Examining human rights and ethical practice in Australian policing: A New South Wales Case Study

Alan Beckley
LLB; LLM; MSc.
Student ID 17895604

SUPERVISORS
Dr. Michael Kennedy (WSU)
Dr. Irena Veljanova (WSU)
Dr. Philip Birch (Charles Sturt University)

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Statement of Authentication

‘The work presented in this thesis is, to the best of my knowledge and belief, original except as acknowledged in the text. I hereby declare that I have not submitted this material either in full or in part, for a degree at this or any other institution.’

Signed

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**Notation for Statistical Data and Quantitative Data**

The quantitative data is interpreted using the abbreviations in the table below (Hills, 2011:14).

<table>
<thead>
<tr>
<th>Abbreviation or symbol</th>
<th>Meaning</th>
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<tr>
<td>( N )</td>
<td>Total number of scores (participants) in a sample.</td>
</tr>
<tr>
<td>( n )</td>
<td>Number of scores in a subset of a sample.</td>
</tr>
<tr>
<td>( M )</td>
<td>Mean or ( \mu ) (population).</td>
</tr>
<tr>
<td>( SD )</td>
<td>Standard deviation or ( \sigma ).</td>
</tr>
<tr>
<td>( t )</td>
<td>A t-test compares the means of two groups to assess if they are statistically significant.</td>
</tr>
<tr>
<td>( df )</td>
<td>Degrees of freedom – the number of scores that are free to vary.</td>
</tr>
<tr>
<td>( p )</td>
<td>Probability value.</td>
</tr>
<tr>
<td>( d )</td>
<td>Difference between paired data.</td>
</tr>
<tr>
<td>( F )</td>
<td>The F-statistic is a ratio of two variables or how far the data are scattered from the mean. Used in Univariate Analysis of Variance, general linear model (ANOVA) tests.</td>
</tr>
<tr>
<td>( B )</td>
<td>The slope of the regression line.</td>
</tr>
<tr>
<td><strong>Range</strong></td>
<td>The range of scores available to respondents in the survey – usually scaled 1 to 5 using a ‘Likert’ scale.</td>
</tr>
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**Standard Error Mean**

In statistics, a sample mean deviates from the actual mean of a population; this deviation is the standard error.

**Standard Error of Difference**

Estimates the dispersal of mean differences to establish whether it could be attributed to chance.

**Statistical Significance**

Statistical significance is attained whenever the \( p \)-value of a test is less than the significance level defined for the study; in the case of this thesis, \( p < 0.05 \).

**Cohen's d**

A calculation that measures the quantitative effect of the strength of a phenomenon; a correlation between two variables. The Cohen's \( d \) calculations in this thesis are between the mean differences. An effect size of 0.2 is considered small, > 0.5 medium, above 0.8 large (Cohen, 1988).

**Crosstabs**

Cross-tabulation – a calculation in IBM SPSS software – depicting scores in tabular form.

**SPSS**

Statistical Package for Social Sciences – a software package owned by IBM for statistical analysis of quantitative research data.

**N-Vivo**

A qualitative data analysis computer software package owned by QSR International.
### Abbreviations / Acronyms

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<th>Abbreviation / Acronym</th>
<th>Full word / Title</th>
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<tr>
<td>AC</td>
<td>Assistant Commissioner</td>
</tr>
<tr>
<td>ACPO</td>
<td>Association of Chief Police Officers of England, Wales and Northern Ireland</td>
</tr>
<tr>
<td>ANZPAA</td>
<td>Australia New Zealand Policing Advisory Agency</td>
</tr>
<tr>
<td>CAN</td>
<td>Court appearance notice</td>
</tr>
<tr>
<td>CCC</td>
<td>Corruption and Crime Commission (Western Australia)</td>
</tr>
<tr>
<td>CHR</td>
<td>Commissioner for Human Rights (Council of Europe)</td>
</tr>
<tr>
<td>CJS</td>
<td>Criminal Justice Service</td>
</tr>
<tr>
<td>CMC</td>
<td>Crime and Misconduct Commission (Queensland)</td>
</tr>
<tr>
<td>DUI</td>
<td>Driving under the influence of alcohol or drugs</td>
</tr>
<tr>
<td>EFIMS</td>
<td>Exhibits forensics information and miscellaneous property system</td>
</tr>
<tr>
<td>FTO</td>
<td>Field Training Officer</td>
</tr>
<tr>
<td>IBAC</td>
<td>Independent Broad-based Anti-corruption Commission</td>
</tr>
<tr>
<td>LAC</td>
<td>Local Area Command</td>
</tr>
<tr>
<td>NSW</td>
<td>New South Wales</td>
</tr>
<tr>
<td>NSWPF</td>
<td>New South Wales Police Force</td>
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<td>NTP</td>
<td>Northern Territories Police</td>
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<tr>
<td>OPI</td>
<td>Office of Police Integrity (Victoria)</td>
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<tr>
<td>PIC</td>
<td>Police Integrity Commission</td>
</tr>
<tr>
<td>PSC</td>
<td>Professional Standards Command</td>
</tr>
<tr>
<td>SOP(s)</td>
<td>Standard operating procedures</td>
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<tr>
<td>SWAT</td>
<td>Special weapons and tactics</td>
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<tr>
<td>UN HCR</td>
<td>United Nations Commissioner for Human Rights</td>
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<tr>
<td>WAPOL</td>
<td>Western Australia Police</td>
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Abstract

‘To build a less harmful society’

The type and quality of policing in the community has a significant impact upon the everyday lives of numerous individuals, either as victims, offenders, or witnesses. This study examines human rights and ethical practices that are integral to the policing in New South Wales (NSW), the activities of which require constant scrutiny and review. Effective oversight of the police ensures that police retain legitimacy, accountability, and provide a high quality of service; that which is commensurate with the expectations of the citizens. A comprehensive literature review in this study describes the background, context and scope of the typology and integrity of the police in NSW.

The dominant discipline informing this research is criminology and the theoretical framework used is constitutive criminology. The research method employed was to circulate an anonymous on-line survey to serving police officers in NSW. The three sections of the survey were: scenarios of operational policing featuring ethics or human rights dilemmas; questions on the legitimacy of police, procedural and organisational justice along with police performance; and a human rights structured interview. A total of 221 policing practitioners participated in the survey. The survey data was analysed using mixed-method qualitative and quantitative techniques.

The results from the survey showed that ethical values and human rights in policing activities were recognised by participants; however this was offset by an ambivalent understanding of practitioner deviancy and misconduct. There were many examples in free-text optional comments that exemplified stereotypical dogma, and condoned summary justice actions of police officers depicted in high risk incidents. Evidence was identified that police misconduct might be covered up or not reported and potential ‘whistle-blowers’ would be ostracised by the workforce. These are the exact adverse symptoms identified by several previous major inquiries into police corruption in NSW.

Within the section of the survey relating to police legitimacy, procedural justice, and organisational justice, the participants revealed positive attitudes regarding work ethic and empathy towards organisational issues. However, this was countered by insular and negative attitudes towards practitioner ethics. The institutional culture of the police reflected a sound policing legitimacy, but with several negative leadership indicators including lack of fairness, favouritism and poor internal organisational communications. The section of the survey on police performance revealed inconsistency of knowledge and assumptions about effectiveness of the force when dealing with crime prevention and solving crime. Also, police officers had unrealistically high opinions on how well they worked with the community in dealing with problems and solving issues. This mismatch of perception extended to police officers’ opinions about the quality of service they offered to the public which lacked cultural sensitivity and inclusivity. The research findings also identified a lack of knowledge and understanding of police practitioners regarding international policing standards and human rights.

Recommendations compiled from the findings of the study justified a fundamental review of the vision, mission, and values of the NSWPFF, a change management programme identifying and retaining strengths of the organisation and addressing the areas for improvement, while introducing a constant review of the continuous improvement in the agency during implementation of this programme. Following the successful conclusion of the proposed development programme, the objective of a less harmful society would be achieved.

1 Lanier and Henry, 2010:362
Policing Credentials - Alan Beckley - Student I/D 17895604

As requested by the Examiners, this thesis will provide a detailed record of the student’s police service and subsequent international consultancy and teaching work in the police sector. In this part of the thesis, there is a brief biographical summary of my professional background at the beginning of the thesis followed by a more detailed curriculum vitae, including a capability statement, in Appendix 7.

Bio – Summary:

Alan’s knowledge and understanding in the areas of policing, human rights, police ethics, and police professional standards has been built up over decades and during his time as a serving police officer in the United Kingdom between the years 1971 and 2001. He has completed international work in the police sector for example:

- **India:** Program Director - between 14 February and 8 April 2011 Alan was the Program Director for the Indian Police Service Mid-Career Training Phase III Program for senior police officers in India. Subjects delivered personally: Police Leadership and Police Professional Standards
- **Switzerland** (international): Alan was commissioned by the Geneva Centre for Democratic Control of the Armed Forces (DCAF) to write a booklet for the Anti-Corruption Toolkit for Police Forces on 'Capacity Building'.
- **United Arab Emirates (UAE) and USA:** Emergency Management and GIS Command and Control Technology for Abu Dhabi Police working in conjunction with Lockheed Martin – police decision making and human rights.
- **Commonwealth of Australia:** working with the Australian Federal Police on their Police Development Project 2011 – 2012 – human rights and police ethics
- **New South Wales:** Working with New South Wales Police Force to train senior and executive police officers on decision making processes and emergency management.
- **Queensland:** Working with Queensland Police Service on their policies for Gifts and Benefits - police corruption prevention.
- **Victoria:** Working with the Office for Police Integrity on critical incident management and decision making – police integrity.

In 1971 Alan joined Surrey Constabulary and was subsequently promoted to Sergeant. In 1978, he transferred to West Mercia Constabulary in the rank of sergeant and was promoted to Inspector in 1980. In 1985 he gained a bachelor’s degree in Law (LLB) studying part-time at Wolverhampton University. He was seconded to National Police Training between 1985-7 and upon returning to West Mercia Constabulary, he was promoted to Chief Inspector. He was very fortunate in obtaining a place on the FBI National Academy 160th session as an international candidate at the Quantico training facility from which he graduated in March 1990. In 1994, he completed research on behalf of the Police Research Group (UK Home Office) on the role of police officers managing major and critical incidents and professional standards relating to those situations, which was subsequently published as a book. Alan’s work was recognized by an award\(^2\) from the then UK Secretary of State for the Home Department, Mr. Kenneth Clarke. Alan has been a published author over many years, having written several books, book chapters, and many articles on the subjects of policing and legal issues. His first book, Operational Policing: Liabilities & Entitlements (1997) dealt (among many other things) with Human Rights and Police Professional Standards. He put his previous studies to good use when he was awarded a master’s degree in Law (LLM) from Wolverhampton University in 1997. Alan then went on to study police ethics at the University of Teesside and, in September 1999,

\(^2\) Police Research Award Scheme: Innovation Award 1993
was awarded the (post-graduate) Certificate in Professional Policing having followed an approved programme of study in Ethics.

During his police service, Alan’s police experience and legal knowledge was utilized during the introduction of the *Human Rights Act [1998]* in England and Wales when he worked on a national working group (the Association of Chief Police Officers of England, Wales and Northern Ireland [ACPO] Working Group on Human Rights) and with ten separate police forces to implement the important changes in the law and to police policies, practices, and procedures. The work of the ACPO Working Group led ‘Liberty’, the leading civil liberties organization in the UK, to comment that the police service was the best-prepared organization in the UK in its responses to the new rights-based law. Alan wrote several books in 2000 and 2001 on Policing, Ethics, and human Rights both as a sole author and in partnership with other authors.

Subsequently, between the years of 2000 to 2008, Alan worked in 15 different countries around the world, where police professional standards and police ethics were in question, on behalf of the UK Government and European NGO official bodies. The projects focused on Human Rights, Police Ethics, and Police Professional Practices and introducing democratic policing systems into post-conflict and ex-Warsaw pact countries prior to their accession to the European Union or changing their political systems towards democracy. This work took the form of training senior police officers in these important areas, inspecting police policies, practices, and procedures and advising on enhancements to pre-existing systems. Also, Alan completed several projects where he contributed to writing the Law on Police in post-conflict countries in the Former Republic of Yugoslavia (FRY). In 2003 Alan was awarded a second master’s degree through University College, Worcester which was a Master of Science (MSc) in Educational Management and Leadership.

Following his retirement after 30 years in the UK police service, during the years 2001 to 2009, Alan worked as a part-time private management consultant and part-time University Lecturer for several universities. The subjects he taught at the universities dealt with policing professional standards, comparative policing studies, police ethics, comparative legal studies, corporate governance in the private sector and management and leadership principles in the public sector. In 2010, Alan was commissioned by the Geneva Centre for Democratic Control of the Armed Forces (DCAF) to write a booklet for the Anti-Corruption Toolkit for Police Forces on ‘Capacity Building’; it was published in 2012.

In 2009 Charles Sturt University, Australia were seeking senior staff with specific specialist knowledge and understanding in policing topics. The recruitment campaign was broadcast in England as there was a difficulty in recruiting suitable staff in Australia for these positions; Alan was recruited following a successful interview and commenced work in July 2010. Alan was specifically recruited for his knowledge and understanding in the areas of Police Ethics, Policing and Society and operational policing, leadership and management. He has subsequently taught in all these areas while employed by Charles Sturt University, both in Australia and in Indonesia and India.

Alan was appointed to the *Australian Research Council Centre of Excellence for Policing and Security* (CEPS) and completed various work with that organisation including helping to organize an international policing conference on human rights in Canberra in 2013. In 2011 Alan was enrolled at Charles Sturt University to complete a Doctor of Philosophy (PhD) the title of which was: Human Rights and Ethics in Policing.

In 2013, Alan changed his employer to Western Sydney University where he carried out various roles in the Office of Widening Participation, which was a non-academic position. He was appointed as an adjunct research fellow of the School of Social Sciences and Psychology, also participated in several policing/criminology conferences along with education conferences. He transferred study of his PhD to Western Sydney University. Prior to retirement in 2016, he was teaching, by distance learning, a year three, under-graduate module: Unit 102369 Governance in Policing. He also contributed to teaching courses organized by Western Sydney University for police officers in the Maldives.
List of Publications and Presentations arising from Thesis

Book Chapters


Journal Articles

Beckley, A. (2013). Intelligence: A risk too far or ‘dignity and justice for all of us’? *Salus Journal*, Issue 1, Number 2, 52-72.


**Electronic publications**


**Conference Presentations**


Chapter 1: Introduction

1.1 Format of chapter 1 and Introduction

In theory, liberal democracies have the capacity to give the public some confidence and trust in police practitioners with the expectation that practitioners will do their best to engage with the rule of law. However, whether from an orthodox or revisionist perspective, history informs us that policing practice is problematic from both a structural and individual agency viewpoint. Battersby and Bailin (2011) explain that it is essential to identify the contemporary emphasis placed on human rights and ethical practice when judging police integrity standards. The context of this thesis is the current position of human rights and ethical practice in the New South Wales Police Force (NSWPF). This chapter will be contextualised under the headings of: understanding human rights and ethics in the context of policing; field of study; type of study; research objectives and method; contents of the thesis; conclusion.

1.2 Understanding human rights and ethics in the context of policing

In liberal democracies citizens appear to be intrigued by the work of police practitioners. There is an endless source of information from mainstream and on-line media. However research into the veracity of mass media and entertainment industry information indicates that it is unreliable and inaccurate in terms of public information, both in supporting and challenging policing practice. Regardless of the research, many aspects of policing are ambiguous, with numerous areas of discretion that are fluid and elastic and fail to fit into policy and legislative guidelines. The public have high expectations that police practitioners will treat service users in a fair and just way. This work attempts to drill deeply into these public expectations by examining the attitude of police practitioners in NSW towards human rights, and ethical standards.

In order to define human rights, this thesis has adopted the United Nations Universal Declaration of Human Rights (UN, 1948). Policing practice is interpreted through the practitioners’ awareness, knowledge, and compliance with human rights, ethical conventions and policy. Beckley, (2000b:19) explains that the most relevant human rights
aspects regarding policing practice are: right to life; prohibition of torture; prohibition of slavery; right to liberty and security; right to a fair trial; no punishment without law; respect for private and family life; freedom of thought, conscience, religion; freedom of expression; freedom of assembly; freedom to marry; prohibition of discrimination. The duty of a police officer, as defined in the oath of office they swear upon appointment, is to protect citizens’ lives from harm and injury, their security and safety, freedom from arbitrary arrest and unlawful prosecution, and maintain their rights of privacy in their home. Police officers should also ensure that citizens can peacefully travel in public places in NSW, feel free to articulate their lawful opinions, freely meet with like-minded people and not suffer any discrimination. The maintenance of citizens’ freedom is linked to high integrity and ethical practice in operational policing.

In turn, ethical policing practice is linked to agency and structural values, which have a human rights foundation. Ethical dilemmas arising from a teleological philosophy of utility are examined through a human rights and ‘police discretion’ framework. Beckley, (2012: 271-272) explains that policing practice contains ethical dilemmas and conflicts of interest that practitioners are expected to resolve on a daily basis. Klockars (1978) explains this requires high levels of integrity and ethical standards within a ‘dirty hands’ vocation. Ethics are seen to be universal, and within policing institutions are policy standards of professional practice which are discussed in detail in chapter 2. Prenzler et al., (2012) explain that members of the public have high expectations of good behaviour by police practitioners. Whilst this may occur in most instances, Patty, (2012) and Peatling, (2012) explain that narratives of personal and organisational failings are continually exposed in the media. The standing and support of the police by the public is directly linked to the accountability and legitimacy of the police.

The legitimacy of police and accountability of police institutions has been discussed by many researchers. Australian policing can be characterised as ‘macho’ (Paoline, 2003), however this definition is the opposite of the caring, supportive organisation that is the optimum model to which police agencies aspire and which the public expect (NSWPF, 2009). Police culture has a continuum from loyalty, esprit de corps, a team spirit, while at the other extreme a ‘closed shop’ of impenetrable, mal-intentioned camaraderie that repels inquiry into wrong-doing, promotes ‘cover-ups’ and endorses unethical behaviour (Ingram, Paoline
and Terrill, 2009). Reiner (2000) explains that it is essential to regularly monitor and evaluate the accountability of police organisations, particularly in relation to corruption and misconduct (Prenzler, 2009b:26). Through the research and theoretical framework, this work has investigated the legitimacy and accountability of the NSWPF and documented the contemporary landscape of the moral and ethical wellbeing of NSW.

1.3 Field of study – policing practice in NSW

The importance and emphasis placed on human rights and ethical practice by practitioners in NSWPF is examined in the literature review. The purpose of the review was to examine how policing practice in NSW has evolved. The study of policing, ethics and human rights remains a very contentious research issue (Bowling and Sheptycki, 2012:9). Policing institutions are diverse and not monolithic. However policing practice impacts upon the fundamental rights and freedoms of the policed and significant others. There is a substantial scholarly and public interest in policing practice and its impact upon universal human rights and civil liberties. Research into democratic policing institutions has identified a need for human rights capacity building within international standards (Bayley, 2006:12; Beckley, 2012:254; Henry, 2017). This includes compliance with the rule of law and best practice to propagate the ideal and optimum policing model (Neyroud and Beckley, 2001:4). However, the dominance of cultural studies has created a gap in the research in relation to policing in the State of NSW. This thesis considers the findings of various Royal Commissions into policing in NSW; the findings from this study will add to this contemporary body of knowledge. Constant scrutiny of policing practice is essential to reassure the policed that human rights and ethical practices will ensure a secure existence, which can be free from the intrusions of criminal activity. Through the research questions, this study will examine policing practice in NSW.

1.4 Research Objectives and Method

The principle question of this research project is: ‘What is the current position of human rights and ethical practice in policing? New South Wales Case Study’ (Human Research Ethics Committee reference: H10742). The main question of this thesis is supported by four supplementary research questions:

(i) To what extent do police officers have an awareness of human rights from their training and knowledge and how do they use the knowledge?
(ii) How do police officers support the principles of human rights in their work?
(iii) Are there elements of human rights in the operational practices of police officers and how do they manifest themselves?
(iv) To what extent do police officers appreciate how important human rights are during operational policing incidents from their own perspective and from the perspective of members of the public?

The research method was primarily to examine mixed-method evidence produced from online surveys with police practitioners, based in NSW. Theoretically, this thesis will draw upon the concept of Constitutive Criminology (Henry and Milovanovic, 1996) which is well suited to conducting an inquiry into policing practice and human rights. This research aimed to arrive at findings and conclusions which will be important for policing institutions Australia-wide for the purpose of evaluating their progress with regards to ethical and human rights policing practice (Beckley, 2012:258). Issues and aspects of this work have been disseminated at conferences and in various publications such as peer-reviewed journals and book chapters.

1.5 Contents of the Thesis

This chapter details the scope and purpose of the study, including a brief overview of each chapter. The literature review (chapter 2) is split into nine sections that describe the diversity of policing practice and institutions, specifically in NSW. The historical context illustrates where this topic is located in the overall environment of society. Because the subject is essential to the well-being, security, and tranquillity of the community, it is of paramount importance. The literature search and review has identified and documented the limited amount of literature on human rights and policing practice.

Chapter 3 describes the theoretical framework adopted for the study which is Constitutive Criminology (Henry and Milovanovic, 1996); this theory is well suited to conducting an inquiry into policing practice and human rights. Theory must have a conscience and cannot be dominated by literature, but must be evaluated by the practice into which it inquires. This claim reinforces the hypothesis of the researcher; ‘to build a less harmful society’ (Lanier and Henry, 2010:362). The overall purpose of human rights is to bolster international peace and prevent conflict in order to ensure that human beings are not unjustly denied life,
freedom, food, shelter, and nationality. This is intended to secure a civilised society where there is potential for people to exist in security and harmony. The theory of Constitutive Criminology also works towards a harmonious society and it is therefore an appropriate theory to apply to the research question.

Chapter 4 outlines the research method which is an analysis of mixed qualitative and quantitative research data obtained from an on-line survey. The survey participants were police practitioners in NSW. The survey questions were in three sections: thirteen scenarios of human rights and police ethics incidents that participants rated; police legitimacy, procedural justice, organisational justice and police performance questions, and; a human rights-based, structured on-line interview. The survey instrument obtained data relating to the knowledge, understanding, skills, attitudes, and behaviour of police practitioners relating to human rights and ethical policing practice and policy (Lewin, 1935).

Chapters 5 to 8 contain the results from the on-line survey. Chapter 5 is an investigation of police integrity in NSWPFF from an analysis of quantitative data from the first section of the survey; the 13 operational policing scenarios. Chapter 6 is an investigation into police legitimacy based on quantitative and qualitative data drawn from the first section of the survey and the second section which examines data on respect, trust, confidence, and pride in the police along with police ethics and integrity. Chapter 7 is an investigation into aspects of police performance, procedural justice and organisational justice. The final results chapter, 8, investigates policing and human rights by analysing data from the third section of the survey, the structured on-line interview, along with respondents’ comments on policing and human rights from other sections of the survey.

Chapter 9 contains a summary of key points of the survey data and includes discourse about the issues raised from the data. This chapter compares this study and its data with several others completed between 1995 and 2013. It provides a discussion about important points learned from the research which are of extreme interest to the effective and efficient management of policing in NSW. Many aspects of and attitudes toward human rights, ethics, police agency, and organisational culture are elicited from respondents who provided evidence for this study. The thesis concludes with chapter 10 which presents conclusions about human rights and ethical policing practice in NSW. Recommendations for
best policing practice and evidence-based policy are presented in this chapter based on the conclusions from findings.

1.6 Conclusion of chapter 1
Chapter 1 has introduced this thesis, explaining the importance of the context of human rights and ethical practice in policing. The subject was developed by stating the field of study; that of policing practice in NSW. This was followed by a description of the research objectives and method which is to analyse mixed-method quantitative and qualitative data supported by the theoretical framework of constitutive criminology. This chapter then briefly listed the contents of each of the subsequent chapters; chapter 2 begins the analysis and synthesis of the subject matter of the current position of human rights and ethical practice in policing in NSW by engaging in a detailed review of relevant literature, entitled human rights in the context of policing.
Chapter 2: Human Rights in the Context of Policing

2.1 Format of chapter 2 and Introduction
The subject of human rights in this context analyses the operational activities of police officers in their roles and focuses on police integrity and accountability. The chapter refers to and cites many sources relevant to this theme that have been identified and reviewed over the years of the study between 2011 and the present day. The sources explain the significance of human rights in the context of policing, specifically relating to NSW, Australia. The chapter will comprise nine sections: Following the introduction, it will explain the background, history, and context of public policing; the theories and principles of police legitimacy; governance of police; followed by detail on human rights and police ethics and their links to operational policing. The issues relating to police culture and police organisational culture will be analysed and finally, some routes towards enhancing police integrity and accountability will be explored; all summarised in the conclusion. This chapter sets the general scene in relation to the profession of policing, describing the background to the area of study and explaining how police organisations endeavour to complete their important work in the community in liberal democracies such as Australia.

2.2 Background, history, and context of public policing
This section of the chapter explains the history of the public police, its fundamental purpose and the basis of democratic policing systems which prevail in many countries including Australia. The analysis will then focus on the history of policing, ethics, and human rights in NSW.

2.2.1 Fundamental purpose of policing
This study will be examining the activities of the public police which are defined by Jones and Newburn (1998:18-19) as:

‘... those organised forms of order maintenance, peacekeeping, rule of law enforcement, crime investigation and prevention and other forms of investigation and associated information-brokering – which may involve a conscious exercise of coercive power – undertaken by individuals or organizations, where such activities
are viewed by them and/or others as a central or key defining part of their purpose’ (Jones and Newburn, 1998:18-19).

Restrictions of limiting the study to the Jones and Newburn definition above should be noted. Policing and security services are provided by a so-called ‘police family’ that includes a variety of organisations both in the public and private sectors (Broadhurst and Davies, 2009:9). The definition implies, but does not specifically mention the partnership working, the ‘mixed economy’ of sworn and unsworn police staff in the police workforce, the extended ‘police family’, and the outsourcing of police functions. Policing in the current era could not operate without multi-agency and partnership working (Neyroud and Beckley, 2001:36) which have significant impact on the level of accountability, expected and provided, within the field of policing more broadly. For example, many policing activities such as prisoner escort or custody services, or the responsibility for other public services, are contracted out and crowd control services at sporting events are ‘user-pays’ and mainly provided by private companies.

The original concept of public policing, attributed to Sir Robert Peel (Bronitt and Stenning, 2011), was set out in the instructions to the London Metropolitan Police in 1829 which contained nine principles, the main purpose being the prevention of crime. Similar to this, the current mission of the NSWPF is to protect the community and property by: preventing, detecting, and investigating crime; monitoring and promoting road safety; maintaining social order; and performing and coordinating emergency and rescue operations (NSWPF, 2013). The functions also relate back to Sir Robert Peel in England who, in addition, proposed that the police could not operate effectively in democratic societies without the support of the public, as outlined in the principles of policing (Bronitt and Stenning, 2011). This is a very important aspect of public policing which will feature throughout this study.

According to Broadhurst and Davies (2009:33) there were three ‘eras’ of policing over the last 35 years: the ‘political’ era of the 1970s; the ‘reform’ era of the 1980s; and the ‘community’ era of the 1990s where the functions of the police became increasingly more complex and onerous. An era of ‘uncertainty’ began in the 21st Century when issues of globalisation, international terrorism and cross-border crime were the drivers for the invention of new models of policing. Bayley (2016:2) suggests that from the simple mandate
for the police to deal with ordinary crime, the list of commitments has increased due to: terrorism; illegal immigration including sex trafficking; crime among new immigrants; cybercrime; pornography; and narcotics. The subjects in this list have enormous impacts on the complexity of operational policing and the levels of commitment and responsibility of the public police.

2.2.2: Democratic policing systems

One thing common in liberal democratic political systems (such as Australia) is that of a model of public policing that purports to recognise and respect the rights of individual citizens (Bayley, 2006:19). Bayley states that the definition of democratic policing can be characterised by four institutional reforms:

1. ‘Police must be accountable to law rather than to Government.
2. Police must protect human rights, especially those rights that are required for the sort of political activity that is the hallmark of democracy.
3. Police must be accountable to people outside their organisation who are specifically designated and empowered to regulate their police activity.
4. Police must give top operational priority to servicing the needs of individual citizens and private groups’ (Bayley, 2006:19).

Prenzler has stated that democratic policing ‘is considered the most legitimate form of policing’ (Prenzler, 2016:52) and it has been developed and defined by capacity building organisations in Europe (Beckley, 2016b). It was used as a criterion when ‘accession countries’ applied to join the European Union (EU) in the last decade (Hall and Bhatt, 1999); for acceptance into the EU the countries needed to establish that they had, or were moving towards, democratic policing systems (Beckley, 2016b). The Organization for Security and Cooperation in Europe (OSCE) lists the ‘key principles of democratic policing’ to be: ‘(i) Objectives of democratic policing; (ii) upholding the rule of law; (iii) police ethics and human rights; (iv) police accountability and transparency; (v) police organization and management issues’ (OSCE, 2008:9-10).

This situation in democratic countries can be contrasted to those in totalitarian political systems (for example in Russia) whereby the main purpose of policing is to protect the continuation of the state machinery, rather than the rights of individual members of the
population. A simple explanation of the policing models is that the aims and objectives of them are diametrically opposed; that is, the aim of the totalitarian model is that of protection of the state, whereas the aim of the democratic model is the protection of the rights of the citizen (Beckley, 2014b). This explanation is overly simplistic in that there are degrees of compliance with the extreme models described and researchers are able to record variations on these themes (Ivkovic and Haberfeld, 2015).

It has long been accepted that one constituent of democratic policing systems in Western developed countries is the rule of law (Bayley, 2006:19; OSCE, 2008:6); the other being human rights (Bayley, 2014; Kalajdziev, 2002:9). Not only are the attributes of the rule of law and human rights ‘essential constituents’ of democratic policing, but according to Bayley (2002), when police depart from these principles it works against them. The rule of law is a fundamental principle in democratic societies; that no person is above the law. Use of the term can be traced back to Aristotle, but it was made popular in the 19th Century by lawyer A.V. Dicey (1889). Dicey explained that there were three fundamental characteristics of the rule of law: The law applies to equally to everyone in society; no-one is above the law; no punishment without law – that is if a person commits a crime which is punishable by law then the punishment must only be determined by a lawfully constituted court. Thomas (2000) went further to say that the courts should be independent and not suffer interference or control from politics when making decisions (Thomas, 2000:94).

To operate effectively this means that the police must be ‘accountable to law rather than to government’ (Bayley, 2006:19); that is, the police should be operationally independent and not directly answerable to politicians, but should be accountable to the public they serve. Findlay provides another perspective on the role of operational independence in the practice of policing, in that he believes the police will accede to government policies when they can see the need for them, otherwise they might resist policies (Findlay, 2004:28). This statement oversimplifies a rather complex interplay between the practice of policing and the values that underpin that practice. Having examined the history and role of policing in general and the concept of democratic policing, the focus will now turn to the situation in NSW.
2.2.3: History of policing, ethics, and human rights in NSW

The land of Australia was claimed formally by Great Britain in 1770 and was colonised in 1788 in the same year as the first recorded police officer was appointed to the post of constable by Governor Arthur Phillip. The next year a night watch and row boat guard were appointed from the ‘best behaved’ convicts (NSWPF, 2013). Palmer (2012:409) noted that the Sydney Police Act 1833 was a ‘key pivotal moment in the development of Australian police’, but the legislation was an amalgam to initiate the policing organisation plus the establishment of offences, penalties, administrative and judicial functions. Later, various forms of policing in Sydney were combined into the NSW colonial police force in 1862.

Australia inherited its style of policing from Great Britain, and the model introduced in NSW has been described as a ‘colonial’ model based on that found in 19th Century Ireland. Emsley (2012) describes the ‘English’ model and the ‘Irish’ (Eire, Republic of Ireland) model as two distinct brands of policing style. The constituent factors of the Irish model are centralised ‘command and control’ management with a paramilitary style that is isolated from the community housed in military-style barracks, because of Australia’s roots in a convict population. According to Jeffries (1952) colonial policing goes through three stages: securing by force; suppressing violence and disorder by means of a paramilitary policing style; and having ensured stable internal security, a civilian style of policing can be introduced. Australia has been through the colonial policing cycle described by Jeffries.

Writers have identified three styles of policing in 19th Century Europe: state civilian; state military; and municipal (Emsley, 1999). The state civilian police reported directly to a central government minister such as the Home Secretary (example, the London Metropolitan Police Service), and were mainly based in cities, whereas the state military answered to the Minister for War and were quasi-military, being armed and equipped like the military and housed in barracks in more rural areas (example: French Gendarmerie). Conversely, the municipal police reported to and were funded by local government and were accountable directly to their communities (example, 42 local police forces in England and Wales). In subsequent times, a fourth model, the ‘federal’ police model might be added, exemplified by the Federal Bureau of Investigation (FBI) in the USA or the Australian Federal Police (AFP). According to Emsley (2011:4) the style imported to Australia was predominantly from
the Royal Irish Constabulary which was a state military style. Although described as ‘semi-military’ by Palmer (2012:409) it was certainly ‘centrally organised, semi-autonomous … with no formal connection to local political structures’ (Palmer, 2003:190). It appears that policing in Australia has not developed significantly from this style of policing (Finanne, 1994:7).

Community or Neighbourhood Policing (Newburn, 2003: 723) is one of the most widely recognised types of policing in democratic countries, which is attributed to fostering the ‘policing by consent’ model (Loader, 2014). In 1986 an appraisal was carried out by international policing experts as to whether community policing existed in Australia (Bayley, 1986). The author listed four ‘recurrent elements’ in community policing:

(i) Community-based crime prevention;
(ii) Patrol deployment for non-emergency interaction with the public;
(iii) Active solicitation of requests for service not involving criminal matters;
(iv) Creation of mechanisms for grassroots feedback from the community’ (Bayley, 1986:3).

Bayley thought that community policing might be further developed in Australia, but there is little anecdotal evidence that it has been. Indeed, Christine Nixon, a former assistant commissioner in the NSWPF and subsequent Chief Commissioner of Victoria Police, noted in 1996 that community based policing, introduced by NSWPF Commissioner John Avery, became ‘too readily part of the rhetoric, rather than the common practice, of policing’ (Nixon and Reynolds, 1996:42). It also appears that the police forces in Australia have resisted further democratisation of the policing style and possible moves towards community-oriented styles (Findlay, 2004:171). However, NSWPF do purport to work with the community through some community policing centres (www.police.nsw.gov.au), therefore, this is an important aspect of the provision of policing services in NSW.

Another variety of community policing is a model of policing called ‘problem-oriented policing’ which was devised by Herman Goldstein based at the University of Wisconsin. It is defined as:

‘Problem-oriented policing includes the full range of crime and non-crime issues that fall to the police. It adopts a critical, analytical and evidence-based approach to the
classification of specific problems, to the identification of conditions producing and reproducing those problems, and to the selection of whichever ethical responses might be put in place by the police or other parties to remove, reduce or ameliorate them’ (Newburn and Neyroud, 2008:225).

Problem-oriented policing is where the police join together with many other appropriate agencies both in the private and public sectors to address problems identified in the community. This approach is apparent in some areas of NSWPF.

Enlightenment about the benefits of partnership working between the police and other agencies (mainly public sector) to prevent crime did not occur until the late 20th Century (Byrne and Pease, 2003:293; Edwards, 2011:346; Newburn and Neyroud, 2008:148). Although there do not appear to have been further audits or empirical studies specifically into the style or typology of policing in Australia (other than the Royal Commissions into policing described later in this chapter), it appears to the author that there is a particular style of community policing in regional and rural areas, but it is not the predominant style in city areas which is less community based.

Community policing initiatives are effective in providing a police service appropriate to community needs by working closely and consulting with the community; also, such initiatives can potentially provide intelligence at a local level (Dunn et al., 2015; Home Office, 2009). In addition, where counter-terrorism measures are introduced, heavy-handed or unjustified police or security service actions may lead to loss of support from the general public if incursions into privacy (Beckley, 2013d) or freedom are not perceived as proportionate to the threat (Ewart, 2009). Governments purporting to be liberal democracies which respect human rights should always fight for equal opportunities, lack of discrimination and social justice (Aitchison and Blaustein, 2013:498). If ethnic, cultural or religious minorities perceive government discrimination through programs or reduced services; this can ignite anger among young people contributing to radicalization (Dunn et al., 2015:4). In view of the many benefits listed in the discussion above, it can be concluded that community policing is an ideal model of policing for democratic policing systems.
This foregoing section examined the background, history and context of public policing; it is important to absorb this information as it is the foundation upon which to build understanding about the organisation of the police force and what it stands for as this study goes on to evaluate the typology and quality of policing in NSW. The standing of the police organisation within the wider community is the next subject of discussion.

2.2.4 **Explanation of the Australian model of policing**.

Originally, the author was intending to broaden the research to include other police forces in Australia and other countries, although the confirmation of candidature (COC) panel which sat on 2 December 2012 specifically stated that research should focus on the state of New South Wales only and the study should limit itself to this location. In fact, one of the stipulations of the CoC panel was that the title of the research thesis would be changed to reflect that it is a case study of New South Wales Police Force. This section has been included in response to queries by the Examiners as to the value of the thesis to other police forces in Australia. The Examiners, being situated in the USA and France, were not aware of the detailed similarities and differences between the state police forces of Australia. However, the contents of this section 2.2.4 and chapter 10, section 10.2, will make it clear to the reader that there are valuable points in the findings that can be shared with other police forces in Australia and, indeed, internationally.

**Australian model of policing**

The Australian model of policing is a relatively simple, centralised, model compared with provision of policing services in other countries such as the United Kingdom and United States of America, with whom several comparisons will be made (Finnane, 1994:7). Australia is geographically divided into six States: New South Wales, Victoria, Queensland, Western Australia, South Australia and Tasmania; and two Territories: Northern Territory and Australian Capital Territory (ACT) (see Figure 2.2.4:1).
The history of democratic policing systems was discussed in the thesis in this chapter, section 2.2, and section 2.2.3 described the history of policing in New South Wales, the oldest police service in Australia, which commenced in 1789. As described in detail earlier in this chapter, Australia has a ‘colonial’ style democratic policing system that was inherited from policing in Great Britain (Findlay, 2004; Wilson, 2009), and this section will not include further detail of the Australian style of policing, but will outline the functions and statistics, comparing them with relevant international data.

There is a police force in each of the States and Territories which operates in a manner that can only be described as acting in a way with normal police force functions that exist in all liberal democracies. That is simply, dealing with crimes, road traffic incidents, public order, terrorism and community issues within its borders. It is important to note that the policing of each State and Territory is autonomous and there is a separate ‘Westminster’ system of government containing the separation of powers into the legislature, the executive, and the judiciary, each with its relevant government ministries, offices, and functions within each geographic area. This thesis has described the policing organisation in the state of New South Wales, as it was used as a case study, but policing in the other states and territories of Australia have similar properties and similar functions; therefore, lessons learned from this thesis can be readily useful to police forces across Australia.

Figure 2.2.4: Simple map of Australia, showing States, Territories and Capital Cities
Australian Federal Police (AFP)

In addition to the police forces in States and Territories, there is the Australian Federal Police which has a separate, international, function to the state forces; and it also provides the community policing in the Territory of the Australian Capital Territory (Canberra), the contract for which is renewable periodically under the provisions of the Australian Federal Police Act 1979 (ACT Government, 2017). In fact, the Australian Federal Police were formed by that Act following a report in 1978 by Sir Robert Mark, formerly Commissioner of the Metropolitan Police Service, London (Mark, 1978). Part II, Section 8 of the Act confers the functions of the Australian Federal Police (AFP) which are not in a supervisory capacity to State and Territory police forces, they are additional to other policing functions and are to enforce the Federal laws of the Commonwealth and act in an external capacity to the ‘safeguarding of commonwealth interests’. Also, the AFP investigate State offences that have a federal aspect, wherein the AFP mostly work in partnership with State police forces.

The AFP have a big role in dealing with terrorism and intelligence related to terrorism; they have functions in relation to the Witness Protection Act 1994 and Proceeds of Crime Act 2002. One of the major roles of the AFP is the provision of police services and police support services in relation to establishing, developing and monitoring peace, stability and security in foreign countries and it claims to be ‘a truly global policing agency committed to staying one step ahead in a rapidly evolving criminal environment’ (AFP, u.d.). According to its own documentation, the AFP does truly have a ‘global footprint’ to deal with ‘transnational serious and organized crime’, counter-terrorism and terrorism (AFP, 2017). In addition to its international functions and the policing of the ACT, the AFP has Operations Monitoring Centres in the Capital cities of all states and territories in Australia through which it accepts referrals and manages working arrangements with state police forces. The AFP also provides protective services for federal buildings, airports, and foreign embassies, and personal protection service for personnel and diplomats in ACT and around Australia.

In Australia, state police can enforce federal, state, and local laws but the AFP cannot enforce state or local laws. Like the FBI in the USA, police officers are titled ‘Agents’, but higher ranks are similar to state police with ranks such as ‘Commander’ and ‘Commissioner’. However, the roles and responsibilities of the AFP are dissimilar to the FBI in the scope of
their functions and their police powers. Also, much of their work is delivered dressed in uniform. The AFP has access to all policing facilities such as computer forensics and forensic services and offers a range of policing support and assistance to other forces and government departments; it is wholly funded by the Australian federal government (See Table 2.2.4:2).

**Functions and purposes of state and territory police forces in Australia.**

The functions and purpose of the state and territory police forces were defined in Chapter 2, section 2.1:

‘... those organised forms of order maintenance, peacekeeping, rule of law enforcement, crime investigation and prevention and other forms of investigation and associated information-brokering – which may involve a conscious exercise of coercive power – undertaken by individuals or organizations, where such activities are viewed by them and/or others as a central or key defining part of their purpose’ (Jones and Newburn, 1998:18-19)

They are responsible for enforcing the criminal laws that exist separately and independently in each of the states and territories. In each state and territory, the mission and functions of the police service will slightly differ but will be similar to that in New South Wales, under the provisions of the *Police Act 1990 [NSW]*, Section 6. The mission of the New South Wales Police Force (NSWPF) is to work with the community to reduce violence, crime and fear. The NSWPF has the functions of providing police services for NSW and to exercise any other function conferred under the Police Act or any other NSW Act. ‘Police Services’ are defined as services by way of prevention and detection of crime; the protection of persons from injury or death, and property from damage, whether arising from criminal acts or in any other way; the provision of essential services in emergencies, and any other service prescribed by the regulations. Police services are mainly carried out in uniform, except for police officers in the Criminal Investigation Department and other covert roles. Ranks in the state and territory police forces of Australia are similar to those in many Western countries; Constable, Sergeant, Inspector, Superintendent, Commissioner with some intermediary ranks. In Victoria Police there is a Chief Commissioner heading the organization.
Comparisons of the State and Territory Police Forces of Australia.

Table 2.2.4:1 compares the police forces of Australia (Figures based on the year 2017) in terms of their geographical size, the population they cover, the number of sworn police officers, and as a number per head of population. Also shown is the number of protective service operatives and non-police staff. The number of reforms of the police organization is listed along with the number of Royal Commissions into policing between 1963 to 2013.

Table 2.2.4:1.

**Police Numbers and Statistics - 2017**

<table>
<thead>
<tr>
<th>State / Territory</th>
<th>Area Covered</th>
<th>Population (2017)</th>
<th>No of Sworn Officers</th>
<th>Per 100,000 population</th>
<th>Protective Service Staff</th>
<th>Non-Police staff</th>
<th>No of reforms (Davis and Thorne, 2009:52-54)</th>
<th>No of RCs 1963-2013 (Beckley, 2013)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Cwlth</td>
<td>n/a</td>
<td>n/a</td>
<td>3,383</td>
<td>n/a</td>
<td>716</td>
<td>2,441</td>
<td>17</td>
<td>1</td>
</tr>
<tr>
<td>States and Territories</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NSW</td>
<td>800,628</td>
<td>7,700,000</td>
<td>16,649</td>
<td>462</td>
<td>4,018</td>
<td>9</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>Vic</td>
<td>227,010</td>
<td>6,150,000</td>
<td>13,681</td>
<td>450</td>
<td>4,759</td>
<td>3</td>
<td>9</td>
<td></td>
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<tr>
<td>Qld</td>
<td>1,734,266</td>
<td>4,900,000</td>
<td>11,969</td>
<td>409</td>
<td>3,599</td>
<td>7</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>WA</td>
<td>2,532,424</td>
<td>2,640,000</td>
<td>6,793</td>
<td>389</td>
<td>2,180</td>
<td>1</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>SA</td>
<td>986,324</td>
<td>1,710,000</td>
<td>4,816</td>
<td>355</td>
<td>1,056</td>
<td>2</td>
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<tr>
<td>Tas</td>
<td>66,822</td>
<td>519,166</td>
<td>1,272</td>
<td>408</td>
<td>486</td>
<td>3</td>
<td>2</td>
<td></td>
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<tr>
<td>NT</td>
<td>1,335,742</td>
<td>244,500</td>
<td>1,403</td>
<td>174</td>
<td>n/a</td>
<td>0</td>
<td>1</td>
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<td>ACT</td>
<td>2,358</td>
<td>401,737</td>
<td>681</td>
<td>590</td>
<td>200</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Totals</td>
<td>7,685,574</td>
<td>24,265,403</td>
<td>60,647</td>
<td>18,739</td>
<td></td>
<td></td>
<td>60</td>
<td></td>
</tr>
</tbody>
</table>

Increase %age from 2006, Source: Davis and Thorne, 2009:51)

16% 18% 22%

Note: Data compiled by the author from publicly available sources, such as Police Force Annual Reports and Australian Government statistics except where indicated.

Numbers of police officers and the population have increased in Australia between 2006 and 2017 by 18% and 16% respectively, and this information is interesting in comparison with the situation in England and Wales which is depicted in Figure 2.2.4:2. Table 2.2.4:2 shows the funding of police forces, which are paid for from Federal budgets in the case of the AFP and each state and territory in the case of other police forces. The table shows the cost of policing services, the population, number of sworn officers and the cost of policing per head of population.
### Table 2.2.4:2

**Budget on Policing 2015-16**

<table>
<thead>
<tr>
<th>State / Territory</th>
<th>Total Cost $m</th>
<th>2015-16 Population</th>
<th>No of Sworn Officers</th>
<th>Cost Per head of population $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Cost</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AFP (2016-17)</td>
<td>1,686</td>
<td>n/a</td>
<td>2,396</td>
<td>n/a</td>
</tr>
<tr>
<td>States / Territories</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NSW</td>
<td>3,462</td>
<td>6,854,800</td>
<td>14,634</td>
<td>451</td>
</tr>
<tr>
<td>Vic</td>
<td>2,598</td>
<td>5,165,400</td>
<td>11,175</td>
<td>433</td>
</tr>
<tr>
<td>Qld</td>
<td>2,142</td>
<td>4,041,368</td>
<td>9,269</td>
<td>445</td>
</tr>
<tr>
<td>WA</td>
<td>1,358</td>
<td>2,010,113</td>
<td>5,183</td>
<td>521</td>
</tr>
<tr>
<td>SA</td>
<td>734</td>
<td>1,373,561</td>
<td>4,283</td>
<td>431</td>
</tr>
<tr>
<td>Tas</td>
<td>215</td>
<td>488,948</td>
<td>1,247</td>
<td>415</td>
</tr>
<tr>
<td>NT</td>
<td>307</td>
<td>212,600</td>
<td>1,133</td>
<td>1257</td>
</tr>
<tr>
<td>ACT</td>
<td>168</td>
<td>336,400</td>
<td>621</td>
<td>427</td>
</tr>
<tr>
<td><strong>Totals for States/Territories only</strong></td>
<td><strong>10,982</strong></td>
<td><strong>20,483,190</strong></td>
<td><strong>49,941</strong></td>
<td><strong>459</strong></td>
</tr>
</tbody>
</table>

*Note: Sources of Data: AFP: Australian Government, 2017:93; States/Territories: Productivity Commission, 2017 (Table 6A.10). Policing accounted for 68% of the Justice budget in 2015-16 (Table C.1).*

As can be seen from the data in Tables 2.2.4:1 and 2.2.4:2, the ratio of police officers to population in Northern Territories is the lowest (174), but the cost of policing per head of population is the highest of all the states and territories ($1257). In the other states and territories, the ratios of police officers per head of population and the cost per head of policing are similar to each other.

**International comparisons**

As stated in other parts of this thesis, policing in NSW is often compared with that of England and Wales and the United States of America. This section will therefore make some comparisons, although according to the Center for Public Safety Management LLC (CPSM), which is the training centre for International City/County Management Association (ICMA), a long established non-profit professional association of local government administrators; there are no standards or recommendations for the number of police officers per 1,000 population (CPSM, 2014). The ratios of deployment of police officers according to CPSM...
should be entirely based on assessment of the workload. However, these data are the only means of comparing police forces internationally as their geographic deployment and workload are measured differently and have vastly different properties.

**England and Wales**

According to the Offices for National Statistics for England³ and Wales⁴ the combined population for England and Wales (mid 2016 and mid 2017 respectively) was 58,493,000 with a total of 199,752 (2018) sworn police officers resulting in 293 police officers per 100,000 population. It should be noted that the number of police officers shown in England and Wales is the lowest number since comparable records began in 1996. This is because of the large reductions in the budgets of the police forces which are funded partly from central government and partly from local government sources. In contrast to the centralised state police forces of Australia, there are 43 police forces each independently funded and managed locally in England and Wales. As can be seen from the bar chart in figure 2.2.4:2, the highest number of police officers was in the year 2010, but this number has decreased rapidly in subsequent years to the present day, where police resources are under considerable pressure to maintain the expected quality of policing services.

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³ [www.ons.gov.uk](http://www.ons.gov.uk)
⁴ [www.gov.wales](http://www.gov.wales)
The deployment of police services in the USA is, again, vastly different to the centralised system in Australia. According to Federal Bureau of Investigation (FBI) data sources, the total number of ‘local’ police departments in the USA is 2,970, not including the several Federal law enforcement agencies and Homeland Security. This figure is the equivalent of the eight state and territory police forces in Australia. In the USA, people apparently believe that very localised provision of police services is the most effective method of law enforcement as police departments exist with a minimum of two police officers. The population of the USA in 2018 was 326,766,748, therefore the average number of heads of population per police department is 110,022. In the UK or Australia, this number of population for a single police department would be considered non-viable and less than cost-effective. Table 2.2.4:3 shows the number of police officers per head of population, but the data is based on different bands of the jurisdiction population, therefore it is difficult to make direct comparisons with Australia and England and Wales. Also, readers should note that the number of police officers is per 10 thousand head of population as opposed to the other measures which are per 100,000 head of population.

Table 2.2.4: 3

<table>
<thead>
<tr>
<th>Jurisdiction Population</th>
<th>Average Officers Per 10k Population</th>
<th>Average Total Personnel Per 10k Population</th>
<th>Number of Departments</th>
</tr>
</thead>
<tbody>
<tr>
<td>25,000-50,000</td>
<td>17.0</td>
<td>21.2</td>
<td>773</td>
</tr>
<tr>
<td>50,000-100,000</td>
<td>16.1</td>
<td>20.7</td>
<td>433</td>
</tr>
<tr>
<td>100,000-200,000</td>
<td>15.9</td>
<td>20.9</td>
<td>171</td>
</tr>
<tr>
<td>200,000-500,000</td>
<td>18.7</td>
<td>24.5</td>
<td>76</td>
</tr>
<tr>
<td>500,000+</td>
<td>24.3</td>
<td>30.8</td>
<td>32</td>
</tr>
<tr>
<td>All over 25,000</td>
<td>16.8</td>
<td>21.4</td>
<td>1,485</td>
</tr>
</tbody>
</table>

Note: SOURCE: Governing calculations of 2016 FBI UCR data.

National Police Commissioners meetings, Australia

The history of co-operation and liaison between the federal, state, and territory police organizations in Australia has been traced back to 1903 when the first formal meeting of the Conference of Australian Police Commissioners was inaugurated (Finnane and Myrtle,
It was described by Clyne as: ‘an important development in the history of Australian policing, providing police chiefs with a forum to discuss a wide range of subjects of mutual interest and to develop closer co-operation’ (Clyne, 1987:226). Although each federal, state, and territory police force is subject to its own domestic laws and is administered by its federal or state government usually under a Police Minister, there are many subjects and issues that justify the co-operation and partnership working of Commissioners of Police across Australia. Indeed, the Conference of Australian Police Commissioners met to good effect annually, with some breaks, until the formation of the Australia New Zealand Policing Advisory Agency in 2007 (ANZPAA, u.d). This organisation was an amalgamation of the resources, roles, and functions of the Australasian Centre for Policing Research; Australasian Multicultural Advisory Bureau; Police Commissioner’s Policy Advisory Group; Australasian Crime Commissioners’ Forum; Commissioners’ Australasian Women in Policing Advisory Committee; Australasian Traffic Policing Forum; Police Commissioners’ Conference Secretariat; Commissioners’ Drug Committee; Australasian Police Integrity Forum.

It can be seen that there was a considerable rationalisation and realignment of the remit of the organization from that of the Commissioners’ conference; it also became a comprehensive national policing organization. The revised sphere of activities included the Commissioner of Police of New Zealand, and in 2009, amalgamation with the National Institute of Forensic Science (NIFS). For the policing agencies of Australia and New Zealand, the organization of ANZPAA now delivers policing: policy; environment scanning; research; education and research guidelines; cross-jurisdiction input, sharing and learning; engagement across policing and industry; an information hub for policing, and; communication (ANZPAA, 2018b). According to its business plan, ANZPAA takes the roles of: Forecaster; Advisor; Facilitator, setting minimum standards, common policy, levels and standards of education and training, professional development and operational standards and protocols (ANZPAA, 2018b). Indeed, recent key outputs recorded by ANZPAA relate to their four priorities of: Organizational development and capability; operational policing priorities; operational policing models and approaches, and; workforce capability (ANZPAA, 2018a).
One of the major tasks currently being undertaken by ANZPAA, working with the Australian Institute of Police Management (AIPM), is on professionalization of the police (Findlay, 2004). This work is being completed by the sub-group of ANZPAA: Association for Australia New Zealand Council of Police Professionalization (ANZCoPP) which holds the brief to:

a) Advance, lead and advocate for professionalization of policing in Australia and New Zealand;

b) Develop, establish, maintain and approve police practice standards for education and training;

c) Develop, establish, maintain and approve standards for policing practice; and

d) Progress the development of the policing profession in Australia and New Zealand (ANZCOPP, u.d).

It has been recognised in Australia that police leadership can be developed (Roberts et al, 2016) although it takes time through competency frameworks and personal development, for example, ANZ Policing Profession Framework (ANZ PPF, n.d.) and Australian Public Service Commission, Senior Executive Leadership Capability Framework (APSC, n.d.). The professionalization of the police service is set within policing standards which were agreed in 2012 (ANZPAA, 2012).

**Police Training**

As the previous section has indicated, ANZPAA has had a great influence on police training in recent years. From the military drill training advocated in early days of policing in Australia (Wilson, 2008:27), police training has now a sophisticated and academic approach, many of the recruit training programs, for example the Associate Degree in Policing Practice (ADPP) in New South Wales, leads to a university bachelor’s degree. As policing has become more sophisticated and complex through trans-national, serious crime and cyber-crime, police training is required to reflect the changing face of criminality (Andreas and Nadelmann, 2006; Edwards, 2011). With the oversight of ANZPAA, police training in Australia and New Zealand is well placed to anticipate and make provisions for future training needs. The relevance of the research analysed in this thesis will be noted in chapter 10, section 10.2.
2.3 Legitimacy of police

The third section of this chapter will examine the subject of police legitimacy by first discussing trust and confidence of members of the public in policing organisations. The discussion will extend to procedural and organisational justice in police organisations and the preservation of police officers’ rights and protections.

2.3.1 Trust and confidence of members of the public in policing organisations

Police organisations in liberal democratic societies such as Australia rely for successful operational procedures on the assumption that citizens in the community will have a high level of trust, confidence, and respect for police officers for them to do their job in ensuring safety and security in society (ALRC, 1996; Prenzler et al., 2012). Indeed, according to Prenzler (2009b) in terms of public confidence surveys:

‘Member of the public are the key constituency of police, and their perception of police integrity are an extremely important test of the ethical standing of police. Corruption in a police force can be widely known, and this is often reflected in low levels of public confidence’ (Prenzler, 2009b:56).

This trust, confidence, and respect is defined and described in criminological theories and relevant research as police legitimacy (Rochel, 2011). The ability of citizens to hold the police accountable for their actions and the legitimacy of the police are very important factors in democratic societies to ensure the safety and security of citizens (Bayley, 2006:145). However, the term ‘legitimacy’ is a difficult concept to define (Roberts and Herrington, 2013). It may perhaps be understood as ‘the right to rule and the recognition by the ruled of the right’ (Hough, et al., 2013:147; Jackson and Bradford, 2010b; Jackson et al., 2013:151; Jackson et al., 2015). This definition is linked to the principle of policing by consent (Bronitt and Stenning, 2011), although it has also been linked to two concepts of normative and empirical legitimacy (Hough et al., 2013:148). Empirical evidence has identified the importance of police legitimacy and the route towards it (Fraser et al., 2014; Mason et al., 2014; Nix et al., 2014).

There has been discussion in academic circles about the exact meaning of the words trust and confidence in this context of police legitimacy. In most studies and in common parlance the words are taken to mean the same thing and are frequently used interchangeably
(Jackson and Gau, 2016). However, Cao has made a specific study of the use of these words and concludes that trust is at the individual level whereas confidence is at the organisational level (Cao, 2015:245). Trust in the police diminishes when members of the public hear about less serious police misconduct, for example, involving receipt of gifts and gratuities, (AIC, 2007; Prenzler et al., 2013) and most certainly when there is serious misconduct or corruption.

Police legitimacy (Jackson and Gau, 2016; Tyler, 1989) and the respect of the public is something that police organisations should work towards continuously and assiduously; there will be many setbacks on the perilous journey because of the contentious nature of police work (Ferdik, 2016). However, some researchers into police practice ‘point to a current or incipient crisis of legitimacy’ relating to the provision of services to the community (Weir and Wankhade, 2015:145). Because police must exercise coercive powers relating to use of force, arrest, search, and seizure in their investigation of crimes against society (Beckley, 2000a; McClelland, 2013), they will inevitably win friends but also make enemies and detractors. Also because of this, according to Bayley (2006:145), police must be held accountable to the public and to law in democratic societies. Recent research in the USA has established that police legitimacy is recognised and supported by citizens when reasonable use of coercive force in policing operations is used, but not use of excessive force (Gerber and Jackson, 2016). This has been linked to citizens’ normative beliefs that some violence in society is acceptable and adds to police legitimacy (Jackson et al., 2013).

Trust in policing is essential for effective policing in democratic policing systems which operate on the principle of ‘policing by consent’. The so-called ‘British policing model’ (Emsley, 2012) is based on the nine principles of policing issued at the birth of the Metropolitan Police Service in 1829, the second of which stated that police legitimacy depended on public approval (Reith, 1956, Appendix 1). Public opinion can be measured by the willingness of individual citizens to comply with requests and directions from police without the need for escalation of coercive powers or use of force to ensure compliance (Nix et al., 2014). Trust is also linked to whether members of the public will willingly defer to police requests and instructions, a crucial factor when dealing with civil emergencies (Beckley, 2007), critical incidents (Beckley, 2011; McClelland, 2013) and public disorder. To
obtain the correct balance or proportionality of agile police action with the preservation and recognition of the human rights of all parties, is a difficult position in which to place the police and carries a heavy responsibility.

Public opinion and trust in the police is fundamentally important to democratic policing systems to ensure the ideals of fairness, independence, and transparency (Prenzler, Beckley and Bronitt, 2013). Trust in this context is related to a number of factors, such as whether the public believes that the police are honest and trustworthy and that they act ethically with respect for human rights (Neyroud and Beckley, 2001:11). This aspect of public trust in the police and respect for the police is also linked to organisational and procedural justice (Roberts and Herrington, 2013; Schafer, 2013; Wolfe and Piquero, 2011) through ‘compliance theories’ that examine how willing members of the public are to comply with the instructions of police officers (Hough, Jackson and Bradford, 2013). Research shows that members of the public judge police more by their actions than their words, therefore it is important to ensure that operational policing actions are correct and acceptable (Keane and Bell, 2013; McClelland, 2013).

Recent work in the UK has examined ‘triggers of change’ to the levels of public confidence in the police organisation, such as that by Bradford and Myhill (2014). Their study explains the two theories of sources of public trust; instrumental or cognitive, and expressive or affective trust. In the former source, people trust police where they perceive the effective ability of the police to ‘fight’ crime. In the latter theory, people are more concerned with how the police deal with them and can maintain and represent ‘order, stability, and cohesion’ (Jackson and Bradford, 2009:7). According to Neyroud and Beckley (2001:9) the overemphasis of the crime fighter paradigm historically leads to a four-phase sequence of the ‘vicious cycle’ (Figure 2.1) of crime fighting, corruption, reaction and new rules; and therefore extreme models of this culture should be resisted. Policing activities characterised as ‘crackdowns’ or ‘the war’ on crime, which are frequently discriminatory against minority groups should be avoided as, in the experience of police in the UK, they lead to corruption, public or judicial inquiries into police action and lowered levels of trust and confidence from the public.
In an adverse development to operational policing, over the last 30 years there has been a slow metamorphosis of militarisation of the police, which appears to have been world-wide, starting with the introduction of riot gear as a protective measure and ending with the use of heavy calibre weapons and even military armoured vehicles (Bouie, 2014; Evans, 2014; Sheptycki, 2013; Weaver, 2014). In Australia, it was found necessary to arm the police with sophisticated weaponry because military grade rapid-fire weapons were available and in use by criminals. In some, but not all countries, the spectre of the aggressive appearance of heavily armed police officers may add to the fear of crime in the general public (Silverman and Della-Giustina, 2001). This development should be a cause for concern in democratic policing systems, as is the subject of the use of excessive force by police officers as events have proved. This was illustrated at Ferguson, Missouri, USA with the shooting of unarmed black teenager Michael Brown, 18 years, where the militarisation of police was found to be socially and politically unacceptable to the community and indeed, caused long-running rioting in the streets (Evans, 2014).
The solution of police militarisation, in terms of military-like uniforms and additional equipment such as capcicum spray and electronic conducted energy devices such as Tasers, clearly has not worked and has damaged the legitimacy of the police. It also appears that police tend to resort to the use of weapons of lethal force quicker (AI, 2004) in addition to ‘less lethal weapons’ including Tasers (NSW Ombudsman, 2012) rather than the use of verbal discourse or negotiation (Prenzler et al., 2016), and there is evidence of this happening in Australia (NSW Coroner, 2012). The police service must address this issue internationally through greater attention to critical incident management reviews of serious policing incidents. This issue was recently examined in NSW (McClelland, 2013). In violent / potentially violent or traumatic incidents, police officers should have skills to de-escalate the situation so that it ends peacefully and under their control; this fact has been recognised for some decades, especially in the USA (PERF, 2012).

Evidence from this research study and in the public domain indicates that police officers in the NSWPF do not have these skills (NSW Coroner, 2012). Sound methods have been established for studying the use of force when such encounters are assessed generally and by personal, situational, and organisational factors (Hickman, Atherley, Lowery and Alpert, 2015). There have been training programs of de-escalation in the USA and the UK for many years, and research has shown that such programs can considerably reduce physical conflict in arrest situations (CJICRJ, 2016:6; Prenzler, Porter and Alpert, 2013:345). Seven police organisation case studies from the UK, USA, and Australia, were examined by researchers to investigate police use of force and how to reduce such incidents (Prenzler et al., 2013). As they are more relevant to this study, further details of the case studies in Australia only will be discussed; including those from Tasmania and Victoria.

In Tasmania, the researchers found that combined allegations of excessive force and assault declined by 58.7% from 1999-2000 to 80 in 2008-9, which was due to a number of factors that included enhanced training on de-escalation and injury reduction. In Victoria, there was a considerable problem that involved officer involved shootings at a much higher level than in the rest of Australia. For the first time in Australia, the firearms training included a section on Communication and Conflict Resolution and the outcome of these actions, among others, led to a reduction by 91.1% in fatal shootings from the peak of 9 in 1994 to
an average of 0.8 between 1996 and 2003. Following this, Victoria Police were criticised by the Office of Police Integrity as ‘having lost some of the strategic focus on safety’ as fatal shootings went up to three each in 2004 and 2005 (OPI, 2005:55). Linked to trust and confidence in the police, a number of studies have examined police legitimacy, the concept of which related to policing dates back to the work of Tyler (1989) and has been updated constantly.

Police legitimacy and how the standing of the police is perceived by the members of the community are important factors that are being studied in this thesis as they lead to identify how adherence to human rights and ethical practice are respected and honoured by police officers in NSW which consequently lead to the less harmful society described by Lanier and Henry (2010:362). The next section explains how police legitimacy is also linked to procedural justice and organisational justice.

2.3.2 Procedural Justice and Organisational Justice – links to police legitimacy

The extent to which police officers treat members of the public fairly and justly in their day-to-day dealings has been recognised within the theory of procedural justice (Murphy, 2009; Murphy et al., 2008; Tyler, 1989). How police officers are dealt with within their own organisation is defined by the concept of organisational justice (Roberts and Herrington, 2013). Several studies have pointed out the importance to police legitimacy of procedural justice (Mell, 2016; Sarre, 2016; Mazerolle et al., 2010; Mazerolle et al., 2012) and early engagement with citizens through effective communication (Owens et al., 2016). However, Sargeant (2016) pointed out that ‘unthinking’ or ‘blind’ compliance with procedural justice could perpetuate a negative police culture. A large research project in Europe, the Trust in Justice module, sought to measure respondents’ trust on police effectiveness, trust in police procedural fairness and trust in police distributive fairness, along with similar concepts for courts (Hough et al., 2013). The findings, which resulted in a league table of trust in the police of 26 nations, established that ‘... trust in institutions ... is predictive of the legitimacy granted to them by those they govern’ (p.156).

However, other studies have found that levels of trust in the police and cooperation may vary within a community and be linked to ethnicity, particularly in relation to ethnic minority
groups (Murphy, 2013; Sunshine and Tyler, 2003). In Murphy’s study, she pointed out that in 2012, 46% of Australian residents were born overseas and that immigration was described as ‘one of the most pressing challenges for ... police agencies’ (Murphy, 2013:184). The importance of social identity was highlighted, as was the fact that many ethnic minority communities felt marginalised within Australian society (Roberts and Herrington, 2013). Murphy warned that little research had been completed in this area, but those studies that she had analysed produced conflicting results within themselves and compared to the general population (Murphy, 2013:187).

It appears that the Australian public believe that their police do act fairly as, according to a survey conducted by Indermaur and Roberts (2009:17), 73.7% of the respondents said they had ‘a great deal of confidence’, or ‘quite a lot of confidence’ in the police to act fairly. Murphy (2013:196) identified a plan to implement procedural justice in practice and win the trust and support of the community. First, police are to adopt a respectful interaction with their public; second, police should have a genuine concern for the individual or group’s well-being; third, police should make decisions based only on facts and not prejudices; fourth, members of the public should be given the opportunity to voice their opinions. Murphy’s plan appears to illustrate what should happen in an ideal police organisation. Police organisations with poor organisational and procedural justice are characterised by high levels of sickness, civil actions against the organisation (Hopkins, 2011; Ransley, Anderson and Prenzler, 2007) and persistent complainants (Beckley, 2014a:178). Conversely, when employees including police officers are treated well by their employers, they react well in their jobs (Bradford, Murphy, and Jackson, 2014).

2.3.3 Organisational Justice - Police officers’ rights

Also integral to the discourse about organisational justice is the issue relating to police officers’ rights. If the officers feel they are treated harshly or wrongly by their own organisation they will feel aggrieved and work ethic and performance will suffer. The issues relating to the right to silence and fair trial rights, which are democratic rights and freedoms available to all Australian citizens, have been documented (Attorney-General, 2015; Beckley, 2013b; Beckley, 2014a). When they are investigated by royal commissions and inquiries, police officers appear to lose these rights. Whereas the general legal rule is that accused
persons are not bound to give self-incriminating evidence, under these circumstances police often suffer from what Gans et al., (2011:206) called the ‘cruel trilemma of self-accusation, perjury or contempt’. Gans identified the only options available to the police officers as: (i) make admissions that can be used to prosecute them; (ii) give false evidence and face prosecution for perjury, and; (iii) refuse to give evidence and be charged with an offence of disobeying a lawful order.

The rationale for providing royal commissions with strong coercive powers is their success as Monaghan (2012) explains: ‘... the Royal Commission [on child sexual abuse] will need coercive powers. The Royal Commission into Police Corruption in the New South Wales Police Service in 1997 showed it is impossible to penetrate a code of silence and protection without coercive powers’ (Monaghan, 2012:1). But, on the other hand, the Parliament of Tasmania recognised discrimination against police officers: ‘[t]he Committee notes the effective denial for Tasmania Police officers of the fundamental right to silence enjoyed by every other citizen’ (JSCoEC, 2009:7). The Independent Police Complaints Commission (IPCC) in England and Wales does not have coercive investigative powers, and forcing police officers to respond to questions from the IPCC is ‘perverse’ according to the Police and Criminal Justice Minister in England (Sommers, 2013:1). The fact that basic human rights accorded to all other citizens are not afforded to police officers is discriminatory, unjust and unfair.

Another issue relating to fair trial rights for police officers is the Commissioner’s power of dismissal for ‘loss of confidence’ (Police Act 1990 S181D). Research revealed that many police officers who were subjected to dismissal through this power (particularly after the Wood Commission inquiry) had their subsequent appeal upheld (Dixon and Chan, 2007). In fact, the fair trial rights convention is that cases, such as disciplinary hearings, should be determined by an independent and impartial decision-maker: ‘a judge should not sit to hear a case if in all the circumstances of the parties or the public might entertain a reasonable apprehension that [the judge] might not bring an impartial and unprejudiced mind to the resolution of the question involved in it’ (Livesey v\textsuperscript{5} NSW Bar Association).

\textsuperscript{5} Livesey v NSW Bar Association (1983) 151 CLR 288 at 293-294
It is important to realise that there are a number of ways that the police are held accountable: by the media in the public domain; by the courts; and by internal and external investigations. Scrutiny in the public arena is undertaken by the mass media, television, radio, newspapers, social media, and public protests; there are also public watchdogs and civil liberties organisations along with freedom of information legislation. Police officers are, of course, held to account for their actions when they are required to give evidence in courts such as criminal courts, civil courts, coroners’ courts, and other tribunals (McClelland, 2013).

The topic of police officers’ rights is seldom discussed, but is assumed to be addressed within the police organisation; a situation which historically has not been the case (Beckley, 1997; 2013b; 2014a). The specific area of rights of police officers to a fair trial according to the rules of natural justice was included in this research in scenario 10, as articulated in human rights international treaties, Article 10: Everyone is entitled in full equality to a fair and public hearing; and Article 11: Everyone charged with a penal offence has the right to be presumed innocent (UN, 1948). In summary, fair trial rights can be listed as; a fair and public hearing; presumption of innocence; be informed of charges; right to prepare defence and defend themselves at the hearing (Beckley, 2000b:66).

Another issue relating to fairness is that suspected or accused police officers have no way of clearing their names once they appear to have been involved in misconduct; there is no process to force a conclusion to internal or external enquiries. The conduct and progress of the Ombudsman’s inquiry “Operation Prospect” (Borsak, 2015) found that one senior police officer who had been suspected of police corruption, did not have the opportunity to clear his name over the entire duration of the inquiries which was approximately 15 years. The parliamentary inquiry recommended that the NSW Government should apologise to the police officer (Borsak, 2015: xiii). Wrongly accused or suspected police officers have no recognised avenue of redress against affronts to their personal integrity, which is a fundamental human right.
Procedural justice and organisational justice within the NSWPF are important factors to consider in this thesis as the mental and physical welfare and approach that police officers have towards operational policing affects how they deal with members of the public in everyday policing actions (Beckley, 2014a). Analysing the factors of the procedural and organisational justice from responses to several sections of the survey indicated the ethos and atmosphere of the experience of working in NSWPF and its relative harmony or toxicity. This workplace atmosphere is also set by the type of governance that operates in the organisation.

2.4 Governance of police

The governance of the police service underpins every facet of policing and sets the agenda for the accountability, ethos, and culture in the organisation. For this reason, it is extremely important to get the governance right, as it can set the way in which police officers view and treat members of the public (procedural justice) and ultimately the police services’ relationship with their community through the levels of trust and confidence in the police. Set within the framework of the overall governance system of the police service, there are several factors that aggregate to form the whole picture: the system of governance in the public sector, of which the police are part; the role that commissions of inquiry have played in police organisations in relation to governance, accountability, and integrity, and; how complaints against police are managed by internal investigations and external oversight of investigations.

2.4.1 Public sector and police governance

Governance in a policing context has been defined as: ‘... encompassing the procedures and methods aimed at ensuring the efficient discharge of the policing function’ (Walsh and Conway, 2011:62) and good governance as:

‘... involves the use of properly constituted “legitimate” power and authority to make decisions about how to direct the collective efforts and resources of the group to achieve their stated aims and objectives’ (Dean and Thorne, 2009:56).

Society and the community is constantly evolving and changing in its expectations and mores; these changes are reflected in the expectations of the public about their police force. Policing is also changing with a growing complexity in its operations along with
serious and organised crime with an increasingly international focus. It is important to study the subject of police governance, which, along with the general public sector, has changed significantly within the last fifty years to understand some of the drivers of change and their implications for the police organisation.

According to Osborne (2010), there have been three main governance theories in public sector management during the eras listed: *Public Administration* (PA) – 19th century until 1960s; *New Public Management* (NPM) – 1970 onwards, and; *New Public Governance* (NPG) – 2010 to present day (Beckley, 2003; Neyroud and Beckley, 2001). The move from public administration to new public management enabled elected politicians to assert control over public sector organisations that were alleged to be too bureaucratic, too professionally dominated, too self-interested and self-serving and insufficiently emphasising the importance of service delivery and service design (Neyroud and Beckley, 2001).

In liberal democracies such as UK, Australia and USA, according to the concept of new public management, governments should ‘attempt to shrink and change’ because the previous regime was not appropriate for communities in the future with global competition, the need to reduce government activity and lower taxation (Flynn, 2002:38). Deane and Thorne (2009) give a good description of the impact of the different forms of governance in the Australian police organisations that were introduced during the 1990s, although they concluded: ‘It can be cogently argued that such unintended and unforeseen consequences of NPM in policing do little to “reform” police services/forces into modern, efficient, effective and corruption-free organisations’ (p.60).

This study will avoid getting into deeper discussion about the politics and policies of NPG; therefore only the factors of contract and network governance will be linked to the policing context. Contract governance should be considered in the setting of out-sourcing of police functions of which there are successful examples and unsuccessful examples (BBC, 2012; Sarre, 2008; White, 2014). Network governance can be exemplified in partnership or collaborative working in the police service, working with and alongside other agencies, the community, and the wider police ‘family’. Acevedo and Common (2010: 404) give an example of this in a UK setting of the Drug Policy Network shown in Table 2.1.
Table 2.1.

*Drug Policy Network-Cannabis*

<table>
<thead>
<tr>
<th>Type of network</th>
<th>Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Policy community</td>
<td>Police, Home Office, Health Department, criminal justice system</td>
</tr>
<tr>
<td>b. Professional network</td>
<td>NHS, treatment system, medical doctors and psychologists</td>
</tr>
<tr>
<td>c. Intergovernmental networks</td>
<td>Drug action teams</td>
</tr>
<tr>
<td>d. Producer networks</td>
<td>Not present in the debate, but active in the cannabis market</td>
</tr>
<tr>
<td>e. Issue networks</td>
<td>Activists, media, parents, campaigners, Advisory Council on the Misuse of Drugs (AMCD)</td>
</tr>
</tbody>
</table>

*Note.* Reproduced from Acevedo and Common, 2010:404, Figure 22.1

Having described the high-level government policy relating to governance of the police and the relevant theories, this section of the chapter will now examine the several inquiries into police operations governance, many following incidents of serious police corruption, and the arrangements which are in place to address these issues.

### 2.4.2 Commissions of Inquiry

Between the years 1963 and 2013 there were 60 Royal Commissions or commissions of inquiry into the workings of the police in the whole of Australia (Beckley, 2013e). While acknowledging the important contributions from all the inquiries, this study will concentrate on the most authoritative inquiry in NSW; the Wood Royal Commission (Wood, 1997). But it is important for readers to note that, in addition to the Wood Commission, there were a further 11 inquiries into the policing of NSW between those dates (Burnswoods, 2004; Cross, 1984; Lee, 1990; Lusher, 1981; Moffitt, 1974; Nagle, 1986; NSW Parliament, 1991; Patten, 2012; Ronalds, 2006; Wood, 2008; Woodward, 1979). Many of the inquiries around Australia recommended stringent independent oversight of the accountability of police organisations (Fitzgerald, 1989; Kennedy, 2004; Beach, 1976; Wood, 1997) and researchers have charted the progression of independent oversight bodies (den Heyer and Beckley, 2013; OPI, 2007; Prenzler, 2011).
The Wood Royal Commission into the New South Wales Police Service (Wood, 1997) was held in 1996-7. Prior to the inquiry, allegations of police corruption were expressed but denied by the NSWPS. Allegations were pursued by politician John Hatton who called for a Royal Commission but the Police Commissioner, Tony Lauer, claimed it would be a waste of public money (Landers, 2010). He is reported to have said: ‘There is no entrenched corruption in the police service today’ and claims to the contrary were, ‘figments of the political imagination’ (Nixon, 2011:92). In spite of the Police Commissioner’s unequivocal denials, during the Wood inquiry, 284 police officers were adversely named and 46 briefs of evidence relating to corruption were sent to the Director of Public Prosecutions. Seven police officers were jailed, and many officers terminated their careers in ignominy (Nixon, 2011:92-93). The Wood Commission found systemic police corruption which forced Tony Lauer to resign his position.

The Wood Commission made many recommendations about wholesale re-structuring of the NSWPS as an organisation and its systems of operation. Major change was proposed through thorough analysis of the organisation to modernise policing systems and rid it of corruption. Peter Ryan, a former executive police officer from England, was appointed as Commissioner of Police as a ‘new broom’ to force through the changes to the organisation. The revised police force was to be more efficient and effective by identifying core areas of police business and rejecting tasks outside the new strategy. Ryan introduced a style of ‘crime-fighting’ policing (Neyroud and Beckley, 2001:33) that involved all sworn officers and levels of crime in districts were measured by a ‘Compstat’ type Operations Control and Review process (Dean and Thorne, 2009:63-64). Many of the objectives in the reform program were not achieved satisfactorily according to the independent evaluation ‘QSARP’ (Hay Group, 2002). When Ryan resigned as NSW Police Commissioner in 2002 his reform plan had not been achieved due to implementation mistakes, heavy resistance from fellow

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6 The police organisation in NSW was from 1990, for several years following Commissioner Avery, called ‘NSW Police Service’, however, it was renamed simply ‘NSW Police’ between 2002 and 2006, after which the name was changed back to ‘New South Wales Police Force’.

7 ‘Compstat’ was the system introduced by Police Commissioner Bratton and Mayor Giuliani in New York that also encompassed so-called ‘Zero-tolerance Policing’. The Compstat system focused responsibility and accountability very clearly on the local police commander and put them under a spotlight interrogated by senior police officers about why crimes were not being dealt with adequately. Research of the system draws mixed conclusions of the effectiveness of its approach and there was much debate over whether it actually worked or merely terrorised the local police commanders who massaged data to save their own skins. In any event this aspect of the NSWPF reforms was criticised by various observers in that it was incompatible with the vision and mission put forward by Ryan in his reform programme.
police officers and equivocation from politicians (Chan and Dixon, 2007). Police corruption again raised its head shortly afterwards at Manly in the form of ‘process corruption’; that is, planting of evidence on suspects to obtain convictions through the ‘future exhibits’ cupboard (CSU, 2010; Gordon, Clegg and Kornberger, 2009).

One of the main recommendations from the Wood report, which was successfully implemented, was that the NSWPF should be subject to a standing independent oversight body with strong coercive powers of investigation similar to those of a royal commission. Complaints against police had been subject to external scrutiny since 1979 when the NSW Ombudsman was appointed, but Wood found that arrangement lacking; therefore, the Police Integrity Commission (PIC) was formed (den Heyer and Beckley, 2013). This development added the stage of independent oversight of complaints against police to the governance model of NSWPF (Appendix 1).

### 2.4.3 Levels and type of police corruption following the Wood Royal Commission

The Lynch report (2002) identified changing trends in police corruption which currently featured illegal drugs, recreational use of such drugs by police officers and ‘greenlighting’ offences by drug dealers. It also mentioned the incremental nature of police misconduct, which frequently started with minor infractions and gradually led to major offences of corruption. The establishment of an *Early Warning System* was proposed, along with many areas of possible research into police corruption in NSW. *Operation Florida*, (2004) was a major investigation commencing in 1999 with *Operation Mascot* by the NSW Crime Commission and NSW Police. The PIC joined the investigation in 2000 and there were seven aspects to the allegations of police corruption including ‘process corruption’, ‘greenlighting’ crime, perverting the course of justice, theft, and bribery. Fourteen police officers were forced to leave the NSWPF. It is clear that many of the forms of misconduct identified in the Wood Commission, listed above, were still prevalent at that time, six and eight years later respectively. The proceedings for disciplinary and misconduct matters within the NSWPF are apparently not a matter of public record, but the number of the euphemistically titled ‘police separations’ (NSWP, 2016:84) for dismissal⁸ and removed⁹ was low for 2014-15 (25)

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⁸ *Police Act 1990* s.80(3)
⁹ *Police Act 1990* s. 181D.
and 2015-16 (27) although further details of these terminations are not provided in the annual report.

2.4.4 Complaints against police – internal investigation arrangements

An additional factor within the governance of police and in building police legitimacy is that members of the public should have rigorous, robust, and user-friendly avenues of redress when police officers have over-stepped their legitimate powers or been over-zealous or neglectful in their duty (Goodman-Delahunty, Beckley and Martin, 2014a). Included in the list of available remedies to aggrieved citizens, is that an efficient and effective system to deal with complaints against police should be in place (Bartels and Silverman, 2005; Schulenberg et al., 2015; Torrible, 2016). Police accountability and legitimacy are often judged by the effectiveness of the system of complaints against the police (Goodman-Delahunty et al., 2014a) which is inextricably linked with procedural (external) and organisational (internal) justice (Beckley, 2014a). Indeed, the Council of Europe Commissioner for Human Rights stressed that a competent and fair police complaints system was an essential requirement of a democratic policing system and ‘every complaint matters’ (Smith, 2010:59). Public trust is also an important aspect in evaluating the effectiveness of a system of complaints against the police and perceptions of the procedural fairness accorded to complainants (Nix et al., 2014). When public trust is low, the complaints system will be avoided (Schafer, 2013).

At the time of this study, complaints against the police system in NSW were covered by the Police Act 1990 (NSW) and the details of its processes are recorded elsewhere (Goodman-Delahunty et al., 2012; NSWPF, 2012; Porter and Prenzler, 2012; Prenzler, 2009b). Briefly, there is a Professional Standards Command in the NSWPF who take responsibility for the recording and management of complaints against police on a computerised system. Complaint reports are filtered through a triage system and then allocated for action. The reports are simultaneously available to the NSW Ombudsman and the Police Integrity Commission. Many written complaints against police are not investigated because they are deemed to be ‘unsubstantiated’ as it is not possible to evidence their substance; according to Prenzler (2009b:61) there is a “dark figure” of undisclosed dissatisfaction in citizen encounters with police’ which has also been recorded by other researchers (Goodman-
Delahunty et al., 2014a; Maguire and Corbett, 1991:53; Prenzler, 2009a). The complaint report is then investigated by a police officer in the Professional Standards Command or is allocated to a police officer to investigate in a Local Area Command (LAC). Certain complaint reports of a specified nature (usually of a more serious level) are allocated to the NSW Ombudsman or the Police Integrity Commission to investigate.

Prior to the Wood Commission, there was an inquiry into the effectiveness of the investigation of complaints by a senior judge (Tink, 1992). Subsequently, in 2000, the Police Integrity Commission undertook the first comprehensive audit (Project Dresden) of NSWPF internal investigations into complaints of misconduct, and examined records to establish whether there had been improvements since the Wood Royal Commission (PIC, 2000). It found that the shortcomings and deficiencies that were identified in 1997 were ‘to a substantial degree still adversely affecting Police Service internal investigations’ (p.ii). For example, limited resources of Professional Responsibility Command, failure of linking cases of misconduct, poor use of intelligence, lack of communication between internal departments, biases in investigations, ineffective investigative techniques, inappropriate penalties for misconduct, and ‘lack of rigour’ by investigating officers and managers. Several recommendations were made to address the deficiencies.

In 2002, the NSW Ombudsman was also concerned about the handling of complaints against police by the organisation (NSW Ombudsman, 2002). Project Dresden was followed up in 2003 to check that progress was being made (PIC, 2003). Subsequent research into complaints against police in NSW was carried out between 2009 and 2010 where university researchers had access to the NSWPF complaints records (Goodman-Delahunty et al., 2013a). The research team, at the invitation of the NSWPF with the objective of gaining a greater understanding of customer service, examined 3,131 customer complaints which were obtained from the complaints recording system: ‘C@ts.i’. The complaints were analysed using the NSWPF taxonomy of classifying complaints into 23 separate issues (Delahunty et al., 2012: ix).

Further research was completed on complaints against police in NSW when 378 participants, including Community Legal Centre advisers and Legal Practitioners, were
surveyed, which revealed that one of the most common criticisms of the system was its lack of independence (Goodman-Delahunty et al., 2014a:89; 2014b). The complaints submitted were classified into violations of human rights infringements relating to the Universal Declaration of Human Rights (UN, 1948); the two most commonly cited infringements were discriminatory behaviour (34%) and assault or use of excessive force (20%). In terms of police officers investigating complaints against other police officers, the research report found: ‘Insufficiently rigorous investigations; complaints were almost inevitably declared “unsubstantiated”; lack of impartiality with “police investigating police”; lack of transparency’ (Goodman-Delahunty et al., 2012:3). One factor of extreme concern in the findings of the research was that respondents reported adverse reactions from police following citizens making complaints. This was characterised by extra police attention and harassment of complainants and their family members (Goodman-Delahunty et al., 2014a:89).

Further examination of the complaints against the police system in the NSWPF was carried out in 2015 by the Police Integrity Commission in Project Cyril (PIC, 2015). This research was intended to examine the NSWPF complaints against police system to establish whether NSWPF was identifying systemic and organisational issues from its investigations and whether it resulted in effective action. Although some good practice was identified, the report said that in every complaint assessment and investigation, all organisational and systemic issues should be considered to be within the responsibility of the NSWPF, although independent oversight bodies would also review this issue. It also said that the NSWPF should take full advantage of misconduct investigations to support organisational development and improvement from their findings, and suggested that further complaint handling guidance would be needed including on ‘near misses’.

The reported number of complaints against police in specific categories that relate directly to this study were analysed over the years from 2010 to 2016 with the following results in Table 2.2. The specific categories of complaints were selected because they relate to police misconduct, ethical standards and corruption, and represent 8 of the overall 25 categories of complaints listed in the NSWPF Annual Reports.
Table 2.2


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<thead>
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<tbody>
<tr>
<td>Corruption / Misuse of Office</td>
<td>408</td>
<td>363</td>
<td>403</td>
<td>365</td>
<td>387</td>
<td>340</td>
</tr>
<tr>
<td>Failure to observe Service Standards</td>
<td>69</td>
<td>48</td>
<td>58</td>
<td>44</td>
<td>59</td>
<td>57</td>
</tr>
<tr>
<td>Harassment and Discrimination</td>
<td>375</td>
<td>331</td>
<td>427</td>
<td>350</td>
<td>329</td>
<td>317</td>
</tr>
<tr>
<td>Misconduct</td>
<td>218</td>
<td>170</td>
<td>201</td>
<td>166</td>
<td>160</td>
<td>146</td>
</tr>
<tr>
<td>Other criminal act or omission</td>
<td>338</td>
<td>328</td>
<td>364</td>
<td>415</td>
<td>433</td>
<td>455</td>
</tr>
<tr>
<td>Theft / Misappropriation</td>
<td>51</td>
<td>39</td>
<td>33</td>
<td>32</td>
<td>27</td>
<td>27</td>
</tr>
<tr>
<td>Unreasonable use of force (inc. assault)</td>
<td>567</td>
<td>542</td>
<td>554</td>
<td>519</td>
<td>478</td>
<td>374</td>
</tr>
<tr>
<td>Untruthfulness/Lying/Dishonesty</td>
<td>173</td>
<td>168</td>
<td>247</td>
<td>189</td>
<td>161</td>
<td>161</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>2199</strong></td>
<td><strong>1989</strong></td>
<td><strong>2287</strong></td>
<td><strong>2080</strong></td>
<td><strong>2034</strong></td>
<td><strong>1877</strong></td>
</tr>
</tbody>
</table>

Note. Data adapted and analysed by the author from NSWPF Annual Reports 2015 and 2016

The number of complaints against police in these specific categories decreased (14.64%) over these years which can be viewed as a positive sign. Some of these statistics will be discussed further, such as the unreasonable use of force category. All categories decreased except the opaquely-named ‘Other criminal act or omission’ which actually increased by 34.62% between 2010 and 2016. The decrease from 2010 (n = 5,200) to 2016 (4,800) in all complaints was a reduction of 7.95%. On the face of it, this appears to reflect a positive trend that the police are not exhibiting misconduct or negative behaviour, but the true cause for a lower number of complaints can be for several reasons other than lower levels of misconduct. They can be because members of the public lose patience with the system that they perceive as not working or they could be frightened of police retaliation as mentioned above; however, the reasons for reduction in the number of complaints have not been satisfactorily established by this research, and further work would be needed to achieve that objective.

According to Government information (Australian Government, 2017): ‘A low or decreasing number of complaints per 100,000 population is desirable’ and that is occurring in NSW. Although complaints against police cannot be compared between police forces in Australia as definitions differ, the long-term trend in NSW is downward, and is at a similar rate to that in Victoria. The trends in complaints around Australia are all different but those in NSW, Western Australia, South Australia and ACT are all downward, whereas in the other states and territories they are an upward trajectory (Australian Government, 2017:6.19).
2.4.5 Complaints against police - external oversight of investigations

Many judicial and royal commission inquiries into police mal-practice and corruption have found fault with how complaints against police are practically received, recorded, and investigated (Beckley, 2013e). Because of this, many of the inquiries recommended the introduction of separate and independent scrutiny of the process of complaints against police, which has led to the establishment of *independent oversight* of police organisations around the world (den Heyer and Beckley, 2013). There was no independent oversight of policing in Australia prior to 1963 (UN, 1963); subsequently, in 1979 an Ombudsman was appointed in NSW. This development was followed in 1988 by the appointment of the Independent Commission Against Corruption (ICAC) whose purpose was to investigate complaints and misconduct in the whole public sector (until the Wood Commission made changes as described above).

A further point that was discussed in the Wood Commission Interim Report (1996:113) was that the police should take responsibility for accountability issues. Responsibility for scrutiny and investigation of complaints against police and critical incidents should not be entirely devolved to third parties or oversight bodies. The thinking behind this was that police should be reflective on their own practices and take responsibility when things go wrong or could be done better (Wood, 1996:113). The system in NSPWF for administering complaints against police is an important factor for judging the legitimacy of police.

One of the more controversial and important issues is related to whether the investigations undertaken by independent oversight bodies and internal police investigations of complaints against police are perceived by members of the public to be objective and independent. Research indicates that there is strong public opinion that investigations into complaints against police are not perceived to be independent (Goodman-Delahunty et al., 2014b). There is a great deal of discussion around objectivity when police officers investigate their own colleagues (Neyroud and Beckley, 2001:67; Prenzler, 2009b:154-5) or are seconded to independent oversight bodies, but there are practical difficulties in recruiting personnel with the skills and abilities to carry out effective investigations in this contentious environment. There are a few examples internationally where this has been
achieved, for example, in Northern Ireland, but there are enormous barriers facing investigators when examining police misconduct, not least the much-reported ‘blue curtain of silence’ further discussed later in this chapter (den Heyer and Beckley, 2013; Lewis, 1994:97; Vito et al., 2011:153). In fact, the Wood Commission discussed this aspect of investigating police corruption and decided that investigators appointed to the PIC must come from organisations other than the NSWPF.

It is important to this study to understand the implications of the governance of the police force to identify its impact on the actions of police officers in their everyday contacts with members of the public which are set within the strategic framework of legislation (Appendix 1), policing practice, policies, and procedures, and the NSWPF standards of professional conduct (Appendix 4). The literature review will now examine the subject of policing and human rights.

2.5 Policing and human rights

This section will explain the importance of human rights to operational policing, highlighting international human rights treaties and proposes that police officers should have a good knowledge of human rights as an essential element of their training and operational practice.

2.5.1 Human rights law

Human rights law has a history going back to mediaeval times in Europe. The first known recognisable and preserved human rights documents were to control the ‘divine’ power of monarchs to rule, such as King John in England. The Magna Carta was signed in the year 1215 at Runnymede and upon translation, reveals elements of the rule of law; property rights; fair trading rights; right to safety and security; right to a fair trial; right to freedom of movement and assembly (Beckley, 1997:196). Further Bills of Rights appear in several countries such as the Bill of Rights (1698) in England; The American Declaration of Independence (1776); The French Declaration of the Rights of Man and the Citizen (1789) (Kalajdziev, 2002:7). According to Weber (2012:633): ‘... the modern concept of human rights is often traced to the 17th century ...’, and he cites the philosopher John Locke as the originator of the theory. Although the thinking until that time, including the provisions of
the Magna Carta, was that human rights were a protection against the intrusions from governments, the perspective of post Second World War instruments suggests that they are written in terms of entitlements to individual citizens (Weber, 2012). That is, the ‘natural rights’ described by Locke were interpreted as ‘fundamental freedoms’ during the 20th century, following man’s inhumanity towards fellow human beings during both world wars. The United Nations *Universal Declaration of Human Rights* was published in 1948 as a free-standing international resolution signed by Member States (UN, 1948). The preamble to the resolution stated: ‘...the inherent dignity and of the inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world’ and ‘...human rights should be protected by the rule of law’. Many of the 30 Articles contained in this instrument are directly relevant to operational policing (Goodman-Delahunty et al., 2014a:94–6).

### 2.5.1 Importance of human rights in policing

All countries with democratic policing systems respect the *Rule of Law* and this principle is intrinsically linked to human rights by several authorities (Kalajdziev, 2002:9). Landman (2004) concurs with Bayley (2014:4) by emphasising it is important to measure the principles, practice, and policy of human rights in different countries. Human rights are integral to most, if not all, policing activities as they relate directly to respecting citizens’ rights and fundamental freedoms; this point is of essential significance and it is crucial that it is emphasised in police training. Human rights law and practice emphasise that the use of coercive police powers must be executed with proportionality and only where absolutely necessary. There are elements to protect the human rights of witnesses, victims, and community members within the NSWPF Customer Service Charter, which undertakes to: ‘be accessible to all persons regardless of their culture, language, age, sexuality, physical and mental ability, locality and socio-economic background’, and to treat customers ‘fairly and with respect’ (NSWPF, 2009). To summarize, there seems little doubt that incorporating human rights into theoretical and practical policing operations is ‘best practice policing’ that will contribute to the status and credibility of the police service (Findlay, 2004:159). However, much depends of the credibility of the police linked to the culture and ethos of the individuals within the police organisation and the holistic organisation itself.
2.5.2 Human rights law in Australia

Most states in Australia, with the exception of the ACT and Victoria, do not have specific human rights legislation in their domestic statute book (Goodman-Delahunty et al., 2014a), however all states are accorded protection by the United Nations *Universal Declaration of Human Rights* (UDHR, 1948). Most of the well-recognised international human rights instruments have been ratified by Australia, and UN human rights experts are invited to examine and report on the level of protection of human rights for citizens and visitors to Australia (Treaties are listed in the References section). The situation relating to human rights in Australia and, in particular, NSW will be further discussed in chapter 9. Although the UN code is not directly recognised in law in Australia, the *Australian Human Rights Commission Act 1986, section 47* enacted that seven international instruments were part of the Act and the *International Covenant on Civil and Political Rights* (ICCPR) was one of those incorporated. Unfortunately, a case heard in the Australian courts\(^\text{10}\) found that the instruments are not fully integrated into the law; therefore do not afford actionable rights (Gans et al., 2011:19).

2.5.3 Knowledge of human rights and use of force

Having examined many important and influential issues underpinned by human rights that impact on vulnerable people, it becomes clear that police officers should be aware of their principles and rationale to guide them in operational activities. It follows logically that guidance would be provided during training courses and ‘on the job’ training. However, there is a problem in that international treaties such as UDHR and other more specific guidelines such as the *Code of Conduct for Law Enforcement Officials* (UN, 1979) and *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (UN, 1990), have no basis in law in Australia; therefore, if an individual’s rights are infringed there is no legal right of remedy against an individual or corporate public or private sector transgressor. The Australian criminal justice system purports to reflect the principles of human rights in their legal decisions, but the only remedy for excessive use of police powers or use of force is to make a complaint against police or take a civil law action. Thus, in Australia, members of the public have to rely on the police to have an exemplary standard in police ethics and a high

\(^{10}\) *Walker v Baird* [1882] AC491: 18-21, 34
standard of conduct, behaviour, and integrity. The standard of behaviour and the integrity of the police in NSW will be examined in the results chapters of this thesis. In the next section the discussion on police ethics will be developed further.

2.6 Police Ethics

Although public policing is not strictly a profession, many individual police forces have codes of ethics that relate to expected standards of behaviour (ANZPAA, 2012; Neyroud, 2011; Villiers, 1997). All professions, among other requirements, have standards of conduct linked to ethical codes which are set at the organisational level (Beckley, 2000c), whereas morals are the private codes of values of individuals. Therefore, ethics can be seen as right or wrong professional activities, but morals are either good or bad behaviours depending on the viewpoint of the individual. Villiers (1997:107) gives the following definition: 'An ethical code is a publicly expressed set of principles, by considering which a practitioner of the profession in question may decide upon the right course of action'. This definition appears to be a good fit for operational policing activities and will therefore be adopted by this study.

An 'ethical dilemma' can be described as a situation in which individuals do not know the right course of action, have difficulty doing what they consider to be right and find the wrong choice very tempting. Ethical dilemmas occur frequently in police work and, with the switch to a type of policing called intelligence-led policing (Ratcliffe, 2008); it has been argued by Dunnighan and Norris (1998) that they occur with greater frequency. Different types of ethical dilemma involve the use of discretion, duty, honesty, and loyalty. Pollock (1998) lists the major ethical systems as: ethical formalism, utilitarianism, religion, natural law, ethics of virtue, ethics of care, egoism.

The origin and evolution of ethics is attributed to the historical philosophical thinkers in Greek and Roman history; Plato (428-348 BC) argued that ethical decisions are made to achieve ‘the good’ in society. However, Aristotle (384-322 BC) described the ‘doctrine of mean’; that the path to virtue lays between extremes, therefore each decision is judged on its own merits and ethics is relativistic. Much has been written about police ethics over the last fifty years, but most of the work has been ‘academic’ and lodged within the antiquated
philosophical theories such as that of Immanuel Kant (1724-1804). Kant proposed the Deontological ethical principles (sense of personal duty to act in the way seen as right) and Jeremy Bentham (1747-1832) originated the concept of Teleological ethics which was based on utilitarianism; where the action that should be followed is that which creates the most good for all parties involved (Bentham, 1789). Ethics can be considered theoretically through these principles, but they may lack realistic practical application, especially in the complex modern world (McVean and Neyroud, 2012:6).

Alderson (1998), a visionary thinker and leader in the police service in the UK in the late 20th Century, observed that the police service could only operate ethically within a democratic country in which socio-economic and political conditions mainly exhibited high integrity within a sound liberal democracy, the rule of law and the principles of human rights and fundamental freedoms. This is a situation repeated by several other authors when attempting to achieve beneficial organisational or cultural change in a police organisation (Beckley, 2012; den Heyer, 2010). Like Wood (1997) and Fitzgerald (1989), Alderson (1998) warned that society could not allow the police to deal with integrity themselves; the police service would need support and scrutiny from external sources to achieve this. At the same time as these discussions were held, some police practitioners believed that the way forward was to have a written code of police ethics (Beckley, 2000c; Kingshott, 1999:33). There were also links made between human rights and police ethics (Ashworth, 1994) which was a conclusion reached by an ACPO working group on policing and human rights (Beckley, 1999; Neyroud and Beckley, 2001). It was not until many years later that most police organisations decided to introduce a code of ethics or subscribe to a generic ethical code.

There are very few books in the world on police ethics that link them to human rights, with the exception of Policing, Ethics and Human Rights (Neyroud and Beckley 2001:47) which listed eight principles underpinning police ethics: (i) respect for personal autonomy; (ii) beneficence (the doing of good); (iii) non-maleficence (police officers should help others without causing harm); (iv) justice; (v) responsibility (justify and take responsibility for

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decisions); (vi) care; (vii) honesty; and (viii) stewardship (taking care of vulnerable people in society). However, there has been considerable work completed recently to articulate more effectively the ‘expected behaviours’ which constitute good police ethics (Prenzler, 2009b) and these should be used in police training and practical scenarios. MacVean and Neyroud (2012:10) listed key words listed in Table 2.3 associated with police ethics, many of which have been used in this literature review.

Table 2.3.  
**Key Words Associated with Police Ethics**

<table>
<thead>
<tr>
<th>Accountability</th>
<th>Fairness</th>
<th>Liberty</th>
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<tbody>
<tr>
<td>Awareness</td>
<td>Human rights</td>
<td>Public respect</td>
</tr>
<tr>
<td>Code of conduct</td>
<td>Human rights awareness</td>
<td>Respect for others</td>
</tr>
<tr>
<td>Corruption</td>
<td>Impartiality</td>
<td>Rule of law</td>
</tr>
<tr>
<td>Democracy</td>
<td>Integrity</td>
<td>Training</td>
</tr>
<tr>
<td>Ethics</td>
<td>Law and order</td>
<td>Use of reasonable force</td>
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</tbody>
</table>

*Note. Reproduced from MacVean and Neyroud, (2012:10)*

It is also necessary to articulate the key concept of *integrity* which is defined by Lasthuizen, Huberts and Heres (2011:387) as: ‘the quality of acting in accordance with relevant moral values, norms, and rules’. The authors point out that both individuals and organisations can have the quality of integrity; an attribute which this study sought to identify and quantify through the responses to the survey.

Prenzler, et al., (2012) posited that police integrity as a negative trait can be identified in trivial actions such as accepting free drinks or meals which can lead to much more serious and egregious actions by police officers such as committing crime, involvement in corruption or using excessive force on vulnerable members of society. This is the ‘slippery slope’ of misconduct which is a ‘persistent theme’ in many text books about police corruption (Kleinig, 1996:170). The advice from the NSWPF Code of Conduct and Ethics, article states that police officers should ‘Behave honestly ....’ (NSWPF, 2008). This literature review will now examine the culture within the police organisation.
2.7 Police Culture

Police culture is an important aspect of this study as it sets the moral and ethical environment within each police officer and the holistic ethos of the police organisation; it is therefore an important measure to be established during this study. The subject will be discussed with reference to the police culture in Australia, discrimination and institutional racism in the police service, noble cause corruption and the performance culture in police organisations.

2.7.1 Police Culture in Australia

Police culture in Australia is most certainly different to that in other countries as observed by Finnane (1994:10) when he states: 'By contrast, radical critics of the police in Australia, while rarely devoting extended treatment to the history of the police, have viewed the police as inevitably, and usually wilfully, the agents of an oppressive state'. Further, he goes on to report ‘a special relationship which exists between police forces and the capitalist class’ that is ‘intensified at times of crisis’. These comments can be interpreted as suggesting that there appears to be an alignment by the police in Australia with certain sections or classes of society, whereas police organisations should be independent and objective while being compliant and consistent with the rule of law and democratic policing principles.

Additionally, several authors have identified a negative culture within the police service of obfuscation and ‘wilful blindness’ relating to misconduct (Chan, 1996; Chan, 1999; Chan, 2003; Vito et al., 2011). This culture was specifically noted in the Wood Royal Commission (Wood, 1997: 134) and manifests itself in extreme loyalty within the organisation from colleague to colleague, with police officers covering up misconduct and failing to report when witnessing malfeasance in their colleagues; the widely-noted ‘blue wall of silence’ (Goodman-Delahunty et al., 2014:80; Prenzler, 2016). Chan (2003:252) notes the negative aspects of police culture as: ‘... the readiness to stereotype, the paranoia and cynicism, and the cover up of misconduct’. Police officers form a resistance towards investigations, either internal or external and ‘cover each other’s backs’, the reasoning being that the police are ‘us against them’; the rest of society (Bryett and Lewis, 1994:97; den Heyer and Beckley, 2013). The resulting ineffectiveness of investigations leads to perceptions of the futility of making complaints and ‘whitewash’ inquiries leading to poor customer service (Brewer,
In many instances this ‘esprit de corps’ is beneficial, if not essential, to enable police officers to fulfil a demanding and exacting role, especially when dealing with protracted major or critical incidents (Beckley, 1997; Beckley, 2012). Chan (2003:250) described this positive aspect of the culture as: ‘... the sense of friendship, mutual support, and shared understanding that helped officers cope with and survive in an occupation that is dangerous, unpredictable, and unpleasant’. Probably the best depiction of the traditional occupational police culture (Figure 2.2) was proposed by Paoline (2003:201).

![Police Culture Diagram](image-url)

*Figure 2.2. Traditional occupational police culture model. Reproduced from Paoline, 2003:201.*

O’Neill and Singh (2007) set out a clear history of research into the police occupational culture going back to the 20th Century and there have been many studies internationally (Brough et al., 2016; Chan, 1996; Skolnick, 2002; Westmarland, 2009) which mainly came to the same conclusions as Paoline (2003). However, a recent study of police culture has identified changes in the conventionally held picture in that what remains of the traditional culture is the police family, control, ‘us versus them’, masculinity, and subcultural differences (Brough et al., 2016). Moreover, it identified two major changes in relation to social rituals and increased scrutiny. It appears that the ‘drinking culture’ has been
diminished and there is an increased separation between police officers’ work and non-work lives. These changes were also noticed in an earlier research study which interviewed 150 NSW police recruits over a two-year period, in 1995-7. The researchers identified a changing police culture finding that the: ‘pre-Royal Commission culture of heavy drinking and criminal cover up was no longer as prevalent’ (Chan, 2003:266). It can be concluded that some of these developments are positive and some negative.

Most police officers feel that their work is contributing to the well-being of society and that it is their vocation, despite the repetitive Sisyphean efforts at crime prevention that sometimes leads to cynical attitudes that society is beyond redemption (Kleinig, 1996:24). On the other hand, most academics and researchers have highlighted the worst aspects of police culture, the misconduct, corruption, machismo, high stress levels and paranoia about external influence (Beckley, 2014a). However, Chan et al., (2003:20) warn that police culture is a complex issue that should not be categorised into one particular theory; it should be set in its natural context.

2.7.2 Discrimination and institutional racism

Although most police organisations have seriously addressed discrimination within their ranks towards vulnerable minority groups such as those from ‘LGBTIQ’ groups, gender discrimination within police organisations still occurs (Sarre, 2016). However, all police organisations around the world should pay constant attention to what has been called institutional racism (Macpherson, 1999, para. 6.34). This term was introduced in the UK, based on the allegations of racism in the police service through the unrepresentative use of police stop and search powers on ethnic minority persons (see also Eterno, Barrow and Silverman, 2016). Police officers need to take extreme care and address their prejudices and biases in their operational policing activities. In an Australian context, attention to institutional racism applies to police actions involving Aboriginal and Torres Strait Islander peoples. During the 1980s, it was found necessary to have Royal Commissions (Johnston, 1991) which investigated the large number of deaths of Indigenous people while in police or corrective services custody. The findings of the inquiry were that the custodial services agencies should receive additional training in ensuring correct care, security and safety of persons in custody.
Indeed, Indigenous people are over-represented in the Australian Criminal Justice System because of sentence outcomes (AIC, 2013; Allen, 2012; Allison and Cunneen, 2013; Cunneen et al., 2016; Gittins, 2014; Lockwood et al., 2014; SAC, 2013; Trofimovs and Dowse, 2013). Also, according to data from the NSW Ombudsman (2013b), police powers (such as ‘move on’ powers) are being used in a discriminatory way against indigenous young people. In addition to discrimination and institutional racism, within police culture, another failing trait that has been noted by observers is that of noble cause corruption.

2.7.3 Noble cause corruption

The ‘can-do’ attitude of police officers, who might feel they suffer an unfair relationship with criminals, can tempt them to resort to policing techniques called noble cause corruption (Dunnighan and Norris, 1998). This phenomenon has been recorded in several inquiries such as the Wood royal commission (Wood, 1996:46). According to Crawshaw et al., (1998:58) police leaders should ensure that there is a culture in their organisations ‘which is hostile to the notion of “noble cause corruption”’ which is defined as: ‘... a mindset or sub-culture which fosters a belief that the ends justify the means’ (Rothlein, 2008:1). When the myriad political agendas impact upon policing service delivery it is difficult for the police to operate ‘without fear or favour’ (HMIC, 2011a) and maintain the ‘ethical compass’ that is an expectation of society.

In popular entertainment, noble cause corruption is depicted as the ‘Dirty Harry’ syndrome (Jauregui, 2013:128; Klockars, 1980). Police officers encounter a Dirty Harry situation during four circumstances:

(i) ‘They have the opportunity to achieve some morally good end or outcome, and they aim to do so;

(ii) The means they use to achieve this good end are normally morally wrong (they are dirty).

(iii) The use of these means is the best or perhaps the only practicable way of ensuring that this good end is realised.

(iv) The good likely to be achieved by using the dirty means far outweighs the evil likely to follow from their use’ (Dunnighan, 1999).
Police officers who resort to noble cause corruption are sometimes responding to a performance culture within the police service whereby there are high expectations set for performance outcomes such as the number of arrests or detections.

2.7.4 Performance culture and management culture

Police organizations in Australia are part of the public sector which, during the last few decades, has been infused with a performance culture incorporating performance indicators, outputs, outcomes, and targets to achieve, a strategy which aligns with *New Public Management*. This philosophy was imported in the late 20th Century from the techniques of the private sector; but unfortunately, it does not work well in the police service (Beckley, 2018). The performance culture is ‘... central to policing’ (Home Office, 2008: i) but ‘the process of monitoring, measuring and reporting should not become an end in itself’ (Gillespie et al., 2007:173). Because the police organisational culture is beset with an authoritative ‘command and control’ type of management, a performance culture can cause stress, poor decision-making, misconduct and in the extreme, corruption. ‘Compstat’ styles of performance reviews, and ‘league tables’ have been found to add extreme occupational stress to police managers (Cockcroft and Beattie, 2009). Knowledge sharing within police organisations has suffered (Hughes and Jackson, 2007:186) while focusing police activity on crime fighting rather than building partnerships with other agencies has caused community liaison issues (Mitchell and Casey, 2007:225).

According to Overeem and Tholen (2011:723): ‘Public managers and civil servants should not just be evaluated by economic criteria but rather in terms of ethics and integrity’; however, conversely, there is rather more evidence that performance cultures (HMIC, 1999:19) have improved efficiency but not accountability and integrity levels in Australian police organisations (Lewis, 2007:144). There have been examples in the USA, UK, and Australia of falsifying and massaging crime figures so that police performance appears better than it actually is (Eterno and Silverman, 2010; Eterno, Verma and Silverman, 2016; Willacy and Blucher, 2017). These actions amount to unethical behaviour but border on corruption (Barrett, 2013; 2014a; 2014b). De Maillard (2015:176) summarises a large amount of literature on the subject of performance indicators being used in the police service and concludes that it has caused a decline in the quality of service to the public.
Also, MacFarlane and Stratton (2016) identified that a performance culture in the police organisation can lead to a heightened prevalence of miscarriages of justice and over-representation in the criminal justice system of ethnic minority or marginalised groups.

Researchers have found that the managerial culture within police organisations is generally negative: ‘command and control’ management culture is ‘arbitrary and capricious’; and research has established that there is a ‘culture of fear and bullying’ in the organisation (Goodman-Delahunty et al., 2013a). Other authors have described the type of management thus: ‘From the top of the organisation to the bottom, compliance is the watchword: strict compliance with policy, rules, regulations, verbal orders and written directives are at the root of police officers’ activities, often at the expense of performance’ (Shane, 2010:6-7). The style of management is typified by the theory of New Public Management (NPM) and ‘managerialism’ (Beckley, 2003; Neyroud and Beckley, 2001). The negative aspects of police management and managerialism through an uncaring performance culture have been identified in several studies (Beckley, 2018; Chan, 2003:36).

The NSWPF was accused of a culture of gender-based bullying: ‘Complainants suffer from ostracism, bullying, stalking, verbal abuse and intimidation by other colleagues who support the perpetrator’ according to an inquiry conducted in 2006 (Ronalds, 2006, 2.35: 26). Despite the fact that, ‘police have made remarkable steps’ towards diversity and given special recognition to groups in society needing special care and attention such as ‘LGBTIQ’ groups, gender discrimination within police organisations still occurs (Sarre, 2016:3,9). Research has been carried out in the NSWPF which found that the physiological demands of police work were extremely high (Decker, Orr, Pope, and Hinton, 2016). Also, as a result of high levels of sickness (15%), many officers being placed on ‘limited duties’ and taking early retirement (Jones, 2010) the working conditions were described as ‘a “perfect storm” in terms of the risk of suicide’ (Wakatama, 2014:1). WorkCover research and training was utilised to ensure ‘a more resilient workplace culture’ (PANSW, 2010: 1). It was recognised that there was a need to change the ‘adversarial’ attitude towards injuries on duty (Howden and Ralston, 2011:1) as there was ‘limited success’ in ‘...the entrenched culture within the NSW Police Force, which facilitates injured officers being treated with scepticism,
stigmatised and discarded’ (PANSW, 2011:91) leading to the Police Union’s conclusion: ‘NSW Police Force failed in its duty to protect police’ (PANSW, 2013b: 1).

An area of concern, reported in the media, is the way that police officers suffering from post-traumatic stress disorder are treated (Allan, 2016) although, in an empathetic concession, in 2016 the NSW Commissioner of Police, Andrew Scipione announced that police officers who committed suicide would be honoured by entering their names on the National Police Memorial (Knowles, 2016). These issues in the workforce contribute towards the organisational justice in the workforce and reflect the management culture that exists within the organisation of NSWPF. This study will be examining this important area to establish the organisational culture that operates and its implications for police ethical standards and human rights. Having identified many problems in the history of policing in NSW, progress towards police integrity will now be analysed.

2.8 Towards Integrity
This section will examine the levels of integrity in the public sector and through a review of the recent history of police integrity, observe possible ways forward to establish and maintain high police integrity in the future. Having researched this subject area, the contents will be useful in making recommendations to address any areas for improvement identified through the findings of this study.

2.8.1 Integrity in the public sector
Standards of ethical practice in the police service should be judged within the setting of the integrity standards of the community it serves. Therefore, to make an accurate assessment of the level of corruption in the NSWPF and what to do about it, the level of corruption in the entire public sector should be taken into account because the police as an organisation cannot exist in isolation; it will reflect the values and morals of people and organisations that surround them. In the 2016 Transparency International Corruption Perceptions Index, Australia was allocated a score of 79, which placed it 13th out of 176 countries in the world and indicated a perception of a comparatively low level of corruption (Transparency International, 2016).
Gutierrez-Garcia and Rodriquez (2016) awarded police corruption scores to all countries based on socio-economic indicators with scores from 1 (not at all corrupt) to 5 (extremely corrupt). Australia was given a score of 3 along with 28 other countries including the UK, USA, and New Zealand. Also, a country-wide Australian study, focused on ethics and honesty, which compared all ‘professions’ ranked the police 7th of all professions. Of the 648 respondents, 76% stated that police had “very high” or “high” personal ethics and honesty which was the highest score since the poll began in 1997 (Morgan Polls, 2017). Also in 2013, the police were rated as the second highest Australian institution or organisation concerning its trustworthiness with 86.9% of the respondents saying they had “a lot of trust” or “some trust” in the police in a report on Mapping Social Cohesion (Markus, 2013:28). However, it appears that the level of trust in the police is not constant. For example, the percentage of the Australian public who stated they had “a great deal” or “quite a lot” of confidence in the police, decreased from 76% in 1995 to 72% in 2003 (Indermaur and Roberts, 2009). This result follows a general trend of declining levels of trust, particularly noted in the United Kingdom (Jackson et al., 2013:32).

2.8.2 Assessing police integrity in NSW

The level of police integrity is assessed in police agencies by the use of surveys and assessments of the ethical standards of sworn police officers. A tried and tested method is to use surveys incorporating scenarios of operational policing incidents and then asking participants to rate the level of seriousness of the scenario, whether the incidents should or would warrant disciplinary procedures, and whether they would report such an incident if they witnessed it. There have been several surveys of this nature carried out in NSW, but each differed slightly as will be explained in chapter 9.

Once a police organisation decides to enhance its integrity or such a change is forced upon it by external influences, such as a royal commission, there are myriad considerations as to how to effect the change. In addition, the multitude of guide books (for example: Burtonshaw-Gunn, 2008; Speculand, 2005) on the subject emphasise the difficulties and setbacks that organisations of all sizes and sectors experience during change management programs (Beckley, 2012:269). Royal commissions on policing in Australia recommended
many changes with the objective of enhancing integrity in the organisations under scrutiny (Figure 2.3). However, because of many reasons, not least resistance to change (Burtonshaw-Gunn, 2008:25), the main changes emanating from the Wood Royal Commission were not fully implemented (Chan and Dixon, 2007).

![Figure 2.3](image)

The common items that required change from the royal commission recommendations were organisational change (Beckley, 2012), culture change (Schafer and Martinelli, 2008), police training (Beckley, 2017; Chan et al., 2003), and recruitment procedures (Belmonte, 2011; Donner et al., 2016). Much has been written about these factors, each of which throws up considerable problems on implementation, but they can be achieved with perseverance, tenacity, tact, and diplomacy (Beckley, 2012).

### 2.8.3 The future for police integrity

Changes to the scrutiny and oversight of police organisations in relation to accountability and integrity may be changed by legislation or court actions. For example, reform of police
departments in the USA occurred after changing the law, which gives the US Department of Justice the power to sue local police departments that are believed to be in violation of constitutional or statutory laws (Chanin, 2014). To prevent recurrences of problems of the past, and to minimise potential integrity issues in the future, there is much to be learned from studying the findings and recommendations from royal commissions, not least that capacity-building and change management programs are not guaranteed success (Beckley, 2012:277; Chan and Dixon, 2007). Many recommendations from royal commissions were never implemented and similar issues featured in the inquiries of royal commissions over several decades, although the findings from royal commissions are consistent; for example, concerning high risk policing activities, types of police corruption and possible ways of reducing corruption (Beckley, 2013:44).

Appendix 4 includes details of the typology of police corruption used by many research studies (Prenzler, 2009b:16). Miller, Blackler and Alexandra (2006) list four ways that police corruption can be mitigated: ensuring sound recruitment processes so that the right people are hired; eliminating opportunities that might lead to corruption; encouraging a workforce culture to do what is right, and; ensure corruption is deterred by speedy and effective detection. Other authors such as Hayes and Lauchs (2008) list strategies (Figures 2.4 and 2.5) to address corruption and yet others such as Beckley (2012) list capacity building initiatives.

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Porter (2016) suggests that there can be productive collaboration between police professional standards units and external oversight agencies, although other researchers (Prenzler, 2000) have warned against the ‘capture’ theory where the relationship between the scrutiny body and the police becomes too close and thereby loses objectivity and independence. Also, Berg and Howell (2016:125) warn of problems of a particular nature in locations where relationships between the two organisations are poor. Police organisations need to consider many aspects of their organisation if they are to maintain integrity and the support of their communities: organisational structural change; management of human resources; maintaining openness, transparency and accountability, controlling and measuring security and data protection; good communications with the community and partners; policies, practices, and procedures to improve professional standards (Beckley, 2012).

2.8.4 ‘Ideal’ oversight systems
Authors specialising in the field of independent oversight of the police have suggested there might be an ideal model for such an agency (Prenzler, 2009b:171). What is clear is that there is a strong movement towards Independent Broad-based Anti-Corruption Commissions (IBAC) in recent years such as those introduced in Victoria and South Australia (den Heyer and Beckley, 2015); although other models favour inclusion of the state crime commissions which deal with serious and organised crime (for example in Queensland, the Crime and Corruption Commission). These organizations have been formed in the last few years and cover integrity issues across the whole of the public sector, but with specialist units to deal with the largest area of business, corruption in the police service. In NSW, a new police independent oversight body was introduced in January 2017; the Law Enforcement Conduct Commission (see chapter 9).
2.9 Conclusion of chapter 2

Chapter 2 has covered a great deal of material relevant to this study of the current position of human rights and ethical practice in policing in NSW. The review of literature explained the background and context of public policing along with the theories and principles of police legitimacy and described the important subject of the governance of police. Another section of the chapter summarised the subjects of human rights and police ethics and examined their links to operational day-to-day policing activities. Setting the climate of integrity in the police force was discussed while looking at police culture at an individual police officer level, pointing out the evidence-based history of its good points and its bad points. Police culture was then set inside the wider lens of the police organisational culture which provided a different perspective in a holistic view of the agency. The constituent parts of the police culture and the police organisational culture will be illustrated from the results of this study in subsequent chapters. Finally, this chapter examined some examples of official discourse which suggested ways of enhancing police integrity and accountability, into the future. From concluding this review of relevant literature to the subject matter of this thesis, chapter 3 will consider the theoretical framework in which the study is placed.
Chapter 3: Theoretical Framework

3.1 Format of chapter 3 and Introduction
This chapter describes the theoretical framework of Constitutive Criminology upon which this study is based. Chapter 3 is split into five main segments: Introduction; research into criminology; Constitutive Criminology; links between Constitutive Criminology, police ethics, human rights, and police legitimacy; conclusion. This chapter will explain how the theoretical framework is an appropriate and rational choice to analyse and interpret the data obtained by the study.

3.2 Research into Criminology
The focus of this thesis on policing, human rights, and police ethics requires a multidisciplinary framework. Criminology is such a field; according to Treadwell (2013:5) criminology is an amalgam of disciplines ‘most notably sociology, and psychology and psychiatry, legal studies and law, economics and political studies’. Readers should note however, that this study does not claim to align itself to any specific disciplines or regimes as it uses a multiplicity of sound research methods, not linked to any explicit scientific discipline other than general Social Sciences. Criminological research into the policing function, which is a small part of the discipline, did not commence until the 1960s and 1970s, leading to more intense scrutiny in the 1980s (Coleman and Norris, 2000:118). Within the academic discipline of criminology, academics and police officers have had a history of distrust and poor working relationships (Bradley and Nixon, 2009) with researchers concluding that most policing techniques of the time were ineffective (Wright, 2002:22) even through the eyes of a ‘cop-sided view of history’ (Newburn, 2003:5). Later there were moves towards ‘evidence-based’ policing techniques, using randomised control samples initiated by academics and police officers working in greater harmony, although this development is beyond the scope of this study (Hansen et al., 2014; Newburn, 2003:5; Neyroud, 2009). Rather than the historical negative attitudes of criminologists, such as in the theories of Marxism, Anarchism, and Feminism (Coleman and Norris, 2000:73), Constitutive Criminology is concerned with the positive reconstruction and redirection of society towards laudable objectives. The wide-ranging nature of criminology suits the study of human rights and policing well because of the diversity of the discipline; however, the
wide angle of its lens requires a more focused theoretical framework, such as Constitutive Criminology, from which to draw targeted findings.

3.3. Constitutive Criminology

The overarching claim for the theory of Constitutive Criminology is that it is a: ‘... a broad sweeping, wide-ranging holistic perspective on crime, criminals and criminal justice ... whose objective is to help build a less harmful society’ (Lanier and Henry, 2010:362). Henry and Milovanovic (1996), providing further detail, describe the theory of Constitutive Criminology as: ‘... a theory proposing that humans are responsible for actively creating their world with others. They do this by transforming their surroundings through interaction with others, not least via discourse’ (1996: ix-x). In fact, this research will be accessing and analysing discourse in two ways: official discourse, for example reports of royal commissions, and social discourse in the form of free-text comments contributed by police officer participants in the survey. Within the theoretical framework, Henry and Milovanovic (1996:x) also describe a ‘cloth of crime’ as a ‘psycho-socio-cultural matrix’ that is integral to society which explains the meaning of behaviours of human subjects (which includes police officers) who offend and victimise others that cannot be understood in isolation from the society in which they participate. This study analysed misconduct and corrupt behaviour of police officers, in the society in which they participate, to ascertain whether the situation has improved or deteriorated in NSW. The assertion by Henry and Milovanovic (1996) that crime is co-produced by human subjects and society, and that they are inextricably linked, makes this theory unique but fundamentally appropriate for the study envisaged, as it is in accord with Robert Peel’s long-standing nine principles of policing (Bronitt and Stenning, 2011:331).

Furthermore, in terms of crime causation, Constitutive Criminology sets itself apart from other theories in terms of public discourse in that it explains that crime is co-produced by individuals, human agents and wider society (Lanier and Henry, 2010:363). The apparently insatiable appetite of the public for ‘cop shows’, the frequency of which is self-evident in the television program listings, puts additional pressure on police performance illustrated by several (but not exhaustive) factors: (i) Unrealistic expectations of technical or forensic detection processes through the apparent infallibility of scientific procedures such as ‘DNA’ analysis (Beckley, 2013c); (ii) Unrealistic expectations of ‘instant’ detection of crimes set
within a short television episode; the so-called ‘impossible mandate’ (Mawby, 2002:56); (iii) Increased fear of crime through gaudy, shocking and blood-thirsty depictions of crime, inferring their reality and fictitiously high levels of manifestation (Newburn and Neyroud, 2008:105).

The concepts of the theory of Constitutive Criminology open up a wider consideration and analysis of the perception of crime (incorporating human rights) in current society. In post-modern developed countries, the assertion regarding causation of crime quoted above is evident from the intrusive and over-whelming frequency of messages (discourse) on crime, both in reality and fiction. Indeed, it appears that many individuals in society can no longer discriminate between the reality of crime and the fictional representation of it, resulting in unwarranted but understandable ‘fear of crime’ (Riger and Skogan, 1978). In his inquiry into situated knowledges within the theory of Constitutive Criminology, Williams (1999:150) states: ‘Police work is ideal in this context given its existence as a crucial discursive site where lived events and particular subjects are transformed into the dictates of formalized criminal justice based on the conceptual categories of criminality and deviance.’ This apparently simple sentence requires a great deal of unpacking in the context of operational policing. The first issue is that of police discretion which was discussed at several points in chapter 2: Much of police work is discretionary; police may use their statutory powers but they have wide discretion as to how, if or when to use them (MacVean and Cox, 2012). Results from the scenario section of the survey advise on police officers’ thoughts relating to this topic. Police officers’ prejudices also play a part in their decisions to act or not to act when they have powers to do so and there are examples of stereotyping (HRLC, 2013); and discrimination (McPherson, 1999), which add to the criminal justice system ‘revolving door of recidivism’ (Broadhurst, 1997; Harding et al., 1995; Worden et al., 2014).

However, Constitutive Criminology is a way of making meaning of the constraints of modern societal community living, identifying the obstacles, setbacks, and barriers (both real and imagined) for all members of society to fully achieve their lawful personal and professional development and aspirations, without unnecessary hindrance or loss from crime or ‘authority’ of whatever shape or form, while living in a democratic society. The theory is clearly aspirational and could be described as trying to achieve an idyllic world that is
unattainable; but it attempts to do so through proposals of changes to policy, ways of reducing or mitigating harm to individuals in society, thereby recommending a positive and less harmful way forward.

In relation to harm in society, the Constitutive Criminology theorists also point out that their definition of crime is somewhat wider than that normally used in criminology; indeed, they deem it to include every type of harm from being a victim of a statutorily recognised crime, and extend the meaning to include harms around socially constructed differences such as: economic; gender; race and ethnicity; political; morality; ethics; human rights; social position; psychological state; self-realisation and actualisation; biological integrity; and others (Lanier and Henry, 2010:362). Out of this list that Lanier and Henry posit, the subjects of gender; race and ethnicity; morality; ethics; and human rights will be directly examined in this research study. The elements of human rights and police ethics are clearly within the research question, and the definition of crime is a good fit with the reality of policing operations, although the approach to widen the definition of crime has been questioned as becoming ‘politicised’ (Coleman and Norris, 2000:11).

Policing commitments often deal with unfairness and there are sometimes accusations that there is one law for the poor and another for the rich (Wright, 2002:9). Within the theory of Constitutive Criminology there are two kinds of crime: crimes of reduction and crimes of repression. The former is where victims suffer a loss of quality of life or social standing (such as theft of their property) and the latter is where the victim is limited by some power to achieve their desired position or standing in society (such as the ‘glass ceiling’ promotion cap); this is in keeping with rights-based law and human rights. Both kinds of crime will feature in the research study which focuses mainly on how police officers treat members of the public. The theory of Constitutive Criminology proposes that human subjects ‘see themselves more acted on rather than acting’; therefore, they acquiesce to their surroundings in society (Henry and Milovanovic, 1996:37). This is like the mythical phenomenon of the ‘social contract’ (Auerhahn and McGuire, 2010:1; Neyroud and Beckley, 2001:20) whereby members of society make an intangible and unsigned agreement to live in peaceful social accord with their fellow-citizens in return for the safety and security provided by the state. This study examined whether the trust of citizens is reciprocated by
positive attitudes, proactivity, and professionalism from police officers in NSW, or whether that trust is misplaced. A model of the author’s interpretation of all the constituent parts of the theory of constitutive criminology follows.

### 3.3.1 Model depiction of the theory of constitutive criminology

The model illustrated in Figure 3.1 should be regarded by readers as the author’s interpretation of the work of Henry and Milovanovic (1996), building on their description in words of the theoretical framework. The constituent sections of the illustrated model require a short explanation for readers to establish the meaning of the words contained within it.

**Graphical representation of the theoretical framework of Constitutive Criminology.**

![Diagram of the theoretical framework of Constitutive Criminology](image)

*Figure 3.1. Diagram of the author’s vision of the theoretical framework of Constitutive Criminology.*

The theoretical framework is depicted as an over-arching circle that incorporates four constituents of *communities, organisations, the criminal justice system* and *police*. The meaning of *communities* is taken from the normal dictionary meaning of the word; a noun, ‘a group of people living in the same place or having a particular characteristic in common’
For the purposes of this research study, the group of people are living in the state of New South Wales (NSW). Similarly, the meaning of organisations should be taken as the normal dictionary meaning (noun) as: ‘An organised group of people with a particular purpose, such as a business or government department’ (Oxford Dictionaries). The meaning of an organisation should be regarded as a private sector or public sector organisation located in NSW.

The definition of criminal justice system should be regarded with slight differences to its dictionary definition of: ‘The system of law enforcement that is directly involved in apprehending, prosecuting, defending, sentencing, and punishing those who are suspected or convicted of criminal offenses’ (Oxford Dictionaries). The differences to the definition are two-fold: (i) the definition includes the police as the organisation that ‘apprehends’ suspects, so the study will separate that function from the definition and will work with it in greater detail; (ii) the definition of criminal justice system, for the purposes of the research study, should include the role of the legislature, ‘the legislative body of a country or state’ (Oxford Dictionary) in terms of the criminal law. The criminal justice system should be regarded as that organisation relating to the State of NSW. Finally, the fourth constituent, police, should be taken as the New South Wales Police Force (NSWPF); the dictionary definition of a police force being: ‘An organized body of police officers responsible for a country, district, or town’ (Oxford Dictionaries). The next stage in this explanation of the theoretical framework is to link it to the major themes in the study: police integrity and ethics, police legitimacy, and policing and human rights.

3.4 Links between Constitutive Criminology, police ethics, human rights, and police legitimacy

When police officers have a detailed knowledge, understanding and respect for human rights and high ethical standards, this ensures a higher quality of democratic policing and a safer and secure community (Bayley, 2014) which assists towards building the less harmful society Lanier and Henry (2010) describe. When police officers understand and respect the human rights of members of the community they serve, this results in a superior quality of police service that citizens will recognise and respect. Many studies have found that only between 25 and 35% of calls for assistance to police are crime related (Coleman and Norris,
2000:121): the remainder of calls were for ‘service’ such as dispute settlement, road collisions, etc. rather than law enforcement; the so-called ‘secret social service’ (Punch, 1979). Also, Wright (2002:4) quotes Shapland and Vagg (1988) who found that a category of ‘potential crime’ accounted for only 53% of police work, whereas Wright pointed out that much depends on how police commitments are categorised; however, most of them relate to the ‘harmful society’ described by Lanier and Henry (2010:362).

The parts of the research investigation process will now be briefly discussed in turn: (i) police integrity and ethics; (ii) police legitimacy (incorporating procedural and organisational justice, mode of policing); (iii) policing and human rights, which will be summarised later in a model in Figure 3.2. These subjects have all been defined and discussed in chapter 2; the intention here is to show how they fit into the theoretical framework and data collection process.

3.4.1 Links to police integrity and ethics
Operational police work is a never-ending series of ethical dilemmas whereby police officers must balance the rights of individuals with every decision they make. These factors are discussed in depth in the Literature Review (chapter 2) and scenarios of ethical dilemmas are widely used in police training to advise recruits of fair and correct procedures (Lord and Bjerregaard, 2003). Scenarios of practical policing actions are used in the survey instrument of the research to elicit information on the current situation of police integrity and ethical practice, and policing and human rights in NSW (chapter 4). The theory of Constitutive Criminology states that to commit a crime against another member of society is to disrespect them and harm them; this principle links well to discussions on human rights, fundamental freedoms, and ethical practice.

3.4.2. Links to police legitimacy (procedural and organisational justice, mode of policing)
Henry and Milovanovic (1996) stated that the theoretical framework of Constitutive Criminology is ideal for studies into police work. Also, Williams stated: ‘Police work, as a socially organised activity and interpretive practice, is constitutive of crime. Considering this association; the policing function must represent a central concern within Constitutive Criminology’ (Williams, 1999: 153). Clearly, the typology and form of policing that is
constituted in a specific state or country will affect the rights and freedoms of citizens in the way that police officers utilise coercive powers that are provided to them by legislation. The form of policing in the state of NSW purports to be a democratic policing system being delivered in a community policing style (Devery, 2003:82), although this situation is further discussed in chapter 2. The legitimacy of police and the mode of policing can therefore be linked to the ‘less harmful society’ described in the theoretical framework of Constitutive Criminology (Lanier and Henry, 2010:362) because of the points listed above servicing the needs and rights of citizens.

3.4.3 Links to human rights
As was discussed in chapter 2, one of the main purposes of a police organisation in a democratic society is to protect human rights (Bayley, 2006:19). This study will argue therefore, that it is essential that police officers have knowledge of and fully understand what human rights are and their relevance to operational policing activities. This is so whether the state or country in which the law enforcement agency is subject to a rights-based legal system or not. The study will examine unequal power relationships, at individual and state level, between police officers and members of the public, the use of coercive powers both by and on the police (den Heyer and Beckley, 2013), use of ‘police discretion’ in the criminal justice system, and the prevailing police culture which has been characterised as an unethical, destructive, and oppressive force (Loftus, 2010).

3.4.4 Processes of analysing data into the theoretical framework
The process of examining and analysing data to feed into the theoretical framework (Fig. 3.1) using the data that has been collected by this study, is shown in Figure 3.2.
By analysing responses to the on-line survey from police officers, evidence relating to police integrity, police legitimacy, and policing and human rights, in NSWPF were examined. This evidence was analysed against the contexts of criminal law, police policies, practices, procedures and the mode of policing which indicated factors relating to police legitimacy in NSW. Findings from this analysis were then linked to factors contained in the theoretical framework of Constitutive Criminology that directly led to propose recommendations for improved and enhanced policing practices (chapter 10), culminating in the ‘less harmful society’ described by Lanier and Henry (2010:362).

Figure 3.3 shows how the process of data collection fits into the theoretical framework of Constitutive Criminology. The study is essentially from a police perspective but where appropriate, relevant factors from the other constituents of Communities, Criminal Justice System (CJS), and Organisations were included in the discussion. The opinions of the external observers, participating in other surveys, are depicted by the green dotted lines in figure 3.3.
Theoretical Framework: Constitutive Criminology – diagram showing connections

Figure 3.3 depicts the whole process of the research study showing the route from the research question, through data collection and finally linkages of the quantitative and qualitative data obtained to the theoretical framework of constitutive criminology.

3.5. Conclusion of chapter 3

Chapter 3 has covered five main segments which began with a discussion on research into the discipline of criminology. The chapter progressed by describing the links from criminology to the theoretical framework of Constitutive Criminology and from there, associations with police integrity and ethics, police legitimacy, and policing and human rights; subjects that were described in detail in chapter 2. Rationale for setting this study within the theoretical framework of Constitutive Criminology was justified by listing and discussing the concepts of the theory. Constitutive Criminology examines harms within...
society that revolve around and are integral to policing, ethics and human rights within the setting of communities (Lanier and Henry, 2010:362) therefore it is an appropriate theoretical framework to use in this study to provide answers to the main research questions. It is important for police officers to widen their consideration (if they have not already done so) by reflecting on and respecting human rights within their operational work and the extant criminal law; indeed, many countries and states have amended their legal systems towards ‘rights-based’ law to enable this situation (Neyroud and Beckley, 2001:60).

The theory of Constitutive Criminology asks these questions, and widens thinking from the limited number and scope of criminal offences that are listed in statutes, to broader harms in society. Therefore, citizens should expect protection of vulnerable persons in society and equality of police service without discrimination and institutional racism (Macpherson, 1999). For these reasons, the over-arching theoretical framework adopted for the study is Constitutive Criminology (Henry and Milovanovic, 1996). Having explained in detail the theoretical framework and the reasons for its selection for use in this study, chapter 4 will describe the research methodology and methods.
Chapter 4: Research Methodology and Methods

4.1 Format of chapter 4 and Introduction

Chapter 4 describes the research methodology used to collect the data for this thesis. The chapter contains ten main sections: Introduction; research methodology; mixed methods of research methodology; methods; data collection; data analysis of quantitative data; data analysis of qualitative data; safety, ethics, and values; conclusion. The research methodology is set within the theoretical framework of Constitutive Criminology (chapter 3). In addition to the literature review (chapter 2) the main study is comprised of analysis of mixed-method (qualitative and quantitative) data obtained from on-line surveys with participation from sworn police officers.

The main aim of the study was to question: *What is the current position of human rights and ethical practice in Australian policing?* The study was limited in geographic scope to provide a case study on the state of NSW in Australia. The aim of the study was underpinned by the following research questions:

(i) Do human rights feature in the operational practices of police officers and how does it manifest itself?

(ii) How do police officers support the principles of human rights in their work?

(iii) To what extent do police officers have an awareness of human rights from their training and knowledge and how do they use the knowledge?

(iv) To what extent do police officers appreciate how important human rights are during operational policing incidents from their own perspective and the perspective of members of the public?

The study examines the important subject of how policing is carried out in NSW and whether the operational police officers, while engaged in their everyday duties, consider the effects of their actions with regard to high integrity and ethical practices and human rights. The study subject area of policing, ethics, and human rights is an under-researched topic (Bowling and Sheptycki, 2012:9; Bradley and Nixon, 2009; Laycock, 2001; Moylan, 2013), but it has enormous impacts on the quality of life and the fundamental rights and freedoms of every citizen in the world. There have been some studies in constitutive criminology of the links of policing to ethical practice and human rights, but none recently in relation to the
State of NSW; this is a gap in the criminological research. Most of the previous studies involving the NSWPF were carried out to measure the level of police integrity in police forces and have varied in their methodology and the makeup of their respondents; these studies are analysed in chapter 9. The results in this study will be reported in chapters 5 to 8 and will provide evidence in respective chapters on police integrity; the legitimacy of police; police performance, procedural justice, and organisational justice, and; policing and human rights.

4.2 Research Methodology

The study design for this research project is the ‘mixed method approach’, incorporating both quantitative and qualitative research methodologies which have been defined as:

‘Research that involves collecting, analysing, and interpreting quantitative and qualitative data in a single study or in a series of studies that investigate the same underlying phenomenon’ (Leech and Onwuegbuzie, 2008:265).

In researching the social world, there are contrasting ontological and epistemological considerations to satisfy the requirements of the Social Sciences, which is an holistic discipline. To take account of this multi-dimensional discipline, the use of a mixed method research approach has been adopted by this study. There are two main reasons for using the mixed method approach which are: (i) using quantitative and qualitative methods combines effectively to result in the most robust data set available, and; (ii) the optional responses of the qualitative data give participants the power (or voice) to explain their responses to the quantitative data, thereby providing additional richness and accuracy to the data with their thoughts, feelings, and emotions regarding the policing scenarios within the survey.

Using the terminology adopted by Leech and Onwuegbuzie, the methodology of this study would be classed as a ‘partially mixed method’. That is, the quantitative and qualitative methods are conducted concurrently or sequentially; in this case sequentially (Leech and Onwuegbuzie, 2008:267). Further, Leech and Onwuegbuzie classify partially mixed sequential methods with either a dominant status design or an equal status design in relation to the prominence of either the qualitative or quantitative constituents. In the current study, the quantitative data is represented to be dominant, as the input of the
qualitative data by respondents was purely on an optional basis. Therefore, the methodology of the study can be identified as a partially mixed method sequential dominant status design, with the quantitative method dominant. This design of the methodology of the study was ideal to effectively address the research aims, purposes, and questions within the theoretical framework (chapter 3).

4.3 Mixed methods of research methodology

The mixed method approach brings together the best features of quantitative and qualitative research methodologies which provide rigour and robustness to theory development. There is a strong argument that the use of two methodologies can improve the validity and reliability of a study over the use of only one or other of the methodologies (Gomm, 2009). There has been wide discussion about the use of mixed method research and the use of one or multiple paradigms, but recent efforts have been towards identifying common characteristics and convergence of methods (Teddle and Tashakkori, 2012). Speaking of the so-called ‘paradigm wars’, Hall, (2012) identified the four dominant paradigms as: post-positivism, constructivism, transformative and pragmatism. However, of these, only transformative and pragmatism paradigms are those associated with mixed method research approaches. Hall recommended that the most appropriate approach was use of a single paradigm in a study; adopting the definition of a paradigm as ‘a worldview, together with the various philosophical assumptions associated with that point of view’ (Hall, 2012: 1). Of these paradigms, the one clearly fitted for this study is the pragmatism paradigm which is oriented ‘toward solving practical problems in the “real world”’ (Feilzer, 2010:8). The pragmatism paradigm exactly fits this study in that it is examining, identifying, and discussing practical problems of policing in NSW which are certainly in the real world.

In this study, quantitative methods of research are used to analyse the results from the survey in its three sections. Quantitative methodology purports to offer scientific and objective knowledge of the social world (Smith, 2002); the bulk of the results (chapters 5, 7, and 8) rely on quantitative methods, whereas chapter 6 relies mainly on qualitative methods. The quantitative data provided from responses to survey questions has been analysed using rigorous, robust, and well-established statistical research techniques which are specified in the relevant results chapters. The analysis of statistical data has been
assisted by use of computer programs through utilising Qualtrics software for the administration of the survey, followed by Microsoft Excel, and SPSS data analysis software. Qualitative responses which were optional comments to specific survey questions, mainly in response to the policing scenario section, were coded in N-Vivo software and have been reported throughout the results chapters to contextualize quantitative data.

4.3.1 Rationale for research methods
According to Klockars et al., (2000) there are some procedural difficulties which have to be overcome in managing research into policing activities where tricky questions relating to ‘dirty hands work’ human rights and ethical standards are concerned. Clearly where sensitive issues such as these are concerned, it is necessary that candid participation in a survey or interview will not cast any aspersions on the character of the individual respondent, and to move away from the attitude that these incidents are never reported or recorded (Klockars et al., 2000:2). Also, there could be some resistance to answering truthfully rather than adopting ‘the party line’ of the employing organisation. Klockars (2000:2) suggests two main approaches to research in this area: the agency/administrative/individual “Rotten Apples” theory, and: the structural/organisational/occupational approach whereby respondents are “more amenable to a systematic, qualitative approach”. The Rotten Apples theory originated in the London Metropolitan Police in 1880 (Lynch, 2002:11). This metaphor implied that only a few apples in the barrel were rotten, meaning that only a few police officers were corrupt. However, the saying was extended, where police corruption was rife and systemic throughout the organisation, to a ‘rotten barrel’ (Wood, 1996:Para 3.17). On the other hand, the structural approach, upon which the survey instrument is built, is based on non-threatening, non-leading questions to elicit police officers’ knowledge of agency rules and asking their opinion on levels of seriousness relating to specific policing scenarios (Klockars, 2000:3).

4.4 Methods
All the data, both quantitative and qualitative, was collected using an online survey instrument. In May 2014, a pilot survey was completed by 10 police officers and criminal justice practitioners. The comments that were received from participants were used to develop the final version of the survey. Subsequently, a successful application for approval
of the research project was submitted to the Western Sydney University Human Research Committee for the School of Social Sciences & Psychology. To satisfactorily examine the main research aim and the supplementary research questions, the methods adopted utilised in-built validation, in the form of corroborative survey questions and the option of adding free-text explanatory comments, which were incorporated to ensure reliable and accurate collection of data.

4.4.1 Procedure

Sworn police officer respondents were invited to participate in the study by an email message which was circulated internally, by the human resource department in the NSWPF, on a random basis, to 2,500 staff. The message contained a URL\textsuperscript{13} which was a hypertext link direct to the on-line survey. The hypertext links connected to the Qualtrics website, within the Western Sydney University (WSU) internet portal, containing the survey questionnaire which was open for participants’ responses between 10 June 2015 and 13 September 2015.

4.4.2 Data collection methods

The survey instrument contained seven closed questions relating to the participants’ demographics (see Appendix 2): Job/position; organisation; level of post in the organisation; gender; length of service in that job; range of age. The survey structure then comprised three sections that elicited responses relating to human rights and ethical practices during actual policing operations. Two control questions, which had been used in previous surveys on police integrity, were included in the survey in efforts to validate the responses as authentic (Klockars et al., 2000).

Section 1: Policing operational scenarios:

Section 1 of the survey tested the level of police integrity through policing scenarios incorporating understanding and skills in policing and ethical standards along with human rights and ethical practice in policing operational practice. The scenarios were used in previous studies by Carl Klockars (Klockars, 2006). All the questions (8) from the

\textsuperscript{13} URL is defined by Dictionary.com as: Computers.

2. an address that identifies a particular file on the Internet, usually consisting of the protocol, as http, followed by the domain name.
Klockars study were used in this study plus five constructed by the researcher from real incidents which occurred in the UK, Denmark, and Australia with the intention of further examining human rights issues and ethical dilemmas. Participants were asked to score 13 different policing scenarios, with varying levels of seriousness and ethical dilemmas. First, participants were asked to score their perception of the level of seriousness of the incident, second, the level of disciplinary action that might follow such an incident and thirdly they were asked to rate the level at which they believe the incident would be reported.

Section 2: Legitimacy of Police through: Trust and confidence in the police; police performance, procedural justice, and organisational justice

Survey questions on trust and confidence in the police, police performance, procedural justice, and organisational justice constituted the second section of the survey which tested values, attitudes, and behaviours; there were baseline measures of attitudes seeking the personal views of participants with questions including internal and external factors of policing. The first part of section 2 was headed; ‘Day-to-day policing – attitudes and values’ and consisted of a seven point Likert scale ranging from ‘strongly agree’ to ‘strongly disagree’ with an additional option response of ‘don’t know’. There was a second sub-section consisting of five statements about police performance, where the respondent was asked to rate relevant statements on a five point Likert scale from ‘very poor job’ to ‘very good job’ with the optional ‘don’t know’ response. The questions for the entire section 2 of the survey were taken from two previous studies into police legitimacy, procedural and organisational justice: Bradford et al., (2014) and Murphy and Cherney (2011).

Section 3: Human Rights structured online interview:

In the third section of the survey, a human rights knowledge structured on-line interview was included which tested general knowledge and understanding of the subject area. This section consisted of nine multiple-choice survey questions which the respondent could answer by indicating box a, b, c, or d. There was also an option for ‘don’t know’. The questions were taken from recent examination papers for the NSW Higher School Certificate. Although police officers may not have specifically studied the subject Legal
Studies during High School to obtain their Higher School Certificate (HSC), there is a basic job requirement\(^\text{14}\) for recruits to the police service to have gained the HSC or equivalent.

### 4.5 Data Collection: Completion of the on-line survey instrument

The survey was officially approved and permission given by NSWPF for it to be circulated internally. Approval was conditional, in that the survey was forwarded internally in the organisation randomly to 2,500 sworn police officers, but it would not be circulated to executive police officers or senior management team because of their high workload. I requested that the NSPWF circulate the surveys in the population sample specified in Table 4.1 to ensure that the sample accurately represented the percentages of staff within the rank levels of the establishment of the NSWPF.

Table 4.1

**Percentage of NSW PF ranks – requested sample size**

<table>
<thead>
<tr>
<th>Sworn NSWPF POLICE</th>
<th>Establishment Totals</th>
<th>Number to survey</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Officers</td>
<td>22</td>
<td>4</td>
<td>0.2</td>
</tr>
<tr>
<td>Commissioned Officers</td>
<td>880</td>
<td>133</td>
<td>5.3</td>
</tr>
<tr>
<td>Snr Sgt &amp; Sgt</td>
<td>3028</td>
<td>460</td>
<td>18.4</td>
</tr>
<tr>
<td>Snr Cst, Cst, Prb Cst</td>
<td>12537</td>
<td>1903</td>
<td>76.1</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>16467</strong></td>
<td><strong>2500</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Note.** NSWPF Establishment figures from NSWPF, 2013-14 Annual Report

The surveys were circulated with that request in mind, but the number of participants who actually completed the survey is shown in Table 4.2.

Table 4.2

**Percentage of NSWPF ranks – number of actual respondents**

<table>
<thead>
<tr>
<th>Sworn NSWPF POLICE</th>
<th>Number of completed survey respondents</th>
<th>% of completed responses</th>
<th>% of target sample</th>
<th>+ or – sample percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Officers</td>
<td>0</td>
<td>0</td>
<td>21.8</td>
<td>+7.46</td>
</tr>
<tr>
<td>Commissioned Officers</td>
<td>29</td>
<td>12.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Snr Sgt &amp; Sgt</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Snr Cst, Cst, Prb Cst</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^{14}\) Australian Government (u.d.) ‘... You can also become a police officer by studying policing at university. To get into these courses you usually need to gain your HSC/ACT Year 12....’ Retrieved 07/02/2014 from: [http://www.jobguide.thegoodguides.com.au/occupation/Police-Officer-State/NSW](http://www.jobguide.thegoodguides.com.au/occupation/Police-Officer-State/NSW)
The number of respondents who actually completed most of the survey was 221 sworn police officers. Of the respondents who completed the survey, there was an over-representation of ‘commissioned officers’ (12.8% as opposed to target of 5.3%) and an under-representation of sergeants and constables (85% as opposed to 94.5% target). There was also an under-representation of female sworn officers who responded (26.5% as opposed to 34.4% target); although, as was explained by the NSWPF liaison contact, the random selection of staff who were invited to participate in the survey was based predominantly on rank levels and not on gender. There was no preselection of persons who received the invitation to participate, and the NSWPF stated that the invitation to participate was sent out randomly to the number of police officers in the proportion of the levels of rank requested by the author to the total of 2,500. This factor indicated that each police officer contacted had the freedom and option to choose to participate in the survey without any pressure on them to do so.

The research plan set the target number of police officers that were to be surveyed and was based on a 1% sample of the NSWPF authorised establishment in which actual strength stood at 16,234\(^{15}\) staff in July 2013. According to Dantzker and Hunter (2012:119) a response rate of 201 completed surveys would give a 95% confidence rate in findings from the survey; therefore, we can conclude the survey is valid as the response rate was actually 221 officers. The sample, which was a higher percentage participation rate than that usually achieved with police surveys, was 8.84% of the police officers of the total of those who were invited to participate (after ‘cleaning’ of data).

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\(^{15}\) The total number of sworn staff in NSWPF increased to 16,467 when the survey was authorised therefore the higher number in Tables 4.1 and 4.2.
4.6 Analysis of quantitative data

Data received from the respondents was entered onto electronic databases and coded against the research questions. The responses from participants were viewed from three dimensions indicative of the gravity of the police conduct: (a) The nature of the police conduct in issue (if appropriate); (b) The level of legal risk exposure to police organisations (or relevant organisation) in the reported conduct; (c) The human rights, if any, breached by the conduct (Goodman-Delahunty et al., 2012; Goodman-Delahunty et al., 2014a). At the start of the survey, in the demographics section, respondents were first asked to say whether they were NSWPF officers and asked optionally to complete the name of their organisation. Then there were questions on Level of Post, Gender, Length of Service, and Range of Age. These dimensions were included to provide a context of the analysis of other variables as shown in Table 4.3.

Table 4.3.

**Map of survey respondents: Group; Sub-Groups; Values.**

<table>
<thead>
<tr>
<th>Group</th>
<th>Sub-Groups</th>
<th>Values</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSWPF police officers</td>
<td>Level of Post</td>
<td>Sergeant/Constable/Staff Member</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Senior Officer/Middle Manager</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Executive Officer</td>
</tr>
<tr>
<td></td>
<td>Gender</td>
<td>Male</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Female</td>
</tr>
<tr>
<td></td>
<td>Length of Service</td>
<td>0-5 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6-10 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td>11-20 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td>21-30 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Over 30 years</td>
</tr>
<tr>
<td></td>
<td>Range of Age</td>
<td>21 to 30</td>
</tr>
<tr>
<td></td>
<td></td>
<td>31 to 40</td>
</tr>
<tr>
<td></td>
<td></td>
<td>41 to 50</td>
</tr>
<tr>
<td></td>
<td></td>
<td>51 to 60</td>
</tr>
</tbody>
</table>

Data was interrogated through several demographic fields and cross-tabulation to establish some trends, for example by length of service of police officers, type of post/role, gender, level of post and age range. The technique of Univariate Analysis of Variance (ANOVA) was utilised along with comparison of Means to establish statistical significance and effect (Cohen’s $D$). Paired sample t-testing (two-tailed) calculations were completed on all comparisons, but the results chapters have only included data that is ‘reporting by exception’. Further calculations are included in Appendix 3 and an important note on the
statistical analysis of data from the survey, which was judged to be rigorous and robust by the Western Sydney University Statistical Consultant who stated: ‘While scores from the majority of survey questions on the Likert scale were not normally distributed, given the large sample size and central-limit theory, the normal assumption was still met and t-tests could be used’ (Russell Thompson, 1 February 2017).

In addition, the *Fairness* test that is being used to evaluate the fairness of the levels of discipline in the organisation is one that was used in the Porter et al., (2016:82) study and is separate to the paired t-tests in the foregoing analysis. In this method, the mean score from the ‘would’ score for the level of discipline for each scenario is deducted from the ‘should’ score. Where the result of the difference in the means is a minus score, it signifies that the respondent believes that the organisation is too *lenient* on police officers committing the type of misconduct illustrated in the scenario. Where the difference in the means is a positive score, it signifies that the respondent believes that the organisation is too *harsh* in punishing officers committing that type of misconduct depicted in the scenario.

### 4.7 Analysis of qualitative data

At a number of points in the survey instrument respondents were given the opportunity, entirely at their discretion, to add comments to their responses to the survey questions. The free-text qualitative responses were analysed using a thematic analysis, a process recommended in the discipline of psychology (Braun and Clarke, 2006); however it is important to state that the author does not claim that this study is situated within the discipline of psychology. Rather, this study is based within a criminological approach using a wide variety of well tried and tested research methods, one being thematic analysis. The method of thematic analysis is defined as:

‘Thematic analysis is a method for identifying, analysing, and reporting patterns (themes) within data. It minimally organises and describes your data set in (rich) detail. However, it also often goes further than this, and interprets various aspects of the research topic’ (Braun and Clarke, 2006:79).

Braun and Clarke’s six-phase approach to the analysis and interpretation of qualitative data, which was used in this study, is: ‘(1) Familiarising yourself with your data; (2) Generating
initial codes; (3) Searching for themes; (4) Reviewing themes; (5) Defining and naming themes; (6) Producing the report’ (Braun and Clarke, 2006:35).

The process of thematic analysis using the Braun and Clarke method, which is entirely compatible with the overall theoretical framework of Constitutive Criminology, was followed and a report produced. The thematic analysis was divided into individual questions under the themes of comments related to: police work; survey; criminal justice system; human rights; organisational justice; police culture; police ethics and integrity; risk to organization. Each of the themes was collected in a ‘node’ and had several sub-nodes or sub-themes within it; the software reported that there were 48 nodes and 5,899 individual references.

Respondents were anonymously numbered in the sequence of their participation only; therefore where participants completed the survey at the opening of the project, they have a lower number than those who participated later. The number allocated to the participants at this stage was retained in the secure database of the survey and this unique number is used to identify individual free-text responses to the questions in the survey that allowed optional comments. Therefore, the comments link to the participants’ response number, e.g. R.1 equals the comments from respondent number 1. This numbering system is used throughout the thesis so that comments can be linked back to the data contained in the Qualtrics, SPSS and Excel databases where all the sequential quantitative data is stored.

Most of the free-text responses were merely explanatory messages as to why the respondent had scored in a particular way and therefore did not add to findings of the study. However, many of the individual free-text responses were highly authoritative and added significant background information and rationale to the respondents’ true feelings about the contents of the survey. The comments showed that there was a spectrum of opinion about several controversial factors which are included as data and findings in subsequent chapters.
4.8 Assessing knowledge and understanding of human rights and ethical practices

Following analysis of quantitative and qualitative data, the level of knowledge and understanding that police officers currently have about human rights and ethical practices was gauged. This was achieved by evaluating survey participants’ responses against the ‘KUSAB’ (Knowledge, Understanding, Skills, Attitudes, Behaviours) theory of Domains of Learning that was used for many years in police training (Beckley, 1998; Elliott, 1991; Kushner and Elliott, 2003; Police Training Council, 1985); which emerged originally from work by Karl Lewin (1935).

The style of teaching and learning in police recruit training was intended, during the mid-1980s onwards, to move away from the previous heavily didactic teaching approach and travel towards case study or problem-based learning to develop practical policing skills and understanding rather than factual knowledge alone. The objective of the teaching and learning method was to inculcate empathy for members of the public within the practice of police officers to result in them becoming ‘reflective practitioners’ (Beckley, 1998; Beckley, 2003b; Devery, 2003:84). The survey covered all aspects of KUSAB in order to determine the current situation in relation to human rights and ethical standards of policing in NSW. It also offered evidence of police officers’ ability to contribute to the ‘less harmful society’ described in the theoretical framework of Constitutive Criminology (Lanier and Henry, 2010:362).

4.9 Safety, ethics, and values

The ethical principles and practices which guided this study are contained in the National Statement on Ethical Conduct in Human Research 2007, to which all aspects of the study comply (NHMRC, 2007). These are the governing principles accepted by the relevant body, the Australian and New Zealand Society for Criminology (http://www.anzsoc.org/cms-the-society/code-of-ethics.php) for carrying out research in the discipline of Criminology. The research project was overseen by the Western Sydney University Human Research Committee for the School of Social Sciences & Psychology and received approval, reference H10742, dated 12 August 2014.

The data collection process was underpinned by the following ethical principles and practices:

(i) *Informed consent:* Prior to the completion of the survey questionnaire, all participants were provided with an information sheet informing participants of the purpose of the questionnaire.

(ii) *Debriefing:* All participants were supplied with details of a free counselling service if they felt that any questions created discomfort.

(iii) *Confidentiality, Anonymity, Withdrawal:* Participants were informed that they could withdraw from the completion of the on-line questionnaire at any time. To enable participant anonymity no identifiers were placed on the completed on-line surveys which were retained on the Qualtrics website but contained no identifying data of the participants. No participant was identified in the analysis or reporting of the data, except by anonymous numbering.

(iv) *Access to the participants:* was via their organisations and participation was entirely voluntary and optional for the participant. As described in the data collection section above, the police officer participants were invited on a random basis to participate through the human resource department of the NSWPF.

(v) *Protection of Participants:* All participants were protected by the terms of informed consent, withdrawal, confidentiality, and anonymity rights as listed above in addition to the HREC process in Western Sydney University (WSU).

(vi) *Data Security:* The security of data was held to be paramount throughout the research. The databases for the research, including the Qualtrics website, the SPSS and Excel databases were all password protected and stored securely on computers and data storage facilities within WSU. Only the researcher had access to the password and data. The WSU HREC requires that all research material and data be kept for a period of seven years after the completion of the research and then destroyed.

(vii) *Personal Safety:* Personal safety implications in relation to the collection of data through the on-line survey instrument were of a very low impact and therefore there were no issues of personal safety for the researcher.
4.9.1 The ‘Researcher’ in the research

The potential bias of the researcher is a vital consideration in the research process especially when qualitative methods are used; therefore, this matter should be addressed. It has been stated that a researcher’s ‘own experiences provide the most important source of data for their theories’ (Denzin, 1989:61). In a complex organisation such as a police force, it is important that the researcher understands the culture and ethos of the organisation along with the methods of operation and the implications of providing such a vital public service that ensures that the optimum public peace and tranquillity transpires, otherwise the findings from research might be considered naïve or meaningless. On the other hand, it is well recognised within research practice that ‘insider-researchers’ need to guard against bias and have rights and responsibilities towards the integrity of their research. Steps such as attention to feedback, triangulation, and constant review of issues have been built into the research methodology as safeguards to address this problem (Costley et al., 2010:6).

Although as the researcher, I am not, strictly speaking, an ‘insider-researcher’ as I have not worked as a police officer in the NSWPF, I am a brother police officer and colleague of the respondents in the surveys. I was a police officer in the United Kingdom and completed thirty years’ police service performing a variety of roles, attaining the rank of Chief Inspector; therefore, I have a common understanding of the roles of the police. I also gained international experience of policing when I completed consultancy assignments in police forces around the world in 12 different countries with the objective of enhancing human rights and police integrity in those locations. I have also completed work as a researcher and consultant into policing matters in NSW, Queensland, Victoria, and Australian Federal Police. While working as a researcher and consultant in Australia, I was readily accepted as a colleague police officer by the police organisations I worked with. Therefore, I acknowledge the bias of the insider researcher and, while I have the experience and understanding necessary to explain to the reader the implications of the responses from participants, I also have the impartiality, objectivity, and judgement to make sound comments and recommendations as a researcher to improve the policing in NSW.

4.10 Conclusion of chapter 4
The research method described in this chapter provided a sound and rigorous study from which to examine the current position of human rights and ethical practice of policing in NSW. The number of police officer participants \((n = 221)\) ensured a robust sample from which to safely extrapolate the knowledge, understanding, skills, attitudes, and behaviour of police officers relating to human rights and ethical practice while carrying out their day-to-day policing activities. However, readers are reminded that the NSWPF did not allow high ranking and executive officers to be invited to participate in the on-line survey which may have distorted the results.

This chapter has stated the research questions relating to this study plus general information and it explained the research methodology. It is proposed by the author therefore that the results from the survey, reported in subsequent chapters, carry significant weight to ensure the accuracy of all findings of the study. The results of this study are similar to previous research projects in the area of police integrity, and allow the author to make the judgement that results from this study are consistent with others, leading to the conclusion of normality. Other aspects of this survey, as outlined in subsequent chapters, add new knowledge to human rights and ethical practice in policing. Chapter 5 is the first chapter reporting results from the online survey and is an analysis of the policing scenarios section which is an investigation into police integrity.
Chapter 5: Results 1 – Police Integrity

5.1 Format of chapter 5 and Introduction

This chapter will discuss results from the first section of the on-line survey related to the 13 operational policing scenarios at the aggregate level of reporting. This was a very important section of the survey which sought to answer the research question: ‘What is the current position of human rights and ethical practice in policing? New South Wales: a case study’ and two of the supplementary research questions: (i) To what extent do police officers have an awareness of human rights from their training and knowledge and how do they use the knowledge? (iv) To what extent do police officers appreciate how important human rights are during operational policing incidents from their own perspective and from the perspective of members of the public? Respondents were offered the option to give an explanation or statement about their responses to this section of the survey by including free text in the comment boxes. The comments will be discussed in subsequent results chapters. As explained in chapters 4 and 9, the scenarios 1 to 8 have been used in numerous research projects around the world to measure police integrity (Ivkovic and Haberfeld, 2015). A definition of integrity is: ‘the quality of acting in accordance with relevant moral values, norms, and rules’ (Lasthuizen et al., 2011:387), therefore the results of this section of the survey should be judged against this standard. Also, the NSWPF Statement of Values included the first value of excellence as ‘having the highest professional standards and integrity’ (NSWPF, 2008; Appendix 4); therefore observers should expect high standards of integrity reflected in survey responses.

Chapter 5 is divided into ten sections to discuss the results from quantitative analysis of the policing scenarios which are intended to reveal the level of police integrity within NSWPF. The sections to be considered in this chapter are: Introduction; overall results of police integrity investigation; level of seriousness; violation level of seriousness; level of discipline; willingness to report; to whom to report; honest opinion; conclusion. Chapter 5 is the first of four chapters reporting on the results from the research conducted and is mainly reporting the quantitative data produced from the survey, albeit some qualitative data is included in this chapter to contextualise the issues discussed. Chapters 6, 7 and 8 will examine further the free-text comments that respondents added to the scenario section of the survey, but
the subsequent chapters will examine specific areas of this investigation. Chapter 6 will investigate the results for police legitimacy; and chapter 7, police performance, procedural justice, and organisational justice which are all linked to police legitimacy. Chapter 8 will investigate the knowledge and understanding of policing and human rights of police officers in NSWPF. The survey questions in the policing scenario section sought to evaluate the integrity values of the police officers and Table 5.1 explains the evaluation measures of the integrity values in the right-hand column, matched to each of the dimension sections of the survey questions.

Table 5.1.

Dimensions of the Scenario Questions in the Survey

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Sub-question</th>
<th>Rating scale</th>
<th>Integrity Evaluation Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seriousness</td>
<td>Own opinion</td>
<td>1 to 5: ‘Not at all serious’ to ‘very serious’</td>
<td>Own integrity values</td>
</tr>
<tr>
<td></td>
<td>Most police officers</td>
<td>ditto</td>
<td>Integrity values of colleagues compared with own</td>
</tr>
<tr>
<td>Violation</td>
<td>Official policy</td>
<td>ditto</td>
<td>Integrity values of police organisation compared with own</td>
</tr>
<tr>
<td></td>
<td>Would occur</td>
<td>ditto</td>
<td>Integrity perceptions that the officer has of organisation and ‘fairness’ perception (harshness v leniency perception)</td>
</tr>
<tr>
<td>To whom to report</td>
<td>Respondents were given 10 options of to whom they would report the conduct</td>
<td>Indicative of compliance with police instructions and perception of seriousness of the scenario</td>
<td></td>
</tr>
<tr>
<td>Reporting</td>
<td>You report</td>
<td>1 to 5: ‘definitely not’ to ‘definitely yes’.</td>
<td>Officers’ willingness to report misconduct – reporting culture and ‘culture of silence’.</td>
</tr>
<tr>
<td></td>
<td>Other officers report</td>
<td></td>
<td>Agency culture towards reporting culture and ‘culture of silence’.</td>
</tr>
<tr>
<td>Honesty</td>
<td>Most police officers</td>
<td>Honest opinion: ‘Yes’, ‘No’, ‘Don’t know’</td>
<td>Officers’ perception of honesty of colleagues</td>
</tr>
<tr>
<td></td>
<td>Did you give honest opinion?</td>
<td></td>
<td>Gauge honesty of respondents</td>
</tr>
</tbody>
</table>

Note. Adapted from Porter et al., (2016:74-75)

In addition to analysing the integrity values this study also identified the specific human right or ethical dilemma within the police scenarios (Appendix 4) and also assessed the risk level to the organisation using the risk level descriptors in Table 5.2.

Table 5.2.

Legal Risk – levels

<table>
<thead>
<tr>
<th>Level</th>
<th>Description of police behaviour / impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>Low risk</td>
</tr>
</tbody>
</table>

17 This category of question was not included in the survey in other research studies.
The current study also identified the police scenario activity within a typology of police misconduct (Prenzler, 2009b; Punch, 2009; Roebuck and Barker, 1973), and classified it against the NSWPF Code of Conduct and Statement of Values (NSWPF, 2008) set out in Appendix 4.

### 5.2 Overall results of Police Integrity investigation in NSWPF

The numerous results of the investigation of the quantitative data from the scenario section of the survey are shown in tabular form in Appendix 3. In this chapter, the overall results will be discussed, and by examining the exceptions and the key findings of the data analysis. Tables 5.3 and 5.4 show the overall results of the scenario section of the survey based on the Means of the police officers’ responses to the 13 scenarios. Table 5.3 depicts the scenarios in the order that the survey listed them and Table 5.4 shows the results from the scenarios ranked in order, based on the level of seriousness allocated by the respondents from the lowest to the highest level.

What is contentious is that the results of the survey placed a theft from a crime scene (Scenario 2) as the highest level of seriousness, even above that of an unjustified use of lethal force (scenario 1); although in this investigation, the seriousness of this rank order was switched when asked to rate the level of seriousness by ‘most officers’ (Table 5.4). The data reveals a consistency across the mean aggregate responses in the ranked order in which the respondents placed the scenarios. That is, the responses shown from left to right roughly maintain their ranking when examining the level of seriousness, violation, level of discipline and willingness to report; there are no results that stand out as anomalies or inconsistencies from the responses other than the proportionality issue to be discussed further below.
Table 5.3.

Overall Results – Police Integrity in NSWPF – results by scenario

<table>
<thead>
<tr>
<th>Scenario Number and description</th>
<th>Own view</th>
<th>Most Officers</th>
<th>Should receive</th>
<th>Discipline</th>
<th>Willingness to report</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>mean</td>
<td>mean</td>
<td>mean</td>
<td>mean</td>
<td>mean</td>
</tr>
<tr>
<td></td>
<td>Rank</td>
<td>Rank</td>
<td>Rank</td>
<td>Rank</td>
<td>Rank</td>
</tr>
<tr>
<td>Scenario 1: unjustifiable use of deadly force</td>
<td>4.94</td>
<td>2</td>
<td>4.84</td>
<td>1</td>
<td>4.96</td>
</tr>
<tr>
<td></td>
<td>=1</td>
<td>5.51</td>
<td>4</td>
<td>5.69</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Dismissal</td>
<td>4.89</td>
<td>=1</td>
<td>4.71</td>
<td>1</td>
</tr>
<tr>
<td>Scenario 2: theft of watch from crime scene</td>
<td>4.95</td>
<td>1</td>
<td>4.81</td>
<td>2</td>
<td>4.96</td>
</tr>
<tr>
<td></td>
<td>=1</td>
<td>5.79</td>
<td>1</td>
<td>5.68</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Dismissal</td>
<td>4.89</td>
<td>=1</td>
<td>4.47</td>
<td>2</td>
</tr>
<tr>
<td>Scenario 3: officer strikes prisoner who hurt partner</td>
<td>4.27</td>
<td>10</td>
<td>3.96</td>
<td>10</td>
<td>4.66</td>
</tr>
<tr>
<td></td>
<td>8</td>
<td>4.43</td>
<td>9</td>
<td>4.77</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Suspension</td>
<td>3.95</td>
<td>=11</td>
<td>3.53</td>
<td>12</td>
</tr>
<tr>
<td>Scenario 4: cover-up of police DUI accident</td>
<td>4.36</td>
<td>7</td>
<td>4.04</td>
<td>7</td>
<td>4.63</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>4.41</td>
<td>10</td>
<td>4.53</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Suspension</td>
<td>4.15</td>
<td>8</td>
<td>3.80</td>
<td>9</td>
</tr>
<tr>
<td>Scenario 5: two police officers assault fleeing suspect</td>
<td>3.95</td>
<td>12</td>
<td>3.60</td>
<td>12</td>
<td>4.53</td>
</tr>
<tr>
<td></td>
<td>11</td>
<td>4.24</td>
<td>11</td>
<td>4.45</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Suspension</td>
<td>3.95</td>
<td>=11</td>
<td>3.60</td>
<td>11</td>
</tr>
<tr>
<td>Scenario 6: theft by finding wallet</td>
<td>4.76</td>
<td>5</td>
<td>4.46</td>
<td>=5</td>
<td>4.87</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>5.53</td>
<td>3</td>
<td>5.46</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Dismissal</td>
<td>4.76</td>
<td>4</td>
<td>4.45</td>
<td>5</td>
</tr>
<tr>
<td>Scenario 7: false report on drug dealer</td>
<td>4.79</td>
<td>4</td>
<td>4.56</td>
<td>4</td>
<td>4.86</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>5.30</td>
<td>6</td>
<td>5.33</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Suspension / Demotion</td>
<td>4.61</td>
<td>6</td>
<td>4.33</td>
<td>6</td>
</tr>
<tr>
<td>Scenario 8: Sgt. fails to halt beating</td>
<td>4.33</td>
<td>=8</td>
<td>4.03</td>
<td>8</td>
<td>4.68</td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>4.67</td>
<td>7</td>
<td>4.79</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Demotion</td>
<td>4.14</td>
<td>9</td>
<td>3.84</td>
<td>8</td>
</tr>
<tr>
<td>Scenario 9: protesters arrested falsely</td>
<td>4.04</td>
<td>11</td>
<td>3.76</td>
<td>11</td>
<td>4.38</td>
</tr>
<tr>
<td></td>
<td>12</td>
<td>4.07</td>
<td>12</td>
<td>4.14</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Demotion</td>
<td>4.04</td>
<td>10</td>
<td>3.76</td>
<td>10</td>
</tr>
<tr>
<td>Scenario 10: AC advised Constable to resign</td>
<td>3.59</td>
<td>13</td>
<td>3.23</td>
<td>13</td>
<td>3.75</td>
</tr>
<tr>
<td></td>
<td>12</td>
<td>3.89</td>
<td>13</td>
<td>3.24</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Written reprimand</td>
<td>3.59</td>
<td>13</td>
<td>3.23</td>
<td>13</td>
</tr>
<tr>
<td>Scenario 11: Indigenous man Tasered</td>
<td>4.69</td>
<td>6</td>
<td>4.46</td>
<td>=5</td>
<td>4.83</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>5.36</td>
<td>5</td>
<td>5.41</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Suspension / Demotion</td>
<td>4.69</td>
<td>5</td>
<td>4.46</td>
<td>3</td>
</tr>
<tr>
<td>Scenario 12: detectives planted evidence</td>
<td>4.80</td>
<td>3</td>
<td>4.59</td>
<td>3</td>
<td>4.96</td>
</tr>
<tr>
<td></td>
<td>=1</td>
<td>5.73</td>
<td>2</td>
<td>5.80</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Dismissal</td>
<td>4.80</td>
<td>3</td>
<td>4.59</td>
<td>4</td>
</tr>
<tr>
<td>Scenario 13: officer wrongly passed on confidential information</td>
<td>4.33</td>
<td>=8</td>
<td>3.98</td>
<td>9</td>
<td>4.62</td>
</tr>
<tr>
<td></td>
<td>10</td>
<td>4.57</td>
<td>8</td>
<td>4.66</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Suspension / Demotion</td>
<td>4.33</td>
<td>7</td>
<td>3.98</td>
<td>7</td>
</tr>
</tbody>
</table>

Key: Level of Discipline

1 = None
2 = Verbal reprimand
3 = Written reprimand
4 = Suspension without pay
5 = Demotion in rank
6 = Dismissal

Key to shading:

1 = None
2 = Verbal reprimand
3 = Written reprimand
4 = Suspension without pay
5 = Demotion in rank
6 = Dismissal

Shading indicates non-normal distribution of data – see Appendix 3
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Own view</td>
<td>mean 3.59 Rank 13</td>
<td>mean 3.95 Rank 12</td>
<td>mean 4.04 Rank 11</td>
<td>mean 4.27 Rank 10</td>
<td>mean 4.33 Rank 8</td>
<td>mean 4.33 Rank 8</td>
<td>mean 4.36 Rank 7</td>
<td>mean 4.69 Rank 6</td>
<td>mean 4.76 Rank 5</td>
<td>mean 4.79 Rank 4</td>
<td>mean 4.80 Rank 3</td>
<td>mean 4.84 Rank 2</td>
<td>mean 4.95 Rank 1</td>
</tr>
<tr>
<td>Most Officers</td>
<td>mean 3.23 Rank 13</td>
<td>mean 3.60 Rank 12</td>
<td>mean 3.76 Rank 11</td>
<td>mean 3.96 Rank 10</td>
<td>mean 3.98 Rank 9</td>
<td>mean 4.03 Rank 8</td>
<td>mean 4.04 Rank 7</td>
<td>mean 4.46 Rank 5</td>
<td>mean 4.46 Rank 5</td>
<td>mean 4.56 Rank 4</td>
<td>mean 4.59 Rank 3</td>
<td>mean 4.84 Rank 2</td>
<td>mean 4.81 Rank 2</td>
</tr>
<tr>
<td>should receive</td>
<td>mean 3.75 Rank 13</td>
<td>mean 4.53 Rank 11</td>
<td>mean 4.38 Rank 12</td>
<td>mean 4.66 Rank 10</td>
<td>mean 4.62 Rank 9</td>
<td>mean 4.68 Rank 7</td>
<td>mean 4.63 Rank 9</td>
<td>mean 4.83 Rank 6</td>
<td>mean 4.87 Rank 4</td>
<td>mean 4.86 Rank 5</td>
<td>mean 4.95 Rank 3</td>
<td>mean 4.96 Rank 1</td>
<td>mean 4.96 Rank 1</td>
</tr>
<tr>
<td>Disciplinary action</td>
<td>Suspension</td>
<td>Suspension</td>
<td>Suspension</td>
<td>Suspension</td>
<td>Suspension</td>
<td>Demotion</td>
<td>Suspension</td>
<td>Suspension</td>
<td>Dismissal</td>
<td>Suspension / Demotion</td>
<td>Dismissal</td>
<td>Dismissal</td>
<td>Dismissal</td>
</tr>
<tr>
<td>own view</td>
<td>mean 3.24 Rank 13</td>
<td>mean 4.45 Rank 11</td>
<td>mean 4.14 Rank 12</td>
<td>mean 4.77 Rank 8</td>
<td>mean 4.66 Rank 9</td>
<td>Dismissal</td>
<td>Dismissal</td>
<td>Dismissal</td>
<td>Dismissal</td>
<td>Dismissal / Demotion</td>
<td>Dismissal</td>
<td>Dismissal</td>
<td>Dismissal</td>
</tr>
<tr>
<td>most officers</td>
<td>mean 3.23 Rank 13</td>
<td>mean 4.45 Rank 11</td>
<td>mean 4.14 Rank 12</td>
<td>mean 4.77 Rank 8</td>
<td>mean 4.66 Rank 9</td>
<td>Dismissal</td>
<td>Dismissal</td>
<td>Dismissal</td>
<td>Dismissal</td>
<td>Dismissal / Demotion</td>
<td>Dismissal</td>
<td>Dismissal</td>
<td>Dismissal</td>
</tr>
</tbody>
</table>
5.3. Level of Seriousness

Some of the responses shown in Tables 5.3 and 5.4 could be questioned as to their logical sequence or order when judged from the perspective of, for example, a member of the public, rather than the perspective of a sworn police officer. This offers some insights into the values and integrity of the police officer respondents. For example, scenario 1, (unjustifiable use of deadly force), is only rated as the second most serious incident ($M = 4.94$) whereas scenario 2 (theft by a police officer from the scene of a crime) is rated the highest ($M = 4.95$). This could be explained that the theft is clearly made out and leaves no doubt that it is misconduct and cannot be excused, whereas other scenarios contain some areas of ‘grey’ factors and ethical dilemmas where the correct course of action is not clear (chapter 2). There were many comments in the free-text responses to this survey question which assist in explaining the ratings of the participants such as from respondent 6:

‘This might actually attract a more severe penalty than shooting someone dead, as it cannot be justified and involves dishonesty, which the organisation finds less tolerable’ (R. 6).

However, in common understanding and in rights-based law, offences against the person (right to life) are more serious than thefts of property; there is a graded level of seriousness of human rights and fundamental freedoms. The right to life in human rights law in many countries is ‘sacrosanct’ (Beckley, 2000b:22) and non-derogable (Gans et al., 2011:38). It appears from the comment however, that NSWPF as an organisation would regard theft by an officer as very serious and ‘less tolerable’ than shooting someone dead. This is clearly a wayward approach towards the sanctity of human life by the organisation and the responses of the police officers in the survey are reflecting the values of their organisation.

Similarly, to the result in scenario 1, scenario 11 (excessive force by use of a ‘Taser’ conductive electricity device) depicted actions by police officers on a person in custody (a person in a vulnerable position) which is ranked at sixth place in seriousness ($M = 4.69$). This is so despite the many inquiries and incidents into this type of behaviour which borders on torture, or at least inhuman or degrading treatment or punishment. Conversely, scenario 13, where an officer passed on confidential information to an unauthorised person, is rated jointly in 9th place of seriousness ($M = 4.33$); that is, more serious than scenario 3, an assault on a person in custody ($M = 4.27$), scenario 9, protestors unlawfully arrested ($M = 4.04$),
scenario 5, police officers assaulting a fleeing suspect \((M = 3.95)\) and scenario 10, an Assistant Commissioner wrongfully advising a constable to resign \((M = 3.59)\). But again, the passing of confidential information is a breach of laws and organisational regulations and is a clear-cut case of misconduct. Another example is scenario 5 where two police officers who assaulted a fleeing suspect \((M = 3.95)\) is rated at the 12\(^{th}\) level of seriousness which appears to point to a lack of empathy from the responses by the police officers and, in the scenario, they assault the suspect after he is arrested and under control. Although this is a clear case of misconduct, the respondents appear to be willing to excuse it on the grounds of expediency or in common understanding of the circumstances.

All mean scores for the level of seriousness in the officers’ own view were higher than those they allocated to other officers. That is, the respondents rated themselves to judge the scenarios as more serious than they expected their colleagues would judge them; this could reflect that they perceive themselves as having higher ethical standards or better judgement than their peers. Overall, the views of the police officers in rating the levels of seriousness of the scenarios are not in line with the concept of proportionality in human rights law, defined by Beckley (2000b:47) as ‘There must be a relationship between the aim to be achieved and the means used’. These results were further analysed to understand their meaning.

5.3.1 Levels of Seriousness – aggregate of all 13 scenarios – further analysis

The seriousness level of the incidents aggregated across all 13 policing scenarios, as allocated by police respondents, for the groups; Gender and Level of Post (Fixed Factors) and Range of Age, Length of Service (Covariates) were analysed in aggregate with a Univariate Analysis of Variance, general linear model (Table 5.5). The result was statistically significant, \(F (4, 213) = 3.70, p = 0.006\).

Table 5.5.

<table>
<thead>
<tr>
<th>Group</th>
<th>Sub-Group</th>
<th>n</th>
<th>M</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>All NSWPF police officers</td>
<td></td>
<td>218</td>
<td>4.55</td>
<td>0.419</td>
</tr>
<tr>
<td>Level of Post</td>
<td>Sergeant/Constable</td>
<td>192</td>
<td>4.53</td>
<td>0.427</td>
</tr>
<tr>
<td></td>
<td>Senior Officer/Middle</td>
<td>29</td>
<td>4.71</td>
<td>0.322</td>
</tr>
</tbody>
</table>
The only survey question showing statistical significance ($p < 0.05$) was Question 10 *Range of Age* ($p = 0.016$). That question showed a positive $B$ coefficient ($B = 0.127$ per range of ten years) and Question 9, *Length of Service*, showed a negative $B$ Parameter, per ten-year range ($B = -0.63$). The range of scores for the seriousness level of each scenario was: 1 = ‘Not at all serious’ to 5 = ‘Very serious’. The mean of 4.55 indicated that most police officers considered all the scenarios in aggregate to be above the middle score of 3 in their level of seriousness; this score is broadly in line with previous studies such as Porter et al., (2016) and public opinion. All other means are generally aligned with the hypothetical expectation that longer service, older age, and managerial status would give a higher score of seriousness.

An important finding was that of a Box Plot produced for the *Length of Service* group which revealed that the outliers of low seriousness scores for all scenarios do not appear until the length of service 11-20 years and then continue to over 30 years. This result revealed that there was some uncertainty about levels of seriousness later in service. It also showed that the group with 6-10 years of service allocated the highest levels of seriousness, including some scores of 5. This result is mirrored by a boxplot of the *Range of Age* group which indicates that the most outliers, and the most extreme scores, are in the age range response of the 41 to 50 age range (Statistics included in Appendix 3).

A series of two paired sample t-tests were carried out with data from responses to survey questions about the level of seriousness of all scenarios *in aggregate* to establish their significance and the effect size. A paired sample t-test was conducted to compare the level of seriousness allocated by the individual police officer ‘you’ against their perception of the
level of seriousness of ‘most’ police officers. There was a significant difference ($p = 0.000$) in the aggregate scores between the levels of seriousness allocated by ‘you’ and ‘most’ which were always positive, (2-tailed) ($p = <0.05$). However, Cohen’s - $D$ effect was, in all cases, a small effect being between 0.18 and 0.47. Overall the results showed that the individual police officer believed they would allocate a higher level of seriousness to the scenario than would their colleagues.

Further analysis of the results of the respondents’ views about the level of seriousness of all the scenarios is not, ostensibly, of concern generally as only 3.36% of respondents said ‘Not at all serious’ or rated the scenario at 2 (below median), but there are anomalies because scenario 5 (officers assault fleeing suspect) had 16 responses below the score of 3 (7.7%), scenario 8 (Sgt, fails to halt beating) had 13 (6.6%) and scenario 10 (AC advised constable to resign) had 25 (13.7%) (Valid $n = 182 – 44$ cases missing). It was envisaged that the majority of respondents would at least rate the scenarios at the median level of seriousness (3), but the result in the current study was similar to that in the Porter et al., (2016) study. The results about the rating of the level of seriousness of all scenarios by police officers in their own view, and their view of the ratings by most police officers, along with the noted concerns and anomalies, should be considered in conjunction with the police officers’ views of the level of seriousness (violation) attributed to their organisation.

5.4. Violation level of seriousness (‘Official’ level of seriousness)

A paired sample t-test between the level of seriousness allocated by the individual police officer ‘you’ and their perception of the level of seriousness that would be allocated by their organization (official), where the latter measure was titled ‘violation’ in the surveys that were conducted by Porter et al., (2016). The differences between the means of ‘you’ and ‘official’ were, in contrast to the previous result, overwhelmingly negative. The only positive mean difference was that for scenario 10 (AC advised constable to resign) ($M = 0.209$). These results indicated that the individual police officer rated the level of seriousness of the scenarios at a lower level than their organisation with the exception of scenario 10, which was that involving actions of an Assistant Commissioner. The paired t-tests indicated statistically significant results ($p = <0.05$) in nine cases (Scenarios 3, 4, 5, 7, 8, 9, 10, 12 and 13) with results being between $p = 0.000$ and 0.021 (2-tailed). However, Cohen’s - $D$ effect
was, in all cases, small, varying between -0.04 and 0.21 (Appendix 3). This phenomenon will be further discussed later in this chapter as to its practical meaning and application within the NSWPF.

The fact that the mean scores of ‘Violation’, that is, the respondents’ view of the level of seriousness that their organisation would rate the behaviour in the scenario, are all higher than the scores in their own view was further analysed. This indicates that the respondents perceive that their organisation views the behaviour in the scenarios as more serious, and may have harsher attitudes towards punishment of misconduct, or that the organisation has higher standards of conduct or values than those of most employees. This could be because of a misunderstanding of the culture and ethos of the police officers about their organisation, or could be a mismatch with their values, ethical standards, or perceptions.

One anomalous result was scenario 10 (AC advised Constable to resign) where police officers rated the incident as: ‘Not at all serious’ 14 times (7.7%), and rated it at level 2, 18 times (9.9%) which is a total of 17.6% of the responses. Scenario 10 is a case where an Assistant Commissioner, without regard to the rules of natural justice or the right to a fair trial, advised a constable to resign without adequately enquiring into the facts of the case, using his / her power and authority in the organisation to push for resolution of a perceived mischief. The behaviour of the AC in this scenario was ranked lowest in all categories of seriousness, violation, discipline, and willingness to report. It would appear therefore, that the police officer respondents, who were not executive officers (as the AC was), would perceive this behaviour as either acceptable or commonplace in their organisation and they would be least likely to report it. This outcome also hints at problems within the police culture (chapter 2); there is a lack of empathy for a colleague apparently in trouble in this scenario; a trait of human nature, believing the worst about a person. The perceptions of the police officer respondents could reflect the level, quality, and ethos of organisational justice (or lack of it) in the organisation and will be further examined when the results from the second section of the survey (organisational justice) are analysed (chapters 6 and 7).

5.4.2 Levels of risk to the NSWPF organisation
The overall violation results should be considered in the context of the organisational values of the NSWPF and the ratings of legal risk. Readers are reminded that the ratings of legal risk were used in several research studies of complaints against police in the NSWPF (Goodman-Delahunty et al., 2012a; Goodman-Delahunty et al., 2012b; Goodman-Delahunty et al., 2014a) and are defined in Appendix 4. Table 5.6 below combines the violation results along with an analysis of the legal risks showing the relevant sections of the NSWPF Statement of Values and the NSWPF Code of Conduct and Ethics (NSWPF, 2008 and Appendix 4).

Table 5.6.

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Level of Legal Risk to NSWPF posed by each scenario</th>
<th>Not at all serious 1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>Very serious 5</th>
<th>Rank</th>
<th>Legal Risk: defined Appendix 4</th>
<th>NSWPF Statement of Values</th>
<th>NSWPF Code of Conduct &amp; Ethics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scenario 1: unjustifiable use of deadly force</td>
<td>High</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>5</td>
<td>216</td>
<td>=1</td>
<td>Excellence; Trust; Leadership</td>
<td>2: care &amp; diligence; 3: comply with policies</td>
<td></td>
</tr>
<tr>
<td>Scenario 2: theft of watch from crime scene</td>
<td>Moderate</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>7</td>
<td>215</td>
<td>=1</td>
<td>Excellence; Trust; Leadership</td>
<td>1: behave honestly</td>
<td></td>
</tr>
<tr>
<td>Scenario 12: detectives planted evidence</td>
<td>High</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>171</td>
<td>=1</td>
<td>Excellence; Trust; Honour; Impartiality</td>
<td>1: behave honestly; 2: care &amp; diligence; 3: comply with policies; 4: treat with respect; 6: comply with the law; 9: improper use of position</td>
<td></td>
</tr>
<tr>
<td>Scenario 6: theft by finding wallet</td>
<td>Moderate</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>21</td>
<td>179</td>
<td>4</td>
<td>Excellence; Trust; Leadership</td>
<td>1: behave honestly</td>
<td></td>
</tr>
<tr>
<td>Scenario 7: false report on drug dealer</td>
<td>High</td>
<td>0</td>
<td>1</td>
<td>4</td>
<td>15</td>
<td>177</td>
<td>5</td>
<td>Excellence; Trust; Impartiality; Leadership</td>
<td>1: behave honestly; 4: treat with respect; 9: improper use of position</td>
<td></td>
</tr>
<tr>
<td>Scenario 11: indigenous man Tasered</td>
<td>High</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>13</td>
<td>158</td>
<td>6</td>
<td>Excellence; Trust; Accountability; Leadership</td>
<td>2: act with care; 4: treat with respect</td>
<td></td>
</tr>
<tr>
<td>Scenario 8: Sgt. Fails to halt beating</td>
<td>Moderate – high</td>
<td>1</td>
<td>0</td>
<td>7</td>
<td>40</td>
<td>146</td>
<td>7</td>
<td>Excellence; Trust; Impartiality; Leadership</td>
<td>2: act with care; 4: treat with respect; 10: report misconduct</td>
<td></td>
</tr>
<tr>
<td>Scenario 3: officer strikes prisoner who hurt partner</td>
<td>Moderate – high</td>
<td>1</td>
<td>0</td>
<td>7</td>
<td>56</td>
<td>158</td>
<td>8</td>
<td>Excellence; Trust; Impartiality; Leadership</td>
<td>2: care &amp; diligence; 3: comply with policies; 4: treat with respect</td>
<td></td>
</tr>
<tr>
<td>Scenario 4: cover-up of police DUI accident</td>
<td>Moderate</td>
<td>1</td>
<td>2</td>
<td>9</td>
<td>56</td>
<td>148</td>
<td>9</td>
<td>Excellence; Trust; Leadership</td>
<td>1: behave honestly; 3: comply with policy; 9: improper use of position; 10: report misconduct</td>
<td></td>
</tr>
<tr>
<td>Scenario 13: officer wrongly passed on confidential information</td>
<td>Moderate</td>
<td>0</td>
<td>2</td>
<td>10</td>
<td>37</td>
<td>126</td>
<td>10</td>
<td>Excellence and Trust</td>
<td>8: misuse of confidential information</td>
<td></td>
</tr>
<tr>
<td>Scenario 5: two police officers assault fleeing suspect</td>
<td>Moderate – high</td>
<td>1</td>
<td>0</td>
<td>12</td>
<td>63</td>
<td>126</td>
<td>11</td>
<td>Excellence; Trust; Leadership</td>
<td>2: care &amp; diligence; 3: comply with policies; 4: treat with respect</td>
<td></td>
</tr>
<tr>
<td>Scenario 9: protestors arrested falsely</td>
<td>Moderate</td>
<td>0</td>
<td>6</td>
<td>14</td>
<td>62</td>
<td>105</td>
<td>12</td>
<td>Excellence; Trust; Leadership</td>
<td>1: behave honestly; 2: act with care; 4: treat with respect;</td>
<td></td>
</tr>
<tr>
<td>Scenario 10: AC advised Constable to resign</td>
<td>Low - moderate</td>
<td>14</td>
<td>18</td>
<td>41</td>
<td>33</td>
<td>75</td>
<td>13</td>
<td>Excellence; Impartiality; Leadership</td>
<td>1: behave honestly; 2: act with care; 4: treat with respect; 9: improper use of position</td>
<td></td>
</tr>
</tbody>
</table>

19 30 111 411 2000

97
In terms of comparison of seriousness of the ‘violation’ to the legal risks, it appears, in agreement with the comments on the level of seriousness of individual police officers that their responses are not in alignment with the ostensible real-life impact of the scenarios. The minor thefts depicted in scenarios 2 and 6 are at the top of the list ‘violation seriousness’ according to the police officers’ responses, but these are only rated as ‘moderate’ legal risks. Also, scenario 4 and scenario 13, both rated as ‘moderate’ levels of legal risk are placed above that of scenarios 5 and 9 (both moderate to high legal risk) in the violation seriousness levels. There is no simple explanation for these incongruities, although it could be attributed to ‘not thinking strategically’, or responding to messages from within the organisation or to public opinion through the media. The reason could also be a lack of knowledge and understanding of human rights and their importance in operational policing.

This exercise of comparison illustrates that the low ranking of seriousness from responses to scenario 10 appears to be justified as, in terms of legal risk, it is rated as only ‘low to moderate’. In addition, the behaviour depicted in scenario 10 is contrary to the NSWPF Code of Conduct and Ethics, and contravenes four principles of that policy. When the NSWPF Statement of Values and the Code of Conduct and Ethics are placed alongside the scenarios, it becomes clear that the behaviours within them are contrary to those policies, but some scenarios contravene more of the provisions than others. The exercise of comparison against the NSWPF policies also illustrates that there were discrepancies in the order of seriousness in which the scenarios were placed by respondents, which tends to show that they are incorrectly emphasised. For example, in comparisons against the NSWPF Code of Conduct and Ethics, the placement in the ranking of scenario 2 (one only breach) scenario 12 (six breaches), scenario 6 (one breach) and scenario 7 (3 breaches) appear inconsistent, and further support the ‘lack of proportionality’ argument above.

There were very few comments from actions depicted by the scenarios relating to consideration of the risk to the police organisation. One such comment related to the organisation learning from incidents such as scenario 1 (unjustifiable use of deadly force):

‘An investigation into the matter would be covered up/conducted in favour of the police officer who used his weapon in order to protect his employment. No thought would be given to the increased likelihood of future similar incidents which would
flow from lack of action by investigating police. On face value the officer has committed a criminal offence’ (R.103).

Apparently, there was no thought given to the consequences of ‘covering up’ such a serious incident. In particular if the incident was covered up, there would not be an opportunity to learn from mistakes made in the incident to advise policy for the future. This cover up could bring serious risk on the organisation as it has not learned from mistakes and is likely to repeat them; a situation which could result in major damages being awarded against the NSWPF in addition to the unnecessary pain and suffering of individuals affected by police actions. On the other hand, police officers realized that it was a high-risk way (R.1) to police public protests in scenario 9 (protestors arrested) and one comment specifically identified the actions aggrieved protestors could take:

‘This is ridiculous. The NSWPF would be sued civilly for False Arrest and False Imprisonment. Damages awarded and the Police Officer would in all probability not be dismissed’ (R.7).

In addition to identifying the risks involved in the scenario, several comments also referred correctly to the police ethics and human rights issues that were wrongful arrest and detention (right to liberty), and right to freedom of opinion and expression in the public protest (chapter 8). It can be concluded that there appears to be a low level of recognition about risk to the organisation from policing operations evidenced by a reckless regard in police officers’ responses relating to assaults, excessive use of force and ‘summary justice’ (discussed in subsequent chapters). The next survey questions related to the level of discipline.

5.5 Level of Discipline

The discussion relating to the perception of the respondents about the harshness of their organisation, commenced in the section on ‘violation’ above, can be continued by examining the respondents’ ratings of the scenarios on the discipline that should, and that which would, result from the offending behaviour. These measures indicate the respondents’ belief in how their organisation would respond concerning the level of harshness of the punishment to the behaviour depicted in each scenario, and the relationship with the individual police officer’s view of the appropriate level of discipline in each case. The results are inconsistent in that they show, in the majority, that for all but
three scenarios (10, 6 and 2) out of 13, the level of discipline that respondents allocated to
the behaviour depicted was rated as higher for that which *should* result, than for that which
*would* result, although the responses for each dimension are close (Appendix 3).

A paired sample t-test of the aggregated data from all 13 scenarios was carried out
between the level of discipline that the police officer thought ‘*should*’ be administered as a
result of the misconduct depicted in the scenarios, and their perception of the level of
discipline that ‘*would*’ be allocated. The differences between the means of the ‘should’ and
‘would’ dimension were negative in 10 out of 13 scenarios. There were positive mean
differences for scenario 2 (0.112), scenario 6 (0.070), and scenario 10 (0.654). The paired t-
tests indicated statistically significant results ($p = <0.05$) in only 5 cases (Scenarios 1, 2, 3, 5,
10, 12) with results being between 0.000 and 0.012 (2-tailed). However, Cohen’s $D$ effect
was, in all cases, small, varying between -0.26 to 0.40 (Full results Appendix 3). The
closeness of the responses and the small effect indicates that, apparently, police officers
generally understand and support the level of discipline allocated by their organisation, but
the fairness test takes this analysis further.

5.5.1 Fairness Test
The Fairness test that is being used to evaluate the fairness of the levels of discipline in the
organisation is one that was used in the Porter et al., (2016:82) study and is separate from
the paired t-tests in the foregoing analysis. In this method, the mean score from the *would*
score for each scenario is deducted from the *should* score. Where the result of the
difference in the means is a minus score, it signifies that the police officer believes that the
organisation is too *lenient* on police officers committing the type of misconduct illustrated in
the scenario. Where the difference in the means is a *positive* score, it signifies that the
police officer believes that the organisation is too harsh in punishing officers committing the
type of misconduct depicted in the scenario. As can be seen from the data in Table 5.7, the
differences in the level of discipline between the ‘should’ and ‘would’ mean scores are
relatively small.

Table 5.7.

*Level of Discipline that should and would result from all scenarios showing rank, ‘Fairness’
rating and ‘Fairness’ ranking.*
| Scenario 12: detectives planted evidence | 5.73 | 5.8 | 1 | 0.07 | =6 |
| Scenario 6: theft by finding wallet | 5.53 | 5.46 | 2 | -0.07 | 3 |
| Scenario 1: unjustifiable use of deadly force | 5.51 | 5.67 | 3 | 0.16 | 11 |
| Scenario 2: theft of watch from crime scene | 5.4 | 4.9 | 4 | -0.5 | 2 |
| Scenario 11: indigenous man Tasered | 5.36 | 5.41 | 5 | 0.05 | 5 |
| Scenario 7: false report on drug dealer | 5.3 | 5.33 | 6 | 0.03 | 4 |
| Scenario 8: Sgt. Fails to halt beating | 4.67 | 4.79 | 7 | 0.12 | =9 |
| Scenario 13: officer wrongly passed on confidential information | 4.57 | 4.66 | 8 | 0.09 | 8 |
| Scenario 3: officer strikes prisoner who hurt partner | 4.43 | 4.77 | 9 | 0.34 | 13 |
| Scenario 4: cover-up of police DUI accident | 4.41 | 4.53 | 10 | 0.12 | =9 |
| Scenario 5: two police officers assault fleeing suspect | 4.24 | 4.45 | 11 | 0.21 | 12 |
| Scenario 9: protestors arrested falsely | 4.07 | 4.14 | 12 | -0.07 | =6 |
| Scenario 10: AC advised Constable to resign | 3.89 | 3.24 | 13 | -0.65 | 1 |

<table>
<thead>
<tr>
<th>Should</th>
<th>Would</th>
<th>Rank</th>
<th>Fairness</th>
<th>Fairness Ranking</th>
</tr>
</thead>
</table>

**Notes.** Fairness Ranking is shown rank ordered from most lenient to harshest. Fairness Test reproduced and adapted from Porter et al., (2016:82)

The results in Table 5.7 show that there are three out of thirteen minus Fairness scores, in order of magnitude, for Scenario 10 (-0.65), 2 (-0.5) and 6 (-0.07) which is consistent with the paired t-tests previously completed. However, there are ten out of thirteen positive Fairness scores for scenarios: 7 (0.03), 11 (0.05), 12 (0.07), 9 (0.07), 13 (0.09), 4 (0.12), 8 (0.12), 1 (0.16), 5 (0.21) and 3 (0.34). Because there are a large majority of positive Fairness scores from the thirteen scenarios, this indicates that overall, the police officers perceive that the organisation is too harsh in the punishments it allocates for misconduct behaviour.

When further analysis is conducted, the differences in responses concerning the level of discipline that respondents believe should result, from the levels which would result, swing wildly and inconsistently, judging by the difference in ranking orders for ‘should’ and ‘Fairness’. This also raises a level of concern that the values of the workforce of police officers mismatch with those of the police organisation in terms of their perception of organisational justice. The subject of organisational justice is discussed in detail in chapter 2 and will be further analysed in subsequent chapters (chapters, 6 and 7). The mismatched perceptions between the workforce and the organisation is illustrated by the fact that although Scenario 10 is rated as the lowest scenario (rank 13th) in relation to should (3.89)
and would (3.24) means, it has the largest score for Fairness (-0.65) and it depicts the extreme level of leniency in the organisation. As the person performing the misconduct in scenario 10 is an Assistant Commissioner, this could indicate that the workforce of ‘rank and file’ police officers perceives that there is one level of discipline for executive officers (lower) and another level of discipline (higher) for police officers in lower positions in the organisation. This could point to a negative management culture within the organisation which is also examined in chapter 7.

The remaining results associated with should are consistent in their ranking and the Fairness ranking, but there are some that defy logic, such as scenario 1 which goes from a should ranking of 3rd to 11th in terms of Fairness. The meaning of this would appear to be that the organisation is too harsh on officers who use unjustifiable levels of deadly force. This proposition appears to ring true as with scenario 3, which also involves excessive use of force by the police officer, where the should rank of 9th goes to a positive leniency Fairness score ranked 13th. The result of the use of excessive force in scenario 5 is not so marked as it goes from a should ranking of 11th to a Fairness ranking of 12th, although still carrying a positive Fairness score of 0.21 denoting harshness in the organisation. The evidence of these results indicates the police officers’ disagreement with the organisation in terms of relative harshness in responses to misconduct. Police use of force and excessive use of force is a major subject of debate from the results of this survey and is further discussed in other chapters. The results could also point to poor quality or low levels of organisational justice as discussed above, or a lack of attention by the management in NSWPF to this important aspect of organisational culture.

5.6 Willingness to report
Similar to previous results, in every case police officers said they, as an individual, would be willing to report the incident in the scenario as police misconduct at a level that was rated as higher than ‘most’ officers. Because the lowest of the means (Range between 1-5) of the scenarios was 3.59 (scenario 10) and this ranged to 4.89 (scenarios 1 and 2) for respondents who said they would report the misconduct, this would indicate high levels of reporting, which suggests there is a high level of responsibility and ethical standards among police officers. This reporting action is in alignment with the NSWPF Code of Conduct (Point 10)
whereby all staff are required to: ‘report misconduct of other NSW Police Force employees’ (NSWP, 2008:1). In addition, where the respondents rated the scenarios as having a higher level of seriousness (for example, scenarios 1 and 2); they rated that they would be more likely to report that misconduct behaviour. The two aspects of good reporting of misconduct attributed to ‘most’ officers, although lower than that for reporting in their own view (‘you’), reflected the fact that misconduct would be reported, and that it was more likely to be reported when it was of a more serious nature.

If the respondents’ views in the survey are reflected in real life actions, the level of reporting of misconduct is contrary to that found by researchers, academics, and royal commission inquiries (for example, Wood Royal Commission, 1997) that identified the ‘blue curtain of silence’ (chapter 2), whereby police officers protected their colleagues from investigation and neglected or refused to inform on incidents of misconduct (Westmarland, 2009). However, the free text comments regarding the level of reporting might place another emphasis on the positive aspect on the level of reporting. In response to the survey question at the end of the survey, one police officer said:

‘Some might fear their responses will be audited by the police force, which uses key stroke technology and full auditing and monitoring of computer usage and sites visited. Some will give the answer they feel expected to give and not what they would really do. I was honest and I hope it helps’ (R.5).

This fear of reporting misconduct should also be linked to the ‘code of silence’ which was described in chapter 2 and exemplified in NSWP from responses included in chapters 6 and 7.

A paired sample t-test was conducted between the level of reporting of the behaviour depicted in the scenarios, first whether the police officer themselves (‘You’) would report it and secondly, whether most other officers (‘Most’) would report it. The differences between the means of the ‘You’ and ‘most’ dimensions were positive in all scenarios. This indicated that the respondents thought they as an individual were more likely to report the misconduct behaviour depicted in the scenarios than their colleagues; thus viewing themselves as more ethically correct than others. The paired t-tests of all the scenarios indicated statistically significant results ($p = <0.05$) in all cases, being $p = 0.000$ (2-tailed).
However, Cohen’s - $D$ effect was, in all but 2 cases, small, varying between 0.31 and 0.49. In two of the scenarios, the Cohen’s - $D$ effect was in the medium range: Scenario 2 (0.62) and Scenario 6 (0.50). Full results are shown in Appendix 3. If the respondents decided to report the incident of misconduct, they were also asked to say to whom they would report it.

5.7 To whom to report

In the current study, the survey question about to whom the misconduct would be reported was additional to the previous research studies and gives some important findings, particularly in relation to the police officers’ comfort levels towards external scrutiny. In chapter 2, the independent oversight of police was described, with the current (2016) regime consisting of the internal scrutiny of the NSWPF Professional Standards Command (PSC) and the external oversight of the NSW Ombudsman and the Police Integrity Commission (Appendix 1). In fact, reporting misconduct to either internal or external scrutiny bodies was not the favoured method of reporting the matters in the scenarios, but overwhelmingly (85%) stated that they would report to a ‘police supervisor or manager’ (Appendix 3).

Police officers appear to be less likely to report to PSC (only 7.65%), except in specific scenarios such as scenarios 10 and 12. This may be because those scenarios require an independent investigation into them, rather than only within a Local Area Command (LAC), as the basic police command unit is called. There appeared to be some confusion about the reporting question, as local arrangements are in place with police officers posted in LACs who have responsibility to deal with complaints against police in local areas. Therefore, police officers based in police stations away from police headquarters would perhaps more readily report to their local officers rather than the centrally-based PSC. There was reference to this fact in free text comments to this survey question.

There was also a tendency for police officers to report matters to ‘a colleague’ in 10 of the scenarios, although this accounted for only 1.09% of the total reports. It was not clear what the intention of this type of reporting would achieve as it would be unlikely that an investigation would eventuate. In very serious cases such as scenario 1 (Shooting unarmed
suspect) and where the Assistant Commissioner (scenario 10) was involved, it appears that police officers would feel able to report those matters direct to the Police Commissioner, which indicated that they felt it was acceptable to use that channel of communication, however this accounted for only 0.46% of reports. Although the external oversight bodies are in place for this very purpose, very few police officers stated that they would report to the Police Integrity Commission (PIC) (2.41% of reports) and the NSW Ombudsman (0.68% of reports). Thus, the police officers appeared to favour keeping the reporting of the incidents internal to the organisation in the majority of cases, and only to their managers, not to the PSC.

Apparently, no officers would make an unauthorised disclosure outside the police force; this subject was explained chapter 2 and is further discussed in chapter 6 and 7. Also, no police officers stated that they would report an incident to the Police Minister, a politician, or a media outlet. This appears to mean that the police officers would not participate in ‘whistleblowing’ activity outside the police organisation, and are more likely to comply with standard operating procedures and NSWPF policies in relation to reporting misconduct. In respect of reporting misconduct, comments from the free text responses from officers put a different perspective on the likelihood of reporting in that they could face ostracism from their colleagues.

The response ‘Other’ accounted for 2.41% of the answers to this survey question; this may have been due to the automatic referral of some incidents to a ‘critical incident investigation’ involving a fatality, when the matter is mandatorily referred for a critical investigation internally by senior and executive police officers and subsequent external oversight. This procedure was described in chapter 2 and, it appears, that some police officers responded to the question with ‘other’ because, in the circumstances described in the scenario, there would be no choice as to whether it was reported or not; the reporting would be automatic and mandatory.

5.8 Honest Opinion of respondents in answering survey questions

In common with the Porter et al., (2016) survey, all respondents in the current survey were asked about giving honest opinions in answering the survey questions. An analysis of the
answers to the question: ‘Did you give your honest opinion in filling out this questionnaire?’ resulted in all respondents answering ‘Yes’. However, a large percentage (25.6%) of respondents chose not to answer this question. Also, when asked if they thought ‘Do you think most police officers would give an honest opinion in filling out this questionnaire’, they thought a percentage of 13.9% of police officers would not give an honest opinion. This question was also not answered by all respondents, with a large percentage (39.5%) choosing not to answer. This aspect of the behaviour of police officers is discussed in chapter 6 along with respondents’ comments regarding participating in research. Some comments about the survey were recorded from respondents, for example respondent 56 said:

‘The first section of the survey appears quite limited. In some instances, it describes criminal acts, with suggested disciplinary outcomes. Criminal acts should result in judicial outcomes. The process of suspending one's experience to answer questions with such limited parameters probably results in skewed answers. There also doesn’t appear to be much subtlety in the hierarchy of seriousness for survey responses. Is killing an unarmed man very serious? Yes. Is punching a prisoner very serious? Yes. Are they equally serious? No. Our role in society constantly forces us to assess such hierarchies for violence and dishonesty, whenever we place (or don’t place) people before the Courts. Where the scope of survey responses are so limited, perhaps they’d be better served with Yes/No or True/False responses’ (R.56).

While the respondent’s opinion is respected, chapter 4 explains the rationale of using scenarios and research techniques that are tried and tested. The scenarios 1 to 8 were trialed and tested extensively by many respected researchers in different countries therefore the criticism contained in the comment should be viewed in this light. Additionally, the ‘Likert’ scaling system used in this survey was utilised in the previous surveys and was seen as best research practice. Another respondent, reference 73, made other criticisms:

‘You need to use examples that may actually happen. Your questions give me the impression you believe that NSWPF have zero oversite. Maybe as part of your PHD you need to actually walk in our shoes’ (R.73).

Firstly, as has been explained in chapter 4 and at appropriate junctures in this thesis, the police actions in scenarios 1 – 8 were copied from previous surveys and had been taken
from studies dating back to 1973 (Roebuck and Barker, 1973). Scenarios 9 to 13 were taken from real life incidents and law reports which are referenced in Appendix 4. The comment in the final sentence is a form of stereotyping, which will be discussed in the final section of this chapter, regarding police officers opinions of ‘academics’ and an insular outlook. What the respondent did not realise is that the author of this thesis was a serving police officer for 30 years.

5.8.1 Attitude towards research and academics
As has been explained in earlier chapters 2, and 3, historically there has been a mistrust between police officers and researchers / academics (Bradley and Nixon, 2009); this stems from a resentment by police of ‘outsiders coming in to tell them how to do their job’ and is an example of the insular police culture further described in chapter 6. It is fair to say that some blame does lay with academics and researchers who believe there is greater value in theory rather than practice (Wright, 2002:5). Although this situation has improved in recent years with the preference towards ‘evidence-based’ policing practice (Neyroud, 2009), it appears from responses in the survey, that cynicism has not gone away for research in general and academics in particular. Several comments illustrate the phenomenon which has several attributes; firstly, that ‘outsiders’ could not understand police work, and secondly, that ‘academics’ are biased and overly critical of the work that police officers do.

An example of querying the value of this research was contained in scenario 9 (protestors arrested), which was an unpopular scenario, although it elicited many free-text responses. Police officer respondents seemed to think this scenario was a ‘trick question’ included as a leading question to elicit a specific response for the purposes of research, for example respondent 15 said:

‘The way this is worded makes me wonder if there is an agenda with this survey. This is a criminal offence, and charges would be laid’ (R.15).

Many police officer respondents also said this was an unrealistic scenario and needed more detail to make a decision (R.5); the responses appear to dismiss the actions in the scenario as if they could not happen and that there was therefore a flaw in the research methodology. In fact, similar circumstances were recorded in London when police used tactics (called ‘kettling’) to police public protests which resulted in peaceful (and highly
respective) protestors of all ages being detained for very long periods of time in city streets with no access to refreshments or facilities (HMIC, 2009; Liberty, 2011).

Following from this theme about the integrity of the research, many police officer participants did not like the description of the activities within scenario 12 (planting evidence on suspects) and tended to question its relevance, realism, and police practices, appearing to say, ‘it couldn’t happen’ for example respondent 7 said:

‘Did you speak with any Police prior to constructing this survey? I find the structure and wording of these scenarios to be ridiculous’ (R.7).

The respondent scorned the actions depicted in the scenario as ‘ridiculous’ while also suggesting that the researcher did not understand police practice. However, in answer to these two points, the circumstances of the scenario were taken from an investigation completed by the PIC in 2004 called Operation Florida which centred on police corruption in Manly (PIC, 2004). The scenario depicted police misconduct that had actually occurred, thus it was a realistic scenario from which to judge police integrity. The respondents to the survey who queried the authenticity were incorrect in their assumptions in both respects.

There were several examples from comments to scenario 1 (unjustifiable use of deadly force) which indicated a poor attitude towards ‘academics’, who it accused of not understanding the ‘market’ of policing (R.42). The issue relating to police officers’ stereotyping of ‘academics’ was also raised in comments relating to scenario 3 (officer strikes a prisoner who hurt partner) again and showed intemperate language, poor judgement and a prejudiced attitude:

‘If I am to be honest, I don’t care. If you want to put your shoes on and dance then I am more than happy to oblige. I don’t get paid enough for this shit and I certainly won’t take into consideration the utopian views of an academic who has never spoken to an angry man or some left wing hippy that uses egg yolks for shampoo. You get the point...’ (R.52)

This comment from respondent 52 is apparently making the assumption or stereotype that all academics hold a particular view about police officers. It also makes the assumption that an academic can never have been a police officer or that they are ‘some left wing hippy’. This thesis would disagree with both of these assumptions but use the comment as an
example of the insular and prejudiced view some police officers hold. The final section in this chapter is the conclusion.

5.9 Conclusion of chapter 5

Although the results from the current study are consistent with those of previous studies, the ranking of the levels of seriousness allocated by the police officers appear to be disproportionate to the gravity of the incidents depicted in the scenarios, using the example of the theft of watch (scenario 2) against the fatal incident (scenario 1). In agreement with this finding, in terms of comparison of seriousness to the legal risks to the organisation, it appears that responses of individual police officers are not in alignment with the ostensible real-life impact of the scenarios. The reason for this result could be a lack of knowledge and understanding of both risk to the organisation and human rights and their importance in operational policing.

The result from the analysis of levels of seriousness shows that police officers believe that they as an individual would rate incidents at a higher level than their colleagues, also that their organisation rates incidents depicted in the scenarios at a different and higher level of seriousness from the rating they themselves and their colleagues would give. Results were generally aligned with the hypothetical expectation that longer service, older age and managerial status would give a higher score of the levels of seriousness of scenarios. Furthermore, a large majority of positive Fairness scores from the thirteen scenarios indicates that overall, the police officers perceive that the organisation is too harsh in the punishments it allocates for police misconduct behaviour. These factors go to show that there is a mis-match of values and ethical standards between the police officers in the workforce and the organisation as a whole. Also, those more experienced officers should share their expertise with their more junior colleagues.

In terms of reporting, respondents thought that they as an individual would be more likely to report police misconduct that their colleagues and they would mainly report it to a police supervisor or manager rather than the PSC or external independent oversight bodies. This indicated that the respondents thought they as an individual were more likely to report the misconduct behaviour depicted in the scenarios than their colleagues; thus viewing
themselves as more ethically correct than others and less likely to adopt the ‘code of silence’. Finally the respondents were asked if they gave their honest opinion in answering the questions in the survey; although most said they did, there were many who chose not to answer this question. Also, many respondents thought that other police officers would not give an honest opinion, thereby indicating a lack of integrity. Also linked to police integrity is the insular attitude of police officers who stereotype academics who they think would not understand police work. There were many examples of this attitude both in this chapter and chapter 6. These and other matters will be carried forward to the next stage of reporting; that of chapter 6 which reports on the investigation into police legitimacy.
Chapter 6: Results 2 – Police Legitimacy

6.1 Format of chapter 6 and Introduction

Chapter 6 contains an analysis of qualitative data provided by survey respondents in the form of optional free-text comments which were contributed in the first section of the survey, the 13 policing scenarios. The comments are also used to explain and contextualise the survey responses about police legitimacy in the second section of the survey during which the respondents were asked to rate questions on respect, trust, confidence and pride in the police. Readers are reminded that the numbering system to the free-text quotes was based on the sequential number of the participation of the respondent in the survey (chapter 4). This chapter will take the following format: Introduction; police legitimacy; police ethics and integrity; conclusion. This chapter will provide answers to the research question: To what extent do police officers appreciate how important human rights are during operational policing incidents from their own perspective and from the perspective of members of the public? It is therefore a very important contribution to the overall scope of this research. This chapter should be read in conjunction with Appendix 4, which analyses each scenario and cross-references it to international human rights law, NSW statute law and the NSWPF Code of Conduct and Ethics. Free-text comments from the scenario section of the survey are also utilised in chapter 7 to add background to the participants’ ratings in response to police performance, procedural justice, and organisational justice survey questions. The free-text comments have been analysed using the well-respected method of thematic analysis which is described in detail in chapter 4.

6.2 Police legitimacy resulting from respect, trust, confidence, and pride in the police

The review of literature (chapter 2) explained the background and context of public policing along with the theories and principles of police legitimacy and described the important subject of the governance of police. Survey questions about the levels of trust and confidence that members of the public hold in the police were included in section 2 of the survey. Chapter 2 described the importance of trust and confidence in the police in the community leading to the legitimacy of the police based on its standing and position in society. This thesis follows the proposition, discussed earlier, that the level of police legitimacy held by members of the public about their police force depends upon operational...
competency, observance of human rights and high levels of integrity. For example, respondent 58 commented that police officers must be trusted to a greater degree than the criminal courts in an operational context involving use of lethal force:

'NSW Police as are other state and federal Police placed in a position that is higher than any Court or legal officer in that they can take a life by the use of their firearm. Of course there is process that occurs after the ACT to judge the action but provided the action was lawful then no further action is taken. There is no CRT in the land that can send a person to their death. The Police are now according to NSW government more educated than ever before however does this make Police better in my view not so. When Police came from trades and life experience they in my view related better to members of the public. If I could give an example. A 20 year old well educated person joins the NSW Police with no life experience how does that person speak to a person who has just lost their job and is a depressed state when that persons looks at the 20 year old Police Officer earning 80 thousand dollars a year. Likewise the Police Officer (NOT ALL) looks at the person and may think harden up. Life experience and living life needs to be taken into the process (R.58).

The respondent first pointed out that police officers may be justified in using sufficient force (including lethal force) to deal with an incident; as the death penalty for all crimes (except perhaps some very rare cases) has been abolished, this places police officers in a more powerful position than even the courts, although all police operational actions are subsequently rigorously reviewed. The respondent also makes the point that police officers need life experience and maturity to do their job well by dealing with members of the public in a non-judgmental way. This thesis has established from comments in chapter 5, this chapter, and chapter 7 that not all police officers achieve this level of maturity. Chapter 5 examined quantitative data about police integrity and this chapter will describe results from the survey relating to police legitimacy from the quantitative data and police ethics and integrity from the qualitative data. Results from the survey on questions about respect, trust, confidence and pride in the police will provide evidence relating to police legitimacy.

In this section of the survey, all participants were asked to respond and rate a series of five statements relating to the levels of respect, trust, confidence, and pride that the public had in their police force. All responses from police officers in aggregate (on a seven point Likert
scale) were at least higher than the median score of 3.5, meaning that the respondents generally agreed or strongly agreed with the statements. There are several significant issues in respondents’ comments that relate to this section of the survey which, for example, identified that the officer’s conduct in scenario 2 (theft of knife from crime scene) would not be acceptable:

‘Criminal Offence is conduct that is unacceptable in any organization but especially this organization where the level of expectation of behaviour is of the highest standard’ (R.49).

This comment recognised that the public have a high expectation about the culpability and behaviour of police officers which is directly linked to respect for police. It also stated that lack of integrity relating to a theft is unacceptable conduct in any organisation but especially so in the police force. In the eyes of the community, and police officers, the police are expected to hold higher standards of behaviour than other individuals in society.

6.2.1 Respect for police

Respect for police is important when it is imperative that the public respond quickly and without protest to police directions in emergency situations (Beckley, 2007). When asked to assess the level of respect for the police that the public have, there was a divergence of views but police officers themselves seemed to have a slightly more jaundiced view of public respect than it warranted. Survey respondents were asked to rate their level of agreement on whether the public respected the police. There was a slight majority in respondents being neutral or agreeing with the statement (55.7%), which appears to show that police officers have underestimated the respect for the police from the community.

When breaking down data, the overall interpretation of these data is that police officers with longer service show lower levels of agreement that the public respect the police; this could be due to cynicism by having longer associations with the public. Comments from the police officers tended to show that they thought there ought to be more respect for police, judging by their inside knowledge of police practices, for example relating to scenario 12 (planting evidence on suspects), the comment shifted the blame to the courts (R.140). This was a point reiterated in a general statement that was posted at the end of the survey that explained respondent 14’s belief:
'Having been a serving police officer for the past 15 years, holding the rank of Sgt, I am proud of the job I have done and consider that I do my best for the community I serve. I consider that most of the police I work with to be honest and professional - I don't think the community has any respect for police and I think police authority is undermined by the courts and the media. I think in this current climate of threatened terrorism, police are working to the best of their abilities with limited support from the government - at my LAC there are 14 police positions vacant. Police are stressed and feel unsupported - in general they are honest and do the right thing. The bad old days have gone thank goodness. Interesting survey - good luck’ (R.140).
survey respondents their opinion on whether the public trust the police, and there was a fair majority of respondents being neutral or agreeing with the statement (66.9%). When trying to identify the disparity of results of police officer responses, the data indicates that a high level of older (51 to 60 years) officers show a 54.5% disagreement with the statement that members of the public trust the police. This result might be explained by free-text comments from the respondents such as respondent 122:

‘All of the questions are geared on the negative of police behaviour, not the positive responses that sometimes occur. Do the police have the respect of the public? To some degree no. This is caused by the continual lack of support from the courts in relation to a conviction for what is a serious offence. The ability of police to complete their role is continually being undermined by the legal system allowing for an individual to escape justice because the individual did not recognize that it was a police officer in uniform chasing him down the street, so when the officer grabbed the individual and arrested him for a legitimate offence. He gets off because the officer did not state his name. This type of legal loophole continually erodes the ability of the community to gain respect in the police force. The community continually fail to report incidents because of this fact. It is called the why bother they will only get off anyway. I don’t want to spend two days in court for him to get off. Whilst the ethics of police have definitely increased over my 30 years as a police officer the respect from the community has decreased as has the ability for police to perform their role of serve and protect. The level of frustration of police going through all of the paperwork to have the case dismissed due to a legal loophole is just as frustrating. Civil and human rights whilst respected need to be judged with the individuals that police are dealing with who unfortunately have not read the same book’ (R.122).

The comment from respondent 122 shows some frustration and cynicism in the role of policing as explained in chapter 2. The comment says that the police do not have the respect of the public and suggest the reason for this is that ‘legal loopholes’ allow criminals to escape justice on technicalities of the criminal law. This results in a loss of respect for the police from the public when citizens think it is not worth reporting crimes to the police as perpetrators will ‘get away’ with committing crime. Although ‘legal loopholes’ do indeed exist there is an element of over-statement in the comment which is probably justified in
the writer’s mind through some personal experience or organisation ‘war stories’ and rumours that cause discontent. The final sentence of the comment is interesting as it posits that, although civil and human rights should be respected, the criminals do not show the same commitment to them as the public would expect the police to. This thought is aligned with the comment above on higher expectations of police officers’ integrity than the general public and respondent 96’s statement:

‘A police officer acting in an illegal manner is a very serious violation of the public trust, let alone the law. A police officer who chooses to act corruptly/criminally is not fit to serve as a police officer, as their integrity is compromised. As an officer observing corrupt behaviour, you are legally required to report that corrupt behaviour to a higher ranking officer. To not report could result in you losing your job also. However, the officer reporting the corrupt conduct of another officer, may find they too are ‘disciplined’ by the other members of the organisation, labelled a dog, and even changing work locations will not allow you to escape the ‘dog’ label, even though you have acted as required, and have not committed any criminal offences. The process of police sticking up for each other, and keeping quiet about corruption is still here’ (R.96).

Respondent 96 identified the ‘very serious violation of the public trust’ when a police officer acted in an illegal manner; his or her point of view on police integrity was that it should not happen. However, several police officers commented that it is difficult to report misconduct in the police force, although regulations state that they should do so (NSWPF, 2008). The comment talks about the difficult position in which a ‘whistleblower’ is placed, being ostracized, harassed and demonized. This leads to the police officer, for the good of his/her own career and well-being, deciding not to report the misconduct of other officers, leading to the ‘blue code of secrecy’ described in chapters 2 and 7.

There were several other free-text comments in responses to the scenarios that related to public trust, respect, and confidence in the police. For example, in response to scenario 2 (theft of knife from crime scene) a comment seemed to sum up the reaction of the police organisation in respect of the serious nature of dishonesty and, in respect of individual police officers and others who identified that it violated their oath of office (R.8 and13). Respondent 43 built on this to interpret the reaction of the police organisation to an incident of theft by a police officer:
‘This might actually attract a more severe penalty than shooting someone dead, as it cannot be justified and involves dishonesty, which the organisation finds less tolerable’ (R.43).

The author of the comment seems to believe that the police organisation might tolerate a police officer shooting a suspect dead rather than stealing from them. This is an extreme statement but may reflect the serious message from the organisation that theft by a police officer will not be tolerated. There were many responses in the same vein as these examples of comments, illustrating that the police officers knew that examples of dishonesty would diminish public trust in police and respect for police; a wisdom that is evidenced from research (Prenzler et al., 2013).

6.2.4 Public confidence in police

As discussed in chapter 2, the level of public confidence is an important barometer of the standing of the police in society and the legitimacy of the police, therefore, respondents were asked to rate their opinion as to whether members of the public have confidence in the police. There were two relevant questions asked separately about confidence in the police and confidence in the police as an organisation. The results of the first question were that police officer respondents whose rating was neutral or in agreement were in the majority, with 73.5% holding a positive opinion. This result can be compared with the result of the statement following which was ‘members of the public have confidence in the police as an organisation’ which showed lower levels of agreement. Respondent 121 made a comment about confidence in the police as an organisation:

‘The NSW Police are concerned about protecting the image and reputation of the Force Vs what is right by its staff. Often Police are alienated and held to a higher standard than the general public. If an officer assaults someone on or off duty they are stood down charged or dismissed. The officer is guilty until proven innocent. In private enterprise an assault offender would not be stood/sacked for being in a fight when they are not at work regardless of if they are in the public service. In most cases corrupt conducted would be reported to my immediate supervisor. By reporting it to them I have complied with my obligations and made it someone else’s problem so that I have protected my job. Police would be less likely to report corrupt behaviour if it is clear that they would be
identified as the source of the complaint. E.g. complaining about your partner taking money from a wallet or taking the watch in the break and enter scenario. Even with internal mechanisms and internal witness policies the internal witness is still usually identified and then faces ostracism’ (R.121).

This statement tended to support the result of the survey in that confidence in the police as an organisation was judged to be lower than that of confidence in the police. The statement also corroborates those above that identify difficulties in reporting misconduct committed by a colleague. According to the comment, the ‘whistleblower’ must remain anonymous otherwise they will face ostracism from their work colleagues. From further examination of the data, it can be concluded that police officers in the lower ranks, with longer police service and higher ages, believe that members of the public have lower levels of confidence in the police.

6.2.5 Public confidence in the police as an organisation.

There has been a detailed discussion in chapter 2 about the inquiries into corruption and misconduct in the NSWPF and these factors all have a bearing on public confidence in the police as an organisation. One major aspect relating to public confidence in the police is the unauthorised disclosure of information by police officers (mainly to news outlets) also highlighted in chapter 2. There were few comments in the free-text responses to scenario 13 (disclosure of confidential information) but one comment noted that unauthorised disclosure ‘…undermines public confidence…’ (R.2). Police officers responded to the statement: ‘members of the public have a great deal of confidence in the police as an organisation’ with 65.8% being neutral or in agreement, whereas they thought that the public had more confidence in ‘the police’ (73.5% agreement). This may be due to the perception that the police officer respondents have about their organisation. For example, an opinion about the motives and values of the NSWPF as an organisation were expressed in by respondent 121 shown above and in the ‘court of public opinion’ by respondent 53:

‘It is not the court of public opinion that should decide the fate of the officer but rather a thorough and independent investigation carried out by the professional standards command. In saying this, shit like this (perhaps on a smaller scale) happens all the time. One way or another, this job will end up bending you over and taking you from behind’ (R.53).
This comment is in alignment with the police culture of insularity and *esprit de corps* that is explained in later in this chapter where police officers feel the need to stick together against adversity from the organisation and other actual or perceived enemies of the force.

There were many free-text comments which identified that police corruption would undermine public confidence in the police as an organisation. For example, in scenario 7 (false report on drug dealer) many of the comments correctly identified *noble cause corruption* and highlighted the wrongful behaviour, and associated infringement of the NSWPF code of conduct and values. The consensus of comments was that noble cause corruption isn’t tolerated in NSWPF (R.17). The next survey question examined the ratings of public pride in the NSWPF.

**6.2.6 Public pride in the NSWPF**

Taking pride in the NSWPF is aligned to the previous sections on trust and confidence in the police, although slightly different. There was only one free-text comment that related to being proud about being a police officer in NSWPF which was included in a section above; although, no doubt, there are many police officers proud of their position and the work that they do. As discussed in chapter 2, most police officers join the police because they see it as a vocation and a way of contributing to society. An examination of police text books and related publications failed to find any information about public pride in the police service, except where heritage is concerned.

In this survey, a question asked respondents whether, in their opinion, ‘*members of the public are proud of the NSW Police Force*’. A fair majority of police officer respondents were either neutral or positive in agreement with the statement (66.5%). This gives the appearance that the police officers are either modest on the view that the public has of their work, or they have underestimated public pride in their organisation, as a similar survey conducted by Murphy and Cherney achieved a 76% agreement rate from members of the public asked a similar question (Murphy and Cherney, 2011). From this final question on respect, trust, confidence, and pride in the police, this chapter will now examine the qualitative data on police ethics and integrity which is linked to police legitimacy.
6.3 Police ethics and integrity – qualitative data

The topic of police integrity is included in many areas of this study, as it is a vast subject that depends heavily on, and crosses over with, police officers respecting human rights and behaving with impeccable police ethics which, in turn, feeds into the legitimacy of police. Therefore, this section should be read in conjunction with previous sections of this chapter and content in chapters 5, 7 and 8. This section will include sub-sections on a wide range of topics that were highlighted by the responses in the survey to the scenarios: Esprit de corp; insularity and the blue curtain (code) of secrecy; discrimination and unfair organisational justice; police integrity; honesty and noble cause corruption, and; use of police powers. The optional free-text comments from respondents in the survey are highly instructive on the police officers’ own feelings and opinions about police ethics and integrity, for example, in relation to police ethics, respondent 37 said:

‘Considering ethical decisions versus decisions made based on emotional knowledge and bias based opinions is very difficult within the NSWPF. An officer will struggle daily with knowing the correct ethical decision versus in built bias that develop over time from life experiences both as a result of employment within the NSWPF and outside personal experiences. Most officers are inherently aware of ethical behaviours and the rights of all but snap decisions are based on ingrained biases. The scenarios listed in the survey have provided a time frame whereby an officer can stop and consider their actions. Most decisions an officer makes will be split second. Consider all legalities that can be weighed in a split second decision. Lastly, a person’s career within the NSWPF may impact greatly on the last few questions. For one, I as an employee have no faith in the Senior members above the rank of Inspector and don’t trust a word out of their mouths because they play the diplomacy game. They, as a collective are too frightened of the repercussions as a whole on the organisation based on false representations within the media. I have no faith in the judicial system as a whole and certainly have no faith in the legislative assembly or parliament. I perform my role as a Police officer to protect the community but a lot of my colleagues feel there is no protection for front line Police Officers’ (R.37).

Respondent 37 gave a candid and frank response at the end of the survey to the question which asked: ‘Do you have any other comments, questions, or concerns?’ This respondent wanted to add to his or her previous responses to explain the difficulty for police officers to
come to an ethically sound decision in an incident which featured an ethical dilemma. The respondent explained that snap decisions were based on ‘ingrained biases’ of the individual officer but what was needed was time to think about what action to take based on thorough consideration. This time was not always available in a rapidly unfolding scenario; in other words it is easier to come to the correct solution with hindsight. In the last part of their comment, the officer expressed a feeling of lack of support and isolation from senior officers in the police force, the courts and the politicians as ‘there is no protection for frontline Police Officers’. This appears to be an extreme opinion, although the lack of support for the rank and file officers is a recurring theme in this thesis; and perhaps justifies the feeling of comradeship through the esprit de corps.

6.3.1 Esprit de corps

Chapter 2 explained in detail the characteristics of police culture, which manifests itself through the nature of police work by its inherent dangerousness, and sudden (and sometimes violent) action, that creates an environment of teamwork and esprit de corps. The paradigm of teamwork, mutual support and ‘mateship’ has been identified by numerous researchers (Chan, 2003; Paoline, 2003) and is recognised as a positive attribute. But this can lead to exclusion of ‘outsiders’ and insularity which progresses ultimately to the widely-recognised ‘blue wall of silence’ or ‘blue curtain of silence’ when investigating police misconduct (Goodman-Delahunt, et al., 2014). For example, comments about scenario 1 (unjustifiable use of deadly force) showed a high level of empathy for the police officer (there were no comments directly about the suspect) when several respondents, including respondent 43 and 65 identified that the officer may have had unresolved mental health issues:

‘I presume the subject officer was fit for duty, medically cleared and not restricted in any way. Hence, there is no excuse for the behaviour. That said, the organisation would undoubtedly be obliged to take into consideration the officer’s prior trauma and what bearing that may have had on his/her reaction, mitigating the penalty. Police shoot people dead and receive nothing more than a temporary suspension with pay’ (R.43). Respondent 43 says there is no excuse for the way the officer behaved in the scenario but that his previous mental state might be taken into consideration when considering discipline
matters which were identified as ‘mitigating factors’ by several other respondents such as R.85, R.147 and R.190. The comments illustrate the *esprit de corps* in the police force; police officers are conscious of the high stress and pressure on police officers who witness or participate in traumatic events:

‘May have prior PTSD issues. May need further professional help. Prior history of being seriously assaulted and fear’ (R.145).

It is well-recognised that police officers do suffer from PTSD because of their frequent involvement in stressful or traumatic incidents (Allan, 2016; Beckley, 1997), and it is a positive factor that they do ‘look after each other’s back’ by identifying welfare issues. However the comments showed little empathy for the suspect which could be translated as an insular attitude and lack of care towards persons outside the police organisation. Further evidence of this will be discussed in chapter 7. In comments related to scenario 2 (theft of knife) police officer respondents were again empathetic in several areas, firstly, concerning the mental health of the officer and then about possible financial hardship (R.45).

In scenario 3 (officer strikes prisoner who hurt partner) the comments range from support of colleagues that justified the assault on the prisoner to disbelief that such an event could occur. This scenario was accompanied by many free-text comments that in summary were saying the respondents would have liked more information, some of which seemed to be prevarication, and denial:

‘Whilst I appreciate that these are fictitious scenarios, it is quite difficult to reply as these things just do not happen’ (R.58).

Most of the comments relating to justification and mitigation were for mental health reasons. These points again illustrate the high levels of *esprit de corps* and consideration for police colleagues working in the police organisation but, as stated earlier, the camaraderie can result in a strong bond that goes beyond mutual support to result in defiance of authority and corruption.

### 6.3.2 Insularity and the ‘blue curtain’ of secrecy

The foregoing section briefly explained the culture of *esprit de corps* might lead to a tight-knit group of police officers who would be willing to lie or ‘stonewall’ investigations into misconduct resulting in the ‘blue wall (or curtain) of silence’ referred to in the Wood Royal
The insular attitude is that police officers believe that only they know what it is like to carry out police work and the opinion of anyone else (‘outsiders’) is derided and ridiculed. This is part of police culture, discussed in chapter 2 and by many researchers (Kleinig, 1996; Skolnick, 2002). A typology of police misconduct which has been used to analyse and classify police actions depicted in the scenarios is included at Appendix 4. It seems self-evident that police officers are not going to admit or talk about corruption or serious misconduct in response to an on-line survey; therefore, confirmation of an attitude of insularity must be identified from the respondents’ free-text responses. There is a plethora of examples of an insular attitude of the police officer respondents in NSWPF which relate to an ‘us and them’ (Kleinig, 1996:68) attitude and particular comments about research and academics (chapter 5).

6.3.2.1 Blue curtain of silence

An example of the ‘blue wall (or curtain) of silence’ referred to above was in scenario 8 (Sergeant fails to halt beating) where a supervisor witnesses an assault on a person in custody and takes no action. Also, comments to this scenario appeared to evidence a negative organisational culture regarding this behaviour:

‘I have never seen any officer demoted in rank. If "discovered", the sergeant would probably lie, say he didn’t see anything or say he told the officers to stop, or say the crook was resisting. The most disciplinary action I think WOULD follow is a transfer to another area (same rank/position). This seems to be the most common form of “discipline” which just reallocates the problem’ (R.23).

From the comment of respondent 23, it seems that sergeants would not report clear instances of misconduct committed in their presence, but also the organisation might cover up the incident if it came to light. It is also suggested that the sergeant might lie about what he saw and that such behaviour would result in a low level of disciplinary action. The respondent recognised that by transferring the sergeant to another area, the organisation does not solve the lack of integrity, it merely reallocates (sic: might mean relocates) the problem. There are further examples of respondents condoning assaults by police officers on vulnerable persons later in this chapter.

6.3.2.2 ‘Us and them’ attitude within police culture
There are several examples in the free-text comments of police officers condoning assaults on suspects by their colleagues both here, in a later section, and chapter 7. Indeed, police culture was exemplified at its worst by several of the comments in scenario 3 (officer strikes prisoner who hurt partner) that referred to ‘summary justice’ as a possible reason for the assault on the prisoner. Also, in scenario 5 (assault on fleeing suspect), there were several free-text comments seeking to justify or mitigate the actions of the police officers in assaulting the suspect, for example respondent 31 said:

‘It is extremely hard to be judgmental given that police officers are human too and their emotions can run away with them. Not justifying such action but every issue should be looked at on case to case basis and the likelihood of a repeat of such behaviour, history of it etc...etc...’ (R.31).

In these comments, the police officers appear to be adopting an ‘us’ (police insiders) and ‘them’ (members of the public) insular attitude which is poor police ethics and values in a situation that is clearly excessive use of force and could not be justified. The police respondents are sympathetic to the actions depicted by their ostensible colleagues and try to explain and justify the assault. Other examples of the insular attitude of police officers towards academics are contained in chapter 5; the next subject of discussion is discrimination.

6.3.3 Discrimination and unfair organisational justice in the culture of the organisation

On an opposite perspective, that of fairness to police officers, scenario 10 (officer advised to resign), was generally well-answered with accurate understanding. Also, not surprisingly for astute police officers and investigators, several responses identified that the allegations were based mainly on rumours which should not substantiate evidence for disciplinary action, in other words the assertions should not be relied upon in a fair trial as identified by respondent 8:

‘Has anything been confirmed - all are rumours. If an investigation occurred that resulted in irrefutable evidence being obtained that confirmed what had been alleged, well then it would be appropriate to take disciplinary action. Again, the level of action warranted would be determined by the circumstances, the officer's history and should have some level of procedural fairness attached to it’ (R.8).

In a contrary approach, one respondent seemed to fall into the same trap as the Assistant
Commissioner in that he / she assumed guilt in the subject constable and leapt to a wrongful conclusion (R.5). This approach as an assumption of guilt or a lack of further investigation would certainly have led to unfairness towards the accused officer. The officers themselves articulated their beliefs about integrity and honesty, for example respondent 202 said:

‘I think essentially most NSW Police conduct themselves in a manner expected by the Australian Public, with integrity and honesty. Whenever an incident occurs where police fail in this, it is generally highlighted and the whole agency is tainted. I believe there should be a separate agency not bound by the Police Service Act to conduct internal investigations. I don’t believe the current model works or is impartial. Police should not investigate police due to many reasons with one of those being the balance of power. I also believe the hierarchy and the general police population should not be represented by the same body (Association) as this is a clear conflict of interest’ (R.202).

Respondent 202 thinks that the most police officers conduct themselves in line with the expectations of the public in relation to integrity and honesty. If this is the case, then it is a good situation, but historically inquiries into the integrity of NSPWF, have not found this to be so. Also, much of the evidence in this thesis has found the contrary; that police officers do not conduct themselves in line with the expectations of the public, either in police performance or their comments about police misconduct.

The respondent says that where the police fail, the whole agency is tainted and this is bad for the organisation. The respondent calls for an independent agency to investigate the police as the current system does not work and is not impartial. Many of these governance issues are discussed in chapter 2, as the independence of investigation into complaints against police has been questioned many times by observers. The respondent also believes that the police association, which is a union type body, should not represent the rank and file officers and the executive police officers as there is a ‘conflict of interest’. For this reason, many countries such as the UK have separate bodies or staff associations to represent lower ranks in the police service to those of senior officers and executive officers. Having separate staff associations is thought to more closely represent the interests of the police officers they stand for. Thus, comments in the free-text responses to the survey gave
an insight into the views of the respondents on the integrity of NSW police officers and their belief they complied with public expectations; this topic is examined in greater depth in the next section.

6.3.5 Honesty and noble cause corruption

That police officers should be honest seems to be well understood by most people, which is in alignment with impeccable police ethics and integrity. From their comments while participating in the survey, it was obvious that the respondents had a clear understanding of the standard of honesty expected of them, judging from the quotes here and in this chapter and chapter 7. As reported in chapter 5, levels of seriousness allocated to scenarios were, in specific cases, not proportionate to the misconduct depicted. For example, there were several comments (R.44) that the police organisation would attach a disproportionally high level of seriousness to the behaviour depicted in Scenario 2 (theft of knife from crime scene). Also the free-text responses regarding scenario 6 (theft of wallet) were similar in that police officers were in no doubt that the behaviour depicted in the scenario was a crime, was wrong, and would not be acceptable behaviour for a police officer; it was condemned outright by respondent 4:

‘There is no room for stealing in our job. It is what separates us from those we protect the community from’ (R.4).

Respondents clearly recognised that this scenario and scenario 6 (theft of wallet) depicted an incident of theft which was unacceptably dishonest behaviour by the police officer. Further, the behaviour was rejected by the survey participants because it reflected badly on all police officers and it could reduce trust and confidence in the police from the community (R.5).

What was less clear regarding honesty and integrity of police officers, were the lack of responses to the two integrity questions at the end of the survey (chapter 5), and that the respondents thought that their colleagues would be less likely to answer honestly. Also, two scenarios which incorporated forms of noble cause corruption: false reporting and planting evidence (process corruption) afforded evidence of understanding of the issues but not necessarily blind compliance with Force policies, practices, and procedures. The phenomenon of noble cause corruption was described in chapter 2 and scenario 7 (false
report on drug dealer) and scenario 12 (planting evidence on suspects) exemplify police actions in this serious form of police corruption. The free-text comment from one of the police officers (R.5) on scenario 7 sums up the situation regarding public confidence in the police:

‘Public confidence in the police force means that we must be honest. There are also consequences for the police officer should this be detected, consequences worse than the drug supplier/s would face for the drugs found’ (R.5).

As discussed earlier in this chapter, public confidence in the police relies on the honesty of police officers carrying out their duties therefore they should not be planting evidence or giving false evidence about criminal charges. This respondent pointed out that, if the misconduct depicted in the scenario would be detected, it would be treated very seriously, and the officers would face severe consequences.

Many police officer participants did not like the description of the noble cause corruption (or ‘process’ corruption) activities within scenario 12 (planting evidence on suspects) and tended to question its relevance, realism, and police practices, with one comment flatly denying that police officers would store incriminating items that would be planted on suspects (R.17). The content of the scenario is constructed from an actual incident (PIC, 2004) and current police policies, practices, and procedures may be sufficiently robust to prevent the misconduct happening now. Discussion will now move from honesty to use of police powers.

### 6.3.6 Use of police powers

The use of police powers inevitably involves the use of coercion and perhaps justifiable physical force; as has been explained in chapter 2 this can affect the trust and confidence that society has in the police organisation. Police officers are given coercive powers by statute over and above those of the rest of society; such as powers of arrest, powers to stop and search or ‘move on’. These are all optional powers which police officers have the discretion to use or not; they are trusted to make a judgement to use or omit to use their coercive powers depending on the circumstances of the situation. It is therefore important, when exercising coercive powers that police officers understand and respect the human
rights of individuals with whom they come into contact. Respondents to the survey found it difficult to answer and rate the scenarios, as respondent 25 said:

‘It is difficult to answer all of these questions given the limited information provided and the numerous responses and variables to any given situation. There are explanations that could go some way to justifying some but not all of the behaviours described in the scenarios. Policing is not black and white’ (R.25).

The questions in the survey were intended to gauge the level of police integrity in NSWPF through the examination of ethical dilemmas which are, by definition, hard questions where there might be several correct answers. It could be argued by this thesis that the respondent’s comment is praising the effectiveness of the survey and the research through questioning the use of police powers.

Two scenarios dealt with the issue of misuse of police powers: scenario 9 (protestors arrested) which involved wrongful arrest and scenario 11 (prisoner Tasered) where a vulnerable person in custody was Tasered to ensure his compliance with instructions from police officers. In response to scenario 9 (protestors arrested), respondents identified the fact that on occasions coercive powers given to police officers are used for malicious purposes; however, most respondents thought that the actions in the scenario would never happen as they thought them unrealistic. From these comments, it appears that police in NSW know the law relating to peaceful protests and they would not allow unlawful arrests to take place, despite criticisms of poor management of public protest such as those that resulted from the film *Innocence of Muslims* in 2012 when 6 police officers and 19 protestors were injured in Sydney (Needham, 2014).

Also, in relation to misuse of police powers, the unethical use of excessive force was identified by many respondents in scenario 11 (prisoner Tasered):

‘The TASER should only be used to protect self or others from injury not as a means of gaining compliance, the constable’s comment indicates a pattern of behaviour’ (R.27).

Many police officers correctly referred to the strict policy on use of Tasers which has been introduced because of wrongful use of this less than lethal force weapon. This issue has been investigated by several independent oversight bodies around Australia (e.g. NSW
Ombudsman, 2012) and, in the case of Roberto Laudisio-Curti, the NSW Coroner criticised NSW police officers use of Tasers (Jerram, 2012:21; also see Appendix 5). In scenario 11, there was a clear misuse of the Taser as it was used to punish the prisoner rather than subdue him. There is also an issue relating to the necessity of use of the weapon when the prisoner is in a confined and vulnerable situation which will be further discussed in chapters 7 and 8.

Other examples of use of excessive force were responses to scenario 5 (assault on fleeing subject), it appeared from some comments that the assaults would be reported by police officers and might be described or perceived as ‘summary justice’ which would not be tolerated (R.7 and R.44). However, the comments about dealing with the matter correctly and positively were contrasted with those who thought the opposite; that the suspect deserved to be assaulted for trying to escape. This was a negative side of police officer culture, as some respondents thought that the suspect in the scenario brought on the reaction from the police officer. Also, if the suspect was provocative by running away, the result is that they will be assaulted for example respondent 21 said:

‘If you make a police officer chase you “You’re getting an arse whipping”’ (R.21).

If this truly is the attitude of most police officers it is a poor reflection of their integrity, values, and ethics. The responses to scenario 8 (sergeant fails to halt beating) were also wide-ranging. There were several comments that were aimed at justifying or explaining the actions of the police officers (including the sergeant) in this scenario:

‘When you one day (hope to god not) have to sit there and watch portions of child porn evidence to classify the severity then you’ll agree with me. Till then, you will never understand what I’m saying no matter how much you try and reason. Pedophiles can never be reformed’ (R.4).

This comment exhibited an alarming attitude towards sex-crime offenders who, in the respondents’ opinion cannot be rehabilitated and an assault upon such persons could be justified. In fact, research indicates that some (but not all) sex offenders can be rehabilitated, although further work needs to be completed to evaluate the most effective forms of offender treatment (Lievore, 2004). Certainly, assaulting the prisoner would not rehabilitate them and is unlawful. The comment exhibits poor police integrity, a lack of ethics and infringements of the suspects’ human rights.
The opposite to the poor or incorrect use of police powers was scenario 4 (cover-up of police DUI accident), where the scenario was testing whether there would be an omission of the use of police powers to deal with an incident of drink-driving. Although many respondents tended to want to cover up the incident of the police officer drunk in the motor vehicle, other responses condemned his actions and identified the lack of integrity (R.3). Also, there was an element of rejection of the actions in the scenario, for example respondent 7 said:

‘I have no sympathy for Police who drive drunk - they are a danger to the community as a whole. I also have very little sympathy for Police who assist drunk driving Police to evade arrest’ (R.7).

These were strongly worded criticisms of the behaviour in the scenario that showed positive integrity values and police ethics in the comment. This point completes the results on police legitimacy based on qualitative data which will be summarised in the conclusion.

6.4 Conclusion to chapter 6

This is the major chapter analysing the valuable qualitative data evidence from experienced police practitioners to answer the research question: To what extent do police officers appreciate how important human rights are during operational policing incidents from their own perspective and from the perspective of members of the public? This analysis has identified significant evidence about police officers’ views on police legitimacy, human rights, police ethics, and police integrity. The chapter commenced by examining the quantitative data extracted from the survey that pertained to police legitimacy; the questions on respect, trust, confidence and pride in the police. Some qualitative responses were used to illustrate the opinions of police officer respondents who tended to underestimate trust in the police and respect for the police from the community. Although respondents thought that confidence in the police was high, it was not as high in the police as an organisation; a distinction which is discussed in the chapter. Police respondents also underestimated the level that members of the public are proud of NSWPF. The conclusion from this is that members of the public in NSW have a higher regard and respect for the legitimacy of the police than have the serving police officers.
The thematic analysis of qualitative data from the scenarios in the survey revealed that police officer respondents’ clearly understood the police ethics and human rights issues contained within them and decided that the actions of police officers were wrong and could be punished. In the section on police ethics and integrity there were many comments that evidenced an undesirable police culture that has been identified by previous research and criticised as a negative factor in police / public relationships and internal organisational relationships. Although the empathy and *esprit de corps* illustrated by some remarks was a positive culture of internal support for colleagues, this was marred by examples of police insularity and a code of silence. Conversely, the section on discrimination and unfair organisational justice within NSWPF initiated concerns that there was a negative and unjust organisational culture within the agency. This concern was confirmed in evidence presented in subsequent chapters. The section on honesty evidenced that the respondents recognised dishonest behaviour and that it was not acceptable in the police force; but while scenarios relating to noble cause corruption were recognised as negative police behaviour, respondents rejected that they could happen in current police practice. This appeared to be a naïve belief, judging by previous history.

The section on use of police powers showed that police respondents had a good understanding of their powers and that they should be used within the law, although there was some criticism over the leniency showed by the courts towards violent offenders. Comments relating to freedom of expression and right to liberty showed that police officers correctly identified inappropriate police behaviour of unlawful arrests and detention which would not be tolerated. Regarding use of excessive force by police officers, some survey participants criticised police misconduct depicted in the scenarios but others tried to explain, justify, or say that the negative actions by suspects gave validation for ‘summary justice’ (mainly assaults) meted out by the police officers. In relation to poor or incorrect use of police powers where there was an omission to act in scenario 4 (cover-up of police DUI accident), there was disagreement among respondents, some criticising the lack of police action and others seeking to exonerate police actions in the scenario. Chapter 6 has examined mainly qualitative data relating to the legitimacy of police in NSW which was extracted from the survey in the form of optional free-text quotes from respondents to
explain responses to the 13 scenarios. Chapter 7 will add to this rich data to examine police performance, procedural justice and organisational justice within NSWPF.
Chapter 7: Results 3 – Police Performance, Procedural Justice and Organisational Justice

7.1 Format of chapter 7 and Introduction

This chapter reports on the results of the investigation into police performance, procedural justice, and organisational justice from the questions in the second section of the on-line survey. The content of the results in this chapter are mainly quantitative data, but, to add to an explanation of the context and rationale for the findings, qualitative data has been added using free-text comments from the first section of the survey. When analysing the free-text comments relating to the policing scenarios in section one of the survey, the tone and content of the responses were found to add meaning and rationale of ratings supplied by participants in the second section of the survey. This chapter, which is utilising the main research question: ‘What is the current position of human rights and ethical practice in policing? New South Wales: a case study’, will be split into four sections: Introduction; police performance results; procedural justice results; organisational justice results; conclusion. To establish a wider understanding of the survey responses, this chapter should be read in conjunction with chapter 6 and links between the chapters will be cross-referenced. There are many tables containing quantitative data results from the survey that are located in Appendix 3; this chapter mainly contains a textual description of those results. Although all the results will be presented in this section of the survey results, discussion will be limited to exception reporting due to the vast amount of data gained from the survey.

7.2 Police performance from a police perspective

Chapter 2 explained the performance culture in the police service which caused problems of managerialism and poor quality of service. This important section of the results reports on how the police officers in NSWPF believe they are performing in key areas of their operations. This is fundamentally significant data for members of the community of NSW as it directly relates to their safety, security and exposure to crime and disorder. The responses to the survey questions on police performance should be considered in conjunction with those on police legitimacy (chapter 6), procedural justice (this chapter) and organisational justice (this chapter) as they are intertwining factors which rely upon each other to establish the perception, standing, and credit of the NSWPF in society. This, in turn, is also linked to
the perceived competency of the police and its integrity (chapter 5) along with its reputation for working with the community and its efforts to listen to the community and act in its best interests.

In the survey, all respondents were asked to rate their perceptions of the performance of the NSWPF over five dimensions of policing: preventing crime; solving crime; working with people in the community to solve problems; keeping order; and dealing with problems that concern members of the public. Participants were asked to rate police performance from 1 = ‘very poor job’ to 5 = ‘very good job’. Historically, and as propounded by the police media department, police forces have a very high workload. This was explained by one comment to scenario 12 (planting evidence on suspects) explaining the police officers’ depicted actions:

‘They should be dismissed for being so stupid. What a waste of resources. Why would Police create more work for themselves they have enough to do’ (R.16).

The comment from respondent 16 implied that police officers had more than enough work to do so why would they plant evidence on suspects and increase their workload. This is an unusual comment and indicates dissatisfaction with the scene depicted in the scenario. The results from the different sections of the survey on police performance produced some important results which can be compared, where appropriate, to other surveys such as Murphy and Cherney, (2011) and Dai and Jiang, (2016).

7.2.1. Preventing crime
As discussed in chapter 2, crime prevention is essential to the primary purpose of the police role of ensuring public safety, security and protection along with its role in constitutive criminology described in chapter 3. Because of this essential role of crime prevention within policing operations, there is an expectation that competent police officers would be conversant with the current levels of crime and their efforts at crime prevention. However, it appears that the general public has a different perception as to how well the NSWPF are managing crime prevention.

Police officer respondents showed a high opinion of how good a job they are doing preventing crime, where the result was neutral (3+) or higher with an 89.4% positive rating.
In comparison, a survey of 1650 householders in Queensland were asked: ‘How good a job are they [police] doing to prevent crime?’ which resulted in a percentage of 67.6% saying they were doing a ‘good’ or ‘very good’ job (Dai and Jiang, 2016:22), and this appears to invalidate the ratings of the police officers. However, another survey (Murphy and Cherney, 2011:241) placed prevention of crime in police performance at 84% where the Australian public agreed that police were doing a good job and this tends to agree with the police officers’ ratings. The conclusion of this is that the police officers rated their performance on prevention of crime at a high rate which was probably over-optimistic; members of the public would not assess their performance as high as this.

A further investigation was completed into the group Length of service (police officers) which evidenced a disparity in the results to this question, showing confusion and instability. Police officer respondents are the ostensible specialists in the area of crime prevention, therefore, they should be expected to know how well their organisation is performing; the result is important to this study as it puts a doubt as to their competence and professionalism. In terms of solving crime, there is a different situation.

7.2.2. Solving crime

There appears to be a clearer picture of the responses about whether police are doing a good job in relation to solving crime. As a search reveals, it appears that solving crime (detection rates or clear-up rates) is not a statistic measured in Australia (unlike UK and USA); however, the numbers of offenders proceeded against by police is recorded by the Australian Bureau of Statistics (www.abs.gov.au). The number of persons proceeded against by police was the highest in NSW in comparison to other states and territories (30% - 128,397 offenders) and the number of offenders increased by 3% from 2014-15 to 2015-16 (source: ABS: 4519.0 Recorded Crime – Offenders, 2015-16). Therefore, it appears that the NSWPF is proficient at proceeding against persons for offences relating to crime, anti-social behaviour, and other offences, compared with other places in Australia.

The police responses about how good a job they are doing at solving crime show a very positive image with 93.1% responding with most responses in the ‘good’ rating of 4. In a survey by Murphy and Cherney (2011) which asked members of the public whether police
were doing a good job on solving crime, 82% of respondents agreed with the statement. Therefore, the police officers in NSWPF are over-estimating their performance at solving crime; members of the public show a much lower rate of agreement about their performance. Following questions of prevention and solving crime, respondents were asked to rate their performance on keeping order.

7.2.3. Keeping order
Keeping order (described chapter 2) is another dimension where the police officer respondents in NSWPF appear to have a misapprehension about how good a job they are doing. Although the police officers have a large majority of neutral/positive responses (91.4%), there is confusion within the police officers because a box plot (Appendix 3) reveals high ratings for both male and female (Gender) police officers, but there are a number of outliers with scores as low as 1 (very poor job). The most senior level of police officers, and those with the longest service, appeared to contradict each other about whether they are doing a good job keeping order. This contradiction should be of concern to members of the community as police officers have wide opinions on how good they are at their job. The Murphy and Cherney (2011) survey returned a rating of 76% agreement to the question about police doing a good job in keeping order; this result was again lower than police officers’ ratings. To summarise, the police, from their high rating of how good a job they are doing, appear to have over-rated their performance in relation to keeping order. The survey then turned to other questions relating to working with the community.

7.2.4. Working with people in the community to solve problems
Working with the community in a style of community policing was discussed above in chapter 2, where it was concluded that NSWPF had not adopted a comprehensive community policing mode of policing. However, NSWPF do purport to work with the community through some community policing centres (www.police.nsw.gov.au), therefore, this is an important aspect of the provision of policing services in NSW.

Although the police officers clearly believe they are doing a good job working with people in the community to solve problems with a 93.2% neutral or positive rating, this rating is higher than public perceptions. A survey of Australian members of the public rated
‘satisfaction with police services’, which is a more general measure, at 84.5% of satisfaction level (Australian Government, 2017:6.5). The results also differ from those of similar research studies in other locations for this particular question for example, the survey by Dai and Jiang (2016) asked a similar question with the result that 71.4% thought that police were doing a ‘good’ or ‘very good’ job. The result from the Murphy and Cherney (2011) survey to this question was 80% agreement, placing it closer to the general satisfaction survey of the Australian government. The differences in the results from the high level of the NSWPF survey to the other surveys means that there may be an element of corporate blindness to community relationships, or what is more common, the police do not listen to the community as they think they ‘know best’ (Findlay, 2004; Wood, 1997).

7.2.5. Dealing with problems that concern members of the public

There are many different models and levels of implementation of approaches to policing, including community policing which is defined in chapter 2. In common with the previous question on working with the community, the police responses indicate that they think they are doing a better job than the opinion of external observers. Although the police officers’ responses to the question, ‘How good a job are the police doing with problems that concern members of the public?’ are very positive at 92.4% neutral/positive, the Murphy and Cherney (2011) survey in response to the same question only rated it at 77% agreement, considerably lower than the respondents in this survey.

This is a problem when the type of policing that the NSWPF has purported to adopt is the ‘community policing’ model in the urban areas (chapter 2), as this model of policing is essentially working in the community to solve problems or concerns. If there is a mismatch of perceptions between police and members of the community relating to police performance, this could lead to lower trust and confidence in the police (chapter 6). From police performance, this investigation turns to procedural justice in NSWPF.

7. 3 Procedural Justice

Chapter 2 explained the concept of procedural justice as the extent to which police officers treat members of the public fairly and justly in their day-to-day dealings (Tyler, 1989). This section of the results examines survey responses relating to police ways of working and
service delivery to ensure that members of the public obtain the high quality of policing that they deserve and expect. The previous section on police performance should also be regarded as an integral part of procedural justice.

7.3.1 Ways of working
As the police deal with emergencies, civil disorder, and major incidents it is important that they work together in harmony with good team work, coordination, and harmony so that a state of normality is returned in society at the earliest possible time (Beckley, 1997). This section of the survey, asking questions about ways of working, is a wide-ranging topic examining attitudes towards working together effectively to produce synergies and good working relationships. The sub-section ‘ways of working’ was further divided into questions on: team working / respect; trust; confidence, and; obedience.

7.3.1.1 Team working / respect
This thesis has mentioned at several points the close working relationships in the police force which has been described as: ‘camaraderie, mateship and support in the job’ (Chan et al., 2003:250) manifesting itself as esprit de corps (chapters 1, 2, 6). Survey results revealed that there is an element of strong team work in the workforce of NSWPF. The results of all the questions in this section show high levels of agreement in terms of work performance, trust, confidence, and obedience in the organisation which is excellent in terms of the well-being of the NSWPF. The two questions relating to team inclusivity and respect both show high levels of agreement (78.5%, 89.3% respectively) although this appears to be at odds with the results discussed later in this chapter on fairness.

7.3.1.2 Trust and confidence
The survey questions in this section are about trust and confidence between employees of the NSWPF. Trust and confidence in the police from the public is discussed in chapter 6. This is an important assessment as in a dangerous job like police work; colleagues rely on each other for support and back-up in threatening and stressful situations. In the bigger picture, the culture in an organisation sets the environment for the integrity of the workforce; this was identified by the Wood Commission which found systemic police corruption in many levels of the NSWPF (Wood, 1997).
The trust and confidence section of the survey questions produces a very positive outcome for the workforce, the organisation and ultimately, the community of NSW. In response to the three questions there are very high levels of agreement: ‘I feel trusted to take important decisions on my own’ (85.7%); ‘I am confident about using my own judgement at work’ (97.7%); ‘I have the flexibility in my job to try out new ways of working’ (77%). These results are very important as they involve the use of discretion by police officers, a subject that has been examined and discussed by many researchers (for example: Bronitt and Stenning, 2011). The job of policing is unique in that the operatives at the lowest level of the organisation (constables) frequently have more discretion and power to make decisions in the field than those at a higher level in the organisation. Effective policing could not operate if this situation were not so, as there is an expectation that police officers who respond immediately to critical incidents quickly assess the situation and take effective action to safeguard the safety and security of members of the public (Beckley, 1997; McClelland, 2013).

On the aspects of trust and confidence within the organisation there were comments relating to reporting misconduct that evidenced the ‘blue curtain’ or code of silence (chapter 6). One comment relating to scenario 5 (assault on fleeing suspect) from respondent 12 was:

‘The difficulty in reporting this behaviour to superiors is the risk of bullying and being ostracized by your peers. So would I report the fellow officer? Probably not, because of the above. Should I report? Yes, but we don’t risk our support network leaving us’ (R.12).

Respondent 12 is explaining that, although police misconduct should be reported once it is witnessed; in fact, it is not reported because the officer reporting it suffers adverse consequences as a result. The respondent is saying that misconduct would probably not be reported because he / she would be ostracised and isolated from friends and colleagues in the workforce. This highlighted negative aspects linked to police organisational culture with examples showing the well-reported police ‘canteen culture’, the ostracism of ‘whistle-blowers’, favouritism towards management and the negative management culture of bullying (discussed later in this chapter).
7.3.1.3 Obedience

The results from the section in the survey on obedience are positive. The results from the statement: ‘I do what my supervisor asks me’ (98.9% agree) are corroborated by the reversed statement: ‘I ignore my supervisor's instructions’ (95.3% disagree). However, the statements: ‘I follow my supervisor's instructions even when I think they are wrong’ (67.6% agree), and ‘I do what I am told by my supervisor without question’ (59% agree) are somewhat ambivalent in the levels of agreement. This lower level of agreement in the latter two questions may be to do with police use of discretion which was discussed in chapter 2 as a positive police attribute, and is therefore not necessarily regarded as a negative result. In relation to compliance with policies, there were a number of responses that seemed to imply that most of the time NSWPF policies, practices, and procedures were complied with. For example, there were several comments relating to the level of seriousness that the police organisation would attach to the behaviour depicted in scenario 2 (theft of knife from crime scene):

‘NSW police force is very strict on all aspects of corruption. It is not worth your job to participate in this behaviour or fail to report it which is just as serious’ (R.50).

Respondent 50 is explaining the strict policy of NSWPF about corruption, that police officers should not participate in corruption but, also, they must report it as failing to do so is just as serious. This thesis agrees with the comment in that it complies with the NSWPF Code of Conduct and Ethics (NSWPF, 2008), but as discussed in the previous section, police officers will probably not report misconduct. In other sections of the survey such as in response to scenario 9 (protestors arrested), police said the custody procedures at the police station would ensure that arrested persons would be dealt with correctly (R.21), therefore complying both with criminal law and NSWPF policies, practices, and procedures by being obedient. Moving from ways of working, the important subject of service delivery was then examined.

7.3.2 Service delivery

The method and issues relating to delivery of service by the police force was defined and discussed in chapter 2 and there were two parts to the section of the survey on service delivery: organisational solidarity and quality of service. Organisational solidarity asks
questions about how the workforce readily complies with policies, practices, and procedures that are set down within the rules and regulations of the NSWPF, which is important when human rights and ethical behaviour are concerned. The results of this section should be viewed alongside those of ways of working and obedience discussed above. Quality of service examines the police officers’ opinions on how they view the provision of police services to all sections of society. It is important to realise that there is an intersection between procedural justice (how police officers interact and deal with members of the public), organisational justice (how police officers are treated by their own organisation) and quality of service (Beckley, 2014a). As explained in chapter 2, if police officers feel they are being treated well by their own organisation they will give good service to the public and vice versa.

7.3.2 Organisational solidarity

Organisational solidarity emanates from the relationship between the individual or teams of police officers with their organisation; it is close to the concept of obedience (discussed above) rather than personal relationships. This subject is also linked to risk to the organisation as many police operations expose the police organisation to levels of risk in terms of its vulnerability to legal challenge. Risk was discussed in chapter 5.

The three statements on organisational solidarity were answered with great consistency and consistently high levels of agreement. The results were: ‘I stick to the approved way of doing things when I am at work’ (98.2% agreement); ‘I follow the correct processes at work’ (99.5% agreement); ‘I comply with force policies even when I think they are wrong’ (92.4% agreement). There is a suspicion that responses are filed in line with the expectations of the organisation; however, if they are true, this bodes well for compliance with human rights and police ethics and reduced levels of risk to the organisation. In fact, as is evidenced by the many independent oversight body inquiries (e.g. NSW Ombudsman, 2012) and the case studies included in Appendix 5, the workforce in NSWPF do not always ‘stick to the approved way of doing things’. Also, the evidence reported in chapter 6 illustrates that police officers may well act contrary to force policies in the heat of the moment or to administer ‘summary justice’.
7.3.2.2 Quality of service

That the police force delivers effective quality of service has a direct bearing on the legitimacy of police (Edwards, 2011:333) and the level of trust and confidence that members of the public have in the police (chapters 2 and 6). Therefore, the quality of service actually delivered to the public is important along with the public perception of that quality of service. According to the Australian Government survey (2017), 84.5% of people were ‘satisfied’ or ‘very satisfied’ with the service they received during their most recent contact with the police. Also, 87.5% of people ‘agreed’ or ‘strongly agreed’ that police perform the job professionally (Australian Government, 2017:6.16). The government surveys paint a very favourable picture of the quality of police service.

Of great significance to the study and of fundamental importance to members of the public and the community of NSW, the results of the survey paint a different picture. The responses given by police officers to this survey question indicate a lack of inclusivity, selective provision of service, and cynicism. The first two statements result in similar levels of agreement: ‘Some victims of crime are more deserving of a good service than others’ (63.8% agreement); ‘It is a waste of time trying to help some members of the public’ (66% agreement) are bad enough, but the third question has worse connotations. The responses to the question: ‘Some people do little to earn the respect of the police’ resulted in 92.4% agreement. An example of a poor attitude towards stereotyping while denigrating the prisoner and suggesting retribution was justified was in response to scenario 5 (assault on fleeing suspect), when respondent 30 said:

‘In above circumstances the attitude would be ‘I will pay him back – I’m putting my life on the line – he’s just a piece of shit...’ (R.30).

The attitude contained in the words of the response speaks for itself and would certainly result in poor quality of police service, if not police misconduct.

Not only do these results reflect a poor attitude from the police officers, they certainly do not comply with NSWPF policies on inclusion and discrimination, nor the Code of Conduct and Ethics (NSWPF, 2008). These attitudes might have very negative outcomes on how police officers treat members of the public from all backgrounds (or stereotype them) and could result in infringement of the human rights of victims or suspects. Further examination
and analysis of this set of three questions seemed to show that female police officers were more empathetic towards victims of crime. Also, police officers who were younger in age and service appeared less tolerant of people who they regarded as undeserving victims of crime, whereas older officers with more police service grew more tolerant of victims of crime.

That the younger police officers, at the start of their career, show greater agreement with these questions is not a surprise, as that is the cohort that is more likely to be involved in direct police operations, rather than the specialist police roles that they might achieve later in their career with possibly less contact with the public. However, it is a poor situation that prejudice and discrimination seem to thrive in the workforce at an early stage in their careers, as it is likely to persist for some decades unless the individual officers undergo a change of attitude. These factors have a direct bearing on the legitimacy of police which is discussed in chapter 6. The next subject to be investigated was organisational justice in NSWPF.

7.4 Organisational Justice

The topic of organisational justice in the police service was discussed in detail in chapter 2, and survey questions were located in five sections with the sub-headings of: work ethos; work satisfaction, and; management culture. Organisational justice is the way that employees are treated within an organisation; how they are regarded with dignity, respect, fairly and justly, also, that the organisation actively safeguards their welfare and well-being (Beckley, 2014a). The responses to the questions in this section of the survey evidence the level and quality of organisational justice in the NSWPF. A comment directly related to this subject was made in response to scenario 1 (unjustifiable use of deadly force):

'This answer is qualified by the organisation's responsibility for the welfare of the officer, his colleagues who have to work with him and the wider responsibility to the community he has to deal with. The organisation MUST ensure an officer's mental, emotional & physical suitability to return to duty AFTER suffering a traumatic incident. It cannot be a matter of "cutting adrift" a person in a situation such as this. WHS covers a myriad of circumstances and MUST hold high standing in conduct of our business’ (R.42).
Respondent 42 is clearly setting out his / her expectation of the response from a police organisation towards an officer involved in a traumatic incident. The respondent correctly points out that the police organisation has a responsibility towards the mental well-being of the officer, but also wider responsibilities to police colleagues in the workforce and the community. Policing is a responsible and dangerous job and how the police officer reacts in specific circumstances could affect the lives of citizens and colleagues, especially those incidents of a violent or traumatic nature. The respondent is saying that when an officer returns to duty after suffering a serious mental or physical injury, great care should be taken in assessing whether that officer is ready to resume full operational duties; otherwise negative consequences could occur to the officer, his / her colleagues or members of the public. There is further discussion on this subject in chapter 6, where respondents’ comments suggest that NSWPF does not take adequate care of police officers suffering from mental and physical illnesses.

7.4.1. Work ethos

The survey questions for the sub-section of work ethos are divided into two topics: work performance and work ethic. There was an earlier discussion about the emphasis and importance with which performance management of the workforce is regarded in today’s police force (chapter 2). Also, earlier in this chapter there are results of the survey section on police performance in many specific aspects of their work; the results of the two sections should be considered together.

7.4.1.1. Work performance

The first segment in this sub-section of ‘work ethos’ of the survey is the police officers’ rating of work performance which contains three survey questions. There is an important result in this set of data in terms of its results with 20.5% (one fifth) of police officer respondents who said they believed that they would not be held accountable if they underperformed in their work role. It is not clear whether the police officers felt it was acceptable to under-perform in their role, or if they were saying that they would not be challenged by supervisors or managers for under-performance. Another important result is that 14.7% of police officers said they would not get into trouble if they did not do their job properly. This response seemed to further evidence that they would not be challenged by
supervisors or managers for under-performance. There is much discussion in this thesis in chapter 2 about police accountability in relation to the police organisation, but here we are talking about personal accountability of the individual police officer, which does not receive so much attention (Beckley, 1997). However, the NSWPF Statement of Values sums up the situation in a very few words: ‘Accountability: acknowledging ownership and being answerable for your actions’ (NSWPF, 2008; Appendix 4). The responses of the police officers to this question evidence a lack of accountability for their own work performance which is contrary to their organisation’s values.

Further analysis showed that police officers in the service ranges of 11-20 years and over 30 years held the strongest belief that they would be less likely to be held to account and they would be less likely to get into trouble if they under-performed in their jobs. Responses to relevant scenarios implied a deeper malaise within the NSWPF in that rules relating to misconduct or under-performance would be unfairly and inconsistently applied within the workforce (chapter 6) as in the following example (scenario 10: officer required to resign):

‘The Assistant Commissioner would probably be protected by colleagues and management and nothing would happen to the Assistant Commissioner and the junior officer would most likely not be believed because the investigating officer of the complaint has the ability to decide, not based on any standard of proof that needs to be met, whether they believe the Assistant Commissioner or the other officer more. The circumstances that have brought the other officer under notice in the first place will work against the officer regardless of the fact that it shouldn’t’ (R.101).

The comment from respondent 101 makes a reference to the police officers’ belief that executive managers such as assistant commissioners are dealt with more leniently and protected by the organisation when they have been involved in misconduct. Also, the comment says, within the organisation, the word of lower-ranking officers would not be trusted to the level of those of higher-ranking officers. This would mean that a higher level of proof would be required by a more junior officer if he/she accused an executive officer of misconduct. The final sentence hints that if a junior officer made a complaint of misconduct against a senior officer, it would adversely affect their career by ‘working against’ them although it should not happen.
In contrast to the two previous results on under-performance, when asked whether they agreed with the statement ‘I would get disciplined if I broke the law’, overwhelmingly (94.4%) either were neutral or agreed with the statement. Therefore, the police officers clearly believed they would be subject to the rule of law and would suffer sanctions if they transgressed; this belief was corroborated by free-text responses to scenarios such as scenario 6 (Theft of wallet). This result appears to be a dichotomy in that the police officers’ ratings that they would not be disciplined if they under-performed in their job thus showing a lack of accountability; whereas if they broke the law they would get disciplined showing a high level of accountability. It seems from this result that where the disciplinary authority is NSWPF for work performance, police officers are unlikely to be disciplined internally; whereas, if they break the law and the discipline is imposed from the courts, they expect to be punished. Thus there are two levels of accountability, one internal (weak), and the other external (strong). Not only does this situation seem unfair and unjust, it is also confusing to the police officers who would not know what level of punishment, if any, to expect from allegations of misconduct. Linked to performance in the workplace, is an assessment by police officers of their level of work ethic.

7.4.1.2 Work ethic

The work ethic section of the survey appears to start off very satisfactorily and then gradually deteriorates when corroborative questions are asked in different formats. Firstly, there is remarkable agreement with the first survey question which asks respondents to grade their agreement with the statement ‘I am happy to take on extra work to help other people’; 93.7% of officers responded with neutral and agreement to strongly agree. This shows a healthy attitude in the staff towards assisting their colleagues and contributing towards the overall work performance of the organisation. However, when the question included helping the organisation and was phrased ‘I’d go the extra mile at work if it helps NSW Police Force’, there was a lower level of agreement, at 81.5%. Finally, when the statement was: ‘I'm reluctant to take on more work than my share unless I benefit directly’ (reversed) there was 71.3% agreement (reversed), which showed perhaps that personal benefit was more important than either helping colleagues or the organisation. This seemed to indicate two things: firstly, that the respondents placed more importance on helping and
supporting their direct colleagues rather than the organisation as a whole; and, secondly there was an element of selfishness in that taking on more work should be linked to personal recognition of the sacrifice. The results could be understood in light of the *esprit de corps* (chapter 6) of the police culture, in that the small teams that work together on a daily basis are willing to support each other, but there is less support for the organisation as a whole. These results should also be considered in conjunction with those on loyalty shown later in this chapter.

In completing further detailed analysis of the results, the responses to the three work ethic questions highlight that there are statistically significant differences in the results for the means of the ratings of *level of post* of sergeant/constable and senior officer or middle manager in the second and third questions. This analysis indicated that senior officers and middle managers were significantly less likely to take on more work voluntarily in this category (Appendix 3). In terms of organisational justice, this result could corroborate beliefs in an organisation that managers are less prepared than those on front-line delivery of services to work hard and perform well. Such a situation can cause resentment and division within the organisation between the ‘workers’ and the ‘management’. That there is mistrust between the front-line police officers and their managers has been captured by many researchers (Kleinig, 1996:46), and the *esprit de corps* of small working groups has been discussed (chapter 2). The results of this work ethic section should be considered in conjunction with the later section on management and leadership. The beliefs that the workforce carry with them about the organisation contribute to the work ethos and the organisational culture; this matter is further pursued in the next section: work satisfaction.

7.4.2 Work satisfaction
The second sub-section is called work satisfaction and contains two segments: remuneration and loyalty. Most police officers would say they did not join a public-sector organisation for the attraction of the remuneration (Chan, 2003); and, in terms of loyalty, there are two aspects to consider: that of loyalty to colleagues and the loyalty of the police workforce to the police organisation to which the questions in the survey refer.

7.4.2.1 Remuneration
There are some inconsistencies in the way that the questions relating to remuneration were answered. The first question in this set: ‘Compared to other people in the office, I am satisfied with how well I am paid’, was answered with a high level of agreement; 78.6% of respondents answered neutral to strongly agree. However, the third question, for which one might expect to have a similar result ‘I am rewarded fairly for the work I do’ only resulted in 67.6% positive agreement. The second statement, which was reversed: ‘I think I am poorly paid for the role I perform in this force’ (reversed), resulted in 42.4% agreement and 57.4% disagreement which may have denoted some ambivalence to the question. Further analysis of these three questions showed some disparate responses when the group Level of Post results were compared. It appeared from all the results that sergeants and constables were more satisfied with the level of their remuneration than the senior officers and middle managers. To summarise, it would appear that the police officer respondents were relatively content with the level of remuneration which did not appear to be a source of grievance and therefore should not create a negative police culture towards the organisation. This situation should also result in staff being loyal to their organisation which was the next topic in the survey.

7.4.2.2 Loyalty

The survey also examined loyalty to the police force and there were some good results for the potential well-being of the NSWPF organisation. This result is contrary to that which many research projects (Paoline, 2003), text books (Kleinig, 1996:58) and inquiries into the police found. For example, the Wood Commission identified in NSWPF the ‘inimical police culture’ which: ‘…thrives on greed, prizing loyalty to one’s corrupt colleague above loyalty to the Police Service...’ (Wood, 1996:45). This was a finding in several other royal commissions examining police corruption; however the results from this survey appear to be different.

The direct question about loyalty (‘I feel a sense of loyalty to the NSW Police Force’) resulted in 83.3% of responses ranging from neutral to strongly agree, which is a positive result; but this should be compared with the pride in the police result reported in chapter 6 of 66.5% agreement. However, the other question relating to emotional attachment revealed some ambivalence to this statement which was reversed; 40.5% in agreement and 59.5% in disagreement, which is closer to the pride in the police result. When one examines a Boxplot
for the group **Length of Service**, some important facts are identified as most of the responses are at or above the scale of three (‘Agree’) for the statement: ‘I feel a sense of **loyalty to the NSW Police Force**’. However, it is clear from this Boxplot that there are several outliers between the scales of 5 to 7 which are between the years of service from 6 to over 30 years, mostly for 11-20 years of service. Although the message about loyalty is generally positive, 29 out of 174 police officers in the sample do not ‘feel a sense of loyalty’ to the organisation, which is 16.67% of the sample. If that sample were truly representative of the workforce of the NSWPFT that would amount to 2,745 police officers in the whole force who may have no sense of loyalty to the organisation. The low levels of emotional attachment to the organisation should be considered in light of the results from above in this chapter where respondents were less likely to help the organisation rather than their work colleagues. The survey then asked questions about the management culture in NSWPFT which is an important test for the quality of organisational justice.

### 7.5 Management culture

The third sub-section of the organisational justice survey questions was management culture and was broken down into three segments: management / leadership; decision making; fairness. As described in chapter 2 there is an authoritarian style of management and leadership in the police force (Beckley, 2017; Cockcroft and Beattie, 2009; Gillespie et al., 2007). In terms of management style within NSWPFT, there were some comments on the concentration of ‘management’ on performance indicators and ‘managerialism’ (chapter 2) in the police force in response to scenario 12 (planting evidence on suspects):

> ‘Again, a criminal offence. This issue is far removed from the Performance Indicators shoved down the throats of members of LAC’s re Move Along Directions and Person Searches. It would seem some Commanders and Crime Managers were only concerned with the numbers and not the justification for them … (R.4).

Most free-text comments related to unfairness in the workplace from the decisions taken by managers or unfairness in the police workplace; this response seemed to indicate that there a level of managerialism existed in the management style of NSWPFT. Respondent 4 was saying that there is a great emphasis on performance indicators such as the number of person searches undertaken by individual police officers; indeed personal performance
figures were ‘shoved down the throats’ of officers. In the elucidation aboutmanagerialism in chapter 2, it was explained that police management pursued numerical performance indicators to the detriment of quality of police service; a recent management technique that is not supported by members of the community and leads to bad police-community relations.

7.5.1 Management / Leadership

There are some highly negative results within this section which does not bode well for the working environment within NSWPF. There appears to be a divide between police officers working on the front line in the community and police managers. Results showed that 66.9% of respondents agreed with the statement: ‘Senior managers in this force don’t listen to the views of their staff’; this data illustrates that there is a negative managerial culture within the NSWPF. Also, only 52.3% of respondents agreed with the statement: ‘Senior managers are open and honest with staff’, and 47.7% disagreed. From the results of these two questions, it appears that management and leadership in the NSWPF is furtive, secretive, and unwilling or unable to communicate effectively with their staff and there are numerous comments from the scenario section of the survey that mention a dis-functional management style in NSWPF.

Schisms within the organisation of NSWPF appear in the comments from respondents about the scenarios. An example of this, contained in scenario 1 (unjustifiable use of deadly force), related to favouritism takes place in relation to allegations of misconduct:

‘It would depend on who the officer was to the action taken against them. If you are liked by management it would be less if you’re not liked it would be more’ (R.167)

In other words, if ‘you are liked by management’ a police officer would not face investigation and possible disciplinary sanctions, but the opposite would apply in the officer was not liked by management. This is a serious assertion of favouritism and unfairness within the workforce, especially when the scenario depicted an incident that resulted in a fatality. If that assertion is true it could lead to discrimination against and infringement of rights of police officers who are not ‘liked by management’.

In relation to organisational culture issues, scenario 10 (officer advised to resign) opened a
number of avenues for complaint by the respondents which illustrated there are real management and leadership problems within the organisation. Firstly, police officers in the lower ranks of the NSWPF believe they are dealt with more severely than those of higher rank in relation to disciplinary proceedings. Secondly, NSWPF officers believe that the individual officer would not get a fair trial and procedural fairness, resulting in poor organisational justice. Thirdly, a respondent reported:

‘I have first-hand experience, as whistleblower into a lengthy internal investigation of senior police officers being organisationally protected for criminal, unprofessional and unethical conduct. Despite most allegations being fully sustained they were all allowed to “retire” without consequence. I have much anecdotal evidence from other officers in relation to this. Senior Management’s unlawful behaviour or serious misconduct is usually swept under the carpet as it [sic] bad PR for the police’ (R.11).

Respondent 11’s comment is reporting that senior police officers who were guilty of misconduct were protected by the organisation and no disciplinary action was taken against them; saying such cases are ‘swept under the carpet’. These negative attributes contained in the responses relating to the management and leadership in NSWPF can be contrasted against some positive traits contained in the following section on decision making.

7.5.1.1 Decision making

The quality of decision making is extremely important within a policing context, as decisions made by police officers can severely affect the lives of other individuals; this factor has been discussed in several sections of this thesis (chapters 2 and 3) and other publications (Aepli et al., 2011; Beckley, 1997; Neyroud and Beckley, 2001). This can be illustrated in the scenario where a police supervisor, a sergeant, witnesses police misconduct, but takes no action. Free-text comments showed that the police officers readily identified and understood the scenario 8 (Sergeant fails to halt beating) to relate to ethical and leadership standards in the organisation; the inaction by the sergeant was criticised for his lack of supervision and leadership skills (R.17). For example, respondent 85 said:

‘Personal feelings would be high in this situation, however that is no excuse for assaulting a prisoner in police custody and it is extremely unprofessional for Police to jeopardize an investigation like this’ (R.85).
The comment explains that personal feelings would be high as the offence of paedophilia which the arrested person is accused of is abhorrent to the police officers. However, respondent 85 does not condone the assault and points out that it might jeopardize a successful prosecution in that a court might believe that police officers forced the suspect to confess.

Responses to this section of the survey also showed a good understanding about decision making and its quality in NSWPF. The results concerning decision-making are consistent from the survey statements: ‘My supervisor’s decisions are based on facts, not personal prejudice’ and ‘My supervisor’s decisions are consistent’, with 76% of respondents neutral or in agreement with the two statements. This is a good result for the organisation as it gives the basis for the workforce to trust their supervisors’ decisions. However, the results from the survey on fairness relating to decision making are less complimentary.

7.5.1.2 Fairness

This sub-section of decision making dealt with two areas: the level of communication within the organisation about decisions and; whether decisions are made fairly in NSWPF. Fairness was defined in chapter 2 and is tested here, also readers should consider fairness regarding levels of discipline awarded by the organisation for police misconduct discussed in chapters 5 and 6; these separate ratings tend to corroborate each other’s findings.

The results of the fairness questions from the survey reveal that only 60.9% of officers agree with the statement: ‘I am happy with the level of communication I receive from the force about decisions’ and 55.8% agree with: ‘Decisions are made fairly in the NSW Police Force’. Although there was a majority of respondents that agreed with those two statements, there were large numbers who disagreed with them, therefore the data were further analysed. The mean of the first question is 4.05 (neutral to agree) which appears to place this question almost equally balanced between agree and disagree. However, when one examines the group Level of Post; the result for senior officers and middle managers (3.24) shows a much higher level of agreement than that for sergeants and constables (4.19). This is so for both of the questions in the fairness section; therefore the ‘rank and file’ constables and sergeants believe the NSWPF is less fair to them than their more senior colleagues. Further
tests were carried out which supported that officers on the front line of policing believed they were significantly less fairly treated than those in management positions (Appendix 3) and this factor was illustrated in several comments quoted in this chapter.

Fairness should also be seen from an organisational justice perspective in the fairness of the police organisation towards the individual police officer. Respondents to the scenarios had a number of opinions on that subject which indicated that they did not believe that the organisation was fair on all occasions. For example, there were many comments relating to solidarity with the actions of police officers depicted in the scenarios which were linked to perceived grievances within the NSPWF organisation. As discussed earlier, these grievances can be linked to a hostile workforce or poor internal organisational relationships. For example, in scenario 1 (unjustifiable use of deadly force), many comments sympathised with the police officer’s situation rather than that of the victim:

‘The 'victim' of the shooting - armed or unarmed means nothing to me - they are running away. The officers return to duty was obviously premature which has placed members of the public in danger. This is the responsibility of THAT officer, their doctor and the NSWPF. Removal from NSWP should follow - but the officer is only one party complicit in this situation. Officers on sick leave DO NOT get enough assistance in establishing when they are fit to return to work AND they are pressured due to current insurance policies to return to work before they are ready due to reduced pay and fear of being put out of employment’ (R.216) (NB: emphasis added by respondent).

Respondent 216 has no sympathy for a suspect who ran away and suffered the consequences by being shot by a police officer. The respondent does have sympathy for the officer who, in his/her view, was not fairly treated by the organisation. The comment states that officers on sick leave in NSPWF do not get the support and guidance they deserve as the organisation places pressure on them to return to work before they are ready which can cause mental illness or poor reactions to incidents such as those illustrated in the scenario. This is an example of poor management and leadership in the organisation which could be regarded as negligence by managers and also a poor level of organisational justice.

7.5.1.3 Stronger Data analysis of workplace relationships
This section (7.5.1.3) includes further examination of the relationships between rank and file officers and senior police officers. It will include a description of the ‘Compstat’ model adopted by most police forces in Australia, UK, USA, and other countries with liberal democratic systems, and discusses historical issues. It also proposes that adherence to performance indicators rather than quality of police service has diminished legitimacy of police through a reduction in trust, confidence, and pride in the police service because of a ‘zero tolerance’ approach towards enforcement which was found to be defective in the UK and USA. Also, the introduction of the marketisation of police services has led to demoralization of police officers such that it led to early retirements and dissatisfaction with working conditions and relationships. The analysis will discuss the phenomena of managerialism in the police forces in Australia, UK, and USA.

This thesis described in chapter 2 the performance culture and management culture of the police force (section 2.7.4). In terms of the performance culture, this was linked to the ethos of the political ideology of New Public Management (NPM) which was described and defined (Beckley, 2003a; 2015b; 2018; Neyroud and Beckley, 2001). NPM brought ‘marketization’ to the police force and a heavy emphasis on performance measures, outputs, and outcomes which had not previously been the case. This new approach resulted in police executives and senior managers adopting the management style of managerialism, defined by Newburn as:

‘Managerialism: A term associated with the shift in government policy towards ‘new public management’ characterised by, inter alia; elements of privatisation; marketization; the increased use of performance indicators; a growing emphasis on outputs and outcomes; partnership working; and the redesignation of clients as “customers”’ (Newburn, 2003:728).

At the same time, devolvement of power, finance, and discretion, as opposed to centralization of management power, was being rolled out through the police forces of the UK and Australia while implementing ‘community policing’, a technique which was described in the main body of this thesis (Chapter 2, section 2.3). In the UK, devolved budgets were introduced in the early 1990s to local commands called Basic Command Units.
or BCUs. In Australia the process commenced during the time that John Keith Avery was Police Commissioner in New South Wales (1984 to 1991), devolving more power to the Local Area Commands (LACs). However, the ingrained hierarchical military style management system of the police service was maintained through tight control of performance measures.

The performance culture was maintained by a technique of measurement utilising information technology described by police organizations as ‘Compstat’ which was adopted from the New York City Police Department which claimed a significant reduction in crime through this process (Ratcliffe, 2008). Compstat was defined thus:

‘Compstat (short for computerized statistics) is a police managerial accountability mechanism. It is designed to be a process by which police commanders can be made accountable for the crime levels in their command areas, and it aims to reduce crime and quality-of-life problems by making commanders answerable to the executive level of the Police Service’ (Newburn and Neyroud, 2008:44)

This style of performance management was widely adopted in Australia, for example in Queensland (Operational Performance Review – ‘OPR’) and New South Wales (Operation and Crime Review – ‘OCR’). Ratcliffe (2008:77) describes the OCR panels that were commenced in 1998 as ‘based on the New York model’ with a ‘three-screen set-up with maps and temporal trends graphically displayed in a large meeting room in Sydney’. However, unlike the New York model of Compstat based on ‘zero-tolerance’ policing, the Sydney version focused on reducing the number of house burglaries and was responsible for a significant reduction in these offences (Chilvers and Weatherburn, 2001). Ratcliffe also cites a cost-benefit analysis of the Queensland Police OPR which found that it achieved ‘an impressive overall cost benefit of over AU$1,000,000’ (Ratcliffe, 2008:78). However, the Compstat system was subject of frequent criticism (Eterno and Silverman, 2010). Indeed, upon introduction during reforms of the NSWPS after the Wood Commission report, the management consultants, Hay Group, (who were engaged to audit the reform process) reported that the OCR was an inappropriate development which went against the Royal Commission’s recommendations:
We have 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’ (Hay Group, 2000: i).

The reason that this was inappropriate was that the chosen crime fighting paradigm was the opposite approach towards building community cohesion and public support for the police. In addition, it was stated that the OCR adopted ‘an adversarial approach’, paying attention only to ‘hard data’ and crime statistics as measures of effectiveness (Chan and Dixon, 2007:450). Practitioner critics of the New York City Compstat regime also concluded that zero-tolerance was a media catch-phrase and the real improvements in effective and efficiency resulted from ‘enhanced strategic direction and better management of police efforts towards a well understood vision’ (Gorta, 1998:15). The so-called ‘zero tolerance’ approach, within the Compstat system, towards minor crime and social misdemeanours was found to be effective in the short term but detrimental to social cohesion and police legitimacy in the long term (Eterno and Silverman, 2010; Gorta, 1998; Punch, 2007).

In terms of its performance, NSWPF measures itself against other major police forces around the world such as the Metropolitan Police Service, London and the New York Police Department, USA. Although regarded as paragons of good practice, efficiency and effectiveness, both organisations have suffered criticism relating to manipulation of performance measures relating to crime statistics (Barrett, 2014, January 7; Eterno et al, 2014; Eterno and Silverman, 2010). For example, a study in New York revealed:

‘... a top-down management style and managerial pressures help explain the knowledge of manipulation of index crime reports by field officers. Experiences officers had with manipulation of crime reports is likely a byproduct of over-reliance on crime numbers by police performance management systems as well as leadership pressures’ (Eterno, Varma, and Silverman, 2014:21).

A parliamentary enquiry in the UK heard evidence from a former Commissioner of the London Metropolitan Police Service, Lord Stevens, that ‘police have been “fiddling” crime figures for years’ in the way that they massaged crime data to reflect well on their performance (Barrett, 2014). This was indeed found to be the case by a subsequent enquiry by Her Majesty’s Inspector of Constabulary to provide the answer to the question: ‘To what
extent can police-recorded crime information be trusted?’. The enquiry found that over 800,000 crimes reported to police had gone unrecorded in the crime statistics each year, which was 19 per cent of all reports. Despite this, ‘relatively little’ evidence of improper practice of crime-recording was found; the mis-reporting was due to ‘the culture of chasing targets’ (HMIC, 2014:20).

In Australia, a recent example of a toxic performance culture and apparent managerialism was that in Victoria Police. The Head of Professional Standards Command in Victoria Police told a press conference that more than 258,000 preliminary breath tests (1.5% of the total administered) were falsified by police officers, apparently to maintain performance statistics (Mills, 2018, May 30; Noonan, 2018 May 30). According to press reports there was to be an investigation into that issue and the head of the police independent oversight commission (IBAC) thought the incidence was ‘deeply concerning’ (Redlich, 2018, May 31:1). He also said of the management culture: ‘The Victoria Police investigation must be robust, thorough and far reaching to address the clear opportunities to examine issues of culture, determine if there has been any criminality or serious breaches of discipline, and importantly, to ensure this sort of behaviour does not occur again’ (Redlich, 2018:1). It appeared that a culture of managerialism was prevalent in Victoria in 2018 as it had earlier been described by Newburn in 2003 as creating ‘cognitive dissonance’ when he said: ‘We currently live in times in which an increasingly crude form of managerialism has taken hold’ (Newburn, 2003:714).

Several studies have identified negative aspects of police management resulting from the NPM performance culture and managerialism (Beckley, 2018; Chan et al, 2003:36). Other studies have found that the type of management techniques brought on by Compstat approaches have resulted in increased stress and harassment of police local area commanders (Cockcroft and Beattie, 2009) and a decreased propensity to freely share criminal intelligence between police departments (Mitchell and Casey, 2007). A particularly apposite definition of workplace stress in this context is quoted by Mutton: ‘harmful physical and emotional responses that occur, when the requirements of the job do not match the capabilities, resources needs, or expectations of the worker’ (Mutton, 2007:191). Although the weekly or monthly Compstat reviews were originally intended to provide praise and criticism, it appears that the local police commanders perceived more of the
latter in the confrontational meetings where their frailties were paraded in front of colleagues (Edwards, 2011:64). These factors are describing internal stressors for police officers, caused by the organization and management within the organization that have been identified by several researchers (Chan, 2007; Shane, 2010b) and discussed by others (Beckley, 2014a).

Indeed, the study in this thesis identified examples of managerialism reported in free text comments by participants in the survey, for example:

‘Again, a criminal offence. This issue is far removed from the Performance Indicators shoved down the throats of members of LAC’s re Move Along Directions and Person Searches. It would seem some Commanders and Crime Managers were only concerned with the numbers and not the justification for them ... (R.4).

Many performance measures in the police service or ‘KPIs’ are difficult to measure and are based on numbers of outputs rather than quality of service or outcomes which are rather more difficult to measure (see Figure 7.5.1.3:1).
The performance measures were therefore criticised for a focus on quantifiable measures for policing such as speed of response, crime figures, detection rates rather than qualitative measures such as customer satisfaction (Beckley, 2019; Cockcroft and Beattie, 2009). Generally, attempts in Australia for human resource departments to achieve an effective performance management system have been less than successful (Gillespie et al, 2007:172). Such systems should recognise the value of knowledge as an asset, but that is not consistent with the police culture of highly valuing practical policing skills and abilities. In addition, as has been identified in this thesis and elsewhere, lack of satisfaction with the quality of the service provided by police can lead to a diminishing of trust and confidence in the police and subsequent weakening of police legitimacy (Beckley, 2018). An additional problem for police managers, is that many of the measures are extremely difficult to quantify and do not come within their normal scope or range of management responsibility in that they are beyond their direct control (Beckley, 2018). As discussed earlier, this has caused resentment, increased stress and resulted in harassment of police managers, anecdotally leading to early retirements and unnecessary mental and health issues (Kennedy, 2018; Shane, 2010a; 2010b).

This subject leads onto that of the general level of care and support provided by management for staff in the workplace which is discussed in detail by Beckley (2014a). The Police Association of New South Wales, equivalent to a Police Union, highlighted concerns about sickness levels in the police force and there had been ‘limited success’ in addressing the problem of sick leave in the early 21st Century which was due to: ‘…the entrenched culture within the NSW Police Force, which facilitates injured officers being treated with scepticism, stigmatised and discarded’ (PANSW, 2011:91). The problem was not resolved and the NSWPF was accused of breaches of occupational health and safety law when, according to the Association: ‘NSW Police Force failed in its duty to protect police’ (PANSW, 2013:1).

There were some examples cited in the survey for this thesis relating to lack of support for police officers on sick leave. For example, in scenario 1 (unjustifiable use of deadly force), many respondents commented on the police officer’s plight:
'The 'victim' of the shooting - armed or unarmed means nothing to me - they are running away. The officers return to duty was obviously premature which has placed members of the public in danger. This is the responsibility of THAT officer, their doctor and the NSWPF. Removal from NSWP should follow - but the officer is only one party complicit in this situation. Officers on sick leave DO NOT get enough assistance in establishing when they are fit to return to work AND they are pressured due to current insurance policies to return to work before they are ready due to reduced pay and fear of being put out of employment’ (R.216) (NB: emphasis added by respondent).

There were also examples in the survey that the participants, who were mainly ‘rank and file’ officers, thought that there was favouritism within the workforce and that ‘managers’ were treated more favourably than ‘workers’. On favouritism, one comment was that if a police officer was liked by managers, they would be less likely to be disciplined:

‘It would depend on who the officer was to the action taken against them. If you are liked by management it would be less if you’re not liked it would be more’ (R.167).

Another comment stated that managers would be treated more favourably than lower level workers if they were involved in misconduct but that would be kept secret:

‘I have first-hand experience, as whistleblower into a lengthy internal investigation of senior police officers being organisationally protected for criminal, unprofessional and unethical conduct. Despite most allegations being fully sustained they were all allowed to “retire” without consequence. I have much anecdotal evidence from other officers in relation to this. Senior Management’s unlawful behaviour or serious misconduct is usually swept under the carpet as it (sic) bad PR for the police’ (R.11).

In addition, other sections of this chapter list the results of organizational justice questions in the survey where 67% of participants agreed that senior managers in the force do not listen to the views of their staff. Also, only 52% of staff agreed that senior managers were open and honest with staff, therefore leaving a large percentage disagreeing with that statement.
7.6 Conclusion of chapter 7.

Chapter 7 discussed the results of the investigation into the sections of the survey asking questions about police performance, procedural justice, and organisational justice in NSWPF. This section produced mainly quantitative data, but qualitative data utilising optional free-text comments from the scenario section of the survey were incorporated to explain some of the results in this section of the survey.

In the police performance section, police officer respondents appeared to over-rate their ability to prevent crime and solve crime compared with public perceptions. This result was repeated when police officer respondents perceived a higher level of performance than members of the public in both working with the community to solve problems and dealing with problems that concern members of the public. In addition the police over-rated their performance about keeping order; these erroneous perceptions from the police officer respondents show an element of self-delusion, mis-conceived levels of work performance and wrong beliefs about what members of the public think about the police force. This is a concerning situation as, it appears, that the police officer respondents do not understand what performance members of the public want from them, or they believe they know best about these matters.

In the police procedural justice section of the chapter, team working, respect, trust and confidence between employees of NSWPF showed high levels of agreement which was very positive. However, results later in the section and results on organisational justice questions were less positive. The survey questions on obedience and compliance with NSWPF policies carried high levels of agreement which was a positive attribute for the organisation. Also relating to ways of working, respondents were in high agreement that they were obedient to Force policy (organisational solidarity) and followed direction from supervisors. Negative results were recorded in the important area of service delivery; the results were poor and showed selective provision of service, discrimination and cynicism. In comments, there were examples of stereotyping of suspects, lack of inclusivity, and poor police ethics which indicated a poor attitude towards quality of service.
In the organisational justice section of survey questions there were significant results within the sub-section work performance; in answering a question on work ethos, 20.5% of respondents said they believed they would not be held accountable, and 14.7% said they would not get into trouble, if they under-performed in their role as a police officer. This appeared to be a significant factor resulting from poor supervision or management and that individual police officers did not take responsibility or accountability for their own work actions.

In contrast to that result, most officers perceived they would get disciplined if they broke the law and several free-text comments corroborated this opinion. Ratings from this section of the survey and comments showed strong team work in the organisation in relation to work ethic, but there were criticisms of the organisation as a whole. There appeared to be a differing commitment to work ethic between the front line workforce and the police managers; results showed that managers were less likely to take on work voluntarily. Although police officers were generally content with the level of their remuneration, and there were high levels of agreement about feeling a sense of loyalty to NSWPF, 16.67% of officers disagreed that they had a sense of loyalty.

The survey questions about management and leadership in NSWPF revealed some significantly negative results. Results suggest that managers are not open and honest with staff and showed favouritism amongst their team and within the organisation. Comments mentioned ‘cover ups’ of misconduct and even criminal offences, adding to the evidence of the code of silence mentioned in chapter 6 along with ostracism of ‘whistleblowers’. In contradiction to this, a majority of officers (75%) thought that their supervisor’s decisions were consistent and not prejudiced. This was in contrast to fairness in decision-making in NSWPF as an organisation which was almost equally balanced between agreement and disagreement.

New public governance (NPG) (as opposed to NPG) is the current influential model of public sector management, but this paper provides evidence that managerialism still exists within police agencies (Beckley, 2017; Eterno et al, 2016; Goodman-Delahunty et al, 2014a). The
research, upon which this thesis is based, provides details of an authoritarian management culture, over-emphasis on performance targets, and harassment and bullying within the workforce; a classic example of managerialism which complies with the definition provided earlier. Police executives should reform their practice to reduce or eliminate managerialism which Klikauer described as a ‘crime against humanity’ (Klikauer, 2013:277). Performance measures are essential to make progress towards objectives and goals, but they should be based on quality of service to the community (Cockcroft and Beattie, 2009). The organizational and management culture of the police workforce should be enhanced to support and assist police officers who tend to work selflessly in a dangerous and taxing occupation. The essential aspect of improving organizational justice in police agencies has been described in other published material with a view to enhancing and safeguarding the health, safety, and well-being of police officers (Beckley, 2014a). Getting this aspect of management and leadership right can result in increased staff morale, lower levels of sickness, and fewer legal actions by staff against the organisation (Beckley, 2014a). Workplace relationships and the welfare of police officers will be enhanced by removing managerialist approaches which overly focus on performance indicators. Chapter 8 continues the investigation of this thesis into policing and human rights.
Chapter 8: Results 4 – Policing and Human Rights.

8.1 Format of chapter 8 and Introduction

This chapter will discuss quantitative results from the third section of the survey related to the questions on the human rights structured on-line interviews which were included in the survey to test general knowledge and understanding of the subject area of human rights. The results from the human rights interviews will be followed by an in-depth discussion about human rights in operational policing in NSW based on optional free-text qualitative comments from respondents. Chapter 2 covered material relating to the current position of human rights and ethical practice in policing in NSW and examined their links to operational day-to-day policing activities; the results from the survey reported in chapters 5 and 6 have also evidenced the links between human rights and police legitimacy. This chapter will be in the following format: Introduction; results from the human rights structured on-line interviews; in-depth analysis of human rights and NSW Police; conclusion.

8.2 Results from the human rights structured on-line interview

The human rights structured on-line interview was devised to answer the main research question: ‘What is the current position of human rights and ethical practice in policing? New South Wales: a case study’ and supplementary research questions: (i) To what extent do police officers have an awareness of human rights from their training and knowledge and how do they use the knowledge?, and (iii) Are there elements of human rights in the operational practices of police officers and how do they manifest themselves? The interview consisted of nine multiple-choice questions taken from recent examination papers for the NSW Higher School Certificate. In chapter 2, the importance of human rights principles in operational policing was discussed and that they are a fundamental constituent of the mode or style of policing in liberal democracies. Therefore it is essential that police officers have a good knowledge and understanding of human rights principles. The structured on-line interview included the following questions and multiple-choice responses (Table 8.1).

Table 8.1.

Human Rights structured on-line interview – Survey, section 3

[The correct answers to the human rights structured on-line interview are highlighted]
(i) How are human rights in Australia protected?
   a. Through international law
   b. Through the Doctrine of Reception
   c. Through common and statute law
   d. Through the Australian Bill of Rights

(ii) Which of the following is an essential feature of a human right?
   a. It is universal
   b. It is collective
   c. It is recognised by a court
   d. It is recognised by the state

(iii) Which of the following is an important treaty that protects human rights?
   a. Charter of the United Nations
   b. Universal Declaration of Human Rights
   c. International Covenant on Civil and Political Rights
   d. UN Declaration on the Rights of Indigenous Peoples

(iv) Where a human right is set out in an international instrument, the action that best ensures its protection in Australia law is for it to be:
   a. Acknowledged
   b. Enacted
   c. Promoted
   d. Ratified

(v) Which of the following human rights is directly recognised in the Australian constitution?
   a. Right to vote
   b. Right to privacy
   c. Freedom of speech
   d. Freedom of assembly

(vi) Which of the following human rights is directly recognised in the Australian constitution?
   a. Freedom of religion
   b. Freedom of assembly
   c. The right to marry
   d. The right to education

(vii) Which of the following is NOT a feature of human rights?
   a. They are inherent
   b. They are universal
   c. They are enforceable
   d. They are inalienable

(viii) Human rights are best protected in New South Wales by:
   a. Judge made law
   b. Law enforcement agencies
   c. The International Court of Justice
   d. The Universal Declaration of Human Rights

(ix) In New South Wales, which of the following is both a human right and a legal right?
   a. Shelter
   b. Education
   c. Health care
   d. Maternity leave

Note. Questions were sourced by the Author and adapted from NSW Higher School Certificate (HSC) question papers.

The overall results from the survey participants were that police officers scored 41.2% correct answers in the structured on-line interview. The comment of respondent R.84 to the survey seems to explain this result:

‘I have just realised that I know nothing about human rights and I cannot remember ever getting trained in this area’ (R. 84).

In fact, from the author’s own experience in training police recruits in NSWPF, the syllabus only contains one session on human rights, which is very generalised, before moving on to more specific statutory police powers (CSU, 2010). The study carried out by Chan et al.,
(2003) found a more positive aspect to police recruit training on human rights as reported in chapter 2. In terms of the scenario section of the survey, respondent 13 commented:

‘Hard to comment on the answers given by other police officers. Some of the scenarios were blatant serious corruption and I do not think they really tested what the researcher set out to do. I feel that with these types of scenarios, there is only limited scope to assess police officer’s understanding and fulfilment of human rights issues’ (R.13).

The aspects of corruption were correctly identified by the respondent, but they were wrong that the scenarios did not test what the researcher set out to do. The scenarios were mainly assessing the level of police integrity in NWSPF which was discussed in chapters 5 and 6; however, as explained in chapter 4, the scenarios were intended to test either human rights issues or ethical dilemmas in policing which have been successfully used by leading researchers and academics around the world.

Also, this respondent believed that ‘there is only limited scope to assess police officer’s understanding and fulfilment of human rights issues’; in fact, the whole subject of human rights law was taught through scenarios to the police in the UK when the Human Rights Act 2000 changed the criminal law to a rights-based system. This thesis fundamentally disagrees with the comment from respondent 13 and inputs from other survey respondents later in this chapter are linked directly to international human rights legal instruments to illustrate this point.

The results of the human rights structured on-line interviews were further broken down into detail on responses to each question and this is shown in table 8.2.

Table 8.2.

Results of the human rights structured on-line interviews

<table>
<thead>
<tr>
<th>Question Nos</th>
<th>Police Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Correct</td>
</tr>
<tr>
<td>1.</td>
<td>86</td>
</tr>
</tbody>
</table>
The police officers \( n = 167 - 170 \) appeared to freely acknowledge their lack of knowledge of human rights via the high number and percentage of those who answered ‘don’t know’ to many of the questions. Question 7 was particularly prone to receive a ‘don’t know’ answer \( (39.9\%) \) and the overall percentage of ‘don’t know’ answers from police officers was 22.5\% (Table 8.2). The number and percentage of ‘don’t know’ answers from police officers should be considered in the fact that many of the questions were ‘general knowledge’ questions such as those relating to the Australian Constitution (See questions v and vi), therefore most Australians might know the answers. Question 8 had the lowest number of correct answers from police officers \( (15.6\%) \), even though it applied specifically to the human rights law in NSW. Respondent 8 commented specifically on the content of the questions:

> ‘I thought some of the questions on human rights were a bit odd. E.g. I don’t recall that the Constitution recognises a right to vote per se, as the Parliament can specify, to some extent, the qualifications for voting (e.g. for prisoners, and the age at which people can vote)’ (R.8).

This comment clearly illustrates the low level of knowledge about human rights and the Australian Constitution that NSWPF officers have. Indeed, some of the comments relating to knowledge of human rights were fairly positive, and accepted that levels of knowledge should be higher, such as:

> ‘I do think I need to know more about Human Rights’ (R.93).

But, other comments had a negative view of human rights, linking them to negative aspects of police work with lack of support from the courts, legal loopholes and the ‘unfair advantages’ of suspects (chapters 6 and 7).
Further analysis on the results from the human rights structured on-line interviews was carried out to establish where the training needs and lack of knowledge and understanding on human rights existed in the NSWPF. The first analysis examined the levels of correct answers from male and female officers (Appendix 3). The results of the analysis of correct answers based on Gender showed that female police officers ($n = 43 – 44$) had a higher percentage of correct answers (44.6%) than male ($n = 122 – 125$) officers (40%). Other than the number of correct answers for question 7, female officers had a higher percentage of correct answers for every other question. In question 8, both male and female officers scored the lowest percentage of correct answers.

When the results of the human rights structured on-line interview are analysed from the perspective of the different Groups: Level of Post; Length of Service; Range of Age, it appears from the data (Appendix 3) and Figure 8.1 (below) that senior officers/middle managers (33% correct answers) have a slightly better knowledge and understanding of human rights than sergeants/constables (30.5%) which is a positive sign if those in positions of higher responsibility have an enhanced knowledge of the law. The results from Length of Service and Range of Age show similar trends to each other in that the level of correct answers to the questions generally goes up with increased age and length of service, except for the dips at 11-20 years’ service and age range 31-40 years. This long-term trend could have been envisaged, but not the dips in the percentage of correct answers during mid-term police service. This could indicate a training need or a need for refresher training for mid-service police officers.
To summarise one negative attitude towards human rights, the following quote was made at the conclusion of the survey:

‘I find some of the questions somewhat offensive. To suggest that a Police Officer would witness his or her partner shoot someone and kill them, and to then take no action is quite ridiculous. I would be horrified to think that anyone within the NSW Police would consider acting this way. I don’t see what the point of all the ‘human rights’ questions are. NSW Police are bound by a variety of laws and policies that dictate how both victims and offenders are treated, and generally I think we do a pretty good job with it. I doubt that many ‘average’ people in society would know the answers to these questions. As for whether all ‘victims’ should be treated equally, well yes they should, but unfortunately this is not always the case, but from my experience, this is also the case with various other government agencies as well, such as various health practitioners and the ambulance service where I have seen and heard that ‘frequent flyers’ are not always afforded the same level of service or care as some other more ‘genuine’ customers’ (R.193)

The comment from respondent 193 illustrates a narrow-minded view and underlines ignorance of human rights principles, law and treaties while also demeaning public service; it also fails to recognise the importance of human rights in policing which was explained in
detail in chapter 2. The respondent claims that police officers would certainly report misconduct that they witnessed and he or she, as an individual, ‘would be horrified’ if it were not so. The evidence from the history of NSWPF that has been provided in chapter 2 has shown that this is not the case; there was a code of silence in respect of reporting misconduct that was recognised and acknowledged by the Wood royal commission and other public inquiries. Comments from other participants in this survey state that police officers who report misconduct suffer adverse consequences in their career and ostracism from their colleagues. Therefore, the offence taken by respondent 193 is probably misplaced and misjudged, as the code of silence apparently still exists.

This respondent also does not understand how human rights is inextricably linked to policing operations as explained in chapter 2, although he / she claims that the police ‘do a pretty good job’; however the comment on treatment of victims illustrates a non-inclusive or discriminatory attitude. The reference to other public sector organisations is apparently an attempt to justify the police actions relating to provision of service to ‘more “genuine”’ customers, thereby indicating equality of service is not available to all. Lack of knowledge of human rights is excused by the respondent by saying that average people in society would not know the answers to the questions. This thesis comprehensively rejects that argument as competent police officers should understand human rights to carry out effective and just policing operations. The reader should also bear in mind that the level of knowledge of the questions is based on the Higher School Certificate that a high percentage of year 11 high school students pass each year. This thesis and other publications would argue that police officers should have a higher level of knowledge of human rights than that level to ensure their use of police powers are executed with proportionality and only where necessary (Neyroud and Beckley, 2001). In the next section of this chapter, the comments from respondents relating to human rights linked to the scenarios will be examined.

### 8.3 Human Rights and NSWPF: An in-depth analysis

This section relating to respondents’ comments on human rights linked to the scenarios will be sub-divided into sections on use of force by police officers; freedom of expression and right to liberty; unauthorised disclosure of information, right to private and family life; fair treatment, no discrimination and right to a fair trial. These are all important human rights
which are impactive on the freedoms of citizens in Australia (UN, 1948). It is essential in a liberal democratic country that these fundamental freedoms are recognised and respected by operational police officers, as discussed in chapter 2 (also see Appendix 6 for a copy of the Universal Declaration of Human Rights, 1948). The comments about the scenarios in this chapter are directly linked to two of the research questions: (i) To what extent do police officers have an awareness of human rights from their training and knowledge and how do they use the knowledge?, and (iii) Are there elements of human rights in the operational practices of police officers and how do they manifest themselves?

8.3.1 Use of force and excessive use of force by police officers

In chapter 2, it was explained that, although there is not a rights-based law in NSW, the international instrument *Universal Declaration of Human Rights* (1948), Article 3 confers the Right to Life for all citizens that includes the right of bodily integrity and not being subjected to assault by any other person including police officers. Although police officers may be justified in using reasonable and sufficient force to effect an arrest, they are not justified in using excessive force, especially where that force may lead to fatal consequences. One of the most concerning aspects about the behaviour of police officers in the NSWPF is their propensity to use excessive force when dealing with members of the public which has been the subject of many complaints against police as noted in chapter 2 (PIC, 2000b; Porter and Prenzler, 2015).

Police officers clearly recognised human rights issues in scenario 1 (unjustifiable use of deadly force), although they did not express their opinions in human rights language. The respondents appeared to be in accord, were correct in law and in rights-based law, and made some good points:

‘It’s illegal. There is no justification for shooting an unarmed person not offering any threat to anyone’s life. The officer would be charged and probably go to gaol for manslaughter. We don’t have American laws here’ (R.173).

The police officer respondents articulated their concerns through reference to their knowledge of the criminal law relating to NSW. The right to life was recognised and the ostensible offence of murder where the force used by the police officers was excessive and fatal; this was subject of several comments from respondents such as 15, 43, 105 and 182.
From these responses which ranged from a simple statement to a description of police procedure in such cases, the consensus was that the scenario depicted an incident that could have been classed as murder. Respondent 189 explained the procedures for such an incident:

‘There is no possibility under any circumstance that would not see an incident of this nature reported immediately to the Senior Executive of the NSW Police. It would be surprising if the officer was not criminally charged with Murder. The circumstances of how the officer was injured during a previous matter would only be a mitigating factor for consideration at trial’ (R. 189)

However, respondent 76 did not agree that the officer should be charged with murder as the circumstances did not meet the requirements for proof of that serious offence:

‘Reality check - this person would be charged with Manslaughter. The circumstances described do not meet the requirements for murder. Whether a contributing factor of mental health is immaterial’ (R.76).

Respondents recognised that the scenario depicted a very serious incident (chapter 5), resulting in the death of the suspect, where the police officer could be charged in criminal law with the offence of murder; therefore it also infringed the suspect’s right to life in human rights law. The incident would have been reported to senior police managers as a critical incident (defined chapter 2) and would also be reported to the State Coroner and independent oversight bodies. In summary, the comments from respondents regarding scenario 1 were correct and indicated a good understanding of the legal situation of the parties depicted in the scenario.

With a less serious assault on a prisoner in scenario 3, (officer strikes prisoner who hurt partner), most police officers who commented clearly identified the misconduct in the scenario as an assault which was a crime and could not be condoned as it was an excessive use of force. The fact that the prisoner was under arrest in the police station and in a vulnerable situation was not commented upon. However, there appeared to be considerable sympathy for the actions of the officer who assaulted the prisoner, it being justified or mitigated by respondents in several ways. For example, respondent 53 stated that it was:

‘Clearly a criminal offence to use such force on someone in that situation. As much as
you may feel like exacting some kind of revenge or summary justice upon someone who has injured your colleague/friend, you cannot as it is a criminal offence’ (R.53).

Although police officers felt like exacting summary justice on the suspect, this respondent rightly identified that it should not happen and it would be a criminal offence (assault) and, incidentally, an infringement of the human right of right to life. Several other comments agreed with respondent 53, such as respondents 12 and 66, saying that provocation would not condone summary justice:

‘This is commission of a criminal offence of significance aggravation - with some lateral "provocation" which is of limited importance in assessing the criminality of the act’ (R.12).

Respondent 66 went on to say that police misconduct of exacting summary justice would be reported, but suggested that there were still some corrupt police officers who were the ‘rotten apples’ (chapter 2) but they were ‘old attitudes’.

‘The days of police dishing out their own summary justice are long gone...policies and procedures are in place to ensure all unlawful activity is reported. Hopefully this new sweep of old attitudes is dead however there will always be rotten apples in any cart and policing is not immune...reporting those rotten apples is on the rise I believe and everyone is busy protecting their own backside and will not be sacked for another person’s activities so I believe most coppers will report wrong doings’ (R.66).

This positive attitude was not born out by other respondents such as respondent 149:

‘I know some of my answers are not politically correct and will be seen as condoning unacceptable behaviour. Experience has taught me that if you give a bit back to the hoodlums, they respect you next time. These days people go through school treating teachers like rubbish with impunity: they need re-educating when they leave school and a smack in the gob from a cranky copper often does the trick. I have seen this’ (R.149).

In respondent 149’s experience, police officers obtain respect from ‘hoodlums’, as he / she describes them, by assaulting them (‘give a bit back’). Not content with that, respondent 149 thinks that unruly young people leaving school should get ‘a smack in the gob’ presumably to teach them more respect. Clearly the attitude of respondent 149 and other officers who condone summary justice are in the wrong; not only do they contravene NSW criminal law by assaulting citizens without justification, they also infringe their human rights.
The theme of retribution or ‘summary justice’ for suspects or prisoners who were assaulted in the scenarios occurred in several comments and was discussed further under the police ethics section of chapter 6.

Comments relating to scenario 5 (assault on fleeing suspect) followed the theme of retribution for a suspect who ran away from police officers. The responses from the police officers clearly identified an unjustifiable assault, which would be excessive use of coercive force and contrary to the rights to life and security of the person, and there were some strong statements in terms of condemning the actions of the officers such as that from respondent 18:

‘Assaulting a prisoner is a criminal offence. Once the prisoner is secured there is no justification for further physical action to be taken. It is a serious matter that would be thoroughly investigated it could result in damages be awarded to the prisoner and both officers being charged with assault and being dismissed from the Police Force’ (R.18).

This officer identified that assaulting a prisoner is a criminal offence where police would ordinarily charge a suspect and a prosecution would ensue. The respondent stated that if the misconduct of assaulting the prisoner were to be reported it would result in an investigation. There would be serious repercussions for the police officers if the investigation found that they had assaulted a prisoner as they could be ‘dismissed from the police force’. This comment was also was one of a very few that identified the risk to the organisation from actions / behaviour depicted in the scenarios (discussed chapter 5). However, there were other comments which sought to justify the police officers’ assault on the suspect (see chapter 6) and respondent 130, although agreeing the assault was wrong, tried to explain why it might be justified:

‘The Court is for punishment not Police. This is just straight out assault so they would be investigated and if sufficient to charge CAN\textsuperscript{19} issued. Obviously sometimes adrenalin is pumping in these situations and the offender may still be resisting with force although this is not visible to a witness standing nearby, everything is not always black and white sometimes it is grey. Police may still be required to use force

\textsuperscript{19} ‘CAN’= Court appearance notice
to restrain the offender in case or if the offender tries to get up and assaults the Police’ (R.130).

This thesis is not in agreement with justification of the assault; it can never be justified for a police officer to assault a person who is under arrest and is therefore in a vulnerable position.

Scenario 11 gave another example of excessive use of force where a prisoner in police custody was Tasered (conductive electricity device) several times to ensure he complied with directions given by police officers. Use of Taser weapons are discussed in chapter 2 and have been examined by the NSW Ombudsman twice in 2008 and 2012 because they were being misused by NSW police officers. Many officers identified the human rights and discrimination issues in the scenario and correctly stated their abhorrence. Respondents recognised that the use of the Taser was an example of excessive use of force on the suspect who was in police custody and in a vulnerable situation. Indeed, one respondent questioned the competence and professionalism of the police officers in the scenario:

‘A Taser is not a tool for compliance. Simple. If a few police can’t handle a lone prisoner, then they shouldn’t be doing this job’ (R.5).

The thought about incompetence of the police officers was continued by respondent 86, who said:

‘The Taser may only be discharged to protect human life, protect yourself or others from violent confrontation or violent resistance, protect officers or other persons from the risk of actual bodily harm, or protection from animals. The scenario does not indicate the manner in which the Conducted Electrical Weapon (Taser) was deployed but in any case the use of the Taser as a tactical option should have been reconsidered after three attempts. The suggestion that prisoners usually comply after Tasering would indicate a high level of criminal incompetence. I find this scenario to be ludicrously implausible. Any Police officers committing such acts would be charged with criminal offences’ (R.86).

Respondent 86 quite correctly identified that the less than lethal force weapon (Taser) should be used to protect human life which is in accordance with the NSW criminal law and human rights law (right to life). The weapon should be used by the police officers to defend themselves from the use of equivalent or greater force by a suspect, as explained in chapter
2, it is a lower level of force than lethal force, but designed to use sufficient coercive force to subdue the offender. Respondent 118 summed up the two scenarios where use of excessive force was used by the police officers:

‘Some of the scenarios are open to interpretation. In particular the Taser scenario and also on reflection the shooting scenario. The shooting scenario in particular states that the person was running away after throwing a bag at the shooting officer. It does not state that he appeared to pose no threat to that officer whilst running. If the officer had a reason to believe he may pose a threat to someone’s safety the shooting may be justified whereas if it was simply that there was not obvious threat the shooting clearly would not be justified. The scenarios need to be more detail specific as this may provide a greater variance should an officer look at it tainted by their experience rather than on the letter of what is presented. Police generally look for further meaning in a scenario as part of their training’ (R.118).

This respondent was correct in his / her reasoning that if there was no threat to the officers they should not use force against the suspects, although if all the facts were covered by the scenarios they would have been overly detailed and there would little to discuss on the circumstances. The scenarios were intended to be ethical dilemmas which made the officers think carefully about their responses to create doubt in their minds about the correct course of action. The fact that the respondent said that ‘police generally look for further meaning in a scenario as part of their training’ sums up the value of the survey as a learning tool in training; the participants had to think hard to arrive at the answer. This was precisely the point the author made in chapter 4 when the value of police training through the use of case studies or scenarios was made; it assists police officers to think through ethical dilemmas and arrive at the correct response to an operational policing incident.

Several police officer respondents questioned the validity of the circumstances depicted in the scenario where the prisoner was Tasered (scenario 11), indicating that they thought it was implausible, however, the circumstances were taken from evidence of an actual incident in Western Australia (WA), investigated by the Corruption and Crime Commission (CCC, 2010); it therefore could happen in NSW. In relation to racial discrimination, several police officers commented on the fact that the race of the prisoner should not have a bearing on the behaviour of the police officer; this is correct but in the case example from
WA, the prisoner was actually of indigenous heritage. The fact that respondents commented on this may mean that they recognize and ‘call out’ racial discrimination which is a good thing within the organisation to eradicate discrimination and institutional racism (chapter 2), although there are examples of stereo-typing and denigration of apparent criminals (chapter 6). Moving from the human right, right to life, the next section discusses freedom of expression and right to liberty.

8.3.2 Freedom of expression and right to liberty

International human rights law (UN, 1948) contains several fundamental freedoms that should exist in democratic countries and which are recognised by all citizens as their entitlement (Appendix 6). These rights are the right to freedom of thought, conscience and religion (Art.18), the right to freedom of opinion and expression (Art.19), the right to public assembly, the right to freedom of peaceful assembly and association (Art.20), and freedom from arbitrary arrest (Art.9). Australia has experienced many examples of public protests and riots for example: Cronulla Riot (2005); the G20 Protest (2006); Macquarie Fields (2005) and Redfern (2004) Riots. Several of the incidents of public disorder in NSW led to Royal Commissions of Inquiry (Beckley, 2013; Burnswoods, 2004; 2006). In NSW statutory police powers for public order policing were extended for the APEC20 conference in Sydney, in 2007; a move that was criticised as a ‘significant lack of transparency and accountability’ (Snell, 2008) because of severe security arrangements, widespread closure of roads, an unusually designated public holiday and restrictions of civil liberties. It is apparent from this explanation that police officers in NSWPF are experienced at dealing with public order incidents and should have an understanding of the legal issues involved.

The facts of scenario 9 (protestors arrested) in the survey described circumstances whereby police officers apparently infringed all of the fundamental freedoms relating to peaceful public protests. In their ratings and free-text comments for this scenario, police officer respondents correctly identified that the human rights of the protestors were infringed and, additionally, that the arrests might harm public confidence. However, one respondent identified the infringement of human rights but thought that police officers were sufficiently

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well trained to avoid acting unlawfully. Indeed, many respondents thought that police procedures through legislation such as LEPRA\textsuperscript{21} would preclude such unlawful activity by the police (R.5; R.12). Many police officer respondents also said this was an unrealistic scenario and that they needed more detail to make decisions on rating it, also respondents did not specify the wrongful actions in the scenario as breaches of human rights law, but they did identify them as ethical policing issues such as abuse of power and wrongful arrest:

‘This is an abuse of power and process and should not be utilised at any level in the police force’ (R.12).

Respondent 12 identified that the actions depicted in scenario 9 were an abuse of process, in that the protestors should not have been arrested. Furthermore, they should not have been taken to the police station and made to suffer in detention for five hours therefore the human rights of the arrested people were initially infringed in that they were not allowed to the right to freedom of opinion and expression (Art. 19), the right to freedom of peaceful assembly and association (Art. 20). That they were wrongfully arrested infringed their right to liberty and security of person (Art.3), and the arrests would not have been lawful under the criminal law of NSW. Use of police powers of arrest was discussed in chapter 2 and is cross-referenced to current criminal laws in Appendix 4; respondents correctly stated the policies and practices of NSWPF in relation to this scenario and linked it to statute law in NSW.

‘Protesters have the right to do so peacefully. There are no grounds for arrest in this scenario, it is clearly an unlawful arrest’ (R.27)

To summarise, although police respondents did not articulate the issue in the language of human rights, they correctly identified that the circumstances in scenario 9 depicted incorrect police procedure and false imprisonment contrary to criminal law in NSW; therefore it was an unlawful use of police powers. Furthermore, one respondent recognised that the police actions depicted in that scenario would carry a significant risk to the organisation in that the arrested persons could take out a civil claim against NSWPF for ‘unlawful detention’:

‘If proven - detain for advantage - and unlawful detention civil claim would be successful - 100s of thousands of dollars if proven on basis of scenario’ (R.11).

\textsuperscript{21} Law Enforcement (Powers and Responsibilities) Act 2002 (LEPRA) (New South Wales)
Respondent 11 identified that a civil claim by the arrested persons against NSWPF could result in a finding of unlawful arrest and the court could award ‘100s of thousands of dollars’ in compensation. A similar conclusion could be reached from comments relating to scenario 13.

8.3.3 Unauthorised disclosure of information - Right to private and family life

Scenario 13 (unauthorised disclosure of information) depicted circumstances where a police officer downloaded confidential information from the police computer and passed it to an unauthorised person. This action would infringe the rights of the person to whom the information related by his/her personal data details being passed from the confidentiality of the police computer system to an unauthorised third party. The behaviour would not only breach criminal law provisions (Appendix 4) but also infringe the human rights of that person as Article 12 (UN, 1948) states that ‘No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence’.

Police officers found scenario 13 puzzling in that they could not envisage why the officer would act in the way depicted; it seemed that they needed more information to establish a rationale for the behaviour. Several comments illustrate this feeling such as that from respondent 203:

‘More details needed. On the face of it, it is a criminal offence to do this. I would want to know why the officer did it. If the photograph was perhaps of a notorious child sex offender who was living near the officers friend, it would be a whole different scenario to it being someone who was perhaps some type of ‘celebrity’ and it was only done for that reason’ (R.203)

However, the officers were clear that the behaviour was a breach of the law and regulations, although the human rights infringements relating to the protection and security of the personal data of the person whose confidential information were disclosed were not specifically stated. The topic of unauthorised disclosure of information from NSW police officers has been the subject of several reports by police oversight bodies. In 2001, Operation Oslo, an investigation by the PIC, examined several former police officers, serving police officers and persons involved in crime, and made many recommendations about criminal prosecutions and internal discipline matters about unauthorised disclosures of
confidential police information (PIC, 2001).

The comment above suggests that, if the person was a ‘notorious child sex offender’, the respondent might understand and condone that action. However, most comments emphasized the stupidity of the disclosure and its possible penalties which were stated in comments from respondents 151 and 85; and as an example, respondent 88 said:

‘Its unclear what the purpose of passing the photo on is, completely unprofessional though, punishment might increase depending on the motives or why this was done, its also not clear what information we are talking about, this could easily escalate to a dismissal’ (R.88)

The latter comment mentioned that unauthorised disclosure of information was unprofessional but respondent 89 said it could happen in a social or family context, although it would breach the law:

‘Dependent on the information the officer may be charged and or dismissed for releasing the information. In a lesser degree police often speak with partners and friends about jobs as a debrief. this too could be seen as the same sort of breach’ (R.89).

In 2008 a report by the PIC examined over 100 complaints about leaks of information from the NSWPF. It revealed widespread confusion, misunderstanding and lack of awareness regarding the use of confidential information. The PIC recommended introducing changes to police training, deterrence strategies, and changes to policies, practices, and procedures to reduce the incidents of unauthorised disclosure (PIC, 2008). However, in 2016 it seemed that police officers’ responses were still confused and they apparently needed to establish the seriousness of the breach of security before they could come to a clear decision about the level of discipline it would eventuate:

‘It depends on the circumstance for discipline - this can range from giving the picture to a criminal gang to inadvertently attempting to find information on a person but not understanding policy (still a c@ts.i22 issue but in a different category)’ (R.131)

The implication of this comment was that the severity of discipline for the misconduct would be less for a simple misunderstanding of the policy and harsher for a deliberate leak

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22 ‘c@ts.i ‘: is the computerised system for discipline records in the Professional Standards Command of NSWPF.
to a criminal gang. Although this statement is probably correct, either example would be a breach of security, a criminal offence and a breach of the human rights of the person whose information was disclosed. Indeed, a wider important issue relating to security of data was noted in one response:

‘Again, undermines the public confidence in the police force and the security of our information’ (R.2).

This comment linked the leaking of confidential information by the police to a possible reduction of trust and confidence in the police discussed in other chapters. Scenario 13 and the previously discussed scenarios depicted human rights issues that affected persons outside the police force, but fair treatment should be available to police officers, who are also citizens, within their own organisation.

8.3.4 Fair treatment – no discrimination - Right to Fair Trial

The specific area of rights of police officers to a fair trial according to the rules of natural justice were included in scenario 10, as articulated in human rights international treaties, Article 10. Everyone is entitled in full equality to a fair and public hearing; and Article 11. Everyone charged with a penal offence has the right to be presumed innocent (UN, 1948). In summary, fair trial rights can be listed as; a fair and public hearing; presumption of innocence; be informed of charges; right to prepare defence and defend themselves at the hearing (Beckley, 2000b:66). Scenario 10 (officer advised to resign) depicts a common occurrence, whereby an executive police officer has to deal with an apparent case of misconduct by a police officer; however, the rights of the accused police officer should be respected, and it is clear that the fair trial rights of the suspect officer were infringed in this case. The subject of organisational justice and its links to fair treatment of police officers in the workforce and its possible deleterious effects on police performance have been discussed in chapter 2 and other publications (Beckley, 2014a). Fairness within the police organisation was further discussed in chapter 7, when from several comments NSWPF operated unfairly as respondent 179 gave the same response to scenarios on four separate occasions:

‘It would depend on if the officer was liked by management if they were the outcome would be different to someone management doesn’t like. I also report outside as I don’t believe it gets a fair hearing within the police’ (R.179) (4
The interpretation of this comment identifies that nepotism and favouritism takes place in NSWPF with regard to misconduct whereby police officers in favour with ‘management’ get favourable treatment. If management like a police officer, they are treated leniently and if they are not liked they are treated harshly; there is no fairness or justice in the process.

In response to the actions depicted in scenario 10 (officer advised to resign), the police officer participants stated that they had some difficulty answering this question as it was a complex issue of the rules of natural justice (R.15). There were some suggestions that this was an unrealistic scenario and would never happen, but this exact scenario has happened several times internationally and has resulted in legal cases. However, the comments recognised that the incident should be dealt with by ‘due process’:

‘This question is ill conceived - it simply does not happen this way. There needs to be due process here with an investigation into breach of the code of conduct, and declarable associations policy. There may be interim risk management etc but it simply would not be the case that an A/Comm would do this’ (R.33).

The respondent explained that there is ‘due process’ for such situations in that an allegation should be lodged followed by an investigation which should safeguard the rights of individuals and ensure fairness for all parties, especially the constable who is alleged to have transgressed. Furthermore, police officer respondents’ comments correctly identified the several issues as procedural fairness, rules of natural justice and fair trial rights the topics which were listed above and detailed in chapter 2, for example respondent 44 said:

‘Procedural Fairness should be shown to the officer and too many times police are targeted for the wrong reasons. The Officer should be supported and a thorough IMPARTIAL investigation should take place’ (R.44)

These thoughts were aligned with those of respondent 87 who said:

‘The constable should not be associating with disreputable persons at all, and especially without advising his supervisor. The investigation of this breach should adhere to due process when dealing with the constable. That due process should not be abused in any stage of any investigation’ (R.87).

This respondent also mentioned ‘due process’, and that correct procedures should be followed to ensure an impartial and fair investigation, although the constable should have notified his supervisor if he was associating with disreputable persons. That point is a difficult one to resolve as many people that a police officer is expected to associate with might be regarded as ‘disreputable’ by other members of society. The subject of improper associations by police officers has been investigated by the PIC (PIC, 2010a).

Only one officer thought that the police union should have been involved in the situation (R.5); although it is common practice in police misconduct proceedings for the Police Association to offer guidance and support to police officers accused of misconduct and to ensure that there is a fair hearing. On this subject, as recorded in chapter 7, there were a number of comments that explained how they thought the organisation of NSWPF was unfair to individual police officers. For example, when commenting on scenario 10, respondent 52 said:

‘I hold a real view that misconduct at the lower levels (Constable/Sergeant), particularly in areas dealing with civilians is administered far more draconianly and punitively. Misconduct by Constables/Sergeants against other staff, and misconduct by Commissioned Officers is viewed and dealt with in a far less draconian & punitive manner’ (R.52).

This comment agreed with one cited earlier in this section; that police officers at the lower levels of the organisation are treated more harshly than those of higher rank. Also, one respondent (R.113) mentioned that there might be a ‘witch hunt’:

‘Appears to be rumours. Part of police duties to mix with disreputable persons. No officer can be forced to resign without a thorough investigation, decision and appeal process. Perhaps its true? Perhaps a witch hunt? Wouldn’t be too difficult to investigate this one. Is Assistant Commissioner just incompetent or is he part of a witch hunt?’ (R.113).

This comment, again (R.179 above), hints that there could be favouritism or nepotism within NSWPF and, if you are not one of the favoured people, you could be targeted and disciplined. There was another comment that bullying within the force is ‘accepted behaviour’:

‘A Constable bullies someone and everyone is mortified. Senior Officer’s constantly
use their position to bully and intimidate and it is accepted behaviour. General consensus being that if you can face an angry man on the street - you should be willing to tell a boss to back off’ (R.229).

These free-text comments should be read in conjunction with information in chapter 7 relating to the management style in NSWPF where managers do not listen to their staff and decisions are unfair. The police officers’ comments relating to the scenarios evidenced a clear understanding of the human rights issues relating to a fair trial as almost the entire list of fair trial rights explained above were identified by the respondents. In addition to the human rights factors many respondents identified police ethics issues. There are comments about negative behaviours and management bullying of the constable.

Some comments identified a problem of unequal power in that the word of the AC would be preferred over the constable. This shows up through the numerous comments about the police culture and the culture of the organisation which was further discussed in chapter 7.

Respondent 121 complained about this management culture:

‘The rank still protect each other leaving the file officers to fend for themselves. The Assistant Commissioner would say that they advising based on their experience and was only making a suggestion to the officer. No ill findings would be found against the Assistant Commissioner. Any whistle blower would then be targeted by senior management and not given the same opportunities for courses inhibiting promotion chances or transfers’ (R.121).

This comment makes the point that, although the AC was in the wrong in the scenario denying the constable his rights to a fair trial, the AC would suffer ‘no ill findings’ and there would be little or no protection for the constable. This respondent also mentioned that whistle blowers would be targeted and disadvantaged by reporting such a case of misconduct; which brings another issue of fairness to be discussed.

The issue is that suspected or accused police officers have no way of clearing their names once they appear to have been involved in misconduct; there is no process to force a conclusion to internal or external enquiries. The conduct and progress of the Ombudsman’s inquiry “Operation Prospect” (Borsak, 2015) found that one senior police officer who had been suspected of police corruption, did not have the opportunity to clear his name over
the entire duration of the inquiries; approximately 15 years. The parliamentary inquiry recommended that the NSW Government should apologise to the police officer (Borsak, 2015: xiii). Wrongly accused or suspected police officers have no recognised avenue of redress against affronts to their personal integrity, which is a fundamental human right.

There were comments about fairness in other scenarios, for example in scenario 2 (theft of knife) a respondent stated that the rules of natural justice and fair trial rights would be appropriate in dealing with the misconduct depicted; this is apparently recommending fairness for the police officer. Also in scenario 3 (officer strikes prisoner who hurt partner) proposed that a balanced view should be taken about the incident:

‘Again, the so-called punishment would depend on the officer’s history for similar behaviours etc, how the ‘victim/offender’ responded to the incident, the likelihood of the officer repeating the same behaviour etc. It should not be looked at in simple isolation’ (R.39).

The comment by respondent 39 is correct in relation to setting a punishment for this misconduct by a police officer, but it did not apparently recognise that the assault should not have happened in the first instance.

Having exemplified comments relating to human rights in the scenarios, readers are reminded that findings from these should be added to the rich data in chapters 5, 6 and 7 which related to police integrity, police legitimacy, procedural justice, organisational justice and police performance.

8.4 Conclusion of chapter 8

The overall results from the human rights structured on-line interview evidenced a low level of knowledge of police officers about human rights and a low level of general knowledge about the Australian Constitution. The results showed that female police officers had a higher percentage of correct answers than male officers. Senior officers / middle managers have a slightly better knowledge and understanding of human rights than sergeants and constables. This could indicate a training need or a need for refresher training for mid-service police officers.
Within the examination in this chapter about the knowledge and understanding of human rights by police officers in NSWPF, comments were highlighted with regard to four areas of human rights: use of force; freedom of expression and right to liberty; unauthorised disclosure of information, right to private and family life; fair treatment, no discrimination and right to a fair trial. These rights were linked back to the specific scenarios which addressed them. Police officers did not explain their comments in human rights language but they clearly understood what human rights were when the comments are examined in depth. However, although respondents recognised, for example, that assaulting prisoners and using excessive force was wrong in practice and contrary to the criminal law of NSW, they nevertheless tried to justify it or explain it as ‘summary justice’ which should be excused. The majority of comments were based from a police perspective without considering the human rights of individuals who suffered as a result of police action or omission. The exception to this was the case of scenario 10 where a constable was unfairly treated by an assistant commissioner; this issue was well-recognised by the respondents who elaborated by making comments that ‘rank and file’ officers suffered poor treatment by managers and senior officers. This assertion is corroborated by the responses to management styles reported in chapter 7.

The examples of responses relating to public protest (scenario 9) were mostly correct and stated that breaches of people’s rights should not occur if the criminal laws, policies, practices, and procedures were correctly applied. Also, in relation to unauthorised disclosure of information (scenario 13) comments from respondents were generally factually correct in relation to the criminal law of NSW. There were no comments about the rights of the person whose personal information was distributed but police officers saw the actions in the scenario as wrong and unprofessional.

The very poor level of knowledge and understanding about human rights in NSW police officers is a serious issue as police officers should be considering the human rights of members of the public in their everyday policing actions. In chapter 2, the importance of police officers knowing and understanding human rights was explained; the community in NSW will suffer poor police service and experience infringements of their rights while police officers do not understand this important constituent of operational policing. Chapter 8 was the final chapter containing the results from the on-line survey utilised in this study;
subsequent chapters will contain discussion (9) and findings from the results leading towards conclusions and a list of recommendations contained in chapter 10.
Chapter 9 – Discussion of Findings

9.1 Format of chapter 9 and Introduction

Chapter 9 gathers together a discussion about the issues that arose from the findings of the data collection phase of this thesis. These issues impact on all of the research questions and were raised in answer to questions posed in all three sections of the survey and additionally contextualised by the optionally-submitted free-text responses. These issues were discussed during the examination of the major topics of police integrity (chapter 5); police legitimacy (chapter 6); police performance, procedural justice and organisational justice (chapter 7), and; policing and human rights (chapter 8) which are key factors to address the research questions. This chapter consists of a discussion about the main issues identified in the results from the survey and the framework for the discussion will include the headings of: Introduction; historical research studies; what the data on police integrity tells us; what the data on police legitimacy tells us; what the data on policing and human rights tells us; how to address issues identified from research; conclusion. The initial section is a comparison of the results of the current study which are briefly compared with previous research studies.

9.2 Historical research studies

The author identified four relevant research studies which examined similar issues to the current thesis. The first was a National Police Research Unit study (Huon et al., 1995); subsequently, Chan et al., (2003) completed a further study over a two-year period from 1995-1997. Gordon et al., (2009) completed an ‘ethnographic study’ over the two years of 2001-2003. Finally, Porter et al., (2015) examined police integrity in Australia as part of a major international work entitled Measuring Police Integrity Across the World (Ivkovic and Haberfeld, 2015). Detailed results from these surveys, along with analytical comments and comparisons, are located in Appendix 3. It is important to note that the previous research studies completed that were similar to this work, by Huon et al, and Porter et al, were carried out to only measure the level of police integrity in the police forces. The study carried out by Chan et al, was examining socialisation of police recruits into NSWPF and that of Gordon et al, was an ethnographic study. The latter two studies, although useful in parts as comparison to this study, were on different subject areas. In this study, the terms of reference are different and wider in that the research question and investigation seek to
establish the current position of human rights and ethical practice in Australian policing and specifically in NSW. This thesis achieves this objective through the examination of the additional major topics of police legitimacy; police performance, procedural justice and organisational justice, and; policing and human rights.

The main conclusion that is reached from comparing the results of the previous surveys with those of the current study is the similarity of the results of all the studies in relation to the level and quality of police integrity. The results from previous studies are consistent with the current study, and therefore validate its results. Although, it should be pointed out that because the results are similar, police integrity in NSWPF has not changed and therefore has not improved to a higher level of integrity; it has stayed the same. The other studies did not address issues relating to human rights, and there is little of further note in the comparisons. Therefore, the content in the remainder of this chapter relates to the current study only. The subjects will be discussed in the following order: police integrity; police legitimacy, and; policing and human rights.

9.3 What the data on police integrity tells us

Generally, results from the survey indicated that individual police officers rated themselves as having a higher standard of ethical behaviour and integrity than their colleagues in the organisation in their ratings of levels of seriousness and levels of reporting. Therefore, the findings of the research must assume that the results which have been obtained are the highest levels and quality of police integrity that currently exist in NSWPF. Respondents have recorded quite clearly that the integrity of their colleagues is at a lower level than their own.

9.3.1: Misconduct issues and themes

In relation to reporting misconduct, discussed in chapter 5, where the respondents rated the scenarios as having a higher level of seriousness (for example, scenarios 1 and 2); they said that they would be more likely to report that misconduct behaviour, although some expressed fear of repercussions from reporting. The results indicated that the respondents thought they as an individual were more likely to report misconduct behaviour than their colleagues and therefore viewed themselves as more ethically correct than their colleagues.
However, if the respondents’ views in the survey are reflected in real-life actions, then the level of reporting of misconduct is contrary to that level revealed by researchers, academics, and royal commission inquiries (for example, Wood Royal Commission, 1997) which identified the ‘blue curtain of silence’ whereby police officers protected their colleagues from investigation and neglected or refused to inform on incidents of misconduct (Westmarland, 2009).

Evidence of inconsistency with the levels of reporting misconduct that were stated in the survey can be found in certain responses in the free-text comments, mainly reported in chapter 6. For example, in scenario 3 (officer strikes prisoner who hurt partner); while police officer respondents acknowledged that the behaviour was unacceptable and they identified the human rights infringement against the person in custody, in the free-text comments they distanced themselves from the scenario, saying it would not happen and tried to justify the actions of the police officer. Again, to do with levels of reporting misconduct, in scenario 4 (cover-up of police DUI accident) there was an element of prevarication and justification in free-text responses to this scenario from police officers, including that there was no offence committed or it would be difficult to prove an offence had been committed. However, it was acknowledged to be misconduct and would negatively affect public safety. The type of crime involved appeared to be another reason that might justify the use of excessive force by police officers on a prisoner. This occurred in scenario 8 (Sergeant fails to halt beating) because of the nature of the offence (child abuse). However, other comments showed that the police officers readily identified and understood the scenario to relate to ethical and leadership standards in the organisation.

Also in relation to condoning or justifying misconduct, although the circumstances in two of the scenarios (7 and 12) were recognised by most police officers as noble cause corruption or process corruption, there were some comments justifying actions or saying that such activity would never happen. Scenario 7 (false report on drug dealer) was taken from the Klockars series that were mainly set in the USA, but scenario 12 (planting evidence on suspects) was directly taken from incidents that occurred in NSW (Griffin, 2004). Many of the comments, recorded in chapter 6, correctly identified the actions as noble cause
corruption, and highlighted the wrongful behaviour and associated infringement of the police code of conduct and values.

The question as to who misconduct would be reported was additional to the previous research studies and offered findings in relation to the comfort levels of police officers to external scrutiny. In fact, both internal and external scrutiny for misconduct was not the favoured method of reporting the matters in the scenarios, but overwhelmingly (85%) respondents stated they would report to a ‘police supervisor or manager’.

Further research would be needed to establish the reason for this, as there were few comments about this process; what is clear is that police officers were worried about reporting misconduct because of fears of ostracism within the workplace. Another aspect of the result of this survey question, reported in chapter 5, is that no police officers stated that they would report an incident externally to the Police Minister, a politician, or a media outlet. Chapter 7 discusses whistleblowing within the force, about which comments claim, the organisation does not support the police officer reporting the misconduct. This should be an area for improvement for the NSWPF.

9.3.2: Integrity of the answers to the survey

As reported in chapter 5, all participating respondents answered that they had given their honest opinion when answering the survey questions, but over a quarter of participants did not answer this question. Also, when asked if most police officers would answer truthfully, respondents said that 13.9% of police officers would not give an honest opinion. This result can be used as evidence of a police culture of dishonesty or lack of integrity in participating in the survey. It could also be reflective of mistrust within the organisation and participants being conscious of not wanting their comments to be noted and recorded by the organisation subsequently to be used against them in some way. Readers should note that the subject of police ethics and integrity crosses over with the subsequent sections on police culture and organisational culture; therefore the sections should be read in conjunction.

9.3.3: What the data on police culture tells us

As explained in chapter 2, there have been many researchers who have criticised negative aspects of police culture which have also been revealed during investigations by several
public inquiries. This culture was specifically noted in the Wood Royal Commission (Wood, 1997: 134) and manifests itself in extreme loyalty within the organisation from colleague to colleague, with police officers covering up misconduct and failing to report when witnessing malfeasance in their colleagues; the widely-reported ‘blue wall of silence’ or code of silence (Goodman-Delahunty et al., 2014:80; Prenzler, 2016). In many instances, this ‘esprit de corps’ is beneficial, if not essential, to enable police officers to fulfil a demanding and exacting job role, especially when dealing with protracted major or critical incidents (Beckley, 1997; 2012).

The importance of noting the historic comments about police integrity is to establish whether the current study can either substantiate or refute the previous conclusions, or whether the culture has changed for the better. Unfortunately, the conclusion from the current study, especially judging by the free-text comments reported in chapter 6 is that a negative police culture still exists, and there is evidence that there is an attitude of denial that misconduct can take place. Some of the free-text responses were misguided and misinformed, and an insular police culture of ‘us and them’ could be identified from these comments, which is where police officers have strong allegiance to their peers and regard members of the public as outsiders who do not understand them. Also, there is a strong element of stereotyping in some of the comments about ‘academics’ and suspects which was discussed in detail in chapters 2 and 6.

9.4: What the data on police legitimacy tells us

The legitimacy of police is a very important subject in countries with democratic policing (Bayley, 2006) systems, and this topic links directly to levels of respect, trust, confidence, and pride in the police, as chapter 2 describes. Overall, in responses to the section of survey questions on police legitimacy, police officer respondents tended to under-estimate the status and standing of the police in the eyes of members of the public. From evidence provided in chapter 6, police officers under-estimated the level of respect of the public and public trust in the police. In addition, when asked whether the public had pride in their police force, a fair majority of police officers were either neutral or positive in agreement, which again under-estimated public support. This evidences a finding that the police officers were either modest on the view that the public has of their work or they underestimated
public pride in their organisation; but the most likely explanation is that police officers are continuing to suffer from cynicism in the ‘us and them’ situation of the police force against external people.

In the police officer respondents’ minds, there was a difference between ‘the police’ and the ‘police as an organisation’ because when asked whether ‘members of the public have confidence in the police’ (73.5%) were positive, but responses to ‘members of the public have confidence in the police as an organisation’ showed lower levels of agreement. The discussion also examines procedural and organisational justice.

### 9.4.1 What the data tells us about procedural justice

Linked to police legitimacy in chapter 2, police officer respondents appeared to be operating at high levels of procedural justice themselves; that is, they indicated that they wanted to operate lawfully and ‘by the book’, complying with NSWPF policies, practices, and procedures. The three questions on organisational solidarity, reported in chapter 7, were answered with great consistency and consistently high levels of agreement. The organisational culture of the police is perhaps the reason for the high levels of agreement, but some of the free-text comments reported in chapter 6 belie this compliance with policy. Therefore, there is a suspicion that responses are filed in line with the expectations of the organisation rather than the honest opinions of respondents. The unrealistically high levels of agreement with procedural justice factors, is continued in scenarios 2 and 6 relating to theft of property. This scenario was well understood by police officers and they readily identified it as unacceptable misconduct, illustrating that the officer in the scenario had a lack of integrity both in their own view and especially in the view of the organisation.

As reported in chapter 7, the survey collected data that considered both organisational justice and procedural justice, and asked respondents to rate their own police performance in this context. Police officer respondents showed a high opinion of how good a job they were doing preventing crime, but this appears to be incorrect compared with ratings of external observers. This pattern was also followed in terms of solving crime, where police responses showed a very positive image but external observers’ ratings were lower. In relation to working with people in the community to solve problems, although police
officers clearly believe they are doing a good job, external observers disagree with this. Also, in terms of keeping order, police officers had a large majority of positive responses, but external observers rated performance much lower. Therefore, it appears that police officers in the NSWPF believe they are doing a better job in these areas of performance than is actually the case.

Police also believe they are doing a better job than external observers, when asked about dealing with problems that concern members of the public. This is a problem when the type of policing that the NSWPF has purported to adopt is the ‘community policing’ model (Dunn et al., 2015); if there is a mismatch of perceptions between police and members of the community relating to police performance, this could lead to lower trust and confidence in the police. The mismatch in perceived high levels of police performance from the police officers, against the ratings of external observers, shows that police officers have a higher perception of themselves and their quality of service than have other members of society.

In addition to questions on police performance, the survey questions on quality of police service examined the police officers’ opinions on provision of police services to all sections of society. The three questions on organisational solidarity were answered with great consistency and consistently high levels of agreement, but there is a suspicion that responses are filed in line with the expectations of the organisation. The responses, reported in chapter 7, given by police officers to the three survey questions on quality of service indicate a lack of inclusivity, selective provision of service, and reflect a cynical culture in the police workforce. These attitudes will have very negative outcomes on how police officers treat members of the public from diverse backgrounds (or stereotype them) and might result in infringement of the human rights of victims or suspects.

9.4.2 What the data tells us about organisational justice
The section of the survey relating to organisational justice has been fully reported in chapter 7; however, the results merit some discussion as they are inconsistent in their analysis and interpretation. On the one hand, the results on work performance are important and reveal that a large percentage of the respondents believed that they would not be held accountable if they underperformed in their work role. Also 14.7% of police officers thought
they would not get into trouble if they did not do their job properly. These results appear to be the opposite of the finding of high levels of compliance with organisational policies, practices, and procedures in the results in the previous section relating to procedural justice. The responses appear inconsistent and seemed to evidence that police officers believed they would not be challenged by supervisors or managers for under-performance. This indicated a weak management style of performance management rather than a disregard for organisational policies. The section of the survey on work ethic, reported in chapter 7, appears to corroborate these findings on work performance, as a positive unselfish work ethic in the NSWPF was found to be superficially false.

The findings on the section on management culture obtained evidence of a poor quality of organisational justice within the NSWPF (chapter 7). Questions about listening to staff and being open and honest with staff were given negative scores, and this indicates a negative and uncaring managerial culture within the organisation. However, there are some areas of inconsistency about the quality of management and leadership in the organisation, as 76% of respondents said they trusted their supervisors’ decisions. But, when decision making is focused on fairness, a different result emerged, as officers were unhappy with the level of communication, and do not believe that decisions are made fairly.

This point was further illustrated by police officer responses, reported in chapter 6, from scenario 10 (officer advised to resign); some of the police officers’ responses identified the human rights issues in the right to a fair trial, along with procedural fairness and the police ethics issues. But there were also comments recorded in chapter 7 that the AC would not be punished for this misconduct, that such behaviour would be ‘swept under the carpet’. They also believed that even if the matter was reported, the person reporting would be victimised. The findings evidenced a negative management and organisational culture within the organisation. It also identified negative issues about organisational justice where there is an imbalance of power between the accuser and the accused in a police disciplinary scenario.

Another measure of the police officers’ views on organisational justice in their organisation is how they view harshness of discipline for infractions of policy discussed in chapter 5.
Police officers assessed that the organisation was too harsh in imposing punishments for misconduct in most scenarios. This assertion is corroborated by the tone and content of free-text comments shown in chapter 7. The fairness test data set, presented in chapter 5, identified that overall the police officers perceive that the NSWPF organisation is too harsh in the punishments it allocates for misconduct behaviour. This point supports the fact, discussed above, that the police officers in the workforce do not share the values of the NSWPF organisation, nor understand the risk to the organisation.

Another area of high impact to the community is how the police assess and deal with incidents involving risks to their organisation which is discussed in chapter 2, and analysed in chapter 5, and Appendix 4. A logical approach would be to treat higher risk incidents with greater care and regard and allocate them with higher levels of seriousness. The scenarios of policing activities and the rated levels of seriousness were discussed in chapter 5, where levels of seriousness for all scenarios as a violation of official policy were rated, and this was compared against the level of legal risk to the organisation. In many cases, the level of seriousness allocated by the police officer respondents to the organisation did not agree with the views of members of the public. This is an important dimension whereby the level of seriousness allocated by police officers does not match the views of society or the rating of legal risk to their organisation. Police officers should be able to recognise the level of seriousness of a specific incident and the possible legal risk to the organisation when they are seeking to resolve it (Beckley, 1997). This factor would necessitate a training requirement for all police officers.

There are several issues relating to the organisational culture of the NSWPF that were apparent from the results of the survey and the free-text comments of the police officer respondents. These were the negative ‘command and control’ ethos of managerial culture in the police service, which have been criticised by researchers using evidence from surveys, public inquiries and public discourse, as exemplified in chapter 2. There were also references to lack of empathy for staff by senior managers, discrimination, and sexism. The subject of a performance culture or ‘managerialism’ was also posited. These negative aspects of management were identified in responses from police officers participating in the survey reported in chapters 5 and 6. The explanation about the history of negative
management culture in NSWPF that was described in chapter 2 was borne out by the evidence provided by respondents to the survey; therefore it still exists within the organisation.

Although there were some positive aspects of police management relating to decision-making, loyalty and obedience revealed in the survey data, it appears that management and leadership in the NSWPF is furtive, secretive, and unwilling or unable to communicate effectively with their staff. On work performance, one-fifth of police officer respondents said they believed that they would not be held accountable if they underperformed in their work role and 14.7% said they would not get into trouble if they did not do their job properly. These responses, reported in chapter 7, evidenced that police officers believed they would not be challenged by supervisors or managers for under-performance. In terms of work ethic, the finding indicated that constables and sergeants were more willing to put in a greater effort to assist their colleagues and the organisation than senior officers and middle managers. Also, senior officers and middle managers said they were more reluctant to take on more work than their share unless they benefitted directly. This situation sets a poor work ethic in the organisation, where managers are setting a bad example to the main body of the workforce in terms of their willingness to work hard and be good role models.

There are more serious issues revealed by the mismatch or misunderstanding of organisational values between the workforce and the organisation. In chapter 5 it was reported that the mean scores of ‘Violation’, that is, the respondents’ view of the level of seriousness that their organisation would rate the behaviour in the 13 scenarios, are all higher than the scores in their own view. This indicates that the respondents perceive that their organisation views the behaviour in the scenarios as more serious, and may have harsher attitudes towards punishment of misconduct, or that the organisation has higher standards of conduct or values than those of most employees. This could be because of a misunderstanding of the culture and ethos of the police officers about their organisation, or could be a mismatch with their values, ethical standards, or perceptions. Because of this, recommendations are made in chapter 10 relating to a review of the NSWPF vision, mission, and values.
It can be concluded that police officers are aware of the legitimacy of police although they (i) do not always understand it from the perspective of members of the public and (ii) they underestimate public opinion about trust, pride, and confidence in their police force, but (iii) police officers over-estimate the effects of police performance relating to preventing crime; solving crime; working with people in the community; keeping order, and; dealing with problems in the community, compared with those of the opinions of the public. The evidence supports findings that police are either deluded by thinking their performance in key areas of policing is better than it actually is, or worse; they do not know their own business and suffer from incompetence.

9.5 What the data on policing and human rights tells us

One of the main objectives of this research is to answer questions about the knowledge and understanding regarding human rights of police officers in NSW. The method of KUSAB\(^{24}\) described in chapter 4 was utilised to assess the level of knowledge and understanding of human rights of police officers in NSWP. This segment of the chapter will discuss the evidence provided from the survey and especially the results from the human rights structured on-line interview section. The responses of police officers to questions in the survey have provided answers to all the research questions.

9.5.1: KUSAB of NSW police officers regarding human rights

The overall results from the human rights structured on-line interview evidenced a low level of knowledge of police officers about human rights and of general knowledge about the Australian Constitution. Police officers in aggregate scored 41.2% correct answers out of the nine questions with 22.5% ‘don’t know’ answers. The police officers appeared to freely acknowledge their lack of knowledge of human rights in their ‘don’t know’ answers and their free-text comments shown in chapter 8 which suggested there is a need for training in this area. Positive trends from the human rights structured on-line interview, showed that female police officers had a higher percentage of correct answers than male officers, and senior officers/middle managers had a slightly better knowledge and understanding of human rights than sergeants/constables, which is a constructive sign if those in positions of

\(^{24}\) ‘KUSAB’= Knowledge, Understanding, Skills, Attitudes, Behaviours
higher responsibility have enhanced knowledge of the law.

Although the police officers’ level of knowledge of human rights was low, their understanding was higher as evidenced in chapter 6; although, as identified in chapter 5, they did not appear to understand the concept of proportionality. In terms of importance to human rights infringements, right to life, followed by use of excessive force, should be regarded as more serious than other transgressions depicted in the scenarios. Therefore, the rankings of levels of seriousness should reflect this, but they do not; as reported in chapter 5. Chapter 8 records respondents’ comments about human rights issues which evidence lack of empathy for victims and criminal suspects. Also, the evidence presented in Appendix 5 using the case study of Roberto Laudisio Curti illustrates that use of force by police officers in NSW is a problem that should be addressed. The Coroner described the actions of several NSW police officers as ‘… reckless, careless, dangerous, excessively forceful and amounted to an abuse of police powers’ (Jerram, 2012:21). This evidence was backed up by the information provided in chapter 2 on the number of complaints against police in NSW relating to excessive use of force (Goodman-Delahunty et al., 2012), and undue aggression (Goodman-Delahunty et al., 2014a).

In relation to skills in applying human rights to police practice, the system of critical incident management in NSW has been criticised as the investigators lack the skills of being sufficiently thorough and objective (McClelland, 2013). Several similar free-text responses from police officers in scenario 1 appeared to suggest that the existing critical incident investigation system in chapter 2 was adequate. But, judging by the ratings of levels of seriousness and the free-text comments about fatal or potentially fatal incidents, skill levels and risk assessment skills of NSWPF officers are lacking. Internationally, there has been much emphasis on the technique of de-escalation of potentially violent or traumatic incidents described in chapter 2; this is a specific skill that requires in-depth training (US Department of Justice, 2015).

A great deal of evidence was obtained from the survey data relating to attitudes and behaviour on applying human rights in policing operations. The data indicated a lack of empathy for victims and suspects which ignored the human rights infringements of these
categories of stakeholders and viewed the scenarios from the perspective of only the interests of the police officers. For example, in several scenarios, reported in chapter 6, there were free-text comments seeking to justify or mitigate the actions of the police officers in assaulting the suspect. There was recognition that the behaviour was misconduct but it was described as ‘summary justice’, showing a negative attitude of police culture. Many officers identified the human rights issues in scenario 11 (prisoner Tasered) and correctly stated their abhorrence of the actions in the scenario, but there was also a high level of sensitivity or denial of misconduct in their responses.

In relation to data about the human rights of police officers in NSWPF, some survey responses, reported in chapter 7, evidenced a fear of bullying and intimidation by senior managers in the police force, and this was illustrated by comments logged in chapter 6 about scenario 10 (officer advised to resign). These responses exposed extremely negative management and organisational culture within the organisation, and identified concerns about organisational justice where there is an imbalance of power between the accuser and the accused in cases relating to police discipline and misconduct.

9.6 How to address issues identified from research

Although there are many issues to be addressed from this research, it is also necessary to note the strengths in the organisation that have also been identified. A development or change management plan would be required to retain the strengths but also address the areas for improvement. To justify the required development work on continuous improvement of the NSWPF organisation, it would be beneficial to consider the perspective on the latest requirements for a democratic policing system. Summarised in the introduction section of a document prepared to advise the future direction of policing in Scotland, Policing 2026 Evidence Review (SIPR, 2017:7) there is an excellent description of the constituent parts of democratic policing: ‘Equity, delivery of services, responsiveness, a distribution of power, the provision of information, redress, and participation’ (SIPR, 2017:7). Analysis of the results from the current research reveals that policing in NSW requires serious review if it is to describe itself as modelled on a democratic policing system compared with examples of good practice such as that in Scotland. Table 9.1 lists on the left-hand side the constituent parts of democratic policing according to the Scottish Police
Model. Evidence obtained from the survey data from this research is listed in the right-hand column which indicates there are a great many issues to address to establish a good level or quality of democratic policing.

Table 9.1.

Constituent parts of democratic policing shown alongside evidence from research in NSWPF.

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<th>Constituent part of democratic policing (Henry, 2017)</th>
<th>Examples of evidence from this research about NSWPF</th>
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| 1. **Equity**: provision of service – allocation of resources | • Over- and under-policing: example Curti case study  
• Poor understanding of police performance  
• Lack of loyalty to the organisation  
• Poor management styles and inequity within the organisation |
| 2. **Delivery of services**: ‘responsive to public needs’: | • Discrimination and certain members of the public ‘do not deserve’ policing  
• ‘Us and them’, insular attitude |
| 3. **Responsiveness**: delivering priorities and services the people need | • Over-estimation of many aspects of police performance  
• Quality of policing – not in alignment with public expectations  
• Poor response to complaints  
• Poor attitude to quality of police services |
| 4. **A distribution of power**: balancing central and local interests | • Poor knowledge of human rights  
• Poor understanding of proportionality  
• Poor understanding of risk to the organisation  
• Examples of excessive use of force  
• Officers using excessive force are described as ‘just deserts’ |
| 5. **The provision of information**: | • Denial of misconduct occurring  
• Support for secrecy  
• Code of silence and ‘blue curtain’ response to internal enquiries |
| 6. **Redress**: organisational accountability and individual accountability | • Individuals said they would not be held to account for under-performance  
• Poor management accountability  
• Poor understanding of risk management  
• Poor response to ‘honest opinion’ |
| 7. **Participation**: | • Poor results of work in the community  
• Poor response to working to address problems in the community  
• Poor knowledge of the world outside policing and partnership working |

*Note. Adapted from, SIPR, 2017:7.*

The evidence revealed from this study which is listed in the results chapters 5 – 8, the discussion points and the findings presented in this chapter, justify the introduction of a major development plan for NSWPF to address the areas for development derived from the quantitative and qualitative data. Chapter 2 argued that the NSWPF had implemented a type of democratic policing system within the liberal democracy of the Commonwealth of Australia. It is submitted that, because of the many areas for development found in this
research, the NSWPF would need to amend its style of policing to comply with the requirements of democratic policing as defined in Henry (2017:100-103); therefore, a list of recommendations has been compiled in chapter 10 to enhance organisational development of NSWPF.

9.7 Conclusion of chapter 9.
In summarising chapter 9, the intention is not to reiterate the main points of the content but to logically build towards conclusions in chapter 10. The results and discussion identify mainly negative traits in the attributes of the police and organisational culture in the NSWPF. Therefore, something must be done to build on this situation; to identify and nurture strengths of the organisation, to identify areas for development and address those to ensure a more positive organisational environment. In the experience of the author and many leading experts in organisational development and continuous improvement, it will be necessary to re-visit the organisational strategy for the NSWPF and re-examine its vision, mission, and values to address many of the issues revealed (Cole, 2001). It will be necessary to ‘start from scratch’ with the objective of introducing new cultures of human rights and police ethics into the organisation, while removing the egregious behaviours.

This chapter brings the discussion from the Wood Royal Commission to the present day. This thesis has indicated there is evidence that egregious activities; that were identified by Wood, remain in the operational activities of the NSWPF (Wood, 1997:25). Chapter 2 has discussed the slow progress being made about complaints against police. Also, the use of excessive force by police officers that, despite many inquiries and recommendations, appears to exist currently (Goodman-Delahunty et al., 2012) and the use of Taser conducted electronic weapons has proved problematic (Appendix 5; NSW Ombudsman, 2008; 2012).

From the evidence in this thesis, the author contends that a wide-ranging fundamental re-structure of the Force and review of its strategic direction is required in addition to the enhancement of the executive structure. This should encompass a fundamental review of the vision, mission, and values of the NSWPF to ensure that bad and unacceptable practices, policies, and procedures are eradicated and a new culture of human rights and integrity is instilled into the minds and hearts of all police officers in the NSWPF. Several factors
including the introduction of the LECC, the appointment of a new Commissioner, and the executive re-structure could offer the ideal opportunity to effect these changes. The foregoing analyses of the results from the survey, the assessment of the climate of integrity in NSW and the discussion points above will now be aggregated into conclusions and recommendations in chapter 10.
Chapter 10 – Conclusions and recommendations

10.1 Format of chapter 10 and Introduction
Chapter 10 is the final chapter of this thesis which draws conclusions on the quantitative and qualitative data obtained during the study. It reports the added value of the study and suggests topics for further research about policing in NSW. The culmination of analysis and investigation into the subject matter and the data collected has enabled a number of important recommendations to be made which could be incorporated in NSWPF and other police agencies which operate in the mode of democratic policing. Finally, the chapter will return to the theoretical framework, which was integral to the study, to conclude the research process and illustrate how implementation of the recommendations could facilitate the ‘less harmful society’, described by Lanier and Henry (2010:362) within the concept of constitutive criminology. The content of chapter 10 will include: Introduction; added value and limitations of this research; conclusions on research data; recommendations based on this research; reprise to theoretical framework.

10.2 Relevance of this research to other police forces in Australia
It is suggested to the reader that the content of Chapter 2, Section 2.2.4 - ‘Australian model of policing’, showing the strong links and connections of all policing in Australia, that the findings of the research thesis should be relevant and applicable to all those organizations as they are working in partnership and co-operation. To add to this assertion, Table 10.2:1 depicts the list of recommendations of the royal commissions on policing between 1976 and 2004 showing that there are similar issues in many of the state police forces. Unfortunately, according to Beckley (2013e) the state police forces did not, at that time, learn from each other to prevent the necessity of a painful and costly inquiry into their governance and operations.

Table 10.2:1.

Recommendations of Inquiries

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To summarise this section 10.2, because the police forces of Australia and New Zealand work together in partnership and co-operation, although separately managed and governed, they have enough similarities of mission, vision, and values that they can all learn from the research analysed and reported in this thesis.

**10.3 Added value and limitations of this research**

The research questions and survey instrument utilised in this research project sought to add to previous knowledge, which examined police integrity only, and extend it to include several further aspects of the subject area, especially pertinent to policing in NSW. The first addition to the existing knowledge was the insertion of an extra question in the survey of ‘to whom to report’ the misconduct depicted within the scenarios. This was particularly pertinent to NSW as it amended the police oversight process in 2017. In fact, the survey data showed that most police officers would report misconduct incidents internally; this might be a factor to investigate further to ensure effective reporting of incidents, as ‘whistleblowing’ was also found to disadvantage police officers who reported misconduct.

A significant aspect of this study that was not examined in previous studies was the qualitative data that was supplied from optional free-text responses relating to the scenarios and the overall survey. This data was an extremely important and authoritative source of evidence to effectively analyse, evaluate, and judge the police officer participants’ attitude towards police ethics and human rights. Furthermore, qualitative and quantitative data was obtained from the survey to build on the examination of police integrity in the
previous studies and extend the investigation to analyse police legitimacy (chapters 6 and 7) and policing and human rights (chapter 8).

This research project examined police officers’ knowledge and understanding of police ethics, which was generally positive but marred by some negative aspects. The findings showed that police officers displayed misunderstanding and lack of knowledge of subjects such as police performance and organisational justice which are essential factors for managing police responses and resources, quality of service, and police work in partnership with the community. There were also adverse findings relating to essential knowledge of risk management, and the strength and quality of leadership and management in the organisation of NSWPF.

Another of the additional areas of research was to assess the knowledge, understanding, skills, attitudes, and behaviour of NSW police officers in relation to human rights which is a requirement of a democratic policing system. This research has clearly established that the level of knowledge of NSW police officers concerning human rights is low. The research also found serious concerns about police officers’ knowledge and operational reactions regarding the use of excessive force and other fundamental human rights.

The evidence from this research strongly suggests that it is necessary for extensive and urgent action to be taken by the NSWPF to achieve change and enhance the quality of police services in NSW. In line with good management and leadership practices, it will be necessary to monitor progress, outputs, outcomes, and the impact of any changes made through implementing the recommendations contained in this thesis. Further research could be undertaken to ascertain the beneficial outcomes of such a development program.

The NSWPF did not allow high ranking and executive officers to participate in the on-line survey. This may have distorted the results in that there were no opinions sought from senior and executive managers in the organisation. Readers are also reminded that while scores from the majority of survey questions on the Likert scale were not normally distributed, given the large sample size and central-limit theory, the normal assumption was still met and statistical t-tests could be used with confidence.
10.4 Conclusions on research data

This section of the chapter will summarise the conclusions of the data obtained from the survey. There will be three sections to the conclusions: police integrity; police legitimacy, and; policing and human rights. Each of the sections will identify the strengths found in the responses relating to the NSWPF and also classify the areas that need improvement in the organisation. The principle question of this research project is: ‘What is the current position of human rights and ethical practice in policing? New South Wales: a case study’ and this question has been successfully answered by the research as explained in the results chapters and chapter 9.

This principle research question was supplemented by four research questions: (i) To what extent do police officers have an awareness of human rights from their training and knowledge and how do they use the knowledge? (ii) How do police officers support the principles of human rights in their work? (iii) Are there elements of human rights in the operational practices of police officers and how do they manifest themselves? (iv) To what extent do police officers appreciate how important human rights are during operational policing incidents from their own perspective and from the perspective of members of the public? The supplementary questions were successfully answered in the results chapters, 6 and 7, but particularly chapter 8.

10.4.1 Police integrity

Comparison of responses from previous research studies into police integrity in NSW found similar results to those of previous investigations; there had been no improvement in the level of police integrity over many years. The responses from NSW police officers evidenced that they had recognised ethical values through their stated obedience and compliance with NSWPF policies, practices, and procedures. The results for work performance, trust, confidence, obedience, and organisational solidarity were ostensibly very positive. They also showed evidence of empathy for their colleagues as appropriate when, for example, scenarios depicted mental or physical injuries to colleagues. Where the circumstances in the scenario were clear-cut, such as a theft from a crime scene, police officers had definite opinions about it being unacceptable behaviour that reflected badly on themselves, their
colleagues, and the organisation. Where the circumstances were not quite so clear-cut there tended to be some prevarication or a tendency to ignore or condone egregious behaviour.

This shortfall in understanding was exacerbated when police officers were unable to see the bigger picture behind the survey questions being asked; this was judged by the erroneous proportionality of their ratings and behaviour. The respondents exhibited an insular ‘us and them’ approach to the effect that no-one outside the organisation could understand what it is like to be a police officer. This was illustrated by numerous examples of comments in the free-text responses, which were extreme in their generalisations and assumptions. The insular approach was also identified in the responses concerning to whom misconduct would be reported; to an over-whelming extent, it was internally to a colleague or senior officer.

There was also evidence of respondents making snap judgements, discrimination and stereo-typing which was present even though the scenarios were hypothetical. The motivation for the actions of suspects was assumed from the scenarios, that led to free-text comments suggesting the suspects deserved to be assaulted or that ‘summary justice’ was appropriate. There was considerable evidence that police officers were prevaricating about examples in scenarios featuring police misconduct. There were also unwarranted denials that misconduct depicted in the scenarios could ever occur, although it is clear from historical cases and examples that those specific instances of misconduct have occurred. Evidence was identified of police officers trying to justify misconduct where it occurred in the scenarios. Finally, there were hints that the previously identified ‘blue curtain’ or ‘code of silence’ that existed in police organisations is still in operation in NSWPF.

Police officer respondents rated the seriousness of their own attitudes as being higher than that of other colleague officers and when it came to whether they would report the incident in the scenario of misconduct, in every case, the respondents said they would report the matter, but that level of integrity was rated as higher than most officers who were their colleagues, again with a significant difference. In addition, where the respondents rated the scenarios as having a higher level of seriousness, the respondents indicated that they would be more likely to report that misconduct behaviour. The findings from these results are that
police officer respondents viewed themselves as having higher standards of integrity than their work colleagues. This perception of the police officers and those of people in the community had a mis-match in their beliefs of the levels of ethical behaviour and integrity of the police officers. This evidence was further corroborated by the results from the survey questions that asked about honest opinions of the respondents, when a large percentage of respondents did not answer this question and they thought a large percentage of their colleagues would not answer truthfully.

There was also evidence that identified from other research studies and public discourse that the systems of complaints against police and independent oversight of the police were not working effectively, factors that would impact adversely on the legitimacy of police.

10.4.2 Police legitimacy
There were positive responses to questions relating to police legitimacy, procedural justice, trust, confidence, and pride in the police, which appeared to be under-rated by the police officers when compared with results from external observers. There was also evidence of ready compliance with policies, practices, and procedures, although this could have been responses to pay lip service to organisational norms. There were also positive results on decision-making within the organisation, with the allowed use of discretion in decision-making being a feature of the organisation which is necessary in police work.

There were many negative findings about the type and approaches of leadership and management in the NSWPF. The responses to the survey showed a poor understanding of risk management within the organisation, judging by the allocation of levels of seriousness compared to relevant risk factors. This may have been the response of police officers in lower ranks as no high ranking or executive officers participated in the survey; however, this result leaves the organisation open to legal challenges and loss of standing in public confidence.

The managers were rated with a poor approach towards organisational justice, low compassion, empathy, and understanding of their teams, while not listening to their staff and with a low level of communication. There were also examples of bullying and
oppression within free-text comments. Results from a ‘fairness’ rating for discipline matters in the NSWPF identified that the police officers thought that discipline punishments were too harsh in the organisation. Furthermore, there were many responses from police officers, that senior and executive officers were treated differently and more leniently if they were involved in misconduct than their colleagues at lower levels of the organisation. This indicated a perception by police officers that internally their organisation was unjust, unfair, and discriminatory towards sections of the workforce.

There were also strong comments about lack of support and care within ‘management’ for police officers who suffered psychological injury and a suggestion that the actions of the officer, in a scenario of unwarranted use of lethal force, would be ‘covered up’ and lessons would not be learned to guide policy for the future. This would result in a negative view of organisational justice and procedural justice in the NSWPF and could adversely affect the work attitude of the workforce. From free-text responses entered by police officers, it was understood that ‘whistle-blowers’ were not treated well within NSWPF. Also, the revelations of whistle-blowers would not be satisfactorily dealt with; these views tally with those that are expressed in the public domain.

Also relating to management and leadership, in contrast to the finding about the positive work attitude, work performance and work ethic were identified as problem areas in responses to the survey. A large majority of police officers stated that not only would they be able to under-perform in their role as a police officer, they also would not be held to account if they did so. In another question, police officers indicated that if they committed a criminal offence they would be held to account on that matter; although, negating this response, there was an element of prevarication in the scenario as to whether to report a police officer who was apparently committing an offence of ‘driving under the influence’ (DUI) of alcohol. Also to this evidence should be added the tendency to deny police misconduct happens in the NSWPF, and to offer justification for when it does.

In terms of police performance, police officers exhibited self-delusional evidence of how well they were performing in essential elements of their job; they consistently over-rated their performance in relation to preventing and detecting crime and the value of their work
in solving problems in the community. Responses to the police performance section of the survey showed confusion and ignorance about levels of performance in areas of crime prevention and detection. This result was not in alignment with community expectations. In terms of working with people in the community to solve problems and dealing with problems that concern members of the public, police officer respondents seem to have a much higher opinion of their performance in relation to working in the community than the opinions of the community; there is a significant mismatch of ratings.

In alignment with the findings on working with the community, responses in the service delivery section of the survey showed a poor attitude of police officers towards quality of service; police officers showed negative views in that there was a lack of inclusivity, selective provision of service, and cynicism towards the policing function. Not only do these results reflect a poor attitude from the police officers, they do not comply with NSWPF policies on inclusion and discrimination, nor the Code of Conduct and Ethics (NSWPF, 2008) and the NSWPF Customer Service Charter (NSWPF, 2009). These attitudes would have negative outcomes on how police officers treat members of the public from all backgrounds (or stereotype them) and might result in infringement of the human rights of victims or suspects.

In the area of procedural justice, there was ostensibly a positive work attitude evidenced by the response to questions in one section of the survey but this was contradicted in another section. There was a positive work attitude in terms of stated obedience and compliance with NSWPF policies, although this was opposed by responses in the work performance section of survey questions. Responses were positive in relation to organisational justice where police officers showed empathy for colleagues and esprit de corps. A direct question about loyalty resulted in most officers agreeing which was a good result for the organisation, but the other question relating to emotional attachment to the NSWPF revealed some ambivalence. This evidenced a good level of loyalty to the organisation, but when asked for emotional attachment to the organisation, the levels of agreement were much lower. A good police culture would capture the hearts and minds of the workforce.
A negative attitude towards research was detected in the responses to the survey questions where there was a tendency to denigrate ‘academics’, their motives, and their relationship with police officers. There were several examples of this in abusive and derogatory free-text language, the police officer respondents apparently making incorrect assumptions and stereo-typing all academics in the worst possible light.

10.4.3 Policing and human rights
The positive findings from the survey are that police officers in the NSWPF have an understanding of practical issues relating to human rights in operational policing. This appears to be an understanding linked to legislation and statutory frameworks, rather than the more abstract concepts of human rights and fundamental freedoms envisaged in the global understanding of human rights and policing. Therefore, the participants surveyed in this study have a narrow understanding of human rights within statutory frameworks underpinned with guidance from NSWPF policies, practices, and procedures, which, according to results, they comply with. The results for work performance, trust, confidence, obedience, and organisational solidarity were ostensibly very positive. However, the evidence to show that there is a narrow understanding of human rights is based on the explanation of the erroneous allocation of the level of seriousness to very serious incidents such as unlawful killing of a suspect which is rated lower than a theft from a crime scene. This lack of appreciation of the theory of proportionality is explained in chapter 5, and is linked to the apparent wayward appreciation of risk attached to the scenarios. The one scenario where human rights issues were recognised was in scenario 10 (officer advised to resign) where the right to a fair trial was advocated.

The negative findings of the survey relating to policing and human rights significantly outweigh the positive findings in that the research provides evidence of little understanding, low levels of knowledge, skills, attitudes, and behaviour concerning human rights in the responses from NSW police officers. Police officer participants readily acknowledged their poor knowledge of human rights through their free-text comments and the large percentage of ‘don’t know’ responses. The lack of knowledge and understanding evidenced by the structured on-line interviews was corroborated by other factors such as the apparent lack of understanding of proportionality applied to the levels of seriousness of several
scenarios. In terms of a prudent and professional mental attitude, the free-text responses of police officers frequently demonstrated a lack of empathy and justification of ‘summary justice’ where police officers unlawfully assaulted suspects, which increased them legal risk to the organisation.

From the evidence provided in this thesis and recent incidents, there is a problem of police officers using excessive force on members of the community. Also, where police officers resort directly to high levels of force and coercion without going through a process of assessing the use of force continuum, there is need for training or re-training in such skills and there is a public expectation that de-escalation techniques will be utilised before resorting to extreme levels of force.

10.5 Recommendations based on this research

The recommendations based on the research reported in this thesis are applicable to all police forces in Australia, and specifically the NSWPF. There are four main recommendations: review of organisation vision, mission, and values; review of organisational development; review current system of internal and external oversight measures; review of internal NSWPF communication policy and practice; but each contains a significant amount of work and will require openness to change.

10.5.1 Organisation Vision, Mission, and Values: Review the organisation’s vision, mission and values to check their currency and validity to build on positive results from the community in terms of support, pride, trust, and confidence in the police, police legitimacy and procedural justice through an organisational development / change management program.

10.5.2 Organisational Development: Review organisational development plans and introduce an organisational development / change management program to instil loyalty, pride, dignity, and respect within the work-force of the organisation through professionalisation of policing and high quality and integrity standards, while paying attention to human rights and police ethics through development programs on: human rights; police ethics; management and leadership, and; a review of police training.
10.5.3 **Effective Oversight Measures:** Review current system of internal and external oversight measures and introduce effective oversight measures to ensure incidents featuring use of excessive force by police officers are reduced and managed effectively. It should be noted that the NSW government has introduced the Law Enforcement Conduct Commission in 2017 to ensure effective external oversight of the NSWPF.

10.5.4 **Communication Strategy:** Review internal organisational communication policy and practice and develop a communication strategy to convey to customers, clients, partner organisations, and all members of the community, the new work ethos of customer service, quality of service and social inclusivity that is to be provided by the organisation.

This concludes the recommendations to police organisations to address the areas for development identified from this research study, it only remains to return to the theoretical framework to locate the recommendations within that model and conclude this thesis.

**10.6 Reprise to theoretical framework**

The reader is reminded that the theoretical framework within which this study has been completed is that of Constitutive Criminology which, according to Henry and Milovanovic (1996), is ideal for studies into police work (Williams, 1999). The over-arching claim for the theory of Constitutive Criminology is: ‘... a broad sweeping, wide-ranging holistic perspective on crime, criminals and criminal justice ... whose objective is to help build a less harmful society’ (Lanier and Henry, 2010:362). In Figure 10.1, the recommendations contained in this chapter are set out with the links to all parts of the theoretical framework diagram which was introduced in chapter 3.
As can be seen from Figure 10.1, the recommendations from this research study link directly to elements of the theoretical framework of Constitutive Criminology and, it is contended, with a safer and more effective police force in NSW this should result in a less harmful society. It is suggested by the author that when police officers have a detailed knowledge, understanding, and respect for human rights and high ethical standards, this ensures an enhanced quality of democratic policing and a safer and more secure community which assists towards building the less harmful society Lanier and Henry describe. When police officers understand and respect the human rights of members of the community they serve, this will result in a superior quality of police service that citizens will recognise and respect.

“There are costs and risks to a program of action, but they are far less than the long-range risk of comfortable inaction”

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McCann v UK (1995) 21 EHRR 97
R v Chief Constable of Thames Valley Police ex parte Stevenson (1987) The Times, April 22
R v Metropolitan Police Commissioner; Ex parte Blackburn [1968] 1 All ER 763.
Walker v Baird [1882] AC491: 18-21, 34.

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Human Rights Act 1998. (United Kingdom)
Independent Commission Against Corruption Act 1988 (Australia)
Law Enforcement Conduct Commission Act 2016. (New South Wales, Australia)
Law Enforcement (Powers and Responsibilities) Act 2002 (LEPRA) (New South Wales)
Parliamentary Scrutiny Act 2011 (Cwth, Australia)
Police Act 1990 (New South Wales)
Police Integrity Commission Act, 1996 (New South Wales)
Police (NI) Act 2000 (s.32) (Northern Ireland)
Police and Criminal Evidence Act 1984 (PACE) (United Kingdom)

International Rights-based law and Treaties:

List of Australian Treaties / Laws relating to human rights.

<table>
<thead>
<tr>
<th>Declaration on the Rights of Indigenous People (2007) UNGA</th>
<th>Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Covenant on Civil and Political Rights</td>
<td>Convention on the Rights of the Child</td>
</tr>
<tr>
<td>International Covenant on Economic, Social and Cultural Rights</td>
<td>Convention on the Reduction of Statelessness</td>
</tr>
<tr>
<td>Convention on the Prevention and Punishment</td>
<td>Convention relating to the Status of Stateless Persons</td>
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<td>of the Crime of Genocide</td>
<td>Convention Relating to the Status of Refugees</td>
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<tr>
<td>Convention on the Political Rights of Women</td>
<td>Slavery Convention of 1926</td>
</tr>
<tr>
<td>International Convention on the Elimination of all forms of Racial Discrimination</td>
<td>Supplementary Convention on Slavery</td>
</tr>
<tr>
<td>Convention on the Elimination of all forms of Discrimination against Women</td>
<td>Convention on the Rights of Persons with Disabilities</td>
</tr>
</tbody>
</table>

Note. Adapted from Gans et al, 2011:10.

END OF THESIS – Appendices 1 to 7 follow.
Appendices – cover page

- Appendix 1 - NSWPF Complaints System Legislation
- Appendix 2 - Online Survey Instrument
- Appendix 3 - Worked statistics, additional tables and figures
- Appendix 4 - Analysis of Scenarios
- Appendix 5 – Case Studies on *Use of Force* by police officers
- Appendix 6 – Universal Declaration of Human Rights (1948)
- Appendix 7 - Detailed Professional Career – Alan Beckley
- Appendix 8 – ADDENDUM to originally submitted Thesis
### Appendix 1: NSW Police Force complaints system: investigation and independent oversight

<table>
<thead>
<tr>
<th>NEW SOUTH WALES</th>
<th>LEGISLATION</th>
<th>OVERTSIGHT BODY</th>
<th>ROLE AND FUNCTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Police Act 1990 No 47</td>
<td>NSW Police Force (NSWPF)</td>
<td>Employment conditions, performance review, retirement, censure, dismissal, discipline, referral of infractions to oversight bodies.</td>
</tr>
<tr>
<td></td>
<td>Independent Commission Against Corruption Act 1988 No 35</td>
<td>Independent Commission Against Corruption (ICAC)</td>
<td>All NSW public sector agencies (except the NSW Police Force) and employees, including government departments, local councils, members of Parliament, ministers, the judiciary and the governor, and persons performing official public functions.</td>
</tr>
<tr>
<td></td>
<td>Ombudsman Act 1974 No 68</td>
<td>Ombudsman</td>
<td>Independent and impartial watchdog. Ensure that the agencies fulfil their functions properly and improve their delivery of services to the public. Help agencies to be aware of their responsibilities to the public, to act reasonably and to comply with the law and best practice in administration.</td>
</tr>
</tbody>
</table>

Source: NSW Police Force Library, Goulburn, NSW
Appendix 2 - On-Line Survey

Respondents: NSWPF sworn police officers and External criminal justice practitioners.

Research question: What is the current position of human rights and ethical practice in policing?

Who is carrying out the study? You are invited to participate in a study conducted by Mr. Alan Beckley, PhD student, School of Social Sciences & Psychology, University of Western Sydney, Locked Bag 1797, Penrith, NSW 2751 Australia.

What is the study about? The purpose of the study is to investigate the progress that has been made by policing organizations in Australia in the areas of policing, human rights and ethical practices in comparison with each other and international models. The study will be carried out over the period of the last 50 years.

What does the study involve? Participation involves completing an on-line anonymous survey by criminal justice practitioners about policing, human rights and ethical practice in practical policing settings. The survey can be completed at any time of your choosing and will take approximately 20 minutes. All information will be kept strictly confidential and in anonymised format so that no individuals can be identified and only aggregated results of the research will be published. Your participation in the study is entirely voluntary. You may withdraw from the study at any time without consequence. How much time will the study take? Completion of an on-line anonymous survey which will take approximately 20 minutes.

Will the study benefit me? The study will not directly benefit individual participants but it may benefit society in Australia in the future if it results in better policing policies, practices and procedures.

Will the study involve any discomfort for me? It is not expected that any discomfort will occur, however, if you do experience discomfort for any reason, you are free to withdraw from the survey at any time without consequence and you contact: - Lifeline – 13 11 14 - Salvo Care line – 1300 36 36 22 - Beyond Blue – 1800 18 7263

Will anyone else know the results? How will the results be disseminated? All information will be kept strictly confidential and in anonymised format so that no individuals can be identified and only aggregated results of the research will be published. All aspects of the study, including results, will be confidential and only the researchers will have access to information on participants. The results of the study will be incorporated into the Doctor of Philosophy Dissertation which, if accepted, will be published at the University of Western Sydney. Some results from the study may be included in papers and articles to be submitted to peer-reviewed professional journals relevant to the subject discipline and published in the public domain. In reporting this research in presentations and publications individuals will never be identified.

Can I withdraw from the study? Participation is entirely voluntary: you are not obliged to be involved and - if you do participate - you can withdraw at any time without giving any reason and without any consequences.

Can I tell other people about the study? Yes, you can tell other people about the study by providing them with the chief investigator's contact details. They can contact the chief investigator to discuss their participation in the research project and obtain an information sheet.

What if I require further information? When you have read this information, Alan Beckley will discuss it with you further and answer any questions you may have. If you would like to know more at any stage, please feel free to contact Alan Beckley by e-mail: A.Beckley@uws.edu.au or telephone:02 9678 7604.

What if I have a complaint? This study has been approved by the University of Western Sydney Human Research Ethics Committee. The Approval number is H10742. If you have any complaints or reservations about the ethical conduct of this research, you may contact the Ethics Committee through the Office of Research Services on Tel +612 4736 0229 Fax +61 2 4736 0013 or email: humanethics@uws.edu.au Any issues you raise will be treated in confidence and investigated fully, and you will be informed of the outcome.

YOUR CONSENT TO PARTICIPATE IN THIS RESEARCH WILL BE IMPLIED FROM COMPLETION OF THE ON-LINE SURVEY

The data collected in this survey may be added to a database which may be used in future research projects aimed at improving the quality of learning and teaching at UWS. In reporting this research in presentations and publications individuals will never be identified.
Q2 Information about you and your job. Your job / position, are you:
☑ Sworn police officer (1)
☑ Ex- or retired police officer (2)
☑ Police professional staff (3)
☑ Other criminal justice organization staff (4)

Q3 Optional: What is the name of your organization?
Q5 What is the level of your post in the organization?
☑ Sergeant / Constable or Staff Member (1)
☑ Senior Officer or Middle Manager (2)
☑ Executive Officer or Senior Manager (3)

Q7 Other - please specify:
Q8 What is your gender?
☑ Male (1)
☑ Female (2)
☑ I prefer not to answer (3)

Q9 What is your length of service in that job?
☑ 0 - 5 years (1)
☑ 6 - 10 years (2)
☑ 11 - 20 years (3)
☑ 21 - 30 years (4)
☑ Over 30 years (5)
☑ I prefer not to say (6)

Q10 In which range is your age?
☑ Under 20 (1)
☑ 21 to 30 (2)
☑ 31 to 40 (3)
☑ 41 to 50 (4)
☑ 51 to 60 (5)
☑ Over 60 (6)
☑ I prefer not to say (7)

Information for Participants: Police officers or police practitioners should answer the questions from their personal knowledge of policing. Key stakeholders in the criminal justice system who have not been engaged directly in policing operations should answer from their own perceptions or observations. This on-line survey is in three parts:

Section One: OPERATIONAL POLICING SCENARIOS your views are sought on how the incidents should be handled, their level of seriousness and whether police officers would report the actions. Please assume for all references to police officers in the scenarios, they have at least five years' police service. IMPORTANT NOTE: For the purposes of the survey, please disregard whether scenarios reveal the possibility of separate criminal investigations and its implications.

Section Two: DAY-TO-DAY POLICING ATTITUDES & VALUES Your views on how police officers do their job and the reaction of the community towards policing.

Section Three: QUIZ ON HUMAN RIGHTS a general knowledge quiz on human rights in Australia. This survey is part of a research project which is in part fulfilment of a program of study for the award of Doctor of Philosophy (PhD) from the University of Western Sydney. It would assist me greatly with my study if all participants completed all sections which should take approximately 20 minutes. Thank you in advance, Alan Beckley
Q13 SECTION ONE: Operational Policing Scenarios. What would you do in the following operational policing scenarios?

Q14 Please answer the following questions about an operational policing scenario: Scenario 1: An officer who was severely beaten by a person resisting arrest, has just returned to duty. On patrol, the officer approaches a person standing in a dimly lit alley. Suddenly, the person throws a gym bag at the officer and begins to run away. The officer fatally shoots the person, striking him in the back. It was later determined that the person was unarmed. Level of seriousness:

<table>
<thead>
<tr>
<th>Question</th>
<th>1 = Not at all serious (1)</th>
<th>2 (2)</th>
<th>3 (3)</th>
<th>4 (4)</th>
<th>5 = Very serious (5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>How serious do YOU consider this behaviour? (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How serious do MOST POLICE OFFICERS in your agency consider this behaviour? (2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How serious would this behaviour be regarded as a violation of OFFICIAL POLICY in your agency? (3)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Q15 Level of discipline:

<table>
<thead>
<tr>
<th>Scenario Description</th>
<th>None (1)</th>
<th>Verbal reprimand (2)</th>
<th>Written reprimand (3)</th>
<th>Suspension without pay (4)</th>
<th>Demotion in rank (5)</th>
<th>Dismissal (6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>If an officer in your agency engaged in this behaviour and was discovered doing so, what, if any, discipline do YOU think SHOULD follow? (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If an officer in your agency engaged in this behaviour and was discovered doing so, what, if any, discipline do YOU think WOULD follow? (2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Q16 You may add a comment if necessary:

Q17 Level of reporting:

<table>
<thead>
<tr>
<th>Question Description</th>
<th>1 = Definitely not (1)</th>
<th>2 (2)</th>
<th>3 (3)</th>
<th>4 (4)</th>
<th>5 = Definitely yes (5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do you think YOU would report a fellow officer who engaged in this behaviour? (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do you think MOST POLICE OFFICERS IN YOUR AGENCY would report a fellow officer who engaged in this behaviour? (2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Q18 If you would report the incident in the scenario, to whom would you most likely report it?

- A colleague (1)
- A police supervisor or manager (2)
- NSWPF Professional Standards Command (3)
- NSW Police Commissioner (4)
- Police Integrity commission (5)
- NSW Ombudsman (6)
- The Police Minister (7)
- A politician (8)
- A media outlet (9)
- Other - please specify below (10)

Q19 If 'other' please specify:
NOTE: All of the other 12 scenarios contained the same questions as question 14 to 19 above; the text of the scenarios only is displayed here.

| Scenario 2 | A police officer discovers a burglary of a jewellery shop. The display cases are smashed and it is obvious that many items have been taken. While searching the shop, he takes a watch, worth about 2 days' pay for that officer. He reports that the watch had been stolen during the burglary. |
| Scenario 3 | In responding with her male partner to a fight in a bar, a young, female officer receives a black eye from one of the male combatants. The man is arrested, handcuffed, and as he is led into the cells, the male member of the team punched him very hard in the kidney area saying, “hurts, doesn’t it.” |
| Scenario 4 | At 2:00am, a police officer, who is on duty, is driving his patrol car on a deserted road. He sees a vehicle that has been driven off the road and is stuck in a ditch. He approaches the vehicle and observes that the driver is not hurt but is obviously intoxicated. He also finds that the driver is a police officer. Instead of reporting this accident and offence, he transports the driver to his home. |
| Scenario 5 | Two police officers on foot patrol surprise a man who is attempting to break into an automobile. The man flies. They chase him for about two blocks before apprehending him by tackling him and wrestling him to the ground. After he is under control, both officers punch him a couple of times in the stomach as punishment for fleeing and resisting. |
| Scenario 6 | A police officer finds a wallet in a parking lot. It contains an amount of money equivalent to a full day’s pay for that officer. He reports the wallet as lost property, but keeps the money for himself. |
| Scenario 7 | A police officer arrests two drug dealers involved in a street fight. One has a large quantity of heroin on his person. In order to charge them both with serious offences, the officer falsely reports that the heroin was found on both men. |
| Scenario 8 | A police sergeant, without intervening, watches officers under his supervision repeatedly strike and kick a man arrested for child abuse. The man has previous child abuse arrests. Evaluate the SERGEANT’s behaviour. |
| Scenario 9 | Five protestors held a peaceful protest during the Queen’s visit to Sydney. Silently, they held up posters demanding better aged pensions for all. Two police officers decided to teach the protestors a lesson so they arrested them, held them at the police station for five hours and released them without charge. |
| Scenario 10 | Constable John Smith was suspected of bringing the police force into disrepute because of his associations with disgruntled members of society. Rumours abounded in Goulburn, NSW, where he lived and a press and local radio campaign was mounted against him making his position as a local officer untenable. Local residents held a meeting and passed a vote of ‘no confidence’ in the constable. Also a petition with 5,000 names was passed to the Police Commissioner demanding that the Constable be sacked. The Assistant Commissioner (HR) called Constable Smith in to HQ and immediately advised him to resign before discipline investigations and proceedings were commenced which would certainly result in a requirement to resign because he had lost the confidence of the Commissioner. Evaluate the ASSISTANT COMMISSIONER’s behaviour. |
| Scenario 11 | An indigenous man was arrested and placed in police custody. After the man refused to take part in a strip search he was Tasered. The prisoner was Tasered by a constable five times and a sergeant 10 times. In the subsequent oversight body hearing, the constable stated he was surprised that the prisoner did not comply after the Taserings as prisoners usually did so. |
| Scenario 12 | In support of their Commander’s performance indicators, detective police officers based at a CBD LAC were determined to drive down crime and ensure the bad guys received appropriate punishment for their crimes. The officers carefully targeted the prolific criminals and arrested them. While they were in custody, the police officers planted evidence from their ‘exhibits cupboard’ at the criminals’ homes and on their persons to ensure an appropriate conviction. |
| Scenario 13 | A police officer downloaded information and a photograph of an arrested person from the police computer and gave it to a personal friend. |
Q98 SECTION TWO - Day-to-day Policing - Attitudes and Values. Based on your experience in policing or your external view of policing, please answer the following questions.

Q97 Please check one box, where 1 = 'Strongly agree' to 7 = 'Strongly disagree'.

<table>
<thead>
<tr>
<th></th>
<th>1 = Strongly agree (1)</th>
<th>2 (2)</th>
<th>3 (3)</th>
<th>4 (4)</th>
<th>5 (5)</th>
<th>6 (6)</th>
<th>7 = Strongly disagree (7)</th>
<th>Don't know (8)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>12</td>
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</tr>
</tbody>
</table>

1. I would be held to account if I underperformed in my role. (1)
2. I would get into trouble if I didn’t do my job properly (2)
3. I would be disciplined if I broke the law (3)
4. Compared to other people in the office, I am satisfied with how well I am paid (4)
5. I think I am poorly paid for the role I perform in this force (reversed) (5)
6. I am rewarded fairly for the work I do (6)
7. My supervisor gives me the chance to voice my opinion about decisions that affect me (7)
8. My supervisor’s decisions are based on facts, not personal prejudice (8)
9. My supervisor treats me with respect (9)
10. My supervisor’s decisions are consistent (10)
11. Senior managers in this force don’t listen to the views of their staff (reversed) (11)
12. I am happy with the level of communication I receive from the force about decisions (12)
Q108 Please check one box, where 1 = 'Strongly agree' to 7 = 'Strongly disagree'.

<table>
<thead>
<tr>
<th>13. Senior managers are open and honest with staff (13)</th>
<th>1 = Strongly agree (1)</th>
<th>2 (2)</th>
<th>3 (3)</th>
<th>4 (4)</th>
<th>5 (5)</th>
<th>6 (6)</th>
<th>7 (7) = Strongly disagree</th>
<th>Don't know (8)</th>
</tr>
</thead>
<tbody>
<tr>
<td>14. Decisions are made fairly in NSW Police Force (14)</td>
<td></td>
<td></td>
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<tr>
<td>15. I have no emotional attachment to the force (reversed) (15)</td>
<td></td>
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<tr>
<td>16. I feel a sense of loyalty to NSW Police Force (16)</td>
<td></td>
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</tr>
<tr>
<td>17. I am happy to take on extra work to help other people (17)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>18. I'd go the extra mile at work if it helps NSW Police Force (18)</td>
<td></td>
<td></td>
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<tr>
<td>19. I'm reluctant to take on more work than my share unless I benefit directly (reversed) (19)</td>
<td></td>
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</tr>
<tr>
<td>20. I feel trusted to take important decisions on my own (20)</td>
<td></td>
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<tr>
<td>21. I am confident about using my own judgement at work (21)</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>22. I have the flexibility in my job to try out new ways of working (22)</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>23. Some victims of crime are more deserving of a good service than others (23)</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Q109 Please check one box, where 1 = 'Strongly agree' to 7 = 'Strongly disagree'.

<table>
<thead>
<tr>
<th></th>
<th>1 = Strongly agree (1)</th>
<th>2 (2)</th>
<th>3 (3)</th>
<th>4 (4)</th>
<th>5 (5)</th>
<th>6 (6)</th>
<th>7 = Strongly disagree (7)</th>
<th>Don't know (8)</th>
</tr>
</thead>
<tbody>
<tr>
<td>24. It is a waste of time trying to help some members of the public (24)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>25. Some people do little to earn the respect of the police (25)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>26. I do what my supervisor asks me (26)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>27. I ignore my supervisor's instructions (reversed) (27)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>28. I stick to the approved way of doing things when I am at work (28)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>29. I follow the correct processes at work (29)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>30. I follow my supervisor's instructions even when I think they are wrong (30)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>31. I do what I am told by my supervisor without question (31)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>32. I comply with force policies even when I think they are wrong (32)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
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</tr>
<tr>
<td>33. Members of the public respect police (33)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>34. Members of the public trust police (34)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>35. Members of the public have confidence in the police (35)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>36. Members of the public are proud of NSW police force (36)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>37. Members of the public have a great deal of confidence in the police as an organization (37)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>

Q99 Police Performance: based on your inside knowledge of policing or your view of policing externally, what are your perceptions of police performance in NSW? Please check one box, where 1 = 'Very poor job' to 5 = 'Very good job'.

<table>
<thead>
<tr>
<th></th>
<th>1 = Very poor job (1)</th>
<th>2 (2)</th>
<th>3 (3)</th>
<th>4 (4)</th>
<th>5 = Very good job (5)</th>
<th>Don't know (6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preventing crime (1)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Solving crime (2)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Working with people in the community to solve problems (3)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Keeping order (4)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
<tr>
<td>Dealing with problems that concern members of the public (5)</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
<td>○</td>
</tr>
</tbody>
</table>
Q100 SECTION THREE - Human Rights Quiz

Q101 Please check the box with your answer:

<table>
<thead>
<tr>
<th>(i) How are human rights in Australia protected?</th>
<th>a. Through international law; b. Through the Doctrine of Reception; c. Through common and statute law; d. Through the Australian Bill of Rights</th>
<th>a (1)</th>
<th>b (2)</th>
<th>c (3)</th>
<th>d (4)</th>
<th>Don’t know (5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ii) Which of the following is an essential feature of a human right?</td>
<td>a. It is universal; b. It is collective; c. It is recognised by a court; d. It is recognised by the state.</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>(iii) Which of the following is an important treaty that protects human rights?</td>
<td>a. Charter of the United Nations; b. Universal Declaration of Human Rights; c. International Covenant on Civil and Political Rights; d. UN Declaration on the Rights of Indigenous Peoples.</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>(iv) Where a human right is set out in an international instrument, the action that best ensures its protection in Australian law is for it to be: a. Acknowledged; b. Enacted; c. Promoted; d. Ratified.</td>
<td></td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>(v) Which of the following human rights is directly recognised in the Australian constitution?</td>
<td>a. Right to vote; b. Right to privacy; c. Freedom of speech; d. Freedom of assembly.</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>(vi) Which of the following human rights is directly recognised in the Australian constitution?</td>
<td>a. Freedom of religion; b. Freedom of assembly; c. The right to marry; d. The right to education.</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>(vii) Which of the following is NOT a feature of human rights?</td>
<td>a. They are inherent; b. They are universal; c. They are enforceable; d. They are inalienable.</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>(viii) Human rights are best protected in New South Wales by: a. Judge made law; b. Law enforcement agencies; c. The International Court of Justice; d. The Universal Declaration of Human Rights.</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td></td>
</tr>
<tr>
<td>(ix) In New South Wales, which of the following is both a human right and a legal right? a. Shelter; b. Education; c. Health care; d. Maternity leave.</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td></td>
</tr>
</tbody>
</table>

Q102 Validation of responses

<table>
<thead>
<tr>
<th></th>
<th>Yes (1)</th>
<th>No (2)</th>
<th>Don’t know (3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do you think MOST POLICE OFFICERS would give their honest opinion in filling out this questionnaire? [1]</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Did YOU give your honest opinion in filling out this questionnaire? [2]</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
</tbody>
</table>

Q103 Do you have any other comments, questions, or concerns?

Q104 DISCOMFORT. If you have feelings of discomfort as a result of taking part in this survey, please seek expert assistance from the following services: Lifeline - 13 11 14 Salvo Care Line - 1300 36 36 22 Beyond Blue - 1800 18 7263

END OF SURVEY
Appendix 3: Worked examples of statistics

This Appendix will consist of several sections: (i) Important note on statistical analysis of data from the on-line survey. The other sections are qualitative data analysis from several chapters in the thesis text to ensure that each chapter is succinct and contains as few charts and tables as possible. Table and Figure reference numbers will be used to link to text within the chapters of the thesis; Section (ii): Data from the first section of the survey: Scenarios – aggregate level – chapter 5; Section (iii): Data from the second section of the survey: Organizational Justice (chapter 7); Section (iv): Data from the third section of the survey: Human Rights structured online interviews (chapter 8); Section (v): Data from comparisons with other research studies (chapter 9).

(i) Important note on statistical analysis of data from the on-line survey.
At the stage of final checks on the content of this thesis, the statistical analysis carried out by the author was checked by Russell Thomson, Statistical Consultant, Centre for Research in Mathematics, School of Computing, Engineering and Mathematics of Western Sydney University who found some anomalies in the distribution of the results from survey questions (contents of e-mail communication, 1 February 2017 later in this Appendix). While scores from the majority of survey questions on the Likert scale were not normally distributed, given the large sample size and central-limit theory, the normal assumption was still met and T-tests could be used. This was tested by bootstrapping the samples, and then testing the means of a number of bootstrapped samples for normality using the Shapiro-Wilk test (see later in appendix 3). However, because a number of survey questions (see ‘non-normal’ list of survey responses in Table 2 in this Appendix) produced results with distributions that were too skewed to meet the normality assumption that is required for t-tests, the Wilcoxon non-parametric rank sum tests were used in specific cases as identified in this Appendix. For example, in the results for scenario 2 – ‘Level of reporting – you’ was identified to have a non-normal distribution. Therefore, a revised calculation was produced with the results shown below. It showed there was a very statistically significant difference between the groups, ‘Level of Reporting’, ‘You’ and ‘Most’, z (n = 224), p = .000, Standard Error = 4.528. This showed that individual police officers were very much more likely to report misconduct than their colleagues in the specific case depicted by the scenario.

The SPSS output for this calculation produced Table 1 and Figure 1, but, in the report content of the thesis, only brief details or exceptions will be reported in the text.

Table 1.
SPSS output for the median of differences between Scenario 2 Level of reporting – You and Scenario 2 – Level of Reporting – Most: Wilcoxon Signed Rank Test

<table>
<thead>
<tr>
<th>Hypothesis Test Summary</th>
<th>Test</th>
<th>Sig.</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Null Hypothesis</td>
<td>Test</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The median of differences between Scenario 2 - Level of Reporting - You and Scenario 2 - Level of Reporting - Most equals 0.</td>
<td>Related-Samples Sign Test</td>
<td>.000</td>
<td>Reject the null hypothesis.</td>
</tr>
<tr>
<td>The median of differences between Scenario 2 - Level of Reporting - You and Scenario 2 - Level of Reporting</td>
<td>Related-Samples Wilcoxon Signed Rank</td>
<td>.000</td>
<td>Reject the null hypothesis.</td>
</tr>
</tbody>
</table>
Asymptotic significances are displayed. The significance level is .05.

Related-Samples Sign Test

Figure 1. SPSS output Related-Samples Sign Test between Scenario 2 Level of reporting – You and Scenario 2 – Level of Reporting – Most: Wilcoxon Signed Rank Test. Source: Author

The list of the survey question results that were identified as non-normal distributions by Russell Thomson are shown in Table 2.

Table 2.

Tests for non-normally distributed responses to specific survey questions.
Note. Reproduced from worked example from Russell Thomson, Western Sydney University, 1 February 2017.

The author then identified the implications of the non-normal distributions identified by Russell Thomson and linked them to the specific question, the location in the thesis text and listed how the anomaly would be disposed of in the final version of the thesis (see Table 3).

Table 3.
Tests for non-normally distributed responses to specific survey questions.

<table>
<thead>
<tr>
<th>QTN</th>
<th>skewness</th>
<th>Shapiro_pvalue</th>
<th>Survey Question Title</th>
<th>Location</th>
<th>Disposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Org</td>
<td>0.32868768</td>
<td>0.00023487 Organization</td>
<td>Ch6-14; Ch7-7</td>
<td>No comment but change Table</td>
</tr>
<tr>
<td>7</td>
<td>Q14_1</td>
<td>0.59959547</td>
<td>0.00154465 Scenario 1 - Seriousness - You</td>
<td>Ch6-26</td>
<td>No comment but change Table</td>
</tr>
<tr>
<td>12</td>
<td>Q17_1</td>
<td>0.67907407</td>
<td>0.00345654 Scenario 1 - Level of Reporting - You</td>
<td>Ch6-26</td>
<td>No comment but change Table</td>
</tr>
<tr>
<td>20</td>
<td>Q27_1</td>
<td>0.75993063</td>
<td>0.00030203 Scenario 2 - Level of Reporting - You</td>
<td>Ch6-26; Ch7-8</td>
<td>Wilcoxon test, change Table, revised report chapter 7</td>
</tr>
<tr>
<td>30</td>
<td>Q34</td>
<td>0.48160766</td>
<td>0.02184298 Scenario 3 - To whom report</td>
<td>Ch6-14; Ch7-8</td>
<td>T-test not completed</td>
</tr>
<tr>
<td>38</td>
<td>Q40</td>
<td>0.39165597</td>
<td>0.04433358 Scenario 4 - To whom report</td>
<td>Ch6-14; Ch7-18</td>
<td>Wilcoxon, no comment, change table</td>
</tr>
<tr>
<td>47</td>
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256
Note. Calculated by Russell Thomson and adapted by the Author showing survey question title and disposal of anomaly.

Therefore, following the detailed checking of the statistical analysis carried out by Russell Thomson, the results reported in the thesis should now be regarded as soundly calculated and final.

**Copy of e-mail communication from Russell Thomson, 1 February 2017:**

```
From: Russell Thomson <russbeanyhead@gmail.com>
Sent: Wednesday, 1 February 2017 4:13 PM
To: Alan Beckley
Cc: Russell Thomson
Subject: Re: Zoom meeting last week

Hi Alan,
I had a look at your data, and for the majority of the Questions, they are Normal enough given your sample size, that you can use a T-test. You can then add something like the following to your methods:

“While scores from the majority of questions on the Likert scale were not normally distributed, given the large sample size and central-limit theory, the normal assumption was still met and the T-tests could be used. This was tested by bootstrapping the samples, and then testing the means of a number of bootstrapped samples for normality using the Shapiro-Wilk test (see appendix XX).”

You could then include the attached table in your appendix.
I must note that a number of questions did have distributions that were non-normal enough that you shouldn’t be using T-tests.
See attached table 2. You should check that you haven’t presented T-tests on any of these questions.
If you need to do t-tests on any of these questions
I suggest you use non-parametric tests, such as the wilcoxon rank sum test, instead of T-tests.
Cheers,
Russell.
```

Russell Thomson | Statistical Consultant
Centre for Research in Mathematics
School of Computing, Engineering and Mathematics
Western Sydney University
Office: Elc.G.63, Parramatta Campus
Reply of 3 February 2017:

Hi Alan,
This looks fine. well done for implementing the wilcoxon test.
The only thing I would change is when you say "that were non-normal"
you should say “that were too skewed to meet the normality assumption that is required for
T-tests"
None of your data are normally distributed, it’s just that the data for those questions
are too non-normal to meet the assumptions of t-tests.
cheers,
Russell.
Russell Thomson | Statistical Consultant
Centre for Research in Mathematics
School of Computing, Engineering and Mathematics
Western Sydney University
Office: EJc.G.63, Parramatta Campus
Web: http://www.uws.edu.au/crm/consulting
Email: russell.thomson@westernsydney.edu.au
Phone: 02 9685 9137
Table A3.5.4 - POLICE only Paired sample t-test - Seriousness YOU v MOST all scenarios

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**KEY to shading**

Shading = non-normal distribution of data – see Appendix 3 and chapter 7
Table A3.5.5.  
**POLICE only Paired sample t-test _Seriousness YOU v OFFICIAL**

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<th>Pair</th>
<th>Scenario 1 - Seriousness - You</th>
<th>Scenario 1 - Seriousness - Official</th>
<th>Paired Differences</th>
<th>95% Confidence Interval of the Difference</th>
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<th>df</th>
<th>Sig. (2-tailed)</th>
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**KEY to shading**

Shading = non-normal distribution of data – see Appendix 3 and chapter 7
Table A3.5.6.

**Discipline Level SHOULD v WOULD Paired t-test all scenarios POLICE only + Cohen’s d test for Effect size.**

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<th>95% Confidence Interval of the Difference</th>
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<td>-0.076</td>
<td>0.633</td>
<td>0.048</td>
<td>-0.172</td>
<td>0.019</td>
<td>-1.572</td>
<td>170</td>
<td>0.118</td>
</tr>
<tr>
<td>Pair 13</td>
<td>-0.091</td>
<td>0.729</td>
<td>0.055</td>
<td>-0.200</td>
<td>0.017</td>
<td>-1.659</td>
<td>174</td>
<td>0.099</td>
</tr>
</tbody>
</table>
Table A3.5.7.
LEVEL of REPORTING - YOU v MOST - Paired t-test + Cohen's d – police officer respondents only

<table>
<thead>
<tr>
<th>Pair</th>
<th>Scenario 1 - Level of Reporting - You</th>
<th>Scenario 1 - Level of Reporting - Most</th>
<th>Mean</th>
<th>Std. Deviation</th>
<th>Std. Error Mean</th>
<th>95% Confidence Interval of the Difference Lower</th>
<th>Upper</th>
<th>t</th>
<th>df</th>
<th>Sig. (2-tailed)</th>
<th>Cohens - d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pair 1</td>
<td>Scenario 1 - Level of Reporting - You</td>
<td>Scenario 1 - Level of Reporting - Most</td>
<td>0.174</td>
<td>0.569</td>
<td>0.038</td>
<td>0.099 - 0.249</td>
<td>4.579</td>
<td>223</td>
<td>0.000</td>
<td>0.31</td>
<td></td>
</tr>
<tr>
<td>Pair 2</td>
<td>Scenario 2 - Level of Reporting - You</td>
<td>Scenario 2 - Level of Reporting - Most</td>
<td>0.417</td>
<td>0.672</td>
<td>0.045</td>
<td>0.328 - 0.506</td>
<td>9.269</td>
<td>222</td>
<td>0.000</td>
<td>0.62</td>
<td></td>
</tr>
<tr>
<td>Pair 3</td>
<td>Scenario 3 - Level of Reporting - You</td>
<td>Scenario 3 - Level of Reporting - Most</td>
<td>0.368</td>
<td>0.870</td>
<td>0.058</td>
<td>0.253 - 0.482</td>
<td>6.315</td>
<td>222</td>
<td>0.000</td>
<td>0.42</td>
<td></td>
</tr>
<tr>
<td>Pair 4</td>
<td>Scenario 4 - Level of Reporting - You</td>
<td>Scenario 4 - Level of Reporting - Most</td>
<td>0.351</td>
<td>0.799</td>
<td>0.055</td>
<td>0.242 - 0.459</td>
<td>6.376</td>
<td>210</td>
<td>0.000</td>
<td>0.44</td>
<td></td>
</tr>
<tr>
<td>Pair 5</td>
<td>Scenario 5 - Level of Reporting - You</td>
<td>Scenario 5 - Level of Reporting - Most</td>
<td>0.352</td>
<td>0.783</td>
<td>0.056</td>
<td>0.242 - 0.461</td>
<td>6.338</td>
<td>198</td>
<td>0.000</td>
<td>0.45</td>
<td></td>
</tr>
<tr>
<td>Pair 6</td>
<td>Scenario 6 - Level of Reporting - You</td>
<td>Scenario 6 - Level of Reporting - Most</td>
<td>0.299</td>
<td>0.603</td>
<td>0.043</td>
<td>0.215 - 0.384</td>
<td>6.968</td>
<td>196</td>
<td>0.000</td>
<td>0.50</td>
<td></td>
</tr>
<tr>
<td>Pair 7</td>
<td>Scenario 7 - Level of Reporting - You</td>
<td>Scenario 7 - Level of Reporting - Most</td>
<td>0.282</td>
<td>0.664</td>
<td>0.048</td>
<td>0.188 - 0.376</td>
<td>5.933</td>
<td>194</td>
<td>0.000</td>
<td>0.42</td>
<td></td>
</tr>
<tr>
<td>Pair 8</td>
<td>Scenario 8 - Level of Reporting - You</td>
<td>Scenario 8 - Level of Reporting - Most</td>
<td>0.293</td>
<td>0.905</td>
<td>0.065</td>
<td>0.164 - 0.422</td>
<td>4.478</td>
<td>190</td>
<td>0.000</td>
<td>0.32</td>
<td></td>
</tr>
<tr>
<td>Pair 9</td>
<td>Scenario 9 - Level of Reporting - You</td>
<td>Scenario 9 - Level of Reporting - Most</td>
<td>0.286</td>
<td>0.773</td>
<td>0.057</td>
<td>0.174 - 0.399</td>
<td>5.044</td>
<td>184</td>
<td>0.000</td>
<td>0.37</td>
<td></td>
</tr>
<tr>
<td>Pair 10</td>
<td>Scenario 10 - Level of Reporting - You</td>
<td>Scenario 10 - Level of Reporting - Most</td>
<td>0.367</td>
<td>0.871</td>
<td>0.065</td>
<td>0.239 - 0.495</td>
<td>5.648</td>
<td>179</td>
<td>0.000</td>
<td>0.42</td>
<td></td>
</tr>
<tr>
<td>Pair 11</td>
<td>Scenario 11 - Level of Reporting - You</td>
<td>Scenario 11 - Level of Reporting - Most</td>
<td>0.223</td>
<td>0.527</td>
<td>0.040</td>
<td>0.144 - 0.301</td>
<td>5.595</td>
<td>174</td>
<td>0.000</td>
<td>0.42</td>
<td></td>
</tr>
<tr>
<td>Pair 12</td>
<td>Scenario 12 - Level of Reporting - You</td>
<td>Scenario 12 - Level of Reporting - Most</td>
<td>0.214</td>
<td>0.586</td>
<td>0.045</td>
<td>0.126 - 0.302</td>
<td>4.800</td>
<td>172</td>
<td>0.000</td>
<td>0.36</td>
<td></td>
</tr>
<tr>
<td>Pair 13</td>
<td>Scenario 13 - Level of Reporting - You</td>
<td>Scenario 13 - Level of Reporting - Most</td>
<td>0.351</td>
<td>0.723</td>
<td>0.055</td>
<td>0.242 - 0.460</td>
<td>6.343</td>
<td>170</td>
<td>0.000</td>
<td>0.49</td>
<td></td>
</tr>
</tbody>
</table>

*Note to reader: Shade = non-normal distribution of data – see Appendix 3 and chapter 7.
Section (iii): Data from the second section of the survey: Police Legitimacy, Procedural Justice, Organisational Justice, Police Performance (chapters 6 & 7)

Detailed statistical data has been placed here to ensure that chapter 7 results are easier to read, comprehend and are more succinct. Tables and Figures are included in the order they are explained in the text in chapter 7.

Table 7.2.1.
Results from the Work performance questions in the survey.

Work performance

<table>
<thead>
<tr>
<th>Questions: 97_1, 2, 3</th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>I would be held to account if I underperformed in my role</td>
<td>64</td>
<td>37</td>
<td>28</td>
<td>17</td>
<td>13</td>
<td>10</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>36.2%</td>
<td>20.9%</td>
<td>15.8%</td>
<td>9.6%</td>
<td>7.3%</td>
<td>5.6%</td>
<td>4.5%</td>
</tr>
<tr>
<td>I would get into trouble if I didn’t do my job properly</td>
<td>54</td>
<td>45</td>
<td>35</td>
<td>17</td>
<td>7</td>
<td>13</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>30.5%</td>
<td>25.4%</td>
<td>19.8%</td>
<td>9.6%</td>
<td>4.0%</td>
<td>7.3%</td>
<td>3.4%</td>
</tr>
<tr>
<td>I would get disciplined if I broke the law</td>
<td>138</td>
<td>23</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>78.0%</td>
<td>13.0%</td>
<td>2.8%</td>
<td>0.6%</td>
<td>0.6%</td>
<td>1.7%</td>
<td>3.4%</td>
</tr>
</tbody>
</table>

Figure 7.2.1. Results from the Work performance questions in the survey for the group, Length of Service. Source: Author.
Table 7.2.2.
Results from the Work performance questions in the survey for the group, Length of Service.

<table>
<thead>
<tr>
<th>Survey Questions: WORK PERFORMANCE</th>
<th>Length of Service</th>
<th>Mean</th>
<th>Std Dev</th>
<th>Std. Error</th>
</tr>
</thead>
<tbody>
<tr>
<td>I would be held to account if I underperformed in my role</td>
<td>0-5 years</td>
<td>2.08</td>
<td>1.320</td>
<td>.366</td>
</tr>
<tr>
<td></td>
<td>6-10 years</td>
<td>2.28</td>
<td>1.601</td>
<td>.297</td>
</tr>
<tr>
<td></td>
<td>11-20 years</td>
<td>3.07</td>
<td>1.815</td>
<td>.232</td>
</tr>
<tr>
<td></td>
<td>21-30 years</td>
<td>2.37</td>
<td>1.597</td>
<td>.221</td>
</tr>
<tr>
<td></td>
<td>Over 30 years</td>
<td>3.12</td>
<td>2.233</td>
<td>.542</td>
</tr>
<tr>
<td>I would get into trouble if I didn’t do my job properly</td>
<td>0-5 years</td>
<td>2.08</td>
<td>1.382</td>
<td>.383</td>
</tr>
<tr>
<td></td>
<td>6-10 years</td>
<td>2.10</td>
<td>1.345</td>
<td>.250</td>
</tr>
<tr>
<td></td>
<td>11-20 years</td>
<td>3.05</td>
<td>1.784</td>
<td>.228</td>
</tr>
<tr>
<td></td>
<td>21-30 years</td>
<td>2.44</td>
<td>1.420</td>
<td>.197</td>
</tr>
<tr>
<td></td>
<td>Over 30 years</td>
<td>3.18</td>
<td>2.157</td>
<td>.523</td>
</tr>
<tr>
<td>I would get disciplined if I broke the law</td>
<td>0-5 years</td>
<td>1.38</td>
<td>.506</td>
<td>.140</td>
</tr>
<tr>
<td></td>
<td>6-10 years</td>
<td>1.48</td>
<td>1.214</td>
<td>.225</td>
</tr>
<tr>
<td></td>
<td>11-20 years</td>
<td>1.56</td>
<td>1.489</td>
<td>.191</td>
</tr>
<tr>
<td></td>
<td>21-30 years</td>
<td>1.27</td>
<td>.795</td>
<td>.110</td>
</tr>
<tr>
<td></td>
<td>Over 30 years</td>
<td>1.94</td>
<td>1.983</td>
<td>.481</td>
</tr>
</tbody>
</table>

Table 7.2.3.
Results from the Work Ethic questions in the survey.

<table>
<thead>
<tr>
<th>Questions 97_17,18,19</th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>I am happy to take on extra work to help other people</td>
<td>40</td>
<td>72</td>
<td>34</td>
<td>19</td>
<td>4</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>22.7%</td>
<td>40.9%</td>
<td>19.3%</td>
<td>10.8%</td>
<td>2.3%</td>
<td>2.8%</td>
<td>1.1%</td>
</tr>
<tr>
<td>I’d go the extra mile at work if it helps NSW Police Force</td>
<td>30</td>
<td>46</td>
<td>40</td>
<td>26</td>
<td>12</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>17.2%</td>
<td>26.4%</td>
<td>23.0%</td>
<td>14.9%</td>
<td>6.9%</td>
<td>5.7%</td>
<td>5.7%</td>
</tr>
<tr>
<td>I’m reluctant to take on more work than my share unless I benefit directly (reversed)</td>
<td>6</td>
<td>8</td>
<td>20</td>
<td>16</td>
<td>28</td>
<td>40</td>
<td>56</td>
</tr>
</tbody>
</table>
Table 7.2.4:
Results from the Work ethic questions in the survey, analysis of group Level of Post.

<table>
<thead>
<tr>
<th>Survey Questions: WORK ETHIC</th>
<th>Level of Post</th>
<th>Mean</th>
<th>Std. Dev</th>
<th>Std. Err</th>
</tr>
</thead>
<tbody>
<tr>
<td>I am happy to take on extra work to help other people</td>
<td>Sergeant / Constable</td>
<td>2.35</td>
<td>1.150</td>
<td>.096</td>
</tr>
<tr>
<td></td>
<td>Senior Officer or Middle Manager</td>
<td>2.36</td>
<td>1.411</td>
<td>.282</td>
</tr>
<tr>
<td>I'd go the extra mile at work if it helps NSW Police Force</td>
<td>Sergeant / Constable</td>
<td>3.09</td>
<td>1.641</td>
<td>.138</td>
</tr>
<tr>
<td></td>
<td>Senior Officer or Middle Manager</td>
<td>2.72</td>
<td>1.595</td>
<td>.319</td>
</tr>
<tr>
<td>I'm reluctant to take on more work than my share unless I benefit directly (reversed)</td>
<td>Sergeant / Constable</td>
<td>5.15</td>
<td>1.776</td>
<td>.149</td>
</tr>
<tr>
<td></td>
<td>Senior Officer or Middle Manager</td>
<td>6.04</td>
<td>1.098</td>
<td>.220</td>
</tr>
</tbody>
</table>

Table 7.2.5.
Results from the Remuneration questions in the survey

<table>
<thead>
<tr>
<th>Questions: 97_4,5,6</th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compared to other people in the office, I am satisfied with how well I am paid</td>
<td>52</td>
<td>52</td>
<td>20</td>
<td>15</td>
<td>13</td>
<td>14</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>29.4%</td>
<td>29.4%</td>
<td>11.3%</td>
<td>8.5%</td>
<td>7.3%</td>
<td>7.9%</td>
<td>6.2%</td>
</tr>
<tr>
<td>I think I am poorly paid for the role I perform in this force (reversed)</td>
<td>22</td>
<td>18</td>
<td>15</td>
<td>19</td>
<td>15</td>
<td>39</td>
<td>46</td>
</tr>
<tr>
<td></td>
<td>12.6%</td>
<td>10.3%</td>
<td>8.6%</td>
<td>10.9%</td>
<td>8.6%</td>
<td>22.4%</td>
<td>26.4%</td>
</tr>
<tr>
<td>I am rewarded fairly for the work I do</td>
<td>26</td>
<td>34</td>
<td>29</td>
<td>30</td>
<td>20</td>
<td>21</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>14.8%</td>
<td>19.3%</td>
<td>16.5%</td>
<td>17.0%</td>
<td>11.4%</td>
<td>11.9%</td>
<td>9.1%</td>
</tr>
</tbody>
</table>
Figure 7.2.4. Histograms from the Remuneration question “I am rewarded fairly for the work I do”, in the survey, analysis of group Level of Post.

Table 7.2.6.
Results from the Remuneration questions in the survey, analysis of group Level of Post.

<table>
<thead>
<tr>
<th>Survey questions: REMUNERATION</th>
<th>Level of Post</th>
<th>Mean</th>
<th>Std Dev</th>
<th>Std Error</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compared to other people in the office, I am satisfied with how well I am paid</td>
<td>Sergeant / Constable or Staff Member</td>
<td>2.88</td>
<td>1.817</td>
<td>.152</td>
</tr>
<tr>
<td></td>
<td>Senior Officer or Middle Manager</td>
<td>2.20</td>
<td>1.756</td>
<td>.351</td>
</tr>
<tr>
<td>I think I am poorly paid for the role I perform in this force (reversed)</td>
<td>Sergeant / Constable or Staff Member</td>
<td>4.59</td>
<td>2.107</td>
<td>.176</td>
</tr>
<tr>
<td></td>
<td>Senior Officer or Middle Manager</td>
<td>5.40</td>
<td>2.000</td>
<td>.400</td>
</tr>
<tr>
<td>I am rewarded fairly for the work I do</td>
<td>Sergeant / Constable or Staff Member</td>
<td>3.85</td>
<td>1.831</td>
<td>.153</td>
</tr>
<tr>
<td></td>
<td>Senior Officer or Middle Manager</td>
<td>2.52</td>
<td>1.711</td>
<td>.342</td>
</tr>
</tbody>
</table>

Table 7.2.7.
Results from the Loyalty questions in the survey.

<table>
<thead>
<tr>
<th>Questions 97_15, 16</th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>I have no emotional attachment to the force (reversed)</td>
<td>10</td>
<td>11</td>
<td>21</td>
<td>28</td>
<td>16</td>
<td>46</td>
<td>41</td>
</tr>
<tr>
<td></td>
<td>5.8%</td>
<td>6.4%</td>
<td>12.1%</td>
<td>16.2%</td>
<td>9.2%</td>
<td>26.6%</td>
<td>23.7%</td>
</tr>
<tr>
<td>I feel a sense of loyalty to NSW Police Force</td>
<td>47</td>
<td>57</td>
<td>35</td>
<td>6</td>
<td>8</td>
<td>8</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>27.0%</td>
<td>32.8%</td>
<td>20.1%</td>
<td>3.4%</td>
<td>4.6%</td>
<td>4.6%</td>
<td>7.5%</td>
</tr>
</tbody>
</table>

Table 7.2.8.
Results from the Loyalty questions in the survey, group Gender.

<table>
<thead>
<tr>
<th>Survey Questions: LOYALTY</th>
<th>Gender</th>
<th>Mean</th>
<th>Std Dev</th>
<th>Std Error</th>
</tr>
</thead>
<tbody>
<tr>
<td>I have no emotional attachment to the force (reversed)</td>
<td>Male</td>
<td>4.84</td>
<td>1.924</td>
<td>.171</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>5.30</td>
<td>1.400</td>
<td>.221</td>
</tr>
<tr>
<td>I feel a sense of loyalty to NSW Police Force</td>
<td>Male</td>
<td>2.67</td>
<td>1.734</td>
<td>.155</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>2.63</td>
<td>1.720</td>
<td>.272</td>
</tr>
</tbody>
</table>
Figure 7.2.5. Histograms from the Loyalty question "I feel a sense of loyalty to NSW Police Force", in the survey, analysis of group Gender.

Figure 7.2.6. Boxplots from the Loyalty question "I feel a sense of loyalty to NSW Police Force", in the survey, analysis of group Length of Service.

Table 7.2.9.
Results from the Management / Leadership questions in the survey.

<table>
<thead>
<tr>
<th>Questions 97_11, 13</th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior managers in this force don’t listen to the views of their staff (reversed)</td>
<td>40</td>
<td>35</td>
<td>27</td>
<td>15</td>
<td>15</td>
<td>26</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>22.9%</td>
<td>20.0%</td>
<td>15.4%</td>
<td>8.6%</td>
<td>8.6%</td>
<td>14.9%</td>
<td>9.7%</td>
</tr>
<tr>
<td>Senior managers are open and honest with staff</td>
<td>5</td>
<td>22</td>
<td>29</td>
<td>36</td>
<td>26</td>
<td>27</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>2.8%</td>
<td>12.5%</td>
<td>16.5%</td>
<td>20.5%</td>
<td>14.8%</td>
<td>15.3%</td>
<td>17.6%</td>
</tr>
</tbody>
</table>
Figure 7.2.7. Boxplot from the Management / Leadership question “Senior managers are open and honest with staff”, in the survey, analysis of group Range of Age.

Table 7.2.10.
Results from the Management/Leadership questions in the survey, group Range of Age.

<table>
<thead>
<tr>
<th>Survey questions: MANAGEMENT / LEADERSHIP</th>
<th>Range of Age</th>
<th>Mean</th>
<th>Std Dev</th>
<th>Std Error</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior managers in this force don't listen to the views of their staff (reversed)</td>
<td>21 to 30</td>
<td>2.75</td>
<td>1.743</td>
<td>.390</td>
</tr>
<tr>
<td></td>
<td>31 to 40</td>
<td>3.33</td>
<td>1.951</td>
<td>.279</td>
</tr>
<tr>
<td></td>
<td>41 to 50</td>
<td>3.87</td>
<td>2.162</td>
<td>.243</td>
</tr>
<tr>
<td></td>
<td>51 to 60</td>
<td>3.00</td>
<td>2.049</td>
<td>.447</td>
</tr>
<tr>
<td>Senior managers are open and honest with staff</td>
<td>21 to 30</td>
<td>4.90</td>
<td>1.744</td>
<td>.390</td>
</tr>
<tr>
<td></td>
<td>31 to 40</td>
<td>4.92</td>
<td>1.512</td>
<td>.216</td>
</tr>
<tr>
<td></td>
<td>41 to 50</td>
<td>4.23</td>
<td>1.739</td>
<td>.196</td>
</tr>
<tr>
<td></td>
<td>51 to 60</td>
<td>4.10</td>
<td>2.143</td>
<td>.468</td>
</tr>
</tbody>
</table>

Table 7.2.11.
Results from the Decision-making questions in the survey.

<table>
<thead>
<tr>
<th>Questions 97_8, 10</th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>My supervisor's decisions are based on facts, not personal prejudice</td>
<td>49</td>
<td>40</td>
<td>24</td>
<td>21</td>
<td>12</td>
<td>17</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td></td>
<td>28.0%</td>
<td>22.9%</td>
<td>13.7%</td>
<td>12.0%</td>
<td>6.9%</td>
<td>9.7%</td>
</tr>
<tr>
<td>My supervisor's decisions are consistent</td>
<td>53</td>
<td>32</td>
<td>27</td>
<td>20</td>
<td>18</td>
<td>9</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td></td>
<td>30.5%</td>
<td>18.4%</td>
<td>15.5%</td>
<td>11.5%</td>
<td>10.3%</td>
<td>5.2%</td>
</tr>
</tbody>
</table>

Table 7.2.12.
Results from the Fairness questions in the survey.

<table>
<thead>
<tr>
<th>Questions 97_12, 14</th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>I am happy with the level of communication I receive from the force about decisions</td>
<td>16</td>
<td>22</td>
<td>32</td>
<td>36</td>
<td>23</td>
<td>19</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td></td>
<td>16</td>
<td>22</td>
<td>32</td>
<td>36</td>
<td>23</td>
<td>19</td>
</tr>
</tbody>
</table>
Table 7.2.13.
Results from the Fairness questions in the survey, group Level of Post.

<table>
<thead>
<tr>
<th>Survey questions: FAIRNESS</th>
<th>Level of Post</th>
<th>Mean</th>
<th>Std. Dev.</th>
<th>Std. Error</th>
</tr>
</thead>
<tbody>
<tr>
<td>I am happy with the level of communication I receive from the force about decisions</td>
<td>ALL Police Officers</td>
<td>4.05</td>
<td>1.854</td>
<td>.144</td>
</tr>
<tr>
<td></td>
<td>Sergeant / Constable or Staff Member</td>
<td>4.19</td>
<td>1.858</td>
<td>.157</td>
</tr>
<tr>
<td></td>
<td>Senior Officer or Middle Manager</td>
<td>3.24</td>
<td>1.640</td>
<td>.328</td>
</tr>
<tr>
<td>Decisions are made fairly in NSW Police Force</td>
<td>ALL Police Officers</td>
<td>4.36</td>
<td>1.646</td>
<td>.128</td>
</tr>
<tr>
<td></td>
<td>Sergeant / Constable or Staff Member</td>
<td>4.51</td>
<td>1.616</td>
<td>.137</td>
</tr>
<tr>
<td></td>
<td>Senior Officer or Middle Manager</td>
<td>3.52</td>
<td>1.584</td>
<td>.317</td>
</tr>
</tbody>
</table>

Table 7.2.14.
Results from all ways of working questions in the survey showing the Means of All officers.

<table>
<thead>
<tr>
<th>Survey Questions: WORK PERFORMANCE; TRUST, CONFIDENCE, OBEDIENCE.</th>
<th>Mean</th>
<th>Std. Dev.</th>
<th>Std. Error</th>
</tr>
</thead>
<tbody>
<tr>
<td>My supervisor gives me the chance to voice my opinion about decisions that affect me</td>
<td>2.82</td>
<td>1.796</td>
<td>.142</td>
</tr>
<tr>
<td>My supervisor treats me with respect</td>
<td>2.33</td>
<td>1.594</td>
<td>.126</td>
</tr>
<tr>
<td>I feel trusted to take important decisions on my own</td>
<td>2.75</td>
<td>1.563</td>
<td>.124</td>
</tr>
<tr>
<td>I am confident about using my own judgement at work</td>
<td>1.87</td>
<td>1.017</td>
<td>.081</td>
</tr>
<tr>
<td>I have the flexibility in my job to try out new ways of working</td>
<td>3.13</td>
<td>1.707</td>
<td>.135</td>
</tr>
<tr>
<td>I do what my supervisor asks me</td>
<td>1.82</td>
<td>.868</td>
<td>.069</td>
</tr>
<tr>
<td>I ignore my supervisor’s instructions (reversed)</td>
<td>6.52</td>
<td>.940</td>
<td>.075</td>
</tr>
<tr>
<td>I follow my supervisor’s instructions even when I think they are wrong</td>
<td>3.70</td>
<td>1.844</td>
<td>.146</td>
</tr>
<tr>
<td>I do what I am told by my supervisor without question</td>
<td>3.99</td>
<td>1.793</td>
<td>.142</td>
</tr>
</tbody>
</table>
Ways of Working

Table 7.2.15. 
Results from the Inclusivity, respect questions in the survey.

<table>
<thead>
<tr>
<th>Questions 97-7, 9</th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>My supervisor gives me the chance to voice my opinion about decisions that affect me</td>
<td>53</td>
<td>34</td>
<td>40</td>
<td>12</td>
<td>14</td>
<td>14</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>29.9%</td>
<td>19.2%</td>
<td>22.6%</td>
<td>6.8%</td>
<td>7.9%</td>
<td>7.9%</td>
<td>5.6%</td>
</tr>
<tr>
<td>My supervisor treats me with respect</td>
<td>69</td>
<td>49</td>
<td>22</td>
<td>18</td>
<td>6</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>39.0%</td>
<td>27.7%</td>
<td>12.4%</td>
<td>10.2%</td>
<td>3.4%</td>
<td>4.0%</td>
<td>3.4%</td>
</tr>
</tbody>
</table>

Table 7.2.16. 
Results from Trust, Confidence questions in the survey.

<table>
<thead>
<tr>
<th>Questions 97-20, 21, 22</th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>I feel trusted to take important decisions on my own</td>
<td>31</td>
<td>69</td>
<td>32</td>
<td>18</td>
<td>6</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>17.7%</td>
<td>39.4%</td>
<td>18.3%</td>
<td>10.3%</td>
<td>3.4%</td>
<td>5.7%</td>
<td>5.1%</td>
</tr>
<tr>
<td>I am confident about using my own judgement at work</td>
<td>72</td>
<td>75</td>
<td>15</td>
<td>9</td>
<td>0</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>41.1%</td>
<td>42.9%</td>
<td>8.6%</td>
<td>5.1%</td>
<td>0.0%</td>
<td>1.7%</td>
<td>0.6%</td>
</tr>
<tr>
<td>I have the flexibility in my job to try out new ways of working</td>
<td>33</td>
<td>48</td>
<td>27</td>
<td>26</td>
<td>16</td>
<td>20</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>19.0%</td>
<td>27.6%</td>
<td>15.5%</td>
<td>14.9%</td>
<td>9.2%</td>
<td>11.5%</td>
<td>2.3%</td>
</tr>
</tbody>
</table>

Table 7.2.17. 
Results from the Obedience questions in the survey.

<table>
<thead>
<tr>
<th>Questions 97-26, 27, 30, 31</th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>I do what my supervisor asks me</td>
<td>66</td>
<td>81</td>
<td>20</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>38.6%</td>
<td>47.4%</td>
<td>11.7%</td>
<td>1.2%</td>
<td>0.0%</td>
<td>0.6%</td>
<td>0.6%</td>
</tr>
<tr>
<td>I ignore my supervisor’s instructions (reversed)</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>6</td>
<td>43</td>
<td>113</td>
</tr>
<tr>
<td></td>
<td>1.2%</td>
<td>1.8%</td>
<td>0.6%</td>
<td>1.2%</td>
<td>3.5%</td>
<td>25.3%</td>
<td>66.5%</td>
</tr>
<tr>
<td>I follow my supervisor’s instructions even when I think they are wrong</td>
<td>21</td>
<td>34</td>
<td>31</td>
<td>31</td>
<td>19</td>
<td>23</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>12.1%</td>
<td>19.7%</td>
<td>17.9%</td>
<td>17.9%</td>
<td>11.0%</td>
<td>13.3%</td>
<td>8.1%</td>
</tr>
<tr>
<td>I do what I am told by my supervisor without question</td>
<td>9</td>
<td>36</td>
<td>29</td>
<td>28</td>
<td>23</td>
<td>33</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>5.2%</td>
<td>20.8%</td>
<td>16.8%</td>
<td>16.2%</td>
<td>13.3%</td>
<td>19.1%</td>
<td>8.7%</td>
</tr>
</tbody>
</table>

Table 7.2.18. 
Results from the Organizational solidarity questions in the survey.

<table>
<thead>
<tr>
<th>Questions 97-28, 29, 32</th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>I stick to the approved way of doing things when I am at work</td>
<td>48</td>
<td>80</td>
<td>24</td>
<td>18</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>27.7%</td>
<td>46.2%</td>
<td>13.9%</td>
<td>10.4%</td>
<td>1.2%</td>
<td>0.6%</td>
<td>0.0%</td>
</tr>
<tr>
<td>I follow the correct processes at work</td>
<td>65</td>
<td>78</td>
<td>23</td>
<td>6</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>
Table 7.2.19
Results from the Quality of service questions in the survey.

<table>
<thead>
<tr>
<th>Questions 97_23, 24, 25</th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Some victims of crime are more deserving of a good service than others</td>
<td>26</td>
<td>37</td>
<td>25</td>
<td>23</td>
<td>13</td>
<td>17</td>
<td>33</td>
</tr>
<tr>
<td></td>
<td>14.9%</td>
<td>21.3%</td>
<td>14.4%</td>
<td>13.2%</td>
<td>7.5%</td>
<td>9.8%</td>
<td>19.0%</td>
</tr>
<tr>
<td>It is a waste of time trying to help some members of the public</td>
<td>35</td>
<td>30</td>
<td>24</td>
<td>24</td>
<td>24</td>
<td>13</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>20.5%</td>
<td>17.5%</td>
<td>14.0%</td>
<td>14.0%</td>
<td>14.0%</td>
<td>7.6%</td>
<td>12.3%</td>
</tr>
<tr>
<td>Some people do little to earn the respect of the police</td>
<td>68</td>
<td>44</td>
<td>26</td>
<td>18</td>
<td>6</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>39.5%</td>
<td>25.6%</td>
<td>15.1%</td>
<td>10.5%</td>
<td>3.5%</td>
<td>3.5%</td>
<td>2.3%</td>
</tr>
</tbody>
</table>

Figure 7.2.9. Boxplots from the Quality of service questions: ‘Some victims of crime are more deserving of a good service than others’ and: ‘It is a waste of time trying to help some members of the public’, in the survey, analysis of group Gender.

Figure 7.2.10. Boxplots from the Quality of service questions: ‘Some victims of crime are more deserving of a good service than others’ in the survey, analysis of group Range of Age compared to Length of Service.
Figure 7.2.11. Boxplots from the Quality of service question: ‘It is a waste of time trying to help some members of the public’, in the survey, analysis of group Range of Age compared to Length of Service.

Figure 7.2.12. Boxplots from the Quality of service questions: ‘Some people do little to earn the respect of the police’, in the survey, analysis of group Range of Age compared to the group Length of Service.

Table 7.2.20.
Results from the Quality of service questions in the survey, group Gender.

<table>
<thead>
<tr>
<th>Survey questions: QUALITY OF SERVICE</th>
<th>Gender</th>
<th>Mean</th>
<th>Std. Dev</th>
<th>Std. Error</th>
</tr>
</thead>
<tbody>
<tr>
<td>Some victims of crime are more deserving of a good service than others</td>
<td>Male</td>
<td>3.46</td>
<td>1.967</td>
<td>.178</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>4.56</td>
<td>2.237</td>
<td>.349</td>
</tr>
<tr>
<td>It is a waste of time trying to help some members of the public</td>
<td>Male</td>
<td>3.37</td>
<td>1.938</td>
<td>.175</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>3.98</td>
<td>2.092</td>
<td>.327</td>
</tr>
<tr>
<td>Some people do little to earn the respect of the police</td>
<td>Male</td>
<td>2.18</td>
<td>1.408</td>
<td>.128</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>2.56</td>
<td>1.598</td>
<td>.250</td>
</tr>
</tbody>
</table>

Table 7.3.1.
Showing aggregate Mean and Standard Deviation results of the five survey questions relating to respect, trust, confidence, and pride in NSW Police Force.

Respect, Trust, and Confidence in the Police questions.

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>Mean</th>
<th>Std Dev</th>
</tr>
</thead>
</table>
Figure 7.3.1. Bar chart of survey responses from all participants to the statement ‘Members of the public respect police’. External = external criminal justice practitioners. Data from these participants was removed from the body of the thesis because there were only 12 participants which was an insufficient number from which to base sound findings.

Table 7.3.2.
Survey responses from all participants to the statement ‘Members of the public respect police’.

<table>
<thead>
<tr>
<th></th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly disagree</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NSWPF</strong></td>
<td>4</td>
<td>26</td>
<td>36</td>
<td>31</td>
<td>24</td>
<td>24</td>
<td>26</td>
<td>171</td>
</tr>
<tr>
<td>%</td>
<td>2.3%</td>
<td>15.2%</td>
<td>21.1%</td>
<td>18.1%</td>
<td>14.0%</td>
<td>14.0%</td>
<td>15.2%</td>
<td>100.0%</td>
</tr>
<tr>
<td><strong>External</strong></td>
<td>0</td>
<td>2</td>
<td>5</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>11</td>
</tr>
<tr>
<td>%</td>
<td>0</td>
<td>18.2%</td>
<td>45.4%</td>
<td>36.4%</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>100%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>4</td>
<td>28</td>
<td>41</td>
<td>35</td>
<td>24</td>
<td>24</td>
<td>26</td>
<td>182</td>
</tr>
<tr>
<td>%</td>
<td>2.2%</td>
<td>15.4%</td>
<td>22.5%</td>
<td>19.2%</td>
<td>13.2%</td>
<td>13.2%</td>
<td>14.3%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Table 7.3.3.
Police officer agreement responses to the statement: ‘members of the public respect police’ – breakdown of male and female responses.
## Table 7.3.4.

Survey responses from all participants to the statement ‘Members of the public trust police’.

<table>
<thead>
<tr>
<th>All respondents</th>
<th>Members of the public trust police</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSWPF</td>
<td>Strongly agree 2 3 4 5 6</td>
<td>169</td>
</tr>
<tr>
<td>%</td>
<td>4 34 38 37 24 16 16</td>
<td>100.0%</td>
</tr>
<tr>
<td>External</td>
<td>Strongly agree 2 3 4 5 6</td>
<td>11</td>
</tr>
<tr>
<td>%</td>
<td>0.0% 18.2% 54.5% 18.2% 0.0% 0.0% 0.0%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>% of Total</td>
<td></td>
</tr>
<tr>
<td>%</td>
<td>2.2% 20.0% 24.4% 21.7% 13.9% 8.9% 8.9%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Note: External = external criminal justice practitioners. Data from these participants was removed from the body of the thesis because there were only 12 participants which was an insufficient number from which to base sound findings.
Figure 7.3.3. Boxplot showing the responses to the statement: ‘members of the public trust police’ broken down into level of post.

Table 7.3.5.
Table showing police officer responses to the statement ‘members of the public trust police’ broken down into group range of age.

<table>
<thead>
<tr>
<th>POLICE ONLY respondents</th>
<th>Members of the public trust police</th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly disagree</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Range of Age</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21 to 30</td>
<td>Count</td>
<td>1</td>
<td>2</td>
<td>6</td>
<td>3</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>5.3%</td>
<td>10.5%</td>
<td>31.6%</td>
<td>15.8%</td>
<td>5.3%</td>
<td>15.8%</td>
<td>15.8%</td>
<td>100.0%</td>
</tr>
<tr>
<td>31 to 40</td>
<td>Count</td>
<td>1</td>
<td>11</td>
<td>9</td>
<td>10</td>
<td>7</td>
<td>6</td>
<td>3</td>
<td>47</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>2.1%</td>
<td>23.4%</td>
<td>19.1%</td>
<td>21.3%</td>
<td>14.9%</td>
<td>12.8%</td>
<td>6.4%</td>
<td>100.0%</td>
</tr>
<tr>
<td>41 to 50</td>
<td>Count</td>
<td>2</td>
<td>16</td>
<td>22</td>
<td>21</td>
<td>11</td>
<td>5</td>
<td>4</td>
<td>81</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>2.5%</td>
<td>19.8%</td>
<td>27.2%</td>
<td>25.9%</td>
<td>13.6%</td>
<td>6.2%</td>
<td>4.9%</td>
<td>100.0%</td>
</tr>
<tr>
<td>51 to 60</td>
<td>Count</td>
<td>0</td>
<td>6</td>
<td>1</td>
<td>3</td>
<td>5</td>
<td>2</td>
<td>5</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>0.0%</td>
<td>27.3%</td>
<td>4.5%</td>
<td>13.6%</td>
<td>22.7%</td>
<td>9.1%</td>
<td>22.7%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>Count</td>
<td>4</td>
<td>35</td>
<td>38</td>
<td>37</td>
<td>24</td>
<td>16</td>
<td>15</td>
<td>169</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>2.4%</td>
<td>20.7%</td>
<td>22.5%</td>
<td>21.9%</td>
<td>14.2%</td>
<td>9.5%</td>
<td>8.9%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Table 7.3.6:
Survey responses from all participants to the statement ‘Members of the public have confidence in the police.

<table>
<thead>
<tr>
<th>All respondents</th>
<th>Members of the public have confidence in the police</th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly disagree</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSWPF</td>
<td></td>
<td>5</td>
<td>37</td>
<td>41</td>
<td>42</td>
<td>16</td>
<td>16</td>
<td>13</td>
<td>170</td>
</tr>
<tr>
<td>%</td>
<td></td>
<td>2.9%</td>
<td>21.8%</td>
<td>24.1%</td>
<td>24.7%</td>
<td>9.4%</td>
<td>9.4%</td>
<td>7.6%</td>
<td>100.0%</td>
</tr>
<tr>
<td>External</td>
<td></td>
<td>0</td>
<td>2</td>
<td>5</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>11</td>
</tr>
</tbody>
</table>

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Note: External = external criminal justice practitioners. Data from these participants was removed from the body of the thesis because there were only 12 participants which was an insufficient number from which to base sound findings.

Table 7.3.7.
Crosstab table of survey responses from police officer only participants to the statement ‘Members of the public have confidence in the police’.

<table>
<thead>
<tr>
<th>POLICE ONLY respondents</th>
<th>Members of the public have confidence in the police</th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly disagree</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Range of Age</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21 to 30</td>
<td>Count</td>
<td>1</td>
<td>2</td>
<td>7</td>
<td>3</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>5.0%</td>
<td>10.0%</td>
<td>35.0%</td>
<td>15.0%</td>
<td>5.0%</td>
<td>15.0%</td>
<td>15.0%</td>
<td>100.0%</td>
</tr>
<tr>
<td>31 to 40</td>
<td>Count</td>
<td>1</td>
<td>13</td>
<td>9</td>
<td>13</td>
<td>3</td>
<td>7</td>
<td>1</td>
<td>47</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>2.1%</td>
<td>27.7%</td>
<td>19.1%</td>
<td>27.7%</td>
<td>6.4%</td>
<td>14.9%</td>
<td>2.1%</td>
<td>100.0%</td>
</tr>
<tr>
<td>41 to 50</td>
<td>Count</td>
<td>3</td>
<td>18</td>
<td>23</td>
<td>24</td>
<td>7</td>
<td>3</td>
<td>3</td>
<td>81</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>3.7%</td>
<td>22.2%</td>
<td>28.4%</td>
<td>29.6%</td>
<td>8.6%</td>
<td>3.7%</td>
<td>3.7%</td>
<td>100.0%</td>
</tr>
<tr>
<td>51 to 60</td>
<td>Count</td>
<td>0</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>5</td>
<td>3</td>
<td>5</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>0.0%</td>
<td>22.7%</td>
<td>9.1%</td>
<td>9.1%</td>
<td>22.7%</td>
<td>13.6%</td>
<td>22.7%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>Count</td>
<td>5</td>
<td>38</td>
<td>41</td>
<td>42</td>
<td>16</td>
<td>16</td>
<td>12</td>
<td>170</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td>2.9%</td>
<td>22.4%</td>
<td>24.1%</td>
<td>24.7%</td>
<td>9.4%</td>
<td>9.4%</td>
<td>7.1%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Figure 7.3.4. Boxplot of survey responses from police officer only participants based on length of service to the statement ‘Members of the public have confidence in the police’.
Figure 7.3.5. Boxplot of survey responses from police officer only participants based on level of post to the statement ‘Members of the public have confidence in the police’.

Table 7.3.8.
Survey responses from all participants to the statement ‘Members of the public have a great deal of confidence in the police as an organization.’

<table>
<thead>
<tr>
<th>Members of the public have a great deal of confidence in the police as an organization</th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly disagree</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSWPF</td>
<td>4</td>
<td>27</td>
<td>40</td>
<td>40</td>
<td>26</td>
<td>18</td>
<td>14</td>
<td>169</td>
</tr>
<tr>
<td>%</td>
<td>2.4%</td>
<td>16.0%</td>
<td>23.7%</td>
<td>23.7%</td>
<td>15.4%</td>
<td>10.7%</td>
<td>8.3%</td>
<td>100.0%</td>
</tr>
<tr>
<td>External</td>
<td>0</td>
<td>1</td>
<td>4</td>
<td>5</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>11</td>
</tr>
<tr>
<td>%</td>
<td>0.0%</td>
<td>0.6%</td>
<td>2.2%</td>
<td>2.8%</td>
<td>0.6%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>6.1%</td>
</tr>
<tr>
<td>Total</td>
<td>4</td>
<td>28</td>
<td>44</td>
<td>45</td>
<td>27</td>
<td>18</td>
<td>14</td>
<td>180</td>
</tr>
<tr>
<td>%</td>
<td>2.2%</td>
<td>15.6%</td>
<td>24.4%</td>
<td>25.0%</td>
<td>15.0%</td>
<td>10.0%</td>
<td>7.8%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Note: External = external criminal justice practitioners. Data from these participants was removed from the body of the thesis because there were only 12 participants which was an insufficient number from which to base sound findings.

Table 7.3.9.
Survey responses from police officers only to the statement ‘Members of the public have a great deal of confidence in the police as an organization’.

<table>
<thead>
<tr>
<th>POLICE OFFICERS only</th>
<th>Members of the public have a great deal of confidence in the police as an organization</th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly disagree</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length of Service</td>
<td>0-5 years</td>
<td>Count</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>%</td>
<td>7.7%</td>
<td>7.7%</td>
<td>23.1%</td>
<td>23.1%</td>
<td>30.8%</td>
<td>0.0%</td>
<td>7.7%</td>
<td>100.0%</td>
<td></td>
</tr>
<tr>
<td>6-10 years</td>
<td>Count</td>
<td>0</td>
<td>6</td>
<td>7</td>
<td>5</td>
<td>6</td>
<td>3</td>
<td>3</td>
<td>30</td>
</tr>
<tr>
<td>Group</td>
<td>Count</td>
<td>0.0%</td>
<td>20.0%</td>
<td>23.3%</td>
<td>16.7%</td>
<td>20.0%</td>
<td>10.0%</td>
<td>10.0%</td>
<td>100.0%</td>
</tr>
<tr>
<td>----------------</td>
<td>-------</td>
<td>------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>11-20 years</td>
<td>2</td>
<td>10</td>
<td>11</td>
<td>15</td>
<td>8</td>
<td>10</td>
<td>3</td>
<td>59</td>
<td></td>
</tr>
<tr>
<td>%</td>
<td>3.4%</td>
<td>16.9%</td>
<td>18.6%</td>
<td>25.4%</td>
<td>13.6%</td>
<td>16.9%</td>
<td>5.1%</td>
<td>100.0%</td>
<td></td>
</tr>
<tr>
<td>21-30 years</td>
<td>1</td>
<td>9</td>
<td>16</td>
<td>14</td>
<td>5</td>
<td>5</td>
<td>4</td>
<td>54</td>
<td></td>
</tr>
<tr>
<td>%</td>
<td>1.9%</td>
<td>16.7%</td>
<td>29.6%</td>
<td>25.9%</td>
<td>9.3%</td>
<td>9.3%</td>
<td>7.4%</td>
<td>100.0%</td>
<td></td>
</tr>
<tr>
<td>Over 30 years</td>
<td>0</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>0</td>
<td>3</td>
<td>14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>%</td>
<td>0.0%</td>
<td>14.3%</td>
<td>21.4%</td>
<td>21.4%</td>
<td>21.4%</td>
<td>0.0%</td>
<td>21.4%</td>
<td>100.0%</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>4</td>
<td>28</td>
<td>40</td>
<td>40</td>
<td>26</td>
<td>18</td>
<td>14</td>
<td>170</td>
<td></td>
</tr>
<tr>
<td>%</td>
<td>2.4%</td>
<td>16.5%</td>
<td>23.5%</td>
<td>23.5%</td>
<td>15.3%</td>
<td>10.6%</td>
<td>8.2%</td>
<td>100.0%</td>
<td></td>
</tr>
</tbody>
</table>

Figure 7.3.6. Boxplot of survey responses from police officers only length of service group, to the statement ‘Members of the public have a great deal of confidence in the police as an organization.

Figure 7.3.7. Line graph of survey responses from police officers only range of age group (including total), to the statement ‘Members of the public have a great deal of confidence in the police as an organization.”
Figure 7.3.8. Line graph of survey responses from police officers only range of age group (no total), to the statement ‘Members of the public have a great deal of confidence in the police as an organization.’

Figure 7.3.9. Line graph of survey responses from police officers only length of service group, to the statement ‘Members of the public have a great deal of confidence in the police as an organization’.

Table 7.3.10.
Survey responses from all participants to the statement ‘Members of the public are proud of NSW Police Force.’

<table>
<thead>
<tr>
<th></th>
<th>Strongly agree</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>Strongly disagree</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NSWPF</strong></td>
<td>3</td>
<td>25</td>
<td>45</td>
<td>38</td>
<td>25</td>
<td>16</td>
<td>15</td>
<td>167</td>
</tr>
<tr>
<td><strong>%</strong></td>
<td>1.8%</td>
<td>15.0%</td>
<td>26.9%</td>
<td>22.8%</td>
<td>15.0%</td>
<td>9.6%</td>
<td>9.0%</td>
<td>100.0%</td>
</tr>
<tr>
<td><strong>External</strong></td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>5</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>11</td>
</tr>
<tr>
<td><strong>%</strong></td>
<td>9.1%</td>
<td>9.1%</td>
<td>18.2%</td>
<td>45.5%</td>
<td>18.2%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>
Note: External = external criminal justice practitioners. Data from these participants was removed from the body of the thesis because there were only 12 participants which was an insufficient number from which to base sound findings.

Table 7.3.11.
Survey responses from police officer only participants to the statement ‘Members of the public are proud of NSW Police Force’

<table>
<thead>
<tr>
<th>Range of Age</th>
<th>Count</th>
<th>Strongly agree</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 to 30</td>
<td>2</td>
<td>15.8%</td>
<td>19</td>
</tr>
<tr>
<td>31 to 40</td>
<td>6</td>
<td>15.8%</td>
<td>46</td>
</tr>
<tr>
<td>41 to 50</td>
<td>15</td>
<td>15.8%</td>
<td>80</td>
</tr>
<tr>
<td>51 to 60</td>
<td>3</td>
<td>15.8%</td>
<td>22</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>3</td>
<td>15.8%</td>
<td>167</td>
</tr>
</tbody>
</table>

Figure 7.3.10. Boxplot of survey responses from police officer only participants, Group, Length of Service, to the statement ‘Members of the public are proud of NSW Police Force’.

Table 7.4.1.
Survey question results, police officer only respondents ‘How good a job are the police doing…?’

<table>
<thead>
<tr>
<th>Survey question</th>
<th>Mean *</th>
<th>SD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preventing crime</td>
<td>3.72</td>
<td>1.013</td>
</tr>
<tr>
<td>Solving crime</td>
<td>3.91</td>
<td>0.883</td>
</tr>
</tbody>
</table>
### Police Performance: Solving Crime

**Figure 7.4.4.** Bar chart survey question results, all respondents. ‘How good a job are the police doing solving crime’. External = external criminal justice practitioners. Data from these participants was removed from the body of the thesis because there were only 12 participants which was an insufficient number from which to base sound findings.

### Police Performance: Keeping order

**Note.** *All significant at .000, Kolmogorov-Smirnov and Shapiro-Wilk*
Figure 7.4.9. Bar chart survey question results, all respondents. ‘How good a job are the police doing keeping order’. External = external criminal justice practitioners. Data from these participants was removed from the body of the thesis because there were only 12 participants which was an insufficient number from which to base sound findings.

Table 7.4.4. 
Crosstabs survey question results, all respondents ‘How good a job are the police doing preventing crime’.

<table>
<thead>
<tr>
<th></th>
<th>very poor job</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>very good job</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSWPF</td>
<td>9</td>
<td>9</td>
<td>37</td>
<td>84</td>
<td>35</td>
<td>174</td>
</tr>
<tr>
<td>%</td>
<td>5.2%</td>
<td>5.2%</td>
<td>21.3%</td>
<td>48.3%</td>
<td>20.1%</td>
<td>100.0%</td>
</tr>
<tr>
<td>External</td>
<td>1</td>
<td>2</td>
<td>5</td>
<td>3</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>%</td>
<td>8.33%</td>
<td>16.67%</td>
<td>41.67%</td>
<td>25.00%</td>
<td>8.33%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
<td>11</td>
<td>42</td>
<td>87</td>
<td>36</td>
<td>186</td>
</tr>
<tr>
<td>% of Total</td>
<td>5.4%</td>
<td>5.9%</td>
<td>22.6%</td>
<td>46.8%</td>
<td>19.4%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Note: External = external criminal justice practitioners. Data from these participants was removed from the body of the thesis because there were only 12 participants which was an insufficient number from which to base sound findings.

Figure 7.4.2. Boxplot survey question results, police officers only in the group: Length of Service ‘How good a job are the police doing preventing crime’.
Figure 7.4.3. Boxplot survey question results, police officers only in the group: Level of Post ‘How good a job are the police doing preventing crime’?

Table 7.4.5.
Survey question results, all respondents. ‘How good a job are the police doing solving crime’.

<table>
<thead>
<tr>
<th>Police Performance: Solving Crime</th>
<th>very poor job</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>very good job</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSWPF</td>
<td>1</td>
<td>11</td>
<td>35</td>
<td>77</td>
<td>50</td>
<td>174</td>
</tr>
<tr>
<td>%</td>
<td>0.6%</td>
<td>6.3%</td>
<td>20.1%</td>
<td>44.3%</td>
<td>28.7%</td>
<td>100.0%</td>
</tr>
<tr>
<td>External</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>%</td>
<td>8.3%</td>
<td>8.3%</td>
<td>8.3%</td>
<td>66.7%</td>
<td>8.3%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>2</td>
<td>12</td>
<td>36</td>
<td>85</td>
<td>51</td>
<td>186</td>
</tr>
<tr>
<td>% of Total</td>
<td>1.1%</td>
<td>6.5%</td>
<td>19.4%</td>
<td>45.7%</td>
<td>27.4%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Note: External = external criminal justice practitioners. Data from these participants was removed from the body of the thesis because there were only 12 participants which was an insufficient number from which to base sound findings.
Figure 7.4.5. Boxplot survey question results, police officers only in the group: Gender ‘How good a job are the police doing solving crime’.

Figure 7.4.6. Boxplot survey question results, police officers only in the group: Length of service ‘How good a job are the police doing solving crime’?

Table 7.4.6. Survey question results, all respondents. ‘How good a job are the police doing working with people in the community to solve problems?’.

<table>
<thead>
<tr>
<th>Police Performance: Working with people in the community to solve problems</th>
<th>very poor job</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>very good job</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>All respondents</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NSWPF</td>
<td>3</td>
<td>9</td>
<td>52</td>
<td>75</td>
<td>34</td>
<td>173</td>
</tr>
<tr>
<td>%</td>
<td>1.7%</td>
<td>5.2%</td>
<td>30.1%</td>
<td>43.4%</td>
<td>19.7%</td>
<td>100.0%</td>
</tr>
<tr>
<td>External</td>
<td>0</td>
<td>4</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>%</td>
<td>0.0%</td>
<td>33.3%</td>
<td>33.3%</td>
<td>25.0%</td>
<td>8.3%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>3</td>
<td>13</td>
<td>56</td>
<td>78</td>
<td>35</td>
<td>185</td>
</tr>
<tr>
<td>% of Total</td>
<td>1.6%</td>
<td>7.0%</td>
<td>30.3%</td>
<td>42.2%</td>
<td>18.9%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Note: External = external criminal justice practitioners. Data from these participants was removed from the body of the thesis because there were only 12 participants which was an insufficient number from which to base sound findings.
Figure 7.4.8. Boxplot survey question results, police officers only in the group: Length of service ‘How good a job are the police doing working with people in the community to solve problems’.

Table 7.4.7.
Survey question results, all respondents. ‘How good a job are the police doing keeping order’.

<table>
<thead>
<tr>
<th>Police Performance: Keeping order</th>
<th>very poor job</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>very good job</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NSWPF</strong></td>
<td>3</td>
<td>12</td>
<td>18</td>
<td>79</td>
<td>63</td>
<td>175</td>
</tr>
<tr>
<td>%</td>
<td>1.7%</td>
<td>6.9%</td>
<td>10.3%</td>
<td>45.1%</td>
<td>36.0%</td>
<td>100.0%</td>
</tr>
<tr>
<td><strong>External</strong></td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>5</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>%</td>
<td>8.3%</td>
<td>33.3%</td>
<td>8.3%</td>
<td>41.7%</td>
<td>8.3%</td>
<td>100.0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>4</td>
<td>16</td>
<td>19</td>
<td>84</td>
<td>64</td>
<td>187</td>
</tr>
<tr>
<td>% of Total</td>
<td>2.1%</td>
<td>8.6%</td>
<td>10.2%</td>
<td>44.9%</td>
<td>34.2%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Note: External = external criminal justice practitioners. Data from these participants was removed from the body of the thesis because there were only 12 participants which was an insufficient number from which to base sound findings.
Figure 7.4.10. Boxplot survey question results, police officers only in the group: Gender ‘How good a job are the police keeping order’.

Figure 7.4.11. Boxplot survey question results, police officers only in the group: Length of service ‘How good a job are the police doing keeping order’

Table 7.4.8.
Survey question results, all respondents. ‘How good a job are the police doing dealing with problems that concern members of the public’.

<table>
<thead>
<tr>
<th>Police Performance: Dealing with problems that concern members of the public</th>
<th>very poor job</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>very good job</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSWPF</td>
<td>4</td>
<td>9</td>
<td>33</td>
<td>85</td>
<td>41</td>
<td>172</td>
</tr>
<tr>
<td>%</td>
<td>2.3%</td>
<td>5.2%</td>
<td>19.2%</td>
<td>49.4%</td>
<td>23.8%</td>
<td>100.0%</td>
</tr>
<tr>
<td>External</td>
<td>0</td>
<td>2</td>
<td>7</td>
<td>2</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>%</td>
<td>0.0%</td>
<td>16.7%</td>
<td>58.3%</td>
<td>16.7%</td>
<td>8.3%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>4</td>
<td>11</td>
<td>40</td>
<td>87</td>
<td>42</td>
<td>184</td>
</tr>
<tr>
<td>% of Total</td>
<td>2.2%</td>
<td>6.0%</td>
<td>21.7%</td>
<td>47.3%</td>
<td>22.8%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Note: External = external criminal justice practitioners. Data from these participants was removed from the body of the thesis because there were only 12 participants which was an insufficient number from which to base sound findings.
Figure 7.4.13. Boxplot survey question results, police officers only in the group: Gender ‘How good a job are the police doing dealing with problems that concern members of the public’.

Figure 7.4.14. Boxplot survey question results, police officers only in the group: Length of service ‘How good a job are the police doing dealing with problems that concern members of the public’.

Figure 7.4.15. Boxplot survey question results, police officers only in the group: Level of Post ‘How good a job are the police doing dealing with problems that concern members of the public’.
Section (v): Data from the third section of the survey: Human Rights structured online interviews (chapter 8).

Table 8.2.
Results of the human rights structured online interviews showing number and percentage of correct answers for police officers broken down by Gender and number and percentage of ‘Don’t know’ answers.

<table>
<thead>
<tr>
<th></th>
<th>Questions</th>
<th>Male police officers</th>
<th></th>
<th></th>
<th>Female police officers</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Correct</td>
<td>Don’t know</td>
<td>Total</td>
<td>% correct</td>
<td>Don’t know</td>
<td>Total</td>
<td>% correct</td>
</tr>
<tr>
<td>Q.1</td>
<td>61</td>
<td>22</td>
<td>124</td>
<td>49.2</td>
<td>17.7</td>
<td>445</td>
<td>54.5</td>
</tr>
<tr>
<td>Q.2</td>
<td>91</td>
<td>9</td>
<td>125</td>
<td>72.8</td>
<td>7.2</td>
<td>253</td>
<td>75</td>
</tr>
<tr>
<td>Q.3</td>
<td>52</td>
<td>36</td>
<td>125</td>
<td>41.6</td>
<td>28.8</td>
<td>1113</td>
<td>46.5</td>
</tr>
<tr>
<td>Q.4</td>
<td>36</td>
<td>17</td>
<td>124</td>
<td>29</td>
<td>13.7</td>
<td>44</td>
<td>43.2</td>
</tr>
<tr>
<td>Q.5</td>
<td>43</td>
<td>24</td>
<td>124</td>
<td>34.7</td>
<td>19.4</td>
<td>395</td>
<td>46.5</td>
</tr>
<tr>
<td>Q.6</td>
<td>60</td>
<td>36</td>
<td>123</td>
<td>48.8</td>
<td>29.3</td>
<td>162</td>
<td>46.5</td>
</tr>
<tr>
<td>Q.7</td>
<td>35</td>
<td>45</td>
<td>123</td>
<td>28.5</td>
<td>36.6</td>
<td>73</td>
<td>46.5</td>
</tr>
<tr>
<td>Q.8</td>
<td>17</td>
<td>39</td>
<td>122</td>
<td>13.9</td>
<td>32</td>
<td>162</td>
<td>46.5</td>
</tr>
<tr>
<td>Q.9</td>
<td>50</td>
<td>25</td>
<td>123</td>
<td>40.7</td>
<td>20.3</td>
<td>302</td>
<td>46.5</td>
</tr>
<tr>
<td>TOTAL</td>
<td>445</td>
<td>253</td>
<td>1113</td>
<td>40</td>
<td>22.7</td>
<td>176</td>
<td>87</td>
</tr>
</tbody>
</table>

Table 8.3.
Showing total responses to all human rights quiz questions and true percentage of correct answers separated into Groups: Level of Post; Length of Service; Range of Age.

<table>
<thead>
<tr>
<th>Level of Post</th>
<th>Total Responses</th>
<th>%ages of correct answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sgt/Constable</td>
<td>527</td>
<td>30.5</td>
</tr>
<tr>
<td>Senior Officer</td>
<td>87</td>
<td>33</td>
</tr>
<tr>
<td>TOTAL</td>
<td>614</td>
<td>32.4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Length of Service</th>
<th>0-5 years</th>
<th>6-10 years</th>
<th>11-20 years</th>
<th>21-30 years</th>
<th>Over 30 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 to 30</td>
<td>52</td>
<td>107</td>
<td>196</td>
<td>211</td>
<td>66</td>
</tr>
<tr>
<td>31 to 40</td>
<td>73</td>
<td>162</td>
<td>302</td>
<td>91</td>
<td></td>
</tr>
<tr>
<td>41 to 50</td>
<td>28</td>
<td>27</td>
<td>33</td>
<td>39</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>226</td>
<td>162</td>
<td>302</td>
<td>91</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Range of Age</th>
<th>21 to 30</th>
<th>31 to 40</th>
<th>41 to 50</th>
<th>51 to 60</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>27</td>
<td>33</td>
<td>39</td>
<td></td>
</tr>
<tr>
<td>n = 226</td>
<td>n = 226</td>
<td>n = 225</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Section (vi): Data from chapter 9 – Discussion of issues

A3.9.1 Comparison of results compared to Porter, Prenzler and Hine (2015) study.
The main difference between the study completed by Porter, Prenzler and Hine, and the current study was that they surveyed police officers from two police forces, one being the NSWPF, whereas the current study surveyed officers from the NSWPF only. Some of the operational policing scenarios used by Porter, Prenzler and Hine were slightly re-written for the Australian participants but all the scenarios used in the survey were from the two original Klockars surveys used in the USA. Because of the selection of scenarios used in the Porter et al. study, only six of the scenarios directly correspond with those used in the current study, and consequently, the results from only those six scenarios can be compared. Examination of the results (Table A3.9.1) shows that in the case of this question, respondents from the two surveys have rated the seriousness of the scenarios in a very similar way. The only point of difference between the surveys is that respondents in the current survey rated Scenario 11: Sergeant fails to halt beating (Scenario 8 in the current survey) as more serious than Scenario 8: Cover-up of police DUI26 accident (Scenario 4 in current study); thereby placing the rankings slightly differently. It is interesting to note that in both surveys a minor theft from the scene of a crime is rated as the highest level of seriousness over an incident with potentially higher impact, that of unjustifiable use of deadly force.

<table>
<thead>
<tr>
<th>Scenario number and description (Porter)</th>
<th>Scenario no. Beckley</th>
<th>Seriousness – own view</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Scenario 6: Officer strikes prisoner who hurt partner (Porter result)</td>
<td>-</td>
<td>1-5</td>
<td>0.98</td>
<td>4.29</td>
<td>1</td>
</tr>
<tr>
<td>Beckley result</td>
<td>3</td>
<td>1-5</td>
<td>0.92</td>
<td>4.27</td>
<td>1</td>
</tr>
<tr>
<td>Scenario 8: Cover-up of police DUI accident</td>
<td>-</td>
<td>1-5</td>
<td>0.86</td>
<td>4.39</td>
<td>2</td>
</tr>
<tr>
<td>Beckley result</td>
<td>4</td>
<td>1-5</td>
<td>0.83</td>
<td>4.36</td>
<td>2</td>
</tr>
<tr>
<td>Scenario 11: Sgt. Fails to halt beating</td>
<td>-</td>
<td>1-5</td>
<td>0.81</td>
<td>4.56</td>
<td>3</td>
</tr>
<tr>
<td>Beckley result</td>
<td>8</td>
<td>1-5</td>
<td>1.03</td>
<td>4.34</td>
<td>2</td>
</tr>
<tr>
<td>Scenario 10: false report on drug dealer</td>
<td>-</td>
<td>1-5</td>
<td>0.49</td>
<td>4.85</td>
<td>4</td>
</tr>
<tr>
<td>Beckley result</td>
<td>7</td>
<td>1-5</td>
<td>0.49</td>
<td>4.79</td>
<td>4</td>
</tr>
<tr>
<td>Scenario 4: unjustifiable use of deadly force</td>
<td>-</td>
<td>1-5</td>
<td>0.44</td>
<td>4.88</td>
<td>5</td>
</tr>
<tr>
<td>Beckley result</td>
<td>1</td>
<td>1-5</td>
<td>0.27</td>
<td>4.94</td>
<td>5</td>
</tr>
<tr>
<td>Scenario 3: theft of knife from crime scene</td>
<td>-</td>
<td>1-5</td>
<td>0.25</td>
<td>4.94</td>
<td>6</td>
</tr>
<tr>
<td>Beckley result</td>
<td>2</td>
<td>1-5</td>
<td>0.23</td>
<td>4.95</td>
<td>6</td>
</tr>
</tbody>
</table>

Note. Adapted from Porter, Prenzler and Hine (2016), and compared with the survey results from this study.

Table A3.9.2 depicts a comparison with several other studies which give disparate results, and indicate that it is difficult to draw any conclusions from these data. The earliest study in Australia was completed circa 1995 by members of a research team (Huon, Hesketh, Frank, Conkey and McGrath) from the National Police Research Unit, South Australia. It should be noted that a large percentage (n = 406 out of 683) of the participants in the survey were police recruits who had not entered active police service at that time; and those and other participants were from all round Australia. Only 2 policing scenarios can be directly compared with results from the current survey, and it should also be noted that the scale of seriousness in the Huon et al., survey was numbered from 1-10.

The results from the other two surveys depicted in Table A3.9.2 were those administered by the inventor of the police integrity survey instruments, Carl Klockars, both being administered in the USA but in 2000 (Klockars I) and 2006 (Klockars II) respectively. Like the Porter et al., study depicted in Table A3.9.1, six scenarios can be compared. Because of the disparity of the results and the differences within the studies, it is not possible to

26 ‘DUI’ = Driving under the influence of alcohol / drugs.
27 Rank = ‘Least serious’ to ‘Most serious’
compare results with any accuracy; therefore this will not be done. However, a general observation shows that the ranking of the seriousness of the scenarios is similar to that in later studies. There also may be many other factors impacting on results in these surveys, such as different views in different countries, different attitudes in the 20th century and different approaches towards authority figures.

Table A3.9.2. Comparison of results between Huon et al., (1995) and two of Klockars’ studies

<table>
<thead>
<tr>
<th>Scenario number and description (Porter)</th>
<th>Scenario no. Beckley</th>
<th>Seriousness – own view</th>
<th>Range</th>
<th>SD</th>
<th>Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scenario 6: Officer strikes prisoner who hurt partner (Klockars II)</td>
<td>Huon result</td>
<td>1-10</td>
<td>2.5</td>
<td>4.7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Beckley result</td>
<td>3</td>
<td>1-5</td>
<td>0.92</td>
<td>4.27</td>
</tr>
<tr>
<td></td>
<td>Klockars I</td>
<td>1-5</td>
<td>3.03</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Beckley result</td>
<td>4</td>
<td>1-5</td>
<td>0.83</td>
<td>4.36</td>
</tr>
<tr>
<td>Scenario 8: Cover-up of police DUI accident (KII)</td>
<td>Beckley result</td>
<td>8</td>
<td>1-5</td>
<td>1.03</td>
<td>4.34</td>
</tr>
<tr>
<td></td>
<td>Klockars I</td>
<td>1-5</td>
<td>0.89</td>
<td>4.45</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Beckley result</td>
<td>7</td>
<td>1-5</td>
<td>0.49</td>
<td>4.79</td>
</tr>
<tr>
<td>Scenario 11: Sgt. Fails to halt beating - KII</td>
<td>Beckley result</td>
<td>1</td>
<td>1-5</td>
<td>0.27</td>
<td>4.94</td>
</tr>
<tr>
<td></td>
<td>Klockars I</td>
<td>1-5</td>
<td>0.59</td>
<td>4.75</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Beckley result</td>
<td>2</td>
<td>1-5</td>
<td>1.00</td>
<td>4.30</td>
</tr>
<tr>
<td>Scenario 10: false report on drug dealer - KII</td>
<td>Beckley result</td>
<td>7</td>
<td>1-5</td>
<td>1.24</td>
<td>3.59</td>
</tr>
<tr>
<td></td>
<td>Klockars I</td>
<td>1-5</td>
<td>3.03</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Beckley result</td>
<td>4</td>
<td>1-5</td>
<td>0.92</td>
<td>4.27</td>
</tr>
<tr>
<td>Scenario 4: unjustifiable use of deadly force - KII</td>
<td>Beckley result</td>
<td>8</td>
<td>1-5</td>
<td>1.03</td>
<td>4.34</td>
</tr>
<tr>
<td></td>
<td>Klockars I</td>
<td>1-5</td>
<td>0.89</td>
<td>4.45</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Beckley result</td>
<td>7</td>
<td>1-5</td>
<td>0.49</td>
<td>4.79</td>
</tr>
<tr>
<td>Scenario 3: theft of knife from crime scene - KII</td>
<td>Beckley result</td>
<td>8</td>
<td>1-5</td>
<td>1.03</td>
<td>4.34</td>
</tr>
<tr>
<td></td>
<td>Klockars I</td>
<td>1-5</td>
<td>0.89</td>
<td>4.45</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Beckley result</td>
<td>7</td>
<td>1-5</td>
<td>0.49</td>
<td>4.79</td>
</tr>
<tr>
<td></td>
<td>Huon result</td>
<td>1-10</td>
<td>2.5</td>
<td>6.5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Beckley result</td>
<td>2</td>
<td>1-5</td>
<td>0.23</td>
<td>4.95</td>
</tr>
</tbody>
</table>

Note. Adapted from data in Huon et al., (1995), Klockars I (2000); Klockars II (2006) compared with current study results.

Comparison of demographic data between current study; the Porter et al., (2015) research study, and current establishment of NSWPF – Tables A3.9.3, A3.9.4 and A3.9.5.

Table A3.9.3. Comparison Demographic data from current survey – Number in Ranks – level of service

<table>
<thead>
<tr>
<th>Beckley Survey Range</th>
<th>n</th>
<th>%age</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Sergeant/Constable</td>
<td>192</td>
<td>85.33</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Other NCO</td>
<td>37</td>
<td>1.67</td>
</tr>
<tr>
<td>Sergeant/Constable</td>
<td>192</td>
<td>85.33</td>
</tr>
<tr>
<td>Inspector/chief inspector</td>
<td>57</td>
<td>6.66</td>
</tr>
<tr>
<td>Superintendent/chief superintendent</td>
<td>26</td>
<td>3.04</td>
</tr>
<tr>
<td>Other commissioned rank</td>
<td>2</td>
<td>0.23</td>
</tr>
<tr>
<td>Other</td>
<td>88</td>
<td>10.28</td>
</tr>
<tr>
<td>Total Sergeant/Constable</td>
<td>875</td>
<td>66.82</td>
</tr>
<tr>
<td>NSWPF Establishment 2013-14</td>
<td>n</td>
<td>%age</td>
</tr>
<tr>
<td>Recruit</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Probationary constable</td>
<td>10</td>
<td>1.17</td>
</tr>
<tr>
<td>Constable</td>
<td>53</td>
<td>6.19</td>
</tr>
<tr>
<td>Senior Constable</td>
<td>240</td>
<td>28.04</td>
</tr>
<tr>
<td>Total Constables</td>
<td>303</td>
<td>35.63</td>
</tr>
<tr>
<td>Sergeant/Senior Sergeant</td>
<td>230</td>
<td>26.87</td>
</tr>
<tr>
<td>Other NCO</td>
<td>37</td>
<td>4.32</td>
</tr>
<tr>
<td>Total Sergeant/Constable</td>
<td>875</td>
<td>66.82</td>
</tr>
<tr>
<td>Inspector/chief inspector</td>
<td>57</td>
<td>6.66</td>
</tr>
<tr>
<td>Superintendent/chief superintendent</td>
<td>26</td>
<td>3.04</td>
</tr>
<tr>
<td>Other commissioned rank</td>
<td>2</td>
<td>0.23</td>
</tr>
<tr>
<td>Other</td>
<td>88</td>
<td>10.28</td>
</tr>
<tr>
<td>Total Commissioned Officers</td>
<td>880</td>
<td>5.34</td>
</tr>
</tbody>
</table>
Table A3.9.4.
Comparison Demographic data from current survey – Length of Service

<table>
<thead>
<tr>
<th>Beckley Survey Range</th>
<th>N</th>
<th>%age</th>
<th>Porter, Prenzler &amp; Hine Range</th>
<th>N</th>
<th>%age</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Less than 1 year</td>
<td>31</td>
<td>3.62</td>
</tr>
<tr>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1-2 years</td>
<td>23</td>
<td>2.69</td>
</tr>
<tr>
<td>0-5 years</td>
<td>21</td>
<td>9.30</td>
<td>Total 0-5 years</td>
<td>105</td>
<td>12.27</td>
</tr>
<tr>
<td>6-10 years</td>
<td>40</td>
<td>17.80</td>
<td>6-10 years</td>
<td>106</td>
<td>12.38</td>
</tr>
<tr>
<td>11-15 years</td>
<td>147</td>
<td>17.17</td>
<td>11-15 years</td>
<td>147</td>
<td>17.17</td>
</tr>
<tr>
<td>16-20 years</td>
<td>94</td>
<td>10.98</td>
<td>16-20 years</td>
<td>94</td>
<td>10.98</td>
</tr>
<tr>
<td>11-20 years</td>
<td>81</td>
<td>36.00</td>
<td>Total 11-20 years</td>
<td>347</td>
<td>40.53</td>
</tr>
<tr>
<td>21-30 years</td>
<td>64</td>
<td>28.40</td>
<td>More than 20 years</td>
<td>281</td>
<td>32.03</td>
</tr>
<tr>
<td>Over 30 years</td>
<td>19</td>
<td>8.40</td>
<td>Did not answer</td>
<td>123</td>
<td>14.37</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>225</td>
<td>100.00</td>
<td><strong>TOTAL</strong></td>
<td>856</td>
<td>100.00</td>
</tr>
</tbody>
</table>

Source: Author, Chapter 4

Note. Data adapted by the author and sourced from Porter, Prenzler and Hine (2016:76)

Table A3.9.5.
Comparison Demographic data from current survey – Gender

<table>
<thead>
<tr>
<th>Beckley Survey Range</th>
<th>n</th>
<th>%age</th>
<th>Porter, Prenzler &amp; Hine Range</th>
<th>n</th>
<th>%age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>164</td>
<td>72.89</td>
<td>Male</td>
<td>532</td>
<td>62.15</td>
</tr>
<tr>
<td>Female</td>
<td>59</td>
<td>26.22</td>
<td>Female</td>
<td>212</td>
<td>24.77</td>
</tr>
<tr>
<td>Did not answer</td>
<td>2</td>
<td>0.89</td>
<td>Did not answer</td>
<td>112</td>
<td>13.08</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>225</td>
<td>100</td>
<td><strong>TOTAL</strong></td>
<td>856</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Author, Chapter 4

Note. Data adapted by the author and sourced from Porter, Prenzler and Hine (2016:76)

Percentage of female officers in total establishment = 34.4% Source: NSWPF Annual Report 2013-14

Note. Data adapted by the author and sourced from Porter, Prenzler and Hine (2016) compared to NSWPF establishment 2013-2014 (NSWPF, 2014).

A detailed comparison of results for the Beckley (current study) and Porter et al., (2015) study, is included in Tables A3.9.6 and A3.9.7. This is followed by analysis of the Chan et al., (2003) and Gordon et al., (2009) studies.
Table A3.9.6.

Overall comparison of results from scenarios – Beckley survey (current study) and Porter, Prenzler and Hine (2015).

<table>
<thead>
<tr>
<th>Scenario Number and description</th>
<th>Seriousness</th>
<th>Violation</th>
<th>Discipline</th>
<th>Willingness to report</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Own view</td>
<td>Most Officers</td>
<td>Should receive</td>
<td>Would receive</td>
</tr>
<tr>
<td></td>
<td>mean Rank</td>
<td>mean Rank</td>
<td>mean Rank</td>
<td>Mode mean Rank</td>
</tr>
<tr>
<td>Scenario 3: theft of knife from crime scene</td>
<td>4.94 6</td>
<td>4.82 5</td>
<td>4.98 6</td>
<td>5.62 5</td>
</tr>
<tr>
<td>Beckley Scenario 2</td>
<td>4.95 6</td>
<td>4.81 5</td>
<td>4.96 3</td>
<td>5.79 6</td>
</tr>
<tr>
<td>Scenario 4: unjustifiable use of deadly force</td>
<td>4.88 5</td>
<td>4.86 6</td>
<td>4.77 1</td>
<td>5.34 4</td>
</tr>
<tr>
<td>Beckley Scenario 1</td>
<td>4.94 5</td>
<td>4.84 6</td>
<td>4.96 3</td>
<td>5.51 5</td>
</tr>
<tr>
<td>Scenario 6: officer strikes prisoner who hurt partner</td>
<td>4.29 1</td>
<td>4.02 1</td>
<td>4.85 2</td>
<td>4.06 1</td>
</tr>
<tr>
<td>Beckley scenario 3</td>
<td>4.27 1</td>
<td>3.96 1</td>
<td>4.66 2</td>
<td>4.43 2</td>
</tr>
<tr>
<td>Scenario 8: cover-up of police DUI accident</td>
<td>4.39 2</td>
<td>4.15 2</td>
<td>4.87 3</td>
<td>4.15 2</td>
</tr>
<tr>
<td>Beckley scenario 4</td>
<td>4.36 3</td>
<td>4.04 3</td>
<td>4.63 1</td>
<td>4.41 1</td>
</tr>
<tr>
<td>Scenario 10: false report on drug dealer</td>
<td>4.85 4</td>
<td>4.71 4</td>
<td>4.95 5</td>
<td>5.31 3</td>
</tr>
<tr>
<td>Beckley scenario 7</td>
<td>4.79 4</td>
<td>4.56 4</td>
<td>4.87 6</td>
<td>5.3 4</td>
</tr>
<tr>
<td>Scenario 11: Sgt. fails to halt beating</td>
<td>4.56 3</td>
<td>4.33 3</td>
<td>4.92 4</td>
<td>4.65 6</td>
</tr>
<tr>
<td>Beckley scenario 8</td>
<td>4.33 2</td>
<td>4.03 2</td>
<td>4.7 5</td>
<td>4.67 3</td>
</tr>
</tbody>
</table>

Note. Adapted from Porter, Prenzler and Hine, 2016 by the Author.

The results between the current study and the Porter et al (2016) study are remarkably consistent. The only data that the author analysed further were the results of the Levels of Discipline that ‘would’ and ‘should’ result from Scenarios 6 and 8 (Porter et al numbering) which appear to be disparate results (Table 10.7).
Table A3.9.7.
Comparison of Discipline level – ‘Should’ and ‘Would’ result in Scenario 6 and 8.

<table>
<thead>
<tr>
<th>Scenario 6: officer strikes prisoner who hurt partner - SHOULD</th>
<th>BECKLEY Results</th>
<th>MEAN</th>
<th>N</th>
<th>Std Dev</th>
<th>Std Error Mean</th>
<th>t</th>
<th>df</th>
<th>p</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scenario 3 - Discipline Level - Should</td>
<td>4.43</td>
<td>223</td>
<td>1.406</td>
<td>0.094</td>
<td>2.7690</td>
<td>444</td>
<td>0.0059</td>
<td>0.34</td>
<td></td>
</tr>
<tr>
<td>Scenario 6: officer strikes prisoner who hurt partner - WOULD</td>
<td>Scenario 3 - Discipline Level - Would</td>
<td>4.77</td>
<td>223</td>
<td>1.174</td>
<td>0.079</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Scenario 8: cover-up of police DUI accident - SHOULD</td>
<td>Scenario 4 - Discipline Level - Should</td>
<td>4.41</td>
<td>214</td>
<td>1.307</td>
<td>0.089</td>
<td>0.9481</td>
<td>426</td>
<td>0.3436</td>
<td>0.12</td>
</tr>
<tr>
<td>Scenario 8: cover-up of police DUI accident - WOULD</td>
<td>Scenario 4 - Discipline Level - Would</td>
<td>4.53</td>
<td>214</td>
<td>1.313</td>
<td>0.090</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Porter, Prenzler &amp; Hine (2016) Results</th>
<th>MEAN</th>
<th>N</th>
<th>Std Dev</th>
<th>Std Error Mean</th>
<th>t</th>
<th>df</th>
<th>p</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scenario 6: officer strikes prisoner who hurt partner - SHOULD</td>
<td>4.06</td>
<td>782</td>
<td>1.43</td>
<td>-</td>
<td>4.1382</td>
<td>1562</td>
<td>&lt;0.001</td>
<td>0.29</td>
</tr>
<tr>
<td>Scenario 6: officer strikes prisoner who hurt partner - WOULD</td>
<td>4.35</td>
<td>782</td>
<td>1.34</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Scenario 8: cover-up of police DUI accident - SHOULD</td>
<td>4.15</td>
<td>768</td>
<td>1.25</td>
<td>-</td>
<td>3.7324</td>
<td>1534</td>
<td>0.002</td>
<td>0.24</td>
</tr>
<tr>
<td>Scenario 8: cover-up of police DUI accident - WOULD</td>
<td>4.39</td>
<td>768</td>
<td>1.27</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Note. Data adapted by the author from the current survey and Porter et al., 2016.
Chan et al., (2003) Research Study
A similar study to that carried out by Huon et al., (1995) was completed with 150 NSWPF recruit participants over a two-year period, 1995-7. This study was carried out by Chan, Devery and Doran (2003) funded by an ARC collaborative research grant between the University of New South Wales and the NSWPF. The main purpose of completing the research was to identify the significance of organisational socialisation of police recruits into the NSWPF. As a by-product, the level of ‘training decay’ and differences in values and ethics before, during, and after becoming a police officer were identified. The study appeared to assume that there was a negative culture within the police force and that police training and professionalisation could provide an antidote to that negativity. The study showed that police recruits upon commencement showed a higher level of inclination to report police misconduct than at a later stage in their career. Positive features of police culture were identified as a sense of friendship, mutual support and shared understanding with colleagues which was described as: Some of the recruits denied that there were negative features in the police culture but others listed: ‘readiness to stereotype, the paranoia and cynicism, and the cover up of misconduct’ (Chan et al., 2003:252).

Several problems were identified by Chan et al., (2003), that included the quality of training and transition to operational duties, in particular, ‘training decay’ whereby initial training is rejected in favour of ‘operational and occupational realities [which] serve to undermine both the formal curriculum … and the development of reflective and critical understanding’ (Chan et al., 2003:10). A positive factor to the aspect of police integrity was that 68% of the recruits agreed1 with the statement: ‘My FTOs2 displayed a strong commitment to integrity in their practice’; however, the interviews with recruits did record growing disenchantment with the job over time and increased cynicism about the public and police bureaucracy (Chan et al., 2003:202).

Gordon, Clegg and Kornberger, 2009 research study
A further research project concerning the NSWPF, described as an ‘ethnographic study’ was completed over the two years of 2001-3. It examined embedded ethics which found that ethics in the organisation were intrinsically linked to management power (Gordon, Clegg and Kornberger, 2009). A journal article, published in 2009, stated that Police Commissioner Ryan introduced two practices ‘designed to ensure ethical policing – the Employment Management System (EMS) and the Operations Control and Review Meeting (OCR). These two change practices were pivotal in transforming the ethics of the Service’ (Gordon et al., 2009:77). In fact, these two systems were found to work against ethical policing in that ‘rather than achieving ethically accountable and transparent policing, [they] paradoxically reinforced prior power relations’ (Gordon et al., 2009:92). Chan and Dixon (2007: 450) in a subsequent review of the change process, concurred with this conclusion in relation to the OCR when they found that cultural change was not regarded as a priority by the NSW Police, and that this management system ‘adopted an adversarial approach’. As the studies in the preceding paragraph focused on the post Wood Commission change management program, rather than on policing, human rights, and ethical practice in the recent past, their findings will not be discussed further.

Notwithstanding similarities in results with the Huon et al., (1995) and Chan et al., (2003) studies, limiting comparison to the later and more proximate survey carried out by Porter, Prenzler and Hine (2015) affords greater rigour and robustness, but also reveals mostly consistent results.

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1 Probationer’s opinions of Field Training Officers: TABLE 5.2 (n = 134), Chan et al., 2003:165
2 FTO = Abbreviation for Field Training Officer; the training officer the recruit worked with when engaged in ‘on the job’ training.
## Appendix 4: Analysis of Scenarios including Risk Levels and Typology of Misconduct

<table>
<thead>
<tr>
<th>Scenario number and script</th>
<th>Typologies previously used or source</th>
<th>Scenario crime and/or NSWP Code of Conduct and Ethics</th>
<th>Legal Risk</th>
<th>Ethical Dilemma / NSWP Code of Conduct and Ethics</th>
<th>Human Rights issue / UN UDHR Article Number</th>
<th>Relevant Police Powers, Code / NSW Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. An officer who was severely beaten by a person visiting arrest has just returned to duty. On patrol, the officer approaches a person standing in a dimly lit alley. Suddenly, the person throws a gym bag at the officer and begins to run away. The officer fatally shoots the person, striking him in the back. It was later determined that the person was unarmed.</td>
<td>1: 7. Criminal activities 2: (iii) Excessive force</td>
<td>Klokars (R), Case 4 Ivovic (15) Scenario 4</td>
<td>Use of (excessive) coercive force Values: Excellence, Trust; Leadership</td>
<td>High</td>
<td>Dilemma: (i) Use of Force: Police Officers have discretion to use coercive force to carry out their duties; it should be proportionate to the threat and no more than is necessary. Also, there should be a higher level of scrutiny to use of lethal force. (ii) Occupational Health &amp; Safety: Is the officer ready to return to work? Code: 2: care &amp; diligence; 3: comply with policies</td>
<td>3. Right to life, liberty, and security of person: Crimes Act 1900, Part 3 Coercive force (minor to lethal); powers of entry, arrest, detention, search, seizure; LEPRA ss230, 231; ss9-10; 99-108;114-138;20-45;46-52.</td>
</tr>
<tr>
<td>2. A police officer discovers a burglary of a jewellery shop. The display cases are smashed and it is obvious that many items have been taken. While searching the shop, he takes a watch, worth about 2 days' pay for that officer. He reports that the watch had been stolen during the burglary.</td>
<td>1: 7. criminal activities 2: (i) Graft</td>
<td>Klokars (R), Case 5 Ivovic (15) Scenario 3</td>
<td>Larceny / Stealing Values: Excellence; Trust; Leadership</td>
<td>Moderate</td>
<td>Dilemma: Misuse of position: Police officers are in a trusted position. When, in the course of their duties, they have access to crime scenes, they should act with honesty, integrity and professionalism and protect property belonging to others. Code: 1: Behave honestly</td>
<td>17. (1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property. Crimes Act 1900, Division 5</td>
</tr>
<tr>
<td>3. In responding with her male partner to a fight in a bar, a young, female officer receives a black eye from one of the male brawlers. The man is arrested, handcuffed, and as he is led into the cells, the male member of the team punched him very hard in the kidney area saying, &quot;hurt, doesn't it.&quot;</td>
<td>1: 7. criminal activities 2: (iii) Excessive force</td>
<td>Klokars (R), Case 6 Ivovic (15) Scenario 10</td>
<td>Use of (excessive) coercive force Values: Excellence; Trust; Impartiality; Leadership</td>
<td>Moderate to High</td>
<td>Dilemma: Use of Force: Police Officers have discretion to use coercive force to carry out their duties; it should be proportionate to the threat and no more than is necessary. Code: 2: care &amp; diligence; 3: comply with policies; 4: treat with respect</td>
<td>3. Right to life, liberty, and security of person. Coercive force (minor to lethal); powers of entry, arrest, detention, search, seizure; LEPRA ss230, 231; ss9-10; 99-108;114-138;20-45;46-52.</td>
</tr>
<tr>
<td>4. At 2:00am, a police officer, who is on duty, is driving his patrol car on a deserted road. He sees a vehicle that has been driven off the road and is stuck in a ditch. He approaches the vehicle and observes that the driver is not hurt but is obviously intoxicated. He also finds that the driver is a police officer. Instead of reporting the accident and offense, he transports the driver to his home.</td>
<td>1: 6. The fix 2: <em>Unprofessional</em> 3: <em>Unprofessional</em></td>
<td>Klokars (R), Case 7 Ivovic (15) Scenario 8</td>
<td>Perverting the course of justice – failing to act upon an offence being revealed. Values: Excellence; Trust; Leadership</td>
<td>Moderate</td>
<td>Dilemma: Neglect of duty / conflict of interest: Police officers have wide powers of discretion in their duties, but they should use discretion wisely and consistently. Where a crime or offence is apparent to them, police officers should act to arrest or report the matter unless it is inappropriate or disproportionate to do so. Code: 1: Behave honestly; 3: Comply with policy; 9: Improper use of position; 10: report misconduct</td>
<td>N/A</td>
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295
<p>| | | | | | | |</p>
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<tr>
<td>5.</td>
<td>Two police officers on foot patrol</td>
<td>surprise a man who is attempting to break into an automobile. They think the man is fleeing. They chase him for about two blocks before apprehending him by tackling him and wresting him to the ground. After he is under control, both officers punch him a couple of times in the stomach as punishment for fleeing and resisting.</td>
<td>Klockars (i), Case 10</td>
<td>Excessive force</td>
<td>Use of coercive force</td>
<td>Moderate to High</td>
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<td>6.</td>
<td>A police officer finds a wallet in a parking lot. It contains an amount of money equivalent to a full day’s pay for that officer. He reports the wallet as lost property but keeps the money for himself.</td>
<td>Klockars (i), Case 11</td>
<td>Larceny / Stealing</td>
<td>Excellent; Trust; Leadership</td>
<td>Moderate</td>
<td>Dilemma: Misuse of position: Police officers are in a trusted position. When, in the course of their duties, they have access to crime scenes or incidents, they should act with honesty, integrity and professionalism and safeguard property belonging to others at all times. Code: 1: behave honestly</td>
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<td>7.</td>
<td>A police officer arrests two drug dealers involved in a street fight. One has a large quantity of heroin on his person. In order to charge them both with serious offences, the officer falsely reports that the heroin was found on both men.</td>
<td>Klockars (ii), Case 10</td>
<td>Process corruption / Noble Cause Corruption</td>
<td>Excellent; Trust; Impartiality; Leadership</td>
<td>High</td>
<td>Dilemma: Police officers are given powers of arrest, detention etc over other citizens; they use these powers wisely and with circumspection. Police officers must only present valid evidence they seized from suspects, not pursue prosecutions for their own agenda, and always assume that suspects are innocent until proven guilty. Code: 1: behave honestly; 4: treat with respect; 9: improper use of position</td>
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<td>8.</td>
<td>A police sergeant, without intervening, watches officers under his supervision repeatedly strike and kick a man arrested for child abuse. The man has previous child abuse arrests. Evaluate the SERGEANT’s behaviour.</td>
<td>Klockars (ii), Case 11</td>
<td>Excessive force</td>
<td>Use of coercive force</td>
<td>Moderate to High</td>
<td>Dilemma: (i) Use of Force: Police Officers have discretion to use coercive force to carry out their duties; it should be proportionate to the threat and no more than necessary. (ii) Police officers, especially supervisors, should report unethical behaviour by their colleagues, they should report it. Code: 2: Act with care; 4: treat with respect; 10: report misconduct</td>
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**Note:**

- **Crimes Act 1900, Part 3 Coercive force (minor to lethal): powers of entry, arrest, detention, search, seizure; LEPA ss230, 231; ss9-10; 99-108; 114-138; 20-45; 46-52.**
<table>
<thead>
<tr>
<th>9.</th>
<th>Five protesters held a peaceful protest during the Queen’s visit to Sydney. Silently, they held up posters demanding better aged pensions for all. Two police officers decided to teach the protesters a lesson so they arrested them, held them at the police station for five hours and released them without charge.</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.</td>
<td>Constable John Smith was suspected of bringing the police force into disrepute because of his associations with disreputable members of society. Rumours abounded in Goulburn, NSW, where he lived and a press and local radio campaign was mounted against him making his position as a local officer untenable. Local residents held a meeting and passed a vote of ‘no confidence’ in the constable. Also, a petition with 5,000 names was passed to the Police Commissioner demanding that the Constable be sacked. The Assistant Commissioner (HR) called Constable Smith in to HQ and immediately advised him to resign before discipline investigations and proceedings were commenced which would certainly result in a requirement to resign because he had lost the confidence of the Commissioner. Evaluate the ASSISTANT COMMISSIONER’s behaviour.</td>
</tr>
<tr>
<td>2: (iv) Unprofessional conduct</td>
<td>Rules of Natural Justice - England</td>
</tr>
<tr>
<td>11.</td>
<td>An indigenous man was arrested and placed in police custody. After the man refused to take part in a strip search he was Tasered. The prisoner was Tasered by a constable five times and a sergeant 10 times. In the subsequent oversight</td>
</tr>
<tr>
<td>1: 7. Criminal activities 2: (ii) Excessive force</td>
<td>CCC - Western Australia</td>
</tr>
<tr>
<td>19.</td>
<td>Right to freedom of opinion and expression. (Also, Articles 2 &amp; 5 (CCPR and CEDAW, Articles 1 &amp; 2) 9. No one shall be subjected to arbitrary arrest, detention, or exile.</td>
</tr>
<tr>
<td>11.</td>
<td>Everyone charged with a penal offence has the right to be presumed innocent (Also, right to representation, Article 14, (CCPR) 10. Everyone is entitled in full equality to a fair and public hearing.</td>
</tr>
</tbody>
</table>
| 11. | Crimes Act 1900, Part 3 Coercive force (minor to lethal); powers of entry, arrest, detention, search, seizure; LEPA ss390, 231; ss9-10; 99.
12. In support of their Commander's performance indicators, detective police officers based at a CBD LAC were determined to drive down crime and ensure the bad guys received appropriate punishment for their crimes. The officers carefully targeted the prolific criminals and arrested them. While they were in custody, the police officers planted evidence from their 'exhibits cupboard' at the criminals' homes and on their persons to ensure an appropriate conviction.

| 1: (9) | Hacking ('bad') | Operation Florida – New South Wales | Perverting the course of justice / Process Corruption / 'Noble Cause Corruption'. | High | Dilemma: Police officers are given powers of arrest, detention etc over other citizens; they use these powers wisely and with circumspection. Police officers must only present valid evidence they seized from suspects, not pursue prosecutions for their own agenda, and always assume that suspects are innocent until proven guilty. | 10. Everyone is entitled in full equality to a fair and public hearing. |

13. A police officer downloaded information and a photograph of an arrested person from the police computer and gave it to a personal friend.

| 2: (iv) | Unprofessional conduct | Gottschalk, 2009 - Norway People (2008) | Unauthorised disclosure of personal information | Moderate | Dilemma: Improper use of position – unauthorised disclosure of information. Police officers, in their course of duties are in a privileged position and have access to personal information about other citizens. Police officers should maintain confidentiality of information in their possession and use it only for authorised purposes. | 12. No one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence. |

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Code: 2: Act with care; 4: Treat with respect

<table>
<thead>
<tr>
<th>Key</th>
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<table>
<thead>
<tr>
<th>Typologies references (detail below)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nine types of misconduct – Typology # 1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Six types of misconduct – Typology # 2</th>
</tr>
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<table>
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<tr>
<th>Where scenario previously used or source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scenario crime and/or disciplinary matter</td>
</tr>
<tr>
<td>-----------------------------------------</td>
</tr>
<tr>
<td>Ethical Dilemma / NSWPF Code of Conduct and Ethics</td>
</tr>
<tr>
<td>Relevant Police Powers, Code / NSW Legislation</td>
</tr>
</tbody>
</table>

### Legal Risk – levels

<table>
<thead>
<tr>
<th>Level</th>
<th>Description of police activity / impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Low risk</td>
<td>rudeness, intolerance, or minor inaction</td>
</tr>
<tr>
<td>(ii) Low-moderate risk</td>
<td>police inaction involving vulnerable persons, repeated behaviour, costs to complainants with little public impact</td>
</tr>
<tr>
<td>(iii) Moderate risk</td>
<td>police action or inaction involving public visibility, but no significant consequences or use of force</td>
</tr>
<tr>
<td>(iv) Moderate-high risk</td>
<td>police conduct resulted in physical or psychological injury, including assaults</td>
</tr>
<tr>
<td>(v) High risk</td>
<td>police conduct resulted in severe injury or detriment to police public image, e.g., serious assaults, severe intimidation, negligence, failure of duty, deceit, corruption, or wrongful death</td>
</tr>
</tbody>
</table>

*Note: Reproduced from Goodman-Delahunty et al (2011:63)*
## Nine types of misconduct – Typology # 1

<table>
<thead>
<tr>
<th>Type</th>
<th>Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Corruption of authority</strong></td>
<td>When an officer receives some form of material gain by virtue of their position as a police officer without violating the law per se (e.g. free drinks, meals, services).</td>
</tr>
<tr>
<td><strong>2. ‘Kickbacks’</strong></td>
<td>Receipt of goods, services, or money for referring business to particular individuals or companies (e.g. Towing companies)</td>
</tr>
<tr>
<td><strong>3. Opportunistic theft</strong></td>
<td>Stealing from arrestees (sometimes referred to as ‘rolling’), from traffic accident victims, crime victims and the bodies or property of dead citizens.</td>
</tr>
<tr>
<td><strong>4. ‘Shakedowns’</strong></td>
<td>Acceptance of a bribe for not following through a criminal violation i.e. not making an arrest, filing a complaint or impounding property.</td>
</tr>
<tr>
<td><strong>5. Protection of illegal activities</strong></td>
<td>Police protection of those engaged in illegal activities (prostitution, drugs, pornography) enabling the business to continue operating.</td>
</tr>
<tr>
<td><strong>6. The ‘fix’</strong></td>
<td>Undermining of criminal investigations or proceedings, or the ‘loss’ of traffic tickets.</td>
</tr>
<tr>
<td><strong>7. Direct criminal activities</strong></td>
<td>A police officer commits a crime against person or property for personal gain ‘in clear violation of both departmental and criminal norms’.</td>
</tr>
<tr>
<td><strong>8. Internal payoffs</strong></td>
<td>Prerogatives available to police officers (holidays, shift allocations, promotion) are bought, bartered, and sold</td>
</tr>
<tr>
<td><strong>9. ‘Flaking’, ‘padding’ or planting evidence</strong></td>
<td>Planting of or adding to evidence (most likely to be particularly evident in drugs cases).</td>
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</tbody>
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### Six types of misconduct – Typology # 2

<table>
<thead>
<tr>
<th>Type</th>
<th>Dimensions</th>
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<tbody>
<tr>
<td>(i) Graft or ‘classic corruption’.</td>
<td>Misuse of police position for benefit. Bribery, graft, protection rackets, ‘on the spot’ fines, ‘shakedowns’, theft from crime scenes, reselling drugs or information, receipt of gratuities.</td>
</tr>
<tr>
<td>(ii) Process corruption</td>
<td>Tampering with, or fabricating evidence, perverting the course of justice, illegal searches or wire-tapping, denial of legal advice.</td>
</tr>
<tr>
<td>(iii) Excessive force</td>
<td>Use of excessive or unjustified force, excessive frisking, serious assault, torture, murder, verbal abuse, intimidation.</td>
</tr>
<tr>
<td>(iv) Unprofessional conduct or miscellaneous misconduct</td>
<td>No clear benefit to the officer but constitutes harassment, incivility, racial or sexual discrimination, failure to act or omission, misuse of confidential information, neglect of duty to investigate or care for persons in police custody</td>
</tr>
<tr>
<td>(v) Internal corruption or workplace deviance</td>
<td>Harassment of police employees, payment for favourable postings or duties, promotions, sick leave, being intoxicated on duty, embezzlement, unlawful drug use.</td>
</tr>
<tr>
<td>(vi) Unbecoming or unprofessional conduct off duty.</td>
<td>Criminal actions or behaviour inappropriate for a police officer for example, drunk driving, assault or use of abusive language.</td>
</tr>
</tbody>
</table>

The NSWPF Standards of Professional Conduct include a Code of Conduct and Ethics\(^{29}\) which is reproduced below (NSWPF, 2008) and the Standards of Professional Conduct also include a definition of the ‘values’ to which NSWPF staff should aspire:

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**Code of Conduct and Ethics**

An employee of the NSW Police Force must:

1. behave honestly and in a way that upholds the values and the good reputation of the NSW Police Force whether on or off duty
2. act with care and diligence when on duty
3. know and comply with all policies, procedures and guidelines that relate to their duties
4. treat everyone with respect, courtesy and fairness
5. comply with any lawful and reasonable direction given by someone in the NSW Police Force who has authority to give the direction
6. comply with the law whether on or off duty
7. take reasonable steps to avoid conflicts of interest, report those that can not be avoided, and co-operate in their management
8. only access, use and disclose confidential information if required by their duties and allowed by NSW Police Force policy
9. not make improper use of their position or NSW Police Force information or resources
10. report misconduct of other NSW Police Force employees.

Failure to comply with the Code of Conduct and Ethics may result in management action.

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**Statement of Values**

The NSW Police Force has identified its values to be:

- **Excellence**
  - having the highest professional standards and integrity
- **Trust**
  - promoting community faith and confidence in their police
- **Honour**
  - acting with pride and admiration for the policing profession
- **Impartiality**
  - fair and objective decision making without prejudice
- **Commitment**
  - dedication and devotion in the performance of your duties
- **Accountability**
  - acknowledging ownership and being answerable for your actions
- **Leadership**
  - acting as a role model for the community and your colleagues

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Appendix 5: Case Studies on Use of Force by police officers.

Case Study 1: The death of Roberto Laudisio-Curti (2012)
Brazilian student Roberto Laudisio-Curti (21 years) died in the Sydney Central Business District after he was pursued by police who discharged their Taser\(^1\) weapons 14 times to arrest him. The Taser conducted energy weapon (CEW) is intended to be used as a non-lethal (or ‘less lethal’) weapon option by police (Beckley et al., 2002; CMC, 2008a; Lawton, 2007). In the early hours of March 18, 2012 Curti was being chased by up to 11 police officers because he had stolen two packets of biscuits from an all-night kiosk and appeared to be suffering from the effects of drugs. Curti resisted arrest and several police officers discharged capsicum spray and Taser weapons at him. At 6.11am at the scene of the police pursuit, he was found to be unresponsive and not breathing; subsequently ambulance officers found life extinct.

The NSW Ombudsman immediately commenced an inquiry into the incident and stated that it would actively monitor the investigation into Mr Laudisio-Curti’s death (NSW Ombudsman, 2013:Foreword). During the inquest into the death of Mr Laudisio-Curti, the Coroner was unable to determine the exact cause of death, but did conclude that several NSW police officers ‘were reckless, careless, dangerous, excessively forceful and amounted to an abuse of police powers’ (Jerram, 2012:21), in their use of Tasers and OC sprays (NSW Ombudsman, 2013:4). The Coroner made several recommendations, including that several police officers should be considered for disciplinary charges and that their actions should be referred to the Police Integrity Commission; also, that NSWPF Standard Operating Procedures relating to the use of Tasers, OC spray, handcuffing, restraint, and positional asphyxia should be subject to an immediate review (Jerram, 2012:31).

In addition to the NSW Ombudsman inquiry, there was a separate investigation by the Police Integrity Commission, codenamed Operation Anafi, which recommended to the NSW Director of Public Prosecutions (ODPP) that there was sufficient evidence to charge four NSWPF police officers; two with common assault and two with assault occasioning actual bodily harm. Court attendance notices were issued to the officers in December 2013 to appear in court during 2014 (PIC, 2014b:29). Because of the comments of the NSW Coroner, recorded above, the outcome of the criminal case against the officers was questioned by the media on two counts. Firstly, of the three police officers charged, three were found not guilty and the fourth, who deployed CS spray only, was found guilty of assault but was not given a criminal conviction (McNally, 2014). Secondly, there was criticism in the press about the high cost of defending the police officers which fell on the public purse (Knowles, 2016b). Therefore, this incident resulted in a loss of standing for the police in the eyes of the public and potentially harmful loss of confidence in the police.

Following the inquest (Jerram, 2012), the NSW Premier (O’Farrell, 2013) requested the Hon Robert McClelland to carry out a review into NSWPF Critical Incident Guidelines (den Heyer and Beckley, 2016:213). Various organisations and individuals (Shoebridge, 2013) made

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\(^1\) CMC, 2008 defines a Taser as: ‘A Taser is a hand-held, electro-muscular disruption device that is capable of incapacitating a person and causing pain through the application of electrical current’.
submissions to the review which, although press releases described the findings of the report (Nine News, 2014), was not immediately published, nor were there public announcements as to whether its recommendations were accepted or implemented. Subsequently, it was made available in the public domain (McClelland, 2013). The McClelland report proposed greater inquiry into critical incidents and that there should be more openness and transparency. Linked to this is the need to learn from incidents by systematically de-briefing participants with a view to amending or enhancing policies, practices, and operating procedures in everyday policing, with the objective of ensuring public safety (Beckley, 1997; Beckley, 2011; CHR, 2009). The issues of review and risk are possibly an argument for mandatory reporting of specified critical incidents.

Case Study 2: The Lindt Café Siege (2015)

Conversely, messages from the media and the community criticised police tactics when dealing with the incident in the Lindt Café in 2015. In that incident, which occurred in the Sydney CBD and resulted in two innocent people and the perpetrator losing their lives, the NSWPF were criticised for not using lethal force sooner (Fife-Yeomans and Benns, 2016) and disproportionately respecting the suspect’s human rights (Higgins, 2016). The incident was declared a terrorist incident (Hockey, 2015) by the Federal Government and the independent review of the incident made no recommendations about the operational policing tactics of the incident, other than to tighten up controls on illegally held firearms (Thawley and Comley, 2015: ix). The Lindt Café siege commenced at 0941 hours on Monday 15 December 2014 when Man Monis, a religious activist, held 8 staff members and 10 customers hostage in the café. Monis claimed to be an Islamic State operative, and that he had a bomb; he was armed with a shotgun. NSWPF set up a police cordon around the area and commenced attempts to negotiate with Monis which were mainly unsuccessful. The siege lasted for over 16 hours during which 12 of the 18 hostages managed to escape during four separate incidents. At 0213 the following morning Monis shot and killed the café manager, Tori Johnson. A short while after this action, police entered the café and in the firefight, Monis was killed but also Katrina Dawson, a café customer, was killed by deflected bullets. The Coroner’s 600-page report, published in May 2017, contained 45 recommendations (State Coroner, 2017:4).

The Coroner praised the work of the police and outlined the danger that the police officers faced when entering the café (State Coroner, 2017:4). The inquest report makes it clear that the deaths and injuries which occurred because of the siege were not the fault of the police, but were the responsibility of Monis. The Coroner said: ‘No shortcomings of the police response can reasonably be attributed to any lack of either commitment to rescuing the hostages or dedication to the officer’s sworn duty’; however, he did identify where police efforts could have been improved. The Lindt café siege was recognised as the first terrorism-related siege to occur in Australia. Monis was on bail from previous court hearings into allegations relating to the murder of his wife (among other charges) which the inquest concluded was allowed because of erroneous advice from a prosecution solicitor; this was the subject of several recommendations (State Coroner, 2017:12).

Also, the Coroner recommended guidelines to the police as to when they should use their powers of arrest to take an accused into custody. There were several recommendations
regarding the strategic and tactical response of the police operations such as; a review of the management operational guidelines; recording and dissemination of command decisions and documenting changes to line command of the incident; also review of the Police Forward Commander’s scope of responsibility. These are all basic police operational command problems which should not have occurred, as there has been considerable advice over many years on these subjects and strategic, tactical, and operational command roles are clear in most systems in police forces internationally (Beckley, 1997). Some of these matters were identified by two UK policing experts who were consulted to review the police operation.

It was recognised in the inquest that the policy adopted by NSWPF senior officers of ‘contain and negotiate’ was the appropriate one in the first instance, but that this should have been abandoned in favour of a Deliberate Action (DA), depending on the level of risk identified by the risk assessment. In fact, the ‘contain and negotiate’ policy is consistent with Clause 92 of the Australian Government National Counter-Terrorism Plan 2012 which states that ‘Australia will not make concessions in response to terrorist demands’. The DA plan that was formulated and eventually executed by the NSWPF was accepted by the Coroner as appropriate and feasible, but could have been activated ten minutes sooner after the first shot was fired by Monis at fleeing hostages (Begley and Snow, 2017; Higgins, 2017). However, a UK policing expert was quoted as advising the inquest: "Police are 'damned if you do, damned if you don't'.” (Begley, 2016) meaning the actions of the police could have been criticised by adopting either of the approaches.

The Coroner said that the NSWPF should review procedures relating to casualty identification and family liaison officers to ensure early liaison and information to relatives of deceased persons. Also, criteria regarding the referral and call-out of the Australian Defence Forces in cases of terrorism or counter-terrorism were recommended, although as discussed in chapter 2, this is a contentious area of law and jurisdiction (Beckley, 1996). Another area of recent contention further discussed in this chapter is the procedure for the critical incident review process which was internal to the NSWPF: The Coroner recommended that the newly-appointed Law Enforcement Conduct Commission should facilitate urgent debriefs and confidential internal reviews of critical incidents focused on improving current practice, although this brings with it some conflicts of interest in relation to investigation of possible police misconduct in the same incident. Readers should also note that research has identified that members of the public accept that police officers on occasions need to use some level of force, not only where such force is justifiable but also in incidents of apparently illegal or unethical police action (Bradford, Milani and Jackson, 2016; Silver and Pickett, 2015).
### Appendix 6: United Nations: The Universal Declaration of Human Rights (1948)

<table>
<thead>
<tr>
<th>Article Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 1.</td>
<td>All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.</td>
</tr>
<tr>
<td>Article 2.</td>
<td>Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.</td>
</tr>
<tr>
<td>Article 3.</td>
<td>Everyone has the right to life, liberty and security of person.</td>
</tr>
<tr>
<td>Article 4.</td>
<td>No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.</td>
</tr>
<tr>
<td>Article 5.</td>
<td>No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.</td>
</tr>
<tr>
<td>Article 6.</td>
<td>Everyone has the right to recognition everywhere as a person before the law.</td>
</tr>
<tr>
<td>Article 7.</td>
<td>All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.</td>
</tr>
<tr>
<td>Article 8.</td>
<td>Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.</td>
</tr>
<tr>
<td>Article 9.</td>
<td>No one shall be subjected to arbitrary arrest, detention or exile.</td>
</tr>
<tr>
<td>Article 10.</td>
<td>Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.</td>
</tr>
</tbody>
</table>
| Article 11.    | (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.  
(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed. |
| Article 12.    | No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks. |
| Article 13.    | (1) Everyone has the right to freedom of movement and residence within the borders of each state.  
(2) Everyone has the right to leave any country, including his own, and to return to his country. |
| Articles 14 to 16 | Not relevant to policing scenarios |
| Article 17.    | (1) Everyone has the right to own property alone as well as in association with others.  
(2) No one shall be arbitrarily deprived of his property. |
| Article 18.    | Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. |
| Article 19.    | Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas |

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through any media and regardless of frontiers.

| Article 20. | (1) Everyone has the right to freedom of peaceful assembly and association.  
(2) No one may be compelled to belong to an association. |
| Articles 21 to 30 | Not relevant to policing scenarios |

**List of Australian Treaties / Laws relating to human rights.**

- Declaration on the Rights of Indigenous People (2007) UNGA\(^2\)
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention on the Prevention and Punishment of the Crime of Genocide
- Convention on the Political Rights of Women
- International Convention on the Elimination of all Forms of Racial Discrimination
- Convention on the Elimination of all Forms of Discrimination against Women
- Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
- Convention on the Rights of the Child
- Convention on the Reduction of Statelessness
- Convention relating to the Status of Stateless Persons
- Convention Relating to the Status of Refugees
- Slavery Convention of 1926
- Supplementary Convention on Slavery
- Convention on the Rights of Persons with Disabilities

*Note: Adapted from Gans et al., 2011:30.*

\(^2\) Australia voted against its adoption (Garcia-Alix and Hitchcock, 2014); Also Implementing the policy of the UN Declaration on the rights of Indigenous peoples (Ornelas, 2014)
Appendix 7: Detailed Professional Career – Alan Beckley

Note: a short professional biography is included at page viii of this thesis.

Professional Career including police service:
Upon leaving full time education I was first employed in the distributive trades.

1964 – 1971 Various posts in the distributive trades, retail and manufacturing. Seeking to achieve job security, I joined the police service in the United Kingdom:

- One commendation for good police work – arresting for assault while off-duty.

1978 – 2001 Posts through ranks to rank of Chief Inspector in West Mercia Constabulary.

**Sergeant**: Patrol Sergeant, Detective Sergeant, Telford (1979 - 1980)
- Completed uniform duties general patrol and community policing
- Detective sergeant – general and serious crimes

**Inspector**: Uniform Inspector, Shrewsbury and Telford, (1980 - 1985)
- 1984: Commendation – personal courage, patience and coolness – dealing with a firearms incident
- 1985: LLB Law Degree by part-time study – Wolverhampton University
- 1985-87: Directing Staff at Ryton District Training Centre, (Police Recruit training). Taught and managed recruit training courses for midlands police forces.

- 1988: Football Match Commander – Hereford United and Shrewsbury Town
- 1990: Attended the FBI National Academy – 160th Session, Quantico. Passes in the following subjects: Problematic law enforcement instruction; Futuristics of law enforcement; Executive leadership; Forensic evidence; US Government institutions; Fitness in law enforcement; Crisis management; Applications for micro-computers to major investigations. (23,000 grade points for post-graduate study in the USA).

**Acting Superintendent**: Superintendent (Support) Area 2 (1990-91).

- Head of Operations Branch
- 1993: Police Research Award Scheme Innovation Award.

**Acting Superintendent**: Head of Community Relations Dept HQ (1995).

- 1997-9: Head of Management Development
- 1997-2000: Member of the ACPO Working Party on the introduction of Human Rights Act to the UK.
- 1997: Awarded Master’s Degree in Law (LLM) by part-time study from Wolverhampton University
- 1999: Awarded post-graduate Certificate in Professional Policing (Police Ethics) – Teesside University
- Teaching subjects in the West Mercia Constabulary Force Training School:
  - **General Law Courses**: - National Police Training
    - Criminal Law
- English Legal System
- Law of Evidence and Procedure
- Constitutional and Administrative Law
- Human Rights Law
- Law of Torts – especially personal and corporate liability for ‘duty of care’ and public safety
- Police Ethics
- Health & Safety Law

**Management & Leadership Courses:** (West Mercia Constabulary, Warwickshire Police, Gwent Police, Gloucestershire Police, Staffordshire Police):
- Certificate in Management Studies (CMS): First level managers
- Diploma in Management Studies (DOM / DMS): Middle Managers
- ‘M7’: Senior Managers (Postgraduate NVQ Level 5 in Strategic Management, based on ‘Emotional Intelligence’).

I retired from the police service in 2001 having served the full term of employment; 30 years and was awarded a good conduct service medal.

**Employment 2001 to 2010:**
2001 to 2004 employed as a freelance, self-employed management consultant with Oakleigh Consulting, Manchester.
2003: Awarded Master’s Degree (MSc) by part-time study in Management of Education from Worcester University.
2004 to 2010 – founding member, Company Director and Company Secretary of Baddiley Associates Ltd, a company delivering management consultancy. Also, Company Director in Abdab Ltd and Off Duty Management Consulting Ltd. In addition, I was a part time External Verifier for the Institute of Management Consultancy and the Chartered Management Institute with a national role externally verifying management consultancy awards. I was also appointed as Lead Diploma Practitioner for the Specialist Schools and Academies Trust (SSAT) for the Society, Health and Development Diploma, specialising in the Community Justice section of that Diploma.

**University part-time teaching posts 1998-2010, UK**
- Visiting Lecturer, **University of Central England**, Faculty of Education, Master’s Degree in Education and Professional Development (1998)
- Visiting Fellow, **Staffordshire University**, Business School (from 1997 - 2002) and Lecturer on Management and Leadership subjects.
- Research Fellow, **University College Worcester** (1999) and Lecturer between 1999 and 2004
  - **PBS203: Comparative Policing Studies** – comparing policing systems around the world in democratic countries and other countries with the policing system in the UK. Also examining some aspects of Criminal Law
  - **PBS204: Operational Management in the Emergency Services** – Comprising tools and techniques for the civil emergency services to manage and successfully resolve major and critical incidents (including natural disasters) in the community and managing public safety and sporting events, while specifically examining personal and corporate liability for such incidents. (Law of Tort and Criminal Law)
  - **PBS201/2: Management in the Public Sector** – Studying all aspects of managing in public authorities, such as performance management, quality assurance, strategic management and other issues – little legal content.
  - **MM8: Managing Public Sector and Not-for-profit organisations (Post-graduate)** – Content on all aspects of public sector management at senior management level;
examples of content – strategic management, financial control, partnerships, environmental scanning, communication / presentation skills.

- BL 2245: Corporate Governance, Law and Ethics – discussion of these values and issues in the private sector context, linking to relevant legal provisions, particularly examining Government Reports and business practices – optional module (Company Law).

2010 Removal to Australia

Charles Sturt University
In July 2010 I was appointed as Lecturer, Policing and Law Enforcement with Charles Sturt University, School of Policing Studies (SoPS), Goulburn, NSW. I taught on the PPP123 Professional Ethics subject and completed several projects including the research database and compiling the Operational Plan for SoPS. In October 2010 I was appointed as Senior Lecturer, Policing and Law Enforcement, at the Australian Graduate School of Policing (AGSP), Manly, NSW. Subject coordinator for:
- GPM506 Executive Leadership
- GPM411 Policing Practice: Dynamics and Development
- GPM413 Effective People Management
- GPM708 Current issues in Policing and Security
- GPM709 Best Practice in Policing and Security.

In August 2010, I attended the Jakarta Centre for Law Enforcement Cooperation (JCLEC), with police officers from the Police Service of Indonesia participating in a course entitled Professional Standard, Accountability & Integrity Course and delivered several sessions of training. Between 14 February and 8 April 2011, I was the Program Director for the Indian Police Service Mid-Career Training Phase III Program for senior police officers in India.

Western Sydney University
In 2013, I joined Western Sydney University as a non-academic staff member in the Office of Widening Participation. I performed several roles as the Evaluation manager and later as the Acting Director of the Office of Widening Participation. I was involved in many academic functions and conferences in this role. I was also appointed as an Adjunct Research Fellow to the School of Social Sciences & Psychology in which role, I was teaching, by distance learning, a year three, undergraduate module: Unit 102369 Governance in Policing. I also contributed to teaching courses organized by Western Sydney University for police officers in the Maldives. I retired from WSU in 2016.

Research and Consultancy in the police sector in Australia

DCAF: The Geneva Centre for Democratic Control of the Armed Forces - Integrity in police organisations – DCAF Commissioned research (quantitative and qualitative) to produce a Toolkit for police forces around the world to work towards improving integrity in their organisations to fight corruption and misconduct. I completed research and wrote the chapter on capacity building in the police organization (chapter 8). The Toolkit was published internationally and on the website in March 2012.
http://www.dcaf.ch/Publications/Toolkit-on-Police-Integrity

New South Wales Police Force – advice on training/technology. Working as a member of an advisory working group, I was asked to attend the NSWPF Leadership Centre and Police HQ to assess how the force was using
the ‘HYDRA’ and ‘MINERVA’ IT system for its senior officer training on decision making and management of major incidents. I attended and observed training sessions and gave developmental feedback on the participants and the method of training delivery of the course.

**Office of Police Integrity, Melbourne** – Training for Critical Incident Management. I was contracted to deliver training to members of the independent oversight body of the Victoria Police, the Office of Police Integrity, to ensure they understand how critical incidents are managed in the police service and how to assess the effectiveness of policing operations and the traumatic effects on police officers during such operations.

**Australian Federal Police** – change management – capacity building. Working with the ARC Centre for Excellence in Policing (CEPS), I was assisting the Australian Federal Police (AFP) to devise a ‘Toolkit’ for the use of police personnel who are deployed in foreign countries (International Deployment Group) to assist them to manage projects working with the local police force to achieve democratic policing systems and other objectives that are suitable for the context of their own country.

**Queensland Police Service** – advice on policy. Working with the ARC Centre for Excellence in Policing (CEPS), I was assisting the QPS to formulate a policy on police officers receiving gifts and gratuities following criticism from the Crime and Misconduct Commission. Detailed feedback was given to QPS on their draft policy and it was amended accordingly.

**Lockheed-Martin International Law Enforcement Support Council (LESC)** - change management – capacity building. I was appointed to the Lockheed Martin (LM) Law Enforcement Support Council (LESC), which is comprised of internationally recognized law enforcement subject matter experts. Focused initially on the UAE, UK, Australia and the US, the LESC meets periodically to share international policing best practices, lessons learned and explore advanced technologies which may enhance law enforcement and other first responder communities of interest. The main topic of LESC was the introduction of new technology into the UAE in the form of a centralized ‘GIS’ system of police command and control to manage all policing operations effectively.

**NSW, Qld and Vic. Governments**: Expert Witness evidence in criminal trials – three states in Australia commissioned universities to research (qualitative) participants in criminal trials including jurors, legal representatives, judicial professionals (judges) to investigate the effects of ‘expert’ evidence in criminal trials in Australia. While in an academic post in Charles Sturt University, I interviewed respondents and forwarded results to the university coordinating the data.

**Community Legal Centres NSW**: CLC NSW commissioned Charles Sturt University to undertake research (quantitative and qualitative) to survey Legal Professionals and Advisors for the experiences faced by their clients in respect of complaints against police in NSW. I analysed the data and co-wrote a briefing paper for the client; I also wrote several articles for academic journals based on some of the findings.


**Australian Research Council Centre of Excellence for Policing and Security (CEPS)**: I carried out research with co-authors and produced a briefing paper: *Rethinking Police Gifts and Benefits Policies*. CEPS Briefing Paper July 2012 Issue 14.


**Further details of Research and Consultancy in the police sector in the UK and Europe**

**Home Office, London**: I completed quantitative and qualitative research on the subject of personal liability of police officers following major/critical incidents (1994) which resulted in an award from the Home Office, Police Department, Police Research Group. The research was developed into part-fulfilment of a master’s degree in Law (LLM) and I also wrote many journal articles, a book and delivered in-service training to several hundred police officers on this subject.
West Mercia Constabulary - Provision of an in-house Management Development capability

I researched, planned and implemented the provision of an in-house scheme to deliver management development training programmes for police and support staff managers in West Mercia Constabulary at all levels from first level supervisors to senior managers. I devised a project-managed implementation process following an in-depth training needs analysis of all managers and then worked in partnership with a higher education institute to deliver the programme. Quality control measures and predicted learning outcomes were incorporated into the training plan, which was delivered on time and within cost. I then extended the customer-base to outside organisations including other police forces, the prison service and fire service managers thereby achieving better quality training at lower costs per delegate.

ACPO (Association of Chief Police Officers): Human Rights Law (1998) – ACPO commissioned research through a working group investigating the impact of the Human Rights Act which introduced rights-based law in the UK. I researched (qualitative) the subject and added to the knowledge and understanding of the subject by identifying the impacts on policing policies, practices, and procedures. This was then turned into a major audit of police policies and practices which ensured the individual rights of citizens in the UK. I also wrote several articles published in professional journals and several books on the subject (e.g. Child Protection).

Home Office, London: I completed research on the subject of health and safety at work in the police service as the organisation was exempt from general legislation because police officers are ‘office holders’. As a result of my research, I wrote several magazine articles in police publications and a chapter in a book. I worked with the civil servant in the Home office who was responsible for bringing in legislation (1997) and suggested ways of making it workable in liaison with ACPO.

ACPO - Human Rights Auditing and Training change programmes
I acted as the managing management consultant to the police forces of: Gwent Police, Leicestershire Police, Northamptonshire Police, Warwickshire Police, Staffordshire Police, Hertfordshire Police, Lancashire Police, Durham Police and West Mercia Constabulary and the national Association of Chief Police Officers (ACPO) working party to prepare for and implement the implications of The Human Rights Act within the police service, by delivering training and development, training trainers and proposing interventions for auditing strategies, practices and processes within the constabularies. This involved a major change management programme and changes within the culture of the police service. The interventions were implemented in time for the commencement of the Act and ensured human rights compliance. ‘Liberty’, the civil liberties organisation, commented that the police service was the best-prepared organisation in the UK in its responses to the new rights-based law.

Metropolitan Police Service – Professional Development of management Consultants
I trained and developed members of staff in the CIS (Management Consultancy) Branch of the Metropolitan Police Service. First, newly appointed consultants in their professional development as consultants by identifying development needs and more experienced consultants to achieve their Certified Management Consultant (CMC) award.

West Mercia Constabulary - Change Management within a Police Division
As an internal consultant I led, researched, planned and implemented a major change management programme that encompassed a police division in the midlands through an agreed comprehensive project assignment brief. Following an environmental scanning study which included evaluation of all political, economic, social, technological, environmental and legal dimensions and public consultation, the structure of the policing deployment was amended to ensure greater quality of service and best value. I then delivered the enhanced policing response through a tightly project-managed implementation plan within predicted time and cost factors and with the support of staff.

West Mercia Constabulary - Business Excellence Model assessment of the organisation
I was appointed by West Mercia Constabulary as the quality manager to ensure the accuracy, currency and completeness of its submission for a Business Excellence Model (European Foundation for Quality Management) assessment by Midlands Excellence (British Quality Foundation office in the midlands). This work included chairing a small project team and interviewing executive level managers, editing and critiquing the submissions from senior managers from all sections of the organisation and collating the resulting data
into an acceptable form and quality. The information contained in the submission document and subsequent feedback was utilised in organisational strategic planning, benchmarking of performance and action planning for continuous improvement.

**West Midlands Police Region - Training / consultancy in personal liability / accountability of police officers**
For over a decade, I led, trained and advised police officers and support staff on the management of disasters and civil emergencies and the legal aspects of such incidents. I also taught on UK national courses for Firearms Incident Managers and Firearms Tactical Advisers on decision-making and legal aspects of the use of lethal force by the police.

**Lancashire Police – environmental scanning research**
I worked with Lancashire Police, over several years, with the environmental scanning unit that advises the Chief Officers on Force Strategy. I provided the scanning unit with international resources, also assisted and facilitated at a conference on Policing Futures30.

**West Yorkshire Police – Workforce Modernisation**
I facilitated a two-day workshop on Workforce Modernisation in the police service on behalf of the ACPO Human Resource Programme Team.

**Gwent Police - Facilitated workshops -**
I delivered several workshops for middle and senior managers in the police service on the subject of managing major and critical incidents, focusing on the management of firearms incidents.

**Council of Europe - Project Management / teaching:**
I was commissioned by the Council of Europe to give advice and support as an expert adviser to the Ministry of the Interior, the Former Republic of Yugoslavia, Macedonia to make changes to the State Police Service to transform it into a democratic policing system. This work was offered to several ‘pre-accession’ countries when they applied to join the European Union as it is a pre-requisite for member countries to have appropriate arrangements in place to provide a democratic policing system based on the rule of law and observing fundamental human rights for citizens. This work was carried out over a number of years and was delivered in the countries listed below, focusing on ‘Police Ethics’. Some of the work has also encompassed writing and editing the Law on Police in the country.

- Armenia
- Azerbaijan
- Czech Republic
- France
- Georgia
- German Federal Republic
- Kosovo
- Macedonia
- Malaysia
- Montenegro
- Poland
- Serbia
- United States of America

**Ministry of Defence Police - Delivery of Assessment Centres**
A national police force found it difficult to manage and staff assessment centres for senior staff with appropriate assessors. I set up and managed the assessment centre using an innovative approach which successfully achieved the desired outcomes.

**Gwent Police - Management development in specific competency areas**
The client police service had entered candidates into a promotion assessment centre and achieved a very poor success rate (less than 30%). The result, in the lack of appropriate candidates for vacant management positions, was severely affecting the operational resilience of the force and causing a lowering of morale. I was asked to identify the training and skills needs for the target candidates and deliver an appropriate management and leadership development programme. This was successfully completed with the outcome that 90% of candidates were successful in the subsequent assessment centre.

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30 Policing Futures – ‘the missing piece of the jigsaw’ – Lancashire Police
Worcester University: I completed research (qualitative and quantitative) on the use of competencies in the police service for recruitment, selection and promotion (2002). This research was used in part-fulfilment of a master’s degree (MSc).

TRL - Research – Road Transport
As part of a supply chain to the Highways Agency, Baddiley Associates Ltd worked in partnership with TRL (Transport Research Laboratory) in an important research project, led by me, regarding the overloading of Heavy Goods Vehicles on Motorways and incidents of goods vehicles shedding their loads on the Motorways. The research findings identified the level of incidents of this nature, their impact on the free running of the Motorway Network and acknowledged good practice in this area. The research report listed conclusions and recommendations to support Government key performance indicators in maintaining free flowing traffic on the country’s major road systems.

Imperial College Reactor Centre - Training and Consultancy – emergency procedures – Nuclear Sector
Baddiley Associates consultants, led by me, were commissioned to assist an organisation that runs a small nuclear reactor site that is used for technical commercial purposes. The assignment involved assessing and evaluating the staff in the organisation on their performance to respond to a major or critical incident at the site. This was followed by delivery of several training courses for the staff and a practice exercise scenario. Finally, the organisation was successfully assisted through the accreditation process of the Licensing Authority for Nuclear Installations, the Nuclear Installations inspectorate.

Sussex Police Federation - Human Resource Consultancy – Police Federation
Baddiley Associates Ltd consultants, led by me, were commissioned to review the role, responsibilities and staffing levels of the Police Federation office (Police staff association) in a large police force in the south of England. Following wide consultation and having assessed the level of workload and commitments of the incumbent staff, a report was submitted with conclusions and recommendations.

Chartered Management Institute (Awarding Body) and UK National Policing Improvement Agency, I was appointed as the External Verifier for the police related qualifications of:
- CLDP – Core Leadership Development Programme at Levels:
  - Level 2 – team leader
  - Level 3 – first level supervisors
  - Level 5 – middle managers
  - Level 7 – senior managers
- Neighbourhood Policing
  - Introductory certificate to NM
  - Neighbourhood management
This appointment was to eleven police forces in the UK: Metropolitan Police Service (London); Avon & Somerset Police; Devon & Cornwall Police; Dorset Police; Dyfed-Powys Police; Gloucestershire Police; Gwent Police; Hampshire Police; South Wales Police; Thames Valley Police; Wiltshire Police.
<table>
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<th>ACADEMIC and PROFESSIONAL QUALIFICATIONS:</th>
<th>Year Obtained</th>
<th>Awarding body</th>
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<td>GCE 'O' Level Examinations (6)</td>
<td>1967</td>
<td>Secondary Education</td>
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<td>Police Sergeants Examination</td>
<td>1974</td>
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<td>Police Inspectors Examination</td>
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<td>Diploma in NEBSS</td>
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<td>LL. B Bachelor of Laws</td>
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<td>Criminal Justice Education</td>
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<td>University of Virginia</td>
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<td>FBI National Academy Course</td>
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<td>TDLB, D32, D33 Vocational Assessor</td>
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<td>TDLB D34 Internal Verifier</td>
<td>1997</td>
<td>City &amp; Guilds</td>
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<tr>
<td>LLM, Master of Laws</td>
<td>1997</td>
<td>Wolverhampton University</td>
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<tr>
<td>MCI NVQ Level 5, Strategic Management Assessor for the 1999 Business Excellence Model</td>
<td>1999</td>
<td>Institute of Supervision and Management, Lichfield</td>
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<td>Certificate in Professional Policing</td>
<td>1999</td>
<td>British Quality Foundation</td>
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<tr>
<td>Fellow CMC</td>
<td>2004</td>
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<tr>
<td>MSc (Management of Education)</td>
<td>2003</td>
<td>University College, Worcester</td>
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<td>V.2 External Verifiers Award</td>
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<td>Fundamentals of University Learning &amp; Teaching</td>
<td>2011</td>
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<td>Fundamentals of program evaluation in public policy</td>
<td>2013</td>
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<td>Fundamentals of Statistics</td>
<td>2015</td>
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Full list of publications:

Books and Chapters


In production:


Police and Professional Magazine Articles (not peer-reviewed).


**Police and Professional Journal Articles - UK**


**Australian publications** (all peer-reviewed):


Beckley, A. (2013). Intelligence: a risk too far or 'dignity and justice for all of us'? *Salus Journal*, Issue 1, Number 2, 52-72.


Beckley, A. (2013). Intelligence: a risk too far or 'dignity and justice for all of us'? *Salus Journal*, Issue 1, Number 2, 52-72.


**Electronic Publications**

319


**Conference Presentations**


