt claimed that crime had dropped in the preceding 3 months, only to be immediately challenged by the NSW Bureau of Crime Statistics and Research which reported that crime had risen significantly.<sup>18</sup> My point here is not to assess credibility on either side, but rather to indicate that such disputes are an almost inevitable consequence of police claiming credit for declining crime rates.

Even if crime statistics appear favorable to police, they may not be accepted. Populist right-wing commentators claim access to an alternative reality, in which popular experience or the voice of the 'man in the street' tells a truth about crime that conspiring police, statisticians and politicians disguise.<sup>19</sup> One such columnist wrote recently: 'In the past year or two, anecdotes about escalating crime in Sydney have spread, despite official reassurances. People tell each other about crime in their street that no-one ever reads in the newspapers.' She goes on to tell us a horror story of crime in her 'own sleepy, modest suburb'.<sup>20</sup> In such accounts, while criminal statistics deceive, the individual instance is promoted as definitive:

While senior police and crime experts argue about whether crime is rising across NSW, a young man is recovering from a machete attack by a gang of 15 thugs who wanted his bicycle. The state's crime statistician says offences have risen significantly in the past 12 months in most categories. Christopher Knight, 18, is in no doubt about that. He was slashed and stabbed...<sup>21</sup>

To a considerable extent, the police are reaping the crop of their own self-definition in the last century. In his classic account, Peter Manning pointed to the significance of crime control in the development of twentieth century policing and to the tragic irony that police chose to judge themselves, and be judged by others, according to criteria that they cannot control:

16 As Police Minister Whelan did in helping Ryan to rebut the QSARP report: 'Ryan told to get cracking on police reforms', *Sydney Morning Herald*, 16 February 2001.

17 Whelan, P, 'Lemon squash and life on the beat' *Daily Telegraph* 28 October 2000.

18 'Winning the crime war? It's a matter of dispute', *Sydney Morning Herald*, 6 July 2001.

19 So, setting up the Police Assistance Line, a method of reporting crime by telephone, is claimed to be designed to minimize crime by making it difficult to report incidents. The standard criminological concept of the dark figure is summed: crime is booming, but is under-reported. See Devine, M, 'Meltdown on the hotline really is a crime boom', *Sydney Morning Herald*, 7 June 2001.

20 Ibid.

21 'Machete madness', *Sun-Herald*, 8 July 2001.

The police have claimed to prevent, control, deter, and punish crime and have made that above all their primary legitimating theme ... They have done this in spite of the fact that they cannot control crime (1977:15-16).

Crime is the product of forces beyond police control<sup>22</sup> and 'thus their claims are based on false accomplishments and their legitimation rests on beliefs derived from inadequate or controlled information' (1977:29). The irony is that, while police can never be in control of crime, their attempt to be so makes it impossible for them to reach what would otherwise have been different, and achievable goals: they close off 'alternative views of their work – crime prevention, for example, or a special sort of social service agency, or a regulatory agency' (1977:16).

The crime focus of the police, now affirmed as legitimate by many as a result of police efforts, is both the greatest asset of the police and will be their most profound burden as they attempt to adjust to public consciousness of their limitations ... (T)heir stock is oversold and their political strategy is bankrupt (Manning 1977:16).

Manning's rhetoric was based on a series of foundational studies which showed how marginal police efforts were to the incidence of crime.<sup>23</sup>

Less than ten years ago, such statements would have been accepted without demur. But since then, of course, the police world has been thrown upside down. Apparently, a generation of police research should be consigned to the bin because William Bratton proved in New York in the mid-1990s that police are able not merely reduce crime, but to do so dramatically (Bratton 1998). Like many others, the NSW Police Service has borrowed and adapted elements of the NYPD's strategy.<sup>24</sup> This is not the place for an extended review of what has happened in New York and other US cities over the last decade (cf Dixon 1999b). The relevant point can be made simply. Explaining 'the crime drop' has become a key question in contemporary criminology. A substantial body of sophisticated empirical analysis of US crime trends in the 1990s has now been produced by respected and respectable criminologists. Their analyses conclude that explanation must be found in a coincidence of various factors (of which police activity is just one) (Blumstein & Wallman 2000; Harcourt 2001; Karmen 2000). Despite Bratton's and Guiliani's relentless self-promotion, they can claim only partial responsibility for the 'New York miracle'.

Ryan had considerable good fortune that his reform program was for a time accompanied by leveling or falls in some crime rates. No research of similar sophistication to Blumstein's or Karmen's is conducted in Australia. If it were, it is very likely that the results would be similar. In sum, Ryan is claiming credit for results which are only partly attributable to his initiatives.

If police claims of responsibility for crime reductions are exaggerated, then increased attention needs to be paid to the counterproductive effects of the NYPD model. Experience in the US and the UK has shown that reform efforts that focus on crime reduction can have undesirable side effects – process corruption and violence. The Louima, Diallo and Dorismond cases have emerged as symbols of the downside of the NYPD's strategy (Dixon 1999b; Karmen 2000). There has been exaggeration here too, but there is increasing and

22 They acknowledge this when crime blips upwards by promoting explanatory factors: see e.g. 'Olympics blamed for suburban crime boom', *Sydney Morning Herald*, 20 April 2001, p3. More generally, *Future Directions* includes a survey of social and economic factors in the Police Service's 'operating environment' which will impact on crime (Ryan 2000:np).

23 For a summary, see Reiner 2000.

24 The OCR process, crime control strategies, and some of the rhetoric in *Future Directions* bear the NYPD stamp.

eminently respectable support for concern about the unacceptable effects of performance-measure driven crime-fighting. Notably, in England, HM Inspectorate of Constabulary has warned that an 'increasingly aggressive and demonstrable performance culture' may lead to 'lapses in integrity' and 'unethical practices' (HMIC 1999:19). Of concern in NSW is the possibility that pressure for results may lead to the re-emergence of unacceptable practices as complaints grow that the Royal Commission rendered the police service ineffective in criminal investigation.<sup>25</sup>

As the QSARP reports, it is true that

Crime reduction is a critical indicator of Service performance in keeping with community and stakeholder expectations. However... the long-term sustainability of the Service as a high-performance organization requires a concurrent emphasis on the reform process to build a corruption-resistant Service. Without strengthening the Service's foundations, short-term benefits derived from crime reduction results are likely to plateau (QSARP 2000:i).

As a result, 'corruption resistance is likely to be weakened' (QSARP 2000:285).

## Overpoliticisation

In conclusion, I would identify over-politicisation as a key problem for the reform process. This takes two forms, internal and external.

Internally, the Police Service displays an institutional history of incessant conflict and scrabbling for position. There appear to be deep problems in the institutional culture of the Police Service. It is often hard to reconcile the high quality of individual officers that one encounters with the organisation's character. The cliché about rotten apples in barrels may need to be revived, but revised: all too often, the barrel rather than the apples appears to be the source of the problem. The continuing series of rivalries, insults, disputes, feuds, and antagonism exposed by the inquiries into Cabramatta and the BCP would stretch the imagination of a scriptwriter for a soap opera.<sup>26</sup> A significant result is to make almost impossible any realistic assessment of the fundamental issues. Notably, there has been no independent evaluation of the BCP program and we are left with exchanges of rhetoric from entrenched positions. It is to be hoped that the Police Integrity Commission's current investigation of its demise will provide some answers, but the example of the Legislative Council's inquiry into policing in Cabramatta is not encouraging. Listening to the person with the loudest voice is a poor substitute for evidence-based policy development.

Externally, as I have argued above, police are suffering from their historical commitment to crime fighting. This connects with a derisory attitude towards criminal justice politics. NSW politicians who misrepresent crime problems, exploit public fears and offer hopeless solutions indicate clearly that they do not - despite their expressions of commitment and concern - take crime and criminal justice seriously. It is treated not as an important and complex area of public administration, but one in which talk back radio is regarded as a

25 See e.g. Detective Sergeant Tim Priest's lament about the loss of 'the street-hardened and the street-wise police of yesteryear' (quoted, Legislative Council 2001:46, see also id 168, where such complaints are apparently given credence); Burke, J, letter, *Sydney Morning Herald*, 4 July 2001; Dixon 1999a:175.

26 See e.g. 'Ryan's demands highly improper, says senior officer', *Sydney Morning Herald*, 28 March 2001; 'Ryan accused of reform deception', *Sydney Morning Herald*, 20 March 2001; 'I could have been chief: axed officer', *Sydney Morning Herald*, 4 May 2001; 'Ryan's man an outright liar, police inquiry told', *Sydney Morning Herald*, 29 May 2001; 'Police chief branded as brain-dead', *Sydney Morning Herald*, 5-6 May 2001.

more significant guide to policy than are research and official statistics, and in which simplistic slogans ('zero tolerance', 'tough on crime, tough on the causes of crime', et cetera ad nauseam) stand for policy in what Hogg & Brown castigate as 'the uncivil politics of law and order' (1998:ch1).

The Government's engagement in law and order politics and specifically its electoral dependence on Ryan's success as Police Commissioner have had unfortunate results. On one hand, concerns about the progress of reform (whether from the PIC's auditors or from the Legislative Council Committee) are treated as hostile attacks. On the other, policing problems are exploited by the Government's critics in an unprincipled and unhelpful way. Bizarre allegations of links between the problems of policing in Cabramatta and political corruption provide a notable example.<sup>27</sup>

These factors constitute the culture of corruption which threatens the reform process in the NSW Police Service. It would, of course, be naïve to think that policing can be apolitical. It is, at many levels, an inevitably political activity (Reiner 2000). However, this does not mean that it has to be treated as the site for the superficial antagonisms of party politics. If the oft-expressed commitment to evidence-based policy was given substance, it might be possible to move to more constructive discussions of the fate of police reform in New South Wales. Unfortunately, there is no reason to be optimistic about the prospects for any such change.

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27 See e.g. Alan Jones and Richard Basham, 2UE 14 June 2001.

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