

Coady, T, James, S, Miller, S & O'Keefe, M (eds) (2000) *Violence and Police Culture*, Melbourne University Press, Carlton. 326 pp, paperback, ISBN 0-522-84788-9.

This book was published by Melbourne University as part of its *Ethics in Public Life* series. Its publication is yet another example of the contemporary drive of a number of Australian universities to give ethics a more practical focus and to give philosophy an applied edge. Professor Coady, director of Melbourne University's Centre for Philosophy and Public Issues, is one of three philosophers and a criminologist (Steve James) who selected a range of topics and thirteen contributors for this volume. The result is an excellent contemporary snapshot of the issue of police violence specifically and police culture more generally. The contributors include some of Australia's leading police theorists, including police culture doyenne Janet Chan, the well-known community lawyer and nemesis of police misconduct Jude McCulloch, and police ethics specialist Seumas Miller.

Within the last decade, Australian policing has endured great criticism of its methods. The New South Wales Police Service and Queensland Police Service have both suffered the embarrassment of very public and wide-ranging commissions of inquiry into police conduct. Moreover, Victoria Police was forced to convene a special task force and implement a policy project (Task Force Victor and Project Beacon respectively) to review its firearms policies given the unacceptable rate at which Victorians were being slain by police. The book examines these inquiries and delves into behaviours that fall under the broad rubric of police misconduct; namely, corruption, brutality, over-enforcement and under-enforcement. Pleasingly, it attempts some explanations and suggests ideas for reform.

John Blackler's strong theme-setting opening contribution links current Australian policing practices to the predominant influence of nineteenth century Irish police, whose practices were marked by coercion, social manipulation and extensive use of informers. Neil O'Loughlin's and Peter Billing's assessment, from a police perspective, of police-citizen partnerships built on trust rather than cynicism and suspicion is especially good. They identify one of the causes of violence within popular media forms that glorify the methods of the rebellious cop who breaks the rules: 'The underlying theme of this communication is one which implies that provided the offender is caught, the result achieved justifies the means used by police in the process' (p72). Their contribution also gives some reason for optimism, something that was sorely needed after the pessimistic tone of Dr Chan's assessment that links police violence to a pervasive and unstoppable culture of coercive force. Her treatment of the topic is highlighted by her research observation that in over half of the incidents in which police used violence they were not responding to physical provocation (p89).

John Jay College's Professor of Philosophy John Kleinig was invited to contribute. His chapter on police loyalty and the 'code of silence' is especially interesting for its distinction between 'loyal opposition' and loyalty as a vestige for scoundrels. 'What is important', he writes, 'is that deviance is dealt with. If partners cannot criticise each other without their loyalty or trustworthiness being called into question, then ... police will have to endure the contempt of a public that wants to admire them' (p234).

Andrew Goldsmith's excellent chapter is topical and relevant for its emphasis on the expectations we, as citizens, place on police in society generally. He says,

Our failure to define clearly what we expect of police in respect of the use of force reflects a fundamental ambivalence about the police role and what they should be doing. Without clear shared standards of performance, it becomes very difficult to hold police officers accountable legally for their actions (p112).

One of Professor Goldsmith's preferred reform initiatives, that police executives on high salaries need to be made accountable for individual complaints and patterns of abuse, would strike a chord with many. Indeed, he goes even further. If police are acting poorly, then a proportion of the police budget for the following year could be allocated instead to the agency responsible for investigating complaints against police. It sounds good, but I would be sceptical of any parliament experimenting with monetary dis-incentives for poor public service, particularly given the current political 'law and order' climate that scorns any perceived interference with police powers and, by implication, police budgets.

Ian Warren and Steve James narrate officers' stories (from participants in workshops) as part of a formal (CRC-funded) violence and police culture project. They note the consistent theme of self-preservation in police, a theme that is reinforced strongly, they add, at all phases of police training and operations.

For lawyers, Ian Freckelton's contribution 'Legal regulation of the police culture of violence', replete with cases and references on civil actions against police, coroner's findings, the role of the ombudsman, whistleblowers and issues of evidentiary admissibility, is a *tour de force*. While being twice the length of most of the other contributions, I found it the most cogently argued and helpful. It even summarises some of the work of the key researchers in the field, including other contributors to this volume! He reiterates the theme that it is in the structure of policing that one finds both the etiology of police violence and the clues for its demise.

Jude McCulloch's chapter concentrates on the force associated with tactical response groups and challenges head-on the idea that greater use of military precision and hierarchies would limit violence and enhance restraint. She argues that

Arguments which ... link police violence to lack of discipline and/or supervision fail to confront the purpose of military discipline and command structure. [They] are not designed to facilitate restraint in the use of force: [they] are designed to overcome inhibitions to killing (p192).

Seumas Miller's highly readable ethical overview makes a fine contribution to the work. I think he overstates the legal issues, however, in asserting that legal liability would flow from police failure to shoot to kill an offender when that offender then goes and harms another person (p 208, and 215). He notes that police have been held liable for not shooting at fleeing gunmen known to be terrorists (p 213). Neither assertion is referenced and should have been, for these outcomes are not legally axiomatic. In fact, in *Hill v Chief Constable of West Yorkshire* [1989] AC 53, especially at page 63, the judges of the English House of Lords specifically found that Chief Constable did not owe a duty of care to members of the public who might suffer injury through a careless failure on the part of his police officers to apprehend a dangerous criminal. To subject police discretionary decisions to a common law duty of care, said the court, was inappropriate. Indeed, Ian Freckelton's discussion of legal liability accurately paints a very pessimistic picture of any citizen's likelihood of legal success against officers for their positive acts of violence, let alone their omissions. Finally, the 'point, counter-point' style of theoretical and philosophical jousting from the last two chapters' authors, Andrew Alexandra and Tony Coady respectively, seemed a little out of kilter with the very criminological and legal focus of the rest of the book. For readers who are not philosophers, their philosophical exchange may not hold much interest.

There are three significant matters of content that I found missing in the volume. The first is some acknowledgement of a key point made recently by Jerome Skolnick concerning the code of silence. One of the main reasons, he asserts, for the code is the omnipresent fear of 'counter-snitch'.

If loyalty is one reason sustaining the silence code, and fear of retaliation a second, a third is that, even more than most workers, police usually know about the misconduct of other cops. Nobody wants to open a Pandora's box of snitching and counter-snitching. ... Police are caught between the imperatives of the Blue Wall of Silence and Police Department rules compelling a cop who knows of police misconduct to notify Internal Affairs investigators immediately. If the officer promptly reports, he's labeled a 'rat' or a 'cheese eater' by other cops. If he doesn't, he will later have a hard time explaining why he failed to report promptly. Given these pressures, police usually lapse into silence and talk about the misconduct of other cops only when pressured by Internal Affairs investigators or by threat of prosecution (Skolnick 2001:3).

That is, if X snitches on Y in relation to Z, there is every likelihood that Y will raise A, B and C in relation to X's past. That type of blackmail leads to nothing being said at all about anything. Skolnick's preferred model, in contrast, is to forestall the opening of the Pandora's box by ensuring the limited tenure of staff in specialised units and by instituting lateral entry of recruitment. These two strategies will have the effect of making less likely circumstances where someone will have something on everyone else.

The second is a missing citation or two in the various chapter references. While I can excuse all authors who contributed thoughts and views on police and firearms for overlooking my unpublished report to the Criminology Research Council (Sarre 1996a) or even its published summary (Sarre 1996b), I am very surprised that the seminal work upon which one would usually begin one's Australian analysis, Gordon Hawkins and Paul Ward's article 'Armed and Disarmed Police: Police Firearms Policy and Levels of Violence' (1970) rated no mention at all. Indeed, Richard Harding, Duncan Chappell and Bruce Swanton, if not others, who have been prolific writers in this field, are not referred to at all.

The third item is the absence of any view from a psychological perspective. Besides a footnote in Dr Chan's chapter referring to Wilson and Braithwaite, whose work is extensive in the area of police and citizen interactions (and the escalation of conflict), there appears nothing in the volume that picks up these threads. The work of Hamdorf et al (1998) and more generally the volume edited by Brewer and Wilson (1995), could have been explored and pursued. Nor was there any mention in the text of the field of psychological testing of police recruits. While this is not an exact science, the work of Hogg and Wilson (1995) should have been mentioned and discussed.

Finally, I liked the liberty granted by the book's editors to the authors to use the personal pronoun in fashioning their remarks. It added a nice reflective touch. On the downside there were far too many typographical and spelling errors (I read quickly but still counted 20) and some odd grammar ('mitigate' where 'militate' was intended, 'the police has...' and 'as a non-police person, it...') that should have been corrected by the editors or the publishers. I am also intrigued by the number of contributors who referred to events in 1995 and 1996 as 'recent'. Perhaps this aspect of police science moves very slowly, relatively speaking.

These matters aside, the book makes a fine contribution to the police science and criminological literature in Australia generally.

Rick Sarre

School of International Business, University of South Australia

List of Cases

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