State police in a state of change: remaking the entrepreneurial officer

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Abstract

We are currently at a point in time in Australia where questions concerning how to govern police have never been more pressing or more fluid. Systemic corruption has been identified in several states; a range of new accountability mechanisms have been established internal and external to police and in Victoria police corruption has been linked with a violent ‘gangland war’. This thesis locates these contemporary developments within a broader analysis of the historical circumstances shaping the changing techniques for governing state police. More specifically, this thesis engages in a detailed comparative study of the changing techniques of governing police in Queensland and Victoria. The theoretical tools to conduct this analysis are drawn from ‘governmentality studies’. This refers to a broad grouping of theoretical scholarship concerned with the changing ideas – or ‘political rationalities’ - on how to govern some thing or some activity, and the underlying reasoning, justifications and ambitions contained within the practical tools or ‘techniques’ used to govern. Central to the thesis is an argument that a new politics of policing has emerged recently, one that extends the dyad of the old accountability - ‘police powers’ and ‘external accountability’ - to a pluralisation of accountability processes and structures.

The thesis argues that governmentality studies offer new insights into ways of analysing the techniques for governing state police, increasingly shaped by the managerialisation of governing and embodying efforts to make police innovative, risk-taking problems-solvers. This is what I refer to as an open-ended normative project for re-making the entrepreneurial officer. However, a detailed examination of the development of governmental techniques for ‘making up’ the entrepreneurial officer indicates that such a governmental project is not implemented unproblematically. Nonetheless, the thesis concludes that the attempts to re-make the entrepreneurial officer through the managerialisation of governing presents distinct possibilities for a new ‘politics of policing’ that fosters deliberative, reflective police practice within a new framework of police accountabilities.
Statement of authorship

This work has not previously been submitted for a degree or diploma at any university. To the best of my knowledge and belief, the thesis contains no material published or written by another person except where due reference is made in the thesis itself.

Darren Palmer

Signature       Date:  27/08/2004
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Finally, my greatest debt is to Katey, Dylan, Jonah and Lila. During the time of completing the thesis the birth of our three children and the illness and death of Katey’s father placed the trial and tribulations of the thesis in the context of lifelong experiences that outweighed yet also helped to make sense of what I wanted to achieve. My family has had to share much of my time with the process of reading, writing, reflecting and all that is part of completing the thesis, or, as they call it, ‘the book’ being done in ‘the shed’. However inadequate, this thesis is dedicated to them as a humble token of their contribution to enabling the completed work.

Darren Palmer

August 2004
### Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>APC</td>
<td>Australian Police Commissioners</td>
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<tr>
<td>APMC</td>
<td>Australian Police Ministers Council</td>
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<tr>
<td>ACPO</td>
<td>Association of Chief Police Officers</td>
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<td>ACPR</td>
<td>Australasian Centre for Policing Research</td>
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<tr>
<td>ANTA</td>
<td>Australian National Training Authority</td>
</tr>
<tr>
<td>APESC</td>
<td>Australasian Police Education Standards Council</td>
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<tr>
<td>BSC</td>
<td>Building Safer Communities</td>
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<td>BSCAT</td>
<td>Building Safer Communities Action Teams</td>
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<tr>
<td>CCC</td>
<td>Community Consultation Committees</td>
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<td>CJC</td>
<td>Criminal Justice Commission (Queensland)</td>
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<tr>
<td>CCPASWPR</td>
<td>Conference of Commissioners of the South West Pacific Region</td>
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<tr>
<td>CMC</td>
<td>Crime and Misconduct Commission (Queensland)</td>
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<td>CPP</td>
<td>Crime Prevention Partnerships</td>
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<tr>
<td>CSM</td>
<td>Customer Service Model</td>
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<tr>
<td>CSS</td>
<td>Customer Service Strategy</td>
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<td>LPP</td>
<td>Local Priority Policing</td>
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<td>LSC</td>
<td>Local Safety Committee</td>
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<td>NPRU</td>
<td>National Police Research Unit</td>
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<tr>
<td>PCCC</td>
<td>Police-Community Consultative Committees</td>
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<tr>
<td>PEAC</td>
<td>Police Education Advisory Council (Queensland)</td>
</tr>
<tr>
<td>PSMC</td>
<td>Public Sector Management Commission (Queensland)</td>
</tr>
<tr>
<td>QPSAR</td>
<td>Queensland Police Service Annual Report</td>
</tr>
<tr>
<td>SCRCSSP</td>
<td>Steering Committee Review of Commonwealth/State Service Provision</td>
</tr>
<tr>
<td>SCRGSP</td>
<td>Steering Committee for the Review of Government Service Provision</td>
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<tr>
<td>SDA</td>
<td>Service Delivery Area</td>
</tr>
<tr>
<td>SIP</td>
<td>Service Improvement Program</td>
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<tr>
<td>SDM</td>
<td>Service Delivery Model</td>
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<td>SMM</td>
<td>Statewide Management Model</td>
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<tr>
<td>Acronym</td>
<td>Description</td>
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<tr>
<td>SMT</td>
<td>Senior Management Team</td>
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<tr>
<td>VPAR</td>
<td>Victoria Police Annual Report</td>
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<tr>
<td>WEPB</td>
<td>West End Police Beat</td>
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This overview provides a guiding map to the structure of the thesis, outlining in brief the aims of the thesis and the contents of each of the chapters. This thesis analyses the changing techniques for governing state police. The empirical focus is concentrated on two Australian state police agencies – Queensland and Victoria police. The theoretical tools used to conduct this analysis are drawn from ‘governmentality studies’. This refers to a broad grouping of theoretical scholarship concerned with the changing ideas – or ‘political rationalities’ - on how to govern some thing or some activity, and the underlying reasoning, justifications and ambitions contained within the practical tools or ‘techniques’ used to govern (Rose 1993, 1996b). Central to the thesis is an argument that a new ‘politics of police’ (Reiner 1992) has emerged recently, one that extends the dyad of the old accountability - ‘police powers’ and ‘external accountability’ - to a pluralisation of accountability processes and structures. This thesis contributes to the development of governmentality studies by conducting a detailed empirical comparative study of the ‘art of government’ in relation to governing state police. It is the first detailed comparative analysis of the managerialisation (as opposed to new managerialism, a distinction discussed below) of governing police in Australia.

Put simply, it is argued that the analytical framework of governmentality studies helps us to interpret the plural or multiple ways in which police work is now governed. Furthermore, it help us to frame the changes over the past two decades and beyond in a way that enables us to look forward and identify the potentially productive aspects of the new modes of governing policing, avoiding either the inherently pessimistic readings of much police accountability literature, or the related universal template that ‘real accountability’ can only be found in ‘external accountability’. Similarly, such an approach enables us to move beyond ‘nothing works’ towards developing an understanding that the claims as to what does or does not work are necessarily located within what is being attempted – governing police officers and the police organisations is precisely concerned with the construction and production of ‘making up’ police (Du Gay 1994, 1996b).
This thesis analyses these discourses and practices constituting ideas about proper policing as part of a profound restructuring of the ways police are governed – both in the traditional and negative sense of controls, but also in the positive and productive sense of shaping the conduct of self-governing, reflective practitioners. Central to this restructuring of the governing of police has been the impact of the techniques of managerialisation. A range of practical tools or techniques has developed over the past two decades changing the objectives and styles of management. In short, particular images of private sector management tools are valorised as the right way to manage. Managers are to be given more freedom to manage. Management and the organization are assessed through new ways of measuring performance, with particular focus given to efficiency and effectiveness for ‘core’ functions and responsiveness to the ‘consumer’.

However, the extent that such techniques have been developed and applied is far more complex and contested, and subject to local variation. This requires us to examine new managerialism as a process - *managerialisation* - rather than a fixed list of new administrative arrangements referred to in the literature on New Public Management or new managerialism (McLaughlin and Murji 1995). As Clarke et al. (2000a: 7) argue, new managerialism consists of more than the sum of its parts (as ‘uneven, complex and contested’ these are), and is best conceptualised as a normative project concerned with the ‘proper’ way of managing.

*Managerialisation* involves a range of practical techniques developed to govern behaviour. It promotes entrepreneurial behaviour identified in the literature on ‘enterprise culture’ (Heelas and Morris 1992). Managerialisation also seeks to breach professional autonomy by changing the relationship between the ‘producers’ of professional services and the ‘consumers’ of these services as part of ‘consumer culture’ (Lury 1996). However, rather than producing new cultural forms such as ‘enterprise culture’ and ‘consumer culture’, managerialisation is not a ‘fixed’, unitary ‘thing’ limited to such new cultural formations but is rather developed and
applied in an open-ended and more flexible manner to promote the characteristics, more or less, of entrepreneurialism and consumerisation as ways of governing police officer behaviour.

*Entrepreneurialism* refers to the efforts to change police officer behaviour away from bureaucratic rule following, towards a new set of characteristics such as risk taking, initiative, self-reliance and self-responsibility (Du Gay 1994). Entrepreneurialism invokes a new image of ideal police practices, one far removed from the paramilitary ‘command and control’ framework that has dominated state police since their inception, in symbolism if not in reality (Manning 1977). However, this does not mean that state police have a free hand to determine what they will do and how they will do it. Instead, entrepreneurial policing is to occur within the new controls developed through the managerialisation of police. How and how much this has occurred in the Queensland and Victoria police and the extent to which governing police has changed under the influence of entrepreneurialism is examined specifically in Chapter 4.

*Consumerisation* is a process directed at changing the relations between service providers and the customers of those services. Increasingly, police have entered into consultation and partnerships with ‘the community’ so that rather than professionally designed services being delivered to ‘the community’, communities and their ‘proxy representatives’ (Clarke and Newman 1997) are allocated the spaces for determining what services are to be provided and the means by which they are provided. Chapter 6 examines in detail the means used to shape the consumerisation of police and how far the techniques of consumerisation have developed as means for governing police officer behaviour.

Finally, we treat managerialisation as an open-ended, complex, and negotiated process. In other words, we cannot and should not *assume* that the discourses and practical techniques of managerialism are univocal and/or unproblematically implemented. Neither is it the case that
the ‘old’ forms of accountability are swiftly cut adrift (Chan 1999). To understand the mix of ‘old’ and ‘new’ techniques for governing contemporary police calls for the kind of detailed, historically-informed examination of the managerialisation of governing police embraced within this thesis.

The early chapters of the thesis establish the analytical framework for researching the changing ways of governing police. The Introduction sets the context for these changes, pointing to the ongoing problem of police corruption and malpractice. Yet it also broadens the traditional focus on police accountability to state instrumentalities by raising questions about the ongoing search for the ‘right’ way to govern police, a search for purity and perfection in police organisational arrangements and in police practices. The Introduction suggests that there are tensions between competing ways of thinking about purity and perfection and that however much reforms ‘fail’ the search continues unabated. Further, the Introduction distinguishes between the terms ‘police’ and ‘policing’, justifies the focus of this thesis on analysing state police rather than policing, and highlights the comparative dimension to the thesis. In general, this introductory contextualisation of the current problems in governing police directs out attention to examining the changing mentalities of governing through ‘governmentality studies’.

Chapter 1 introduces the key themes of governmentality studies. Governmentality studies consists of a broad grouping of theoretical scholarship concerned with the changing ideas – or ‘political rationalities’ - on how to govern some thing or some activity, and the underlying reasoning, justifications and ambitions contained within the practical tools or ‘techniques’ used to govern. This chapter provides a detailed analysis of the key features of governmentality studies, including key concepts, methodological procedures and the limits of governmentality studies. The chapter argues that governmentality studies provide a new and productive framework for understanding the historical shifts and contemporary practises for governing police.
Chapter 2 elaborates on the changing forms of the ‘art of government’. A key feature of governmentality studies concerns the ‘ideal types’ of liberal rule – liberalism, welfare liberalism, and neo-liberalism (Rose 1996a, 1996b). Each form of liberal rule poses particular questions on how to govern police and is shaped by and shapes particular techniques to make governing the police operational. This chapter establishes the need to conduct historically informed analyses of neo-liberalism as a mentality of rule rather than a political philosophy, and the need to take account of the overlapping mentalities of rule present at any one time or place (Rose and Miller 1992). The chapter establishes the need to interrogate managerialisation as a complex, open-ended normative project to shape the ‘conduct of conduct’. The remaining chapters are dedicated to this empirical task of analysing the key features of the managerialisation of governing the Queensland and Victoria police.

Chapter 3 explores the ‘freedoms and constraints’ on the practices of police management. The chapter begins with an examination of the literature on new managerialism and establishes the need to think instead in terms of managerialisation. We then address the first key theme in the managerialisation of governing police – the ‘right to manage’. Central to the managerialisation of governing is the notion that managers have the ‘right to manage’ and should be freed from the constraints of the ‘disabling’ bureaucratic controls on their capacity to manage. We explore the extent that such changes to the freedom to manage have occurred in Victoria and Queensland police. The chapter focuses on the commissioner’s ‘right’ to hire and fire personnel and the extent that the commissioner is free from political direction. On the one hand, this involves examining the formal ministerial powers of direction. On the other hand, there is the issue of the capacity to set objectives and priorities in ways that constrain the freedom to manage. The increasing use of politically determined ‘objectives’ leads us to explore a new national project located in the Productivity Commission1. This project is concerned with the

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1 As will be explained in Chapter 3, the Productivity Commission is the current location of work initially conducted by the Industry Commission within the Commonwealth Grants Commission. For simplicity we refer to the Productivity Commission to encompass this earlier work.
Overview

The development of statistical measures as a means to establish capacity for comparative performance, enabling ‘benchmarking’, the identification of ‘best practice’ and ‘value for money’, and improved ‘outcomes’ in the delivery of government services. It is a project that has not previously been subject to any detailed analysis, and points to the need to explore the extent that the commissioner’s freedom to manage is constrained by parallel developments within and beyond the police agencies under study.

Chapter 4 examines the recent rise of ‘enterprise culture’ and the efforts to reinstate notions of entrepreneurialism in state police. The chapter begins with a brief examination of early forms of entrepreneurialism in policing, suggestive of the longer history of entrepreneurial forms of policing. We then turn our attention to more recent efforts to re-capture the spirit of entrepreneurialism in the Queensland and Victoria police. In particular, we focus on the shift from the ‘deadening mediocrity’ of seniority to the introduction of merit in the selection and promotion of police personnel. Merit, and the broader entrepreneurialism of state police, seeks to re-cast notions of what makes a good police officer and a good police organisation. Yet seeking to inculcate the attributes of entrepreneurialism is not without problems, and the chapter identifies both the struggle to promote entrepreneurialism and the tensions produced by seeking to enhance police officer innovation and autonomy.

Chapter 5 addresses a further key feature of the managerialisation of police. This chapter focuses on the attempts to delineate between ‘core’ and ‘non-core’ functions of the state police. The chapter begins by questioning the view that sees this delineation only as a product of the recent managerialisation of police. The historical record indicates that the attempts to limit demands placed on state police by circumscribing their ‘core functions’ goes back to the very beginnings of the modern police in Australia. That said, the chapter examines in detail recent deliberations on this issue and highlights three distinct ways in which police roles and functions have been problematised. These are the initial attempts to reinstate Peelian principles as the
basis for defining ‘core functions’; the use of experts to diagnose the ‘proper’ roles and functions of state police; and finally, the development of means for continual reflexive deliberation on police roles and functions, linked to the broader impact of ‘consumer culture’ examined in the following chapter.

Chapter 6 examines the impact of ‘consumer culture’ and the rise of the ‘sovereign consumer’ on the state police. We begin by questioning the value of producing a taxonomy of the features of consumer culture and applying the listed features in an \textit{ad hoc} manner to the state police. The term used in this chapter is consumerisation, an open ended process of adapting to the need to be responsive to the consumer of services. The chapter is divided into two main sections. The first section provides a detailed critical analysis of the literature on the notion of consumer culture and the impact on police, comparing and contrasting ‘dystopian’ and ‘prospective’ accounts of this impact. The focus then shifts to the empirical analysis of the consumerisation of Victoria and Queensland police, with a detailed examination of the techniques of consumerisation and the struggle to ‘capture the customer’. The chapter concludes by asking to what extent the rise of the ‘sovereign consumer’ has changed the delivery of police services and the means for governing police.

The \textit{Conclusion} summarises the key findings of each of the chapters, pointing to the highly contested nature of the managerialisation of governing police. It is argued that ‘dystopian’ accounts of managerialism fail to recognise the possibilities for opening to scrutiny an agency – the police - that has long been characterised as having low visibility, impoverished transparency and limited democratic accountability. The thesis closes with suggestions for a ‘new politics of police’. Drawing on the findings of earlier chapters, an argument is developed for a re-thinking of the politics surrounding the questions about how to govern police. With the current tensions in the overlapping forms of liberal government and ‘mentalities of rule’ (Rose 1993) there is a need to construct a normative agenda that takes seriously the pluralisation of the techniques for
governing police. This is not to abandon questions concerned with such issues as the modes of accountability of state police to external state agencies. It does, however, argue the need to ask how things might be different. In this sense, the unending processes of managerialisation open up new contexts and new possibilities concerning how to govern state police. The thesis ends by suggesting that state police are in a state of change, and that there are possibilities for a ‘new politics of police’ centred on the development of the deliberative reflective practitioner. It is a new politics concerned with the re-making of the entrepreneurial officer, embedded in the processes, procedures and institutions of deliberative democracy.
Introduction

In the previous chapter we have outlined the centrality of the dyad ‘purity’ and ‘perfection’ to recent ways of problematising contemporary police. Most particularly, we have identified how the efforts to seek perfection, and the desire for purity, have at their core a notion of reinvigorating a particular form of the Peelian project of the New Police – a re-imagining of the past for contemporary purposes that Ball (2000) has labelled ‘cultural restorationism’, a re-valorisation of traditional organisational forms. In other words, contemporary changes to police are heavily invested with elements of an earlier period of police reform – most notably the introduction of the London Metropolitan Police in 1829. Of course, we will not accept this notion of the essential characteristics of the moment or content of the Peelian project uncritically. Indeed, current efforts to reform police along the principles of the New Police are instead a rather superficial resemblance to Peel’s project (O’Malley and Palmer 1996). Yet it is the discursive representations of the Peelian project that are of most interest here. In this chapter we establish a framework – based in governmentality studies - for allowing us to draw upon material from different periods of police reform in order to understand the discourses and techniques of contemporary means of governing police.

This chapter outlines the key features of governmentality studies and the tools used to conduct a study based upon this analytical framework (the ‘method’ of study). Informing the outline of this framework are several key questions. What are the tools to be used when conducting governmentality studies? What makes governmentality studies of greater analytical benefit than the alternatives that dominate studies of police and policing? What are the limits that occur within governmentality studies? What is distinctive about the application of governmentality studies in this thesis? These questions establish a framework for elucidating the empirical focus
Chapter 1: Governmentality studies

of the thesis and how we apply the framework to the task of analysing state police in the Australian jurisdictions of Victoria and Queensland.

The broad features of governmentality studies and the genealogy of liberal rule developed by Rose (1993; 1996a, discussed in detail in the following chapter) establish the theoretical framework for the remaining chapters. In these following chapters we apply key themes of governmentality studies to the study of two Australian police agencies. Key sites producing knowledge about policing are examined, identifying the operation of different political rationalities and the manner in which these shape ideas and practices for governing police. For instance, at the national level we examine in detail the introduction of national performance indicators of police via the Productivity Commission, with a new focus within a renewed organisation. In terms of the production of knowledge on police, the Productivity Commission can be properly described as a new authority on the ‘conduct of conduct’ (Rose 1996a: 38). The recent introduction (1995) of national comparative police performance indicators has emerged from a larger Federal project concerned with ensuring the efficiency and effectiveness of key government services across the country (Gerritsen 2000).

While State Police are not funded directly by the Federal Government the Productivity Commission is an example of the emergence of new sites for the production of knowledge about police organisations. The development of national comparative performance indicators by the Productivity Commission has not previously been subject to any detailed analysis except in the most peripheral manner (such as reproducing some of the data). This thesis develops a framework that is able to bring together these new sites for producing knowledge about police and contextualise their development. In order to understand such developments, we need to look at the broad features of the different “rationales – the ‘mentalities’ – that render particular governmental measures both conceivable and implementable” (Pavlich 1999: 104). The following chapter outlines three political rationalities – liberalism, welfarism and neo-
liberalism. Each mentality of rule constitutes particular sets of relations between knowledge, power and the techniques for governing. These are discussed with examples from the field of police. However, before proceeding to these mentalities of rule we need first to outline the broad features of governmentality studies.

**Governmentality studies**

This thesis works within the emergent field of ‘governmentality studies’ developed from Michel Foucault’s (1979, 1991) neologism ‘governmentality’: a combination of ‘government’ and ‘rationality’ (Gordon 1991). Governmentality studies seek to analyse how governing works by attempting “to make sense of the development and operation of ways in which populations are rendered thinkable and measurable for the purposes of government.” (Stenson 1998: 333, see also Foucault 1979, 1991; Miller and Rose 1990; Burchell et al. 1991; Rose and Miller 1992; Hogg 1996; Dean and Hindess 1998a; Rose 1990, 1993, 1996a, 1996b; O’Malley et al. 1997; Dean 1999; Smalynch 1999). There has been growing interest in the broad application of governmentality studies in the field of crime and criminal justice generally (for a number of explicit examples see the edited collections of Smalynch 1999 and Stenson and Sullivan 2001; see also Hogg 1996; Pratt 1996, 1997; Pavlich 2000; Stenson 1999, 2000a, 2001) and more specifically policing (see for instance Websdale 1991; Stenson 1993, 2000b; Shearing 1995; Ericson 1994; O’Malley and Palmer 1996; O’Malley 1997; Ericson and Haggerty 1997; Chan 1999; de Lint 1999).

The concept of governmentality was used by Foucault (1991) to describe the emergence of a distinct ‘art of governing’. Government shifts from concern with the exercise of sovereign authority, towards what Guillaume de La Perrière described in *Miroir Politique* as “the right disposition of things, arranged so as to lead to a convenient end” (cited in Foucault 1991: 93). Governmentality is a distinct mentality of rule from sovereignty and discipline. Sovereignty is
concerned with how to govern a territory and its subjects. *Discipline* is the range of “techniques and practices by which the human body is made subject to regular and predictable routines …” (Ericson and Haggerty 1997: 91). *Governmentality* is concerned with “customs, habits, ways of acting and thinking …” to achieve specific ends (Foucault 1991: 93). In sovereign modes of governing the ‘common good’ is achieved by obedience to sovereign authority embedded in laws. For discipline, the common good is achieved by the panoptic capacities for the surveillance of bodies. Under governmentality, the ‘common good’ is replaced with a series of convenient ends. Thus, rather than governing through ‘imposing law’ or ‘discipline’, governmentality seeks to manage populations by employing a range of tactics, including law and discipline, to achieve these multiple and specific ends, where “the finality of government resides in the things it manages and in the *pursuit of perfection* …” (my emphasis, Foucault 1991: 95). It is in this sense that we are concerned with the striving for purity and perfection in contemporary police through multiple and diverse tactics employed to ‘make up’ the police officer and police organisation.

To achieve the ends of government, important shifts occur. Under sovereignty, governing rests on ‘divine knowledge’, the capacity to know what is right. In policing terms this is either the legislative basis of ‘the police’, or the capacity of the authority of the officer in charge of the ‘command and control’ structure to know, or a least determine what is right. Discipline is concerned to achieve the ends of government through the outright surveillance in ‘its depth and its details’ of individuals, such as the ever more detailed regulatory codes of conduct and strict command and control disciplinary regimes of police organisations (Foucault 1991: 102). Governmentality relies instead on ‘knowledge of things’ produced by the ‘governmental apparatuses’ (Foucault 1991: 96). Such ‘things’ include the managerial structures and practices that are to achieve efficient and effective policing (chapter 3), the ethical and entrepreneurial comportment of the officer (chapter 4), what is ‘properly’ within the competence and responsibility of the police and what is not (chapter 5), and knowledge of customer desires and demands (chapter 6).
While governmentality differs from sovereign and disciplinary modes of governing, it is argued below that governmentality does not emerge historically to co-exist and ultimately replace sovereign and disciplinary modes of governing. As Foucault suggested:

Accordingly, we need to see things not in terms of the replacement of a society of sovereignty by a disciplinary society and the subsequent replacement of a disciplinary society by a society of government; in reality one has a triangle, sovereignty-discipline-government, which has as its primary target the population … (1991: 102).

However, there has been a tendency in governmentality studies to present the different modes of governing in “historically sequential terms” – ‘diachronic-sequential’ - as part of the “ambiguous methodical legacy” left by Foucault (Stenson 1999: 46). Stenson argues (1999: 54) that a more fruitful way for understanding governmentality is “as a broad framework of governance, within which disciplinary and sovereign modes of governing and control of territory operate simultaneously, are transformed, updated, realigned and supplemented by new techniques” – a ‘synchronic-contemporaneous’ understanding of technologies of rule (1999: 46). Elsewhere, Stenson suggests sovereign and disciplinary governing techniques continue to operate within the liberal governmental discourses, exhibiting “a dark underbelly of repressive policing and criminal justice in dealing with recalcitrant, alienated and rebellious sections of the population …” (Stenson 2001: 19). Yet as the above quotation from Foucault indicates, he did not see the different modes of governing as moving from mentality of rule to another. Further, Foucault argued “sovereignty is far from being eliminated by the emergence of a new art of government … on the contrary, the problem of sovereignty is made more acute than ever” (1991: 101) and “discipline was never more important or more valorized than at the moment when it became important to manage populations” (1991: 102).

At the core of governmentality is an “inextricable association between the measures of governance and the rationales through which these are discursively enunciated.” (Pavlich 1999: 105). Stenson’s comments above are directed more generally at broader governing mentalities
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(discussed below) and at what we distinguished earlier as governing through police. Our concern is to draw upon the idea that sovereign and disciplinary modes of governing co-exist and are incorporated into governmentality studies applied to an analysis of the shifts in the discourses and practices of governing police. Indeed, it will be argued that one of the key features of contemporary governance of the police is the ways in which sovereign and disciplinary techniques have continued to play an important part in governing the police, albeit transformed in particular ways. In addition, it will be argued that a key insight to be drawn out of Stenson’s point is that one of the key barriers to the imposition of neo-liberal governing techniques upon police has been the ongoing presence of sovereign and disciplinary modes and practices of governing police and the purchase they continue to hold on broader sentiments – both internal and external to police agencies - on how to govern police. This is reflected in the interplay and overlap of the new governmental modes for governing police with sovereign and disciplinary governing techniques.

Addressing this issue of the triangle of sovereignty-discipline-government specifically in relation to police accountability in New South Wales, Janet Chan (1999) argues that while specific governmental techniques are always failing, the ‘will to govern’ remains. Chan draws upon Garland’s (1996) argument that there remains a ‘recurring ambivalence’ in the state’s approach to crime and police corruption. The state promotes responsibilization or self-governing strategies on the one hand, yet at the same time introduces more state-centred punitive mechanisms reflecting disciplinary modes of governing.

However, Chan has identified how the ‘new accountability’ has instituted an array of sources of knowledge of police that have not been dismantled in the governmental reforms that followed the Wood Royal Commission into police corruption in New South Wales (Wood 1997). What has changed is the emphasis given to particular techniques. That is, in the triangle of mentalities of rule (sovereignty-discipline-government) recent emphasis has been placed in New South
Wales on the former two categories and less on the latter. In other words, it is not the case that one displaces the others, but rather there is the capacity to shift the emphasis under particular conditions. In this way, questions concerning how to govern police involve a struggle over the different weight attached to alternative ‘authority contexts’ and the always-contingent relationship between them (Abercrombie 1994: 46).

Second, Chan’s analysis remains focused on the state – it is “the modern state which is ambivalent about the way in which police should be held accountable” (1999: 267). Yet a wide range of techniques within, outside or hybrid in their relation to state bureaucracy continue as part of the practical techniques of governing police.

Third, Chan draws a distinction between the old and the new modes of accountability along the lines of deterrence (old) and compliance (new). However, this understates the extent to which all systems of compliance reserve the capacity to use punishment (deterrence) in certain circumstances. The key decision is where and in what forms punishment is located within a compliance triangle of scaled up interventions or what Homel, drawing on Ayres and Braithwaite (1992), has developed into an ‘Enforcement Pyramid for the Prevention of Police Misconduct’ (1997: 46).

All of the above suggests that what Chan has identified is not so much a ‘recurring ambivalence’ over how to approach the governance of police, but rather the embedding of a range of neo-liberal techniques that compete, overlap with, and inter-penetrate older forms of social accountability (i.e. norms of conduct governed through standardised rules). The existence of overlapping mentalities of governing can be identified in more concrete terms by briefly providing two examples.
Commissioner’s sovereign power

First, the power of police commissioners to rule their ‘territory’ (meant here in both metaphorical and material terms) has varied historically in terms of the precise powers allocated to the Commissioner. At times this has included the power to ‘banish’ those in their charge who have simply ‘lost their confidence’. Indeed, in the first jurisdiction-wide police Act in Victoria (Police Regulation Act 1853, S. XXII) the Commissioner only had the power to banish, with residual power to discipline police placed in the hands of the Lieutenant Governor. In 1854 the power to discipline police constables was given to an Officer or three-member board, and in 1873 this disciplinary power was extended to Officers and sergeants (Police Regulation Act 1854 S. XI and 1873 S.42). Ongoing allegations about the inappropriate use of the power to banish led to this power being revoked in 1946 and a Police Discipline Board formally establish for the task of deliberating on and determining disciplinary outcomes (Finnane 1994: 162-4; Neesham 1985b: 13-4; Haldane 1995: 233).

More recently, we have seen debates about the extent to which a Commissioner should be able to dismiss those police who have lost the confidence of the Commissioner as being ‘unsuitable’ (PRA s. 68) or ‘incapable of performing his/her duties’ (PRA S. 82, see Ministerial Administrative Review 2000: 306 ff and Appendix 6: 422-4). This mirrors a more general trend towards enabling the freedom of the commissioner to dismiss police employees (cf Finnane 2002: 206-9). However, we need to be careful not to overestimate the arbitrariness and the extent to which such sovereign powers are invoked. For instance, these powers were introduced in Victoria in 1999 and had not been used to attempt to dismiss a police person until June 2004. As indicated in the Introduction, it has only been during the current concerns with police corruption that the Chief Commissioner has decided to exercise these powers (Bachelard and Murphy 2004; Petrie et al. 2004; and for an earlier discussion of these powers see Ministerial Administrative Review, 2000: 306).
Far from being a residual issue, the use sovereign power as a means of governing the police officer has been presented in recent years as being at the forefront of the means of governing police officers, extolling the ‘right’ of sovereign demands for obedience and the freedom of managers to manage (Chan 1999: 262). Of course, this is not the crude “invocation of divine right and authority” (Garland 1991: 266) of earlier times as this process operates within the confines of rather tortuous legal requirements. Yet neither is it quite the non-personal rule of law with its “circumspect, clearly defined, and precisely limited” mechanisms of authority and rule (Garland 1991: 267).

More importantly, the issue becomes one of where the punitive elements of the governing framework are located and directed, the nature of decision-making processes and the extent to which the punitive elements form a symbolic dimension to a plural system of police governance. In this sense, the rarely invoked ritual of the sovereign power to banish in the governance of police officers (for the full weight of the criminal sanction applies only rarely to the police officer, see for instance the comments of the previous Victorian Director of Public Prosecutions, Bongiorno 1994) works in a somewhat similar way to how Douglas Hay has argued criminal justice and capital punishment operated in eighteenth century England (Hay 1975; though see Garland 1990: 118-24 for a summary and critique of Hay). Hay identified the powerful symbolism, the ‘righteous vengeance’, the commitment to the ideals of justice and the discretionary capacities embedded in regimes of punishment.

Similar features exist in the disciplinary frameworks of police accountabilities. Just as Lord Ferrers in Hay’s account was a man of property who could not escape the ‘equality of execution’, similarly police are subject to disciplinary codes and procedures detailed in all their majesty. But they are also subject to a system with significant discretions. For instance there are key decisions concerning when to operate in either ‘disciplinary’ or ‘criminal’ modes of accountability, and the divisions within disciplinary proceedings such as ‘informal resolution’
versus formal proceedings, and the multiple choices of outcomes. It is a disciplinary system rich with ambiguities, discretions, ambivalence and multiple outcomes, including the (rarely invoked) more punitive demands of sovereign authority. In sum, the re-introduction of the sovereign power to banish represents one aspect of the triumph of the ‘freedom to manage’, in this instance through the symbolic (though real) power to punish, embedding sovereign techniques of governing within governmental notions of the ‘proper’ forms management.

Disciplinary power

The second example of the interwoven nature of the different modes of governing police concerns the presence of disciplinary techniques. Disciplinary techniques enable the capacity for detailed observation and regulation, which is in turn dispersed throughout the organisation. These techniques are not simply ‘backstage’ supports for governing police but rather make up key elements of the contemporary framework of police governance (see Chan 2000 for use of the term ‘backstage punishment’).

For example, many of the recent reforms to police governance have involved restructuring and reformulating the capacity of legal rules to govern police practices (Brogden 1994; Dixon 1997). The extent to which this is achieved, and the normative outcomes of such strategies, is subject to ongoing debate and substantial disagreement. The point to be made is that disciplinary controls increasingly enable the surveillance of police investigation and interrogation practices. For instance, the widespread adoption in the 1980s of the requirement to video or tape record interviews with suspects, and the more recent introduction of video surveillance within police stations, at one and the same time enhances judicial acceptance of evidence produced by police (lessening the likelihood of the use of exclusionary rules) while at the same time enhancing the panoptic capacities of police internal disciplinary mechanisms (though see Dixon 1997: 151-2 on the adaptive strategies employed by police and 189ff on discussion of the limits in practice of judicial discretion to exclude evidence generally).
Similarly, the use of ‘integrity tests’ and covert surveillance to investigate corruption suggest that rather than being displaced, disciplinary surveillance is reinvigorated within the contemporary governance of police (Prenzler and Ronkin 2001; Ombudsman 2003, 2004).

On this point of the overlapping nature of different modes of governing, I am reminded of a conversation with a senior Queensland Police Officer in the mid-1990s. While discussing research into victim-offender mediation (Palmer et al. 1997), the officer complained tirelessly of the never-ending demands being made to meet the requirements for new forms of accountability following the Fitzgerald Inquiry (1989). Though of course this has been a constant complaint amongst police, he pointed to the increasingly autocratic powers of managers to discipline officers (sovereign); the emerging changes to legal rules governing police practices that were increasingly detailed (disciplinary); and the similarly emergent demands to account for police practices to a range of authorities (governmental).

As indicated above, our task here is not to review the contents of sovereign and disciplinary modes of governing but to recognise their ongoing importance in the governance of police, albeit re-shaped within contemporary governmental strategies. We turn now to a further elaboration of the key features of governmentality studies.

Questions of method

To return to the task of identifying the key features of governmentality studies, O’Malley et al. (1997) have produce a recent exegesis of this field drawing on the earlier work of Gordon (1991) and Rose (1993; 1996a). O’Malley et al. (1997) argue that there are two key features distinguishing governmentality studies from other social sciences. O’Malley et al. do not use the term social sciences but rather refer to “the more familiar historical and sociological
approach of examining rule through the observation and documentation of ‘what actually happened’… or of ‘what government is really about’…” (1997: 502). Rose distinguishes governmentality studies from “conventional political sociology” (1993: 286) and “sociological realism characteristic of recent historical sociologies” (1993: 288). Gordon (1991: 2) is more circumscribed in arguing that

To help to situate its [governmentality] distinctive value … it will be advisable to resist doctrinaire overstatement of this work’s unique and unprecedented character, and instead try to establish lines of communication between twentieth-century enquiries into allied areas of political philosophy and the history of political ideas.

We have used the term ‘social science’ here as a means of encapsulating the various points of departure or difference within governmentality studies from the historical, sociological and philosophical modes of inquiry that characterise contemporary social sciences in its broadest sense. At the same time, we need be cognisant of Gordon’s concern not to overstate the uniqueness and to identify points of overlap, continuity or shared concerns between governmentality studies and social sciences.

The first key feature distinguishing governmentality studies from social sciences is that it breaks the circumscribed notion of equating governing with governments. Second, governmentality studies conceptualise power as productive, imbricated in the positive knowledge of the discourses that shape (but do not determine) the practices of governing. We will deal with these two key features of governmentality studies in turn, before advancing to a more general discussion of governmentality studies, the key criticisms of this approach, and the ways in which this thesis applies governmentality studies to the study of police in Queensland and Victoria.
Government and Governing

Governmentality studies seek to develop ways of understanding how governing is made thinkable and operational, whether located within the various sites of state government or within a multiplicity of non-state sites (or what might be referred to in more sociological writings as ‘civil society’). Indeed, for governmentality studies the notion of bifurcated ‘state/non-state’ (or other binary oppositions) collapses as a way of conceptualising institutions and practices. Instead of aligning government with the state, Foucault was concerned with understanding the term ‘government’ in this instance as “in general meaning the ‘conduct of conduct’: that is to say a form of activity aiming to shape, guide, or affect the conduct of some persons or persons.” (Gordon 1991: 2). Thus, the institutions of the state are de-centred, allowing the focus of analysis to shift beyond the state or Government to the infinite range of sources and sites of governing, or what Rose refers to as

… a multiplicity of interlocking apparatuses for the programming of this or that dimension of life, apparatuses that cannot be understood according to a polarization of public and private or state and civil society (1993: 286).

This is not to displace in toto the role of ‘Government’ in governing (albeit this can be a tendency in some instances of governmentality studies, Stenson 2000a: 240). Rather, the concern is to analyse the varying locales in which the means to shape conduct are produced and effected, such locations not limited to being “conceived as a particular sort of endeavour conducted by specific persons or institutions and under particular mandates…” (Barry, Osborne and Rose 1996a: 14). Though various efforts to shape conduct have been ever-present, “such thought becomes governmental to the extent that it seeks to render itself technical, to insert itself into the world by ‘realizing’ itself as a practice.” (Rose 1993: 288 emphasis original).

1 The best overview of the development of Foucault’s thinking about ‘governmental rationality’ is still to be found in Gordon (1991), which remains highly influential in subsequent development of governmentality studies.
Thus, the key focus of analysis under this meaning of government centres on the “specific forms of governance” and “their textually recorded programmes and representations” (O’Malley et al. 1997: 502) wherever their institutional location. More specifically, it is concerned with the specific techniques or everyday practices of governing. Techniques are the specific ways in which practicable means are developed and implemented to shape the conduct of the target or object of governing. We follow the distinction made by O’Malley (1996: 205, note 1) between techniques as “either distinct forms of application, or … distinct components, of technologies” and technologies as referring “to any set of social practices that is aimed at manipulating the social or physical world according to identifiable routines.” Rose tends to conflate technology and techniques, positing ‘technologies’ as one of the dimensions of his analysis, and then describing technologies as “the technical assembly of means of judgement … the techniques … the apparatuses within which intervention is to take place …” (1999: xi).

It is at this level of focusing on the analysis of the techniques of governing that governmentality studies provide “an agenda for [a] strictly grounded” approach to understanding governing (Stenson 1999: 55), concerned with analysing the plans and strategies for developing the means of governing a particular domain of activity. Thus, we are concerned with the specific “agents and agencies, routines and activities” (O’Malley et al 1997: 503) that are used to govern contemporary police.

More specifically, one key aspect of this thesis is that we are concerned with the agencies that seek to produce specific knowledge about police work and in doing so creating the practical measures used to govern the police officer and the police agency. For instance, the role of the Productivity Commission mentioned above is indicative of an existing agency developing a new focus that is inclusive of examination of policing, such as the development of efficiency and effectiveness measures and comparative performance indicators for state police. We are not so much concerned with the detailed examination of the statistical models that are produced by the
Commission, and the problems with the ‘realities’ and ‘accuracies’ of the Commission’s work, as to how the activities of the Commission embody new ways of thinking about how to govern police. Similarly, the thesis examines and analyses the impact of ‘managerialisation’, ‘entrepreneurialism’ and ‘consumerisation’ as discourses containing and shaping techniques for governing police. In the examination of such agencies, activities and techniques we provide a grounded empirical study of the new modes of governing police.

Governmentality and Power

The second key feature of governmentality studies concerns how power is conceptualised. For governmentality studies, power is seen as being embodied in the ways in which thoughts about governing emerge, referred to as the ‘political rationalities’ of governing, which are shaped into specific programmes or ways of governing. The focus therefore is on the productive aspects of power, on the positive knowledge concerning the means and ends of governing.

This is the second usage of government developed by Foucault and in general terms refers to the “problematics of rule” (Rose 1993: 288). Here the focus is not so much on the specific techniques or everyday practices of governing, but rather the more abstract technologies which embody the “reflexive ideas about government: the self-scrutinizing arts of government and its appropriate limits…” (emphasis original, Stenson 1999: 54). It concerns how rulers “have posed themselves the question of the reasons, justifications, means and ends of rule, and the problems, goals or ambitions that should animate it.” (Rose 1993: 288) In this usage of government, the focus shifts to identifying the “ways in which programmes of government are formulated and articulated within broad discourses of rule or ‘political rationalities’.” (O’Malley et al. 1997: 501) The research or analytical focus is concerned with “the domain of the political, not as a domain of State or a set of institutions or actors, but as a certain mentality of rule”, thus governmentality (Rose 1993: 288).
More practically, the task is to examine the “texts of rule that provide the empirical record of governmental plans, programmes, self-interrogations and responses to the intractability of what it seeks to govern.” (O’Malley et al. 1997: 502) Once again, it needs to be stressed that the ‘texts of rule’ are not limited to those emanating from the state. Rather, politics as a mentality of rule is concerned with the discourses that seek to make the world “intelligible and practicable” whereby various domains such as ‘the state’, ‘the market’, and ‘the family, are constituted and made “amenable to interventions by administrators, politicians, authorities and experts – as well as by the inhabitants of those domains themselves…” (Rose 1993: 289). As Rose indicates, this aspect of governmentality “extends the concern of rule” to ensuring the well-being of a territory and its population, whilst it “simultaneously establishes divisions between the proper spheres of action of different types of authority.” (1993: 288) Further, as O’Malley et al. (1997: 502) point out, governmentality studies examining this meaning of government have made a significant contribution to understanding rule by having produced “a genealogy of the rationalities of rule … and the programmatic schema through which they are to be translated into practical government.” The focus is on the ideas that underpin the development of programmes for governing. This emphasises examination of the discourses of rule, seeking to identify the varying ways in which the question of how to govern is developed. The method employed involves focusing on key texts such as reports, strategy documents and so on to identify how something came to be governmentalised, how it “emerged as a category of governance” (emphasis original, O’Malley 1997: 502).

While much of the material examined in this thesis is drawn from the recent past, the thesis combines this recent documentation with the historical record outlining the aims and objectives of governing police agencies. For instance, we draw upon mid-nineteenth century debates concerning the institutional framework of state police with a particular focus on how the plans for a new form of police agency embodied specific aspirations about how to govern emergent police forms. Further, we shift between this earlier period and more recent times when many similar fundamental questions have been raised concerning how to govern police agencies.
To give a brief example, the rise of ‘new managerialism’ is a particular feature of the contemporary period, embodying a raft of changes to the ways in which it is thought practicable and beneficial to govern police. A the same ti me, ‘new managerialism’ involves reinvoking and re-shaping earlier ideas and notions of how to govern policing and how this is best achieved – or put differently, ‘new managerialism’ reconstitutes the objectives of governing, the assumptions about human behaviour and the technical means to deliver on these objectives. Similarly, we have recently witnessed the grow th of ‘problem-solving’ policing (Goldstein 1979, 1990), containing exhortations for the police officer to be more engaged with and responsive to customer perceptions, demands and preferences, to be ‘innovative’, ‘entrepreneurial’, and ‘risk taking’, reconfiguring earlier nineteenth century notions of entrepreneurial policing. In both ‘new managerialism’ and the ‘entrepreneurial officer’ we will identify the interplay between the broad political rationalities (questions about who can govern, what governing entails, and what is governed, Gordon 1991) and the specific practises or techniques developed and utilised to bring these ideas into practice.

We will return to the genealogy of liberal rule developed by Rose (liberalism, welfarism, advanced liberalism, 1993: 1996a) in the following chapter. However, these two ways of thinking about governing – the practical techniques and the more abstract mentalities of rule – provide a means for both the detailed examination of ‘micro-settings’ of rule, such as a specific technique, and the relationship to the broader political domain and the changes to mentalities of rule. The techniques and instruments of governing contemporary policing are thus understood as related to “the problem of the rationalities of government...[which embodies]...the forms of expertise, knowledge, information and calculation” (original emphasis, Dean 1995: 560) shaping the practice and possibilities of governing. Thus we move constantly between the “everyday practices and techniques, and more abstract technologies and broader political rationalities” (O’Malley et al. 1997: 503) concerning the problem of governing police.
Though much of the focus on policing within governmentality studies is concerned with examining the changing ways in which governing is achieved through policing, we are concerned here foremost with the changing forms of governing police (necessarily related to questions concerning how to govern through police). In this sense, governmentality studies is used as a framework to extend our understanding of the shifts in contemporary means of governing police, excavating the various means by which governance of police is seen to be shaped at any one time or place. This can range from the ways in which individual police officers conceptualise their ‘self’ and ‘others’ (for instance ‘police cultures’); organisational efforts to shape the conduct of police officers (examination of police management practices and/or police organisational change); attempts by individuals, groups and agencies outside police to shape police conduct (whether or not state agencies); and the more traditional research focus such as police accountability agencies, government inquiries and legislation. In other words, we are concerned with linking the development of specific means for governing police with broader discourses concerned with questions about what aspects of police are to be the object of governing, what means are seen to be most able to achieve governmental objectives, and finally how police are to be made governable in practical terms.

For instance, one of the key outcomes of the ‘managerialist turn’ in public services has been the introduction of new means of knowing organisational and work practices, culminating in what McLaughlin and Murji have termed a ‘deconstruction of policework’ (1997: 87-93). Much of this work has emanated outside the traditional sites of authoritative knowledge on police, an example being the Audit Commission in Britain. The Audit Commission has been a central location of much of the managerialist challenges to British police (see for instance Audit Commission 1990, 1993, 1996; Love 1991; Leishman et al. 1996b; Savage and Sharman 1996; McLaughlin and Murji 1997). As Clarke et al. argue, while the existence of agencies providing audit services has a long history, especially in relation to financial probity, these concerns (particularly in relation to financial performance) intensified from the 1980s and began to take on a whole new dimension. In the case of the English Audit Commission, while “it may have its
roots in a traditional model of financial audit, … its work has gone beyond that focus into issues of organizational design; policy development and implementation and the development of ‘best practice’ approaches to public services management…” (2000a: 251). The Audit Commission expanded its reach and scope across a range of public services, including police services, beginning at the ‘periphery’ of policing issues, but expanding its “brief and its impact on police management” to the point “that reference has been made to the ‘Auditshire Constabulary’” (Savage and Charman 1996: 51), indicative of the shift in what is seen to be proper in police management and policing practices.

Similarly, in the jurisdictions under study here, a range of new and re-formulated agencies have been central to ‘opening up’ police, providing new forms of positive knowledge about police. In Queensland, the Criminal Justice Commission (CJC) was established following the Fitzgerald Inquiry (1989). The CJC represents an example of the introduction of a new agency given responsibility to develop positive knowledge about police practices through its mandate to conduct research, and its responsibility as an ‘external’ complaints authority. In Victoria, the introduction of the Police Board in 1992 also represents a new agency developed to provide positive knowledge on policing, in this instance most specifically on police management (Palmer 1997a). The use of Boards is not a totally new form of administrative structure in Australia as their use dates back to the early nineteenth century (see Wettenhall 1963), but rather represents a re-developed and re-applied administrative form to enable police management to be practiced in new ways. In a similar vein, the Productivity Commission (and the earlier Industry Commission), while itself not a new administrative body as mentioned above, began in the early 1990s to incorporate new ways of producing knowledge about police. Most particularly this has occurred through the development of comparative performance indicators based on measurements of efficiency and effectiveness (Commonwealth Grants Commission 1994) and identifying and developing links between inputs and outputs through activity analysis (Steering Committee Review of Commonwealth/State Service Provision, SCRCSSP 1999b).
In each of these instances there have emerged new forms of scrutiny of police agencies and new problematisations of police. In this sense, whilst governmentality studies are suggestive of a wide array of governing sites, there have been considerable and important developments within (or at least interacting with) the state. In the case of governing state police we must therefore remain concerned, though not exclusively, with the emergence of new forms of governing within the state, whether they be ‘new’ agencies such as the Criminal Justice Commission, or reformulated older administrative forms re-introduced in new ways such as the Police Board, or old administrative structures incorporating new forms of knowledge production (such as the Commonwealth Grants Commission/Productivity Commission). What is of particular importance here though is that we are not simply interested in how these agencies act upon police officers and police organisations through the formal regulatory and legal powers they possess, or the adequacy of for instance the statistical outputs about police practices. Our key concern is with how these agencies play an active role in producing knowledge about how to govern police, and in doing so how they are part of and contribute to shaping the new techniques for governing the police.

**Resistance to government**

There is a third element to governmentality studies that concerns how resistance to the operation of governing techniques, and the potential ‘failure’ of these techniques is to be incorporated into governmentality studies. Rather than being ignored, noted as something to be considered, or simply being viewed as a barrier to the successful implementation of programs, resistance needs to be recognised as constitutive of governing. As O’Malley (1998: 157) indicates, to “think in terms of failure puts the emphasis on the status of collision from the programmer’s viewpoint, and consequently reduces resistance to a negative externality.” By constituting resistance as merely a barrier to governmental programs and a source of ‘failure’, the possibilities for recognising and identifying reflexivity in governing practices are diminished significantly, leaving little or no room for analysing “the ways in which resistance and rule relate to each other in positive and productive ways” (ibid.). This element of
governmentality studies is vital to understanding policing in two specific ways – the role of representative organisations, and recognition of the issue of discretion that lies at the heart of much police work.

**Representative organisations**

First, we have recently become far more aware of the capacity of internal police resistance to programmatic intervention, such as the role of employee associations or unions in challenging attempts to reform police organisations and practices (Fitzgerald 1989; Johnson 1992; Finnane 1994, 2000, 2002; Haldane 1995; Wood 1997). More than this, these organisations have near universal coverage of their workplace in Australia and they have proactively and consistently sought political outcomes on a range of work-related issues. This muddies any attempt to impose distinctions between (legitimate) industrial matters and (illegitimate) political matters. It is also suggestive of the limits of Newburn’s (1999) attempt to draw ‘lessons from the literature’ on ‘understanding and preventing police corruption’ without any reference to employee associations, repeating one of the key limitations of the ground-breaking U.S. President’s Commission on Law completed some 30 years earlier (President’s Commission 1967, see Bouza 1985: 255). Indeed, the early literature from the United States indicates that employee organizations can take varying forms more or less passive or reactive towards workplace reform (for a typology see Bopp 1975; Kliesmet 1985). Further, Igleburger and Angell’s (1975) ‘reciprocal behavioural model’ (Parson and Shils 1962) long ago stressed the need for negotiation between management and employee associations in the effort to shape organizational practices, though Jacobs suggests that up to the mid-1980s the contribution of police associations to police agency organisational reform in the United States “cannot be viewed with any sanguinity” (1985: 290).

In the most detailed study of police unions and associations in Australia, Finnane (2000: 10, 2002) has identified union and association campaigns as involving four ‘established patterns’:
“direct benefits” (pay, allowances leave etc.); “delayed benefits” (pensions, superannuation, compensation); “workplace relations” (disciplinary systems and decision-making); and “policing environment” (“legal reform, penal and social policy”). In examining the various campaigns and tactics employed by the unions and associations, Finnane is able to conclude that they “have become significant players in matters that are fundamental to the organisation of policing” (2000: 10) with “perhaps the greatest impact and success in transforming workplace relations.” (2000: 13) Finnane argues that Australian police unions and associations have had the most effect in the areas of “disciplinary matters, punishment, dismissal, and in general, the powers of the Commissioner and supervising officers over the lower ranks.” (2000: 10)

Finnane’s research indicates police unions and associations have been key players in the process of developing the techniques for governing police personnel, particularly in those areas we call disciplinary modes of governance. Indeed, over the course of the twentieth century, the introduction and consolidation of police unions and associations generally led to a decrease in the capacity of the commissioner’s ‘freedom to manage’ (see Finnane 1994: 44ff; see also Sallmann 1986; White and Richards 1992; Reiner 1992: 91-6; Kleinig 1996: 257-60). Indeed, it has now become common to stress the need to involve unions proactively in developing reforms to policing (Goldsmith 1990; Wood 1997; Johnston J C 2001).

There are several further examples of the importance of police unions and employee associations actively engaging in the processes that shape the development of techniques for governing police from the early 1900s (Finnane 1994:49). First, we can look back to the police strike in Victoria in 1923 (Haldane 1986, 1995; Brown and Haldane 1998), where Haldane indicates that the key reason for the strike having taken place was the attempt by police management to use internal surveillance teams against police. In other words, techniques to enhance the surveillance or panoptic qualities of governing the police were actively resisted by police members, leading to severe limits being placed on the development of this mode of
governing police. More recently, following the investigation in the mid-1970s into the use of police ‘verbatim’ and the recommendations of criminal charges against the police involved in these and other corrupt or inappropriate practices (Beach 1976), the Victorian Police Association actively and successfully pressured the Government into having an ‘inquiry into an inquiry’ (Norris 1978) which led to criminal charges being dropped and most of the proposed reforms to pre-trial investigation being abandoned (Sallmann 1986).

A decade later as Freckelton so vividly analyses, the Police Association was instrumental in both limiting the effectiveness, and contributing to the demise of the short-lived Police Complaints Authority in Victoria (1986-88, see Freckelton 1991). The key concern of the Association was that the Police Complaints Authority had moved beyond the passive receipt of complaints towards proactive production of knowledge of policing practices. The PCA was dismantled in 1988, with responsibility for receiving complaints and overseeing internal investigations delivered back into the hands of the more reactive (and under-resourced) Deputy Ombudsman (Police Complaints).

As a final example, the Victorian Police Association conducted a publicity campaign and lobbying of parties during the 1999 State election in Victoria (October 1999), including an advertising campaign ‘Cutting Police Numbers is a Crime’. The Association provided a list of ‘issues’ to each of the parties to enable to Association to ‘assess’ and publicise the position of the parties. Key issues concerned the desire of the Association to have an ‘Administrative Review’ of Victoria Police, the abolition of the Police Board, the abolition of ‘performance-based’ contracts for senior police, changes to the disciplinary powers of the Chief

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2 Put simply this refers to the practice of concocting records of interviews conducted by the police, wherein the accused person supposedly confesses to the alleged crime it later being established that such a confession did not occur.
Commissioner, a significant increase in the number of police and changes designed to enhance the career paths of police officers.

Rather unusual circumstances existed in this election. What was generally predicted to be an easy electoral victory for the incumbent reformist government turned into a situation where neither party was able to form government with a clear majority. Further, one of the candidates died during the campaign, causing a by-election after the main campaign and vote. It was during this period that the responses of the major parties to Police Association overtures became crucial. The Labor Party agreed to the contents of the Association’s list, formed Government with the support of three Independents, and implemented the demands of the Police Association soon after. The *Police Regulation (Amendment) Act* 1999 abolished the Police Board and introduced an Appeals Board to review the disciplinary powers held by the Chief Commissioner. A Ministerial Administrative Review was begun in April 2000 and produced a Consultation Draft Report December 2000 and final report in early 2001 (Johnston J C 2001). The Consultation Draft Report was warmly received by the Police Association, which “hailed the review’s 99 recommendations as a ‘rescue package’ for the force.” (Wilkinson and Mickelburough 2000). The same Review developed new career paths for operational police and significantly increased remuneration for police. Finally, the Government committed to recruiting 2,400 new police over the life of the Parliament, an achievement completed more than a year early in 2002 (the Victorian electoral cycle involves a minimum of three years and a maximum of four years).

In Queensland, the activities of the police union have been documented in detail in the Fitzgerald Inquiry (1989: 35-43, 211-2; and for an account specifically related to the term of Ray Whitrod as Commissioner, 1970-76, see Bolen 1997, chapter 5; Whitrod 2002). Fitzgerald not only documented the role of the unions in undermining police changes and police management (particularly Commissioner Whitrod), but also the central role of the unions in the
perpetuation of the police ‘code of silence’ within ‘police culture’ that hampered the efforts to

More recently, in 1996 the Queensland police union struck a ‘memorandum of understanding’
with the then Opposition to deliver certain wishes and powers in return for campaigning in a
crucial by-election in what was effectively a ‘hung’ Parliament (Lewis 1999: 160-3). Once
again, many activities of the Union were directed at seeking ways to challenge the nature and
content of broader reforms related to the governance of the Queensland Police Service (Finnane
2000, 2002 and see Chapter 4 below). In these examples of the activities of police unions and
associations we can identify not simply that at times such representative organisations are able
to thwart organisational changes, but that they are also able to actively shape the nature of the
forms of governing police organisations and the practices of police work.

But it is not simply the resistance of organised labour to governmental changes or their role in
actively shaping new techniques for governing police that we need to be cognisant of. The
activities of the executive officers of police organisations have also been identified as having
long played important roles in contributing – formally or informally – to policies related to
policing (on Australia see Finnane 1989; 1994: 32-8; and on Britain see Reiner 1991; Cope,
Savage and Charman 1997; McLaughlin and Murji 1998; Savage, Charman and Cope 2000).
The formation and growing strength of executive-level associations have been important sites of
policy and programme developments. Key examples of such bodies include the Association of
Chief Police Officers (ACPO) in Britain and in Australasia the Australian Police
Commissioners (APC) and the Conference of Commissioners of Police of Australia and the
South West Pacific Region (CCPASWPR) as well as the Australian Police Ministers Council
(AMPC). These associations and councils operate within and form supranational, national and
subnational ‘policy networks’ (Savage et al. 2000: 24) increasingly autonomous and based on
‘shared professional expertise’ (Deflem 2002) used to shape ‘policy transfer’ (Newburn 2002a)
and ‘convergence’ (Jones and Newburn 2002a) that in turn shapes the techniques for governing police.

For instance, the development of a national training and education framework for Australian police provides one important Australian example of the capacity of executive associations to shape the techniques for governing police. In 1990 the Australian Police Ministers Council issued a national statement on the need for the development of ‘full professional status’ of Australian police, however limited the notions of professionalism embodied in this program (see for instance Rohl and Barnsley 1995), including national educational standards and the requirement for tertiary education of police. The CCPASWPR proposed an advisory committee to develop a national strategy on police professionalisation. Following this, the National Police Professionalism Implementation Advisory Committee (1990) and the National Police Education Standards Council (1993) were introduced (for details see Rohl and Barnsley 1995: 241-6). This national training and education framework attempts to shape who becomes a police officer via entry level skills and recruit training and what types of skills, competencies and attributes they need to have or to acquire (ongoing training and education). In other words, these types of activities cut to the core issue of what constitutes a ‘good’ police officer.

In sum, these examples are suggestive of the ways in which the techniques developed for governing police are actively shaped by the practices of those who are the targets of governing practices, whether at the individual officer level through their involvement in police unions, or through the senior management of police agencies in their attempts to shape the policy programs of governments such as in the case of the development of national competency standards and training. The role of police executives (individually and collectively) and employee associations in shaping specific policies, legislation, and performance indicators, indicates not so much a unity of purpose amongst police as a distinct set of activities that shape the ways in which policing is governed. In other words, to see resistance to governing
techniques as an externality hampering full implementation of a program for governing fails to consider the productive role of the target of governing techniques in shaping the very essence of the various modes of governing. These are not simply practices of resistance to governmental programs, but rather active input into decisions about the means and modes of governing policing and the discursive frameworks constituting what makes a good police officer and a good police organisation.

Discretion in policing

Incorporating an understanding of resistance as active in the construction of the techniques and modes of governance is also vital to a study of policing due to the importance of discretion in police work. Since the 1960s (for instance Goldstein 1960; Wilson 1968) researchers have identified the discretionary nature of police work, to the extent that police workers have been described as ‘streetcorner politicians’ (Muir 1977), ‘working the streets’ (Brown 1981) and as a ‘court of first instance’ (Bowden 1978), reflecting the discretionary decision-making capacities of the police officer on the streets.

As David Dixon (1995; 1997) has convincingly argued, in Australia and England there is a long history of legal change incorporating extant police practices, whether through common law judicial decisions, or through legislatures. To view discretionary decision-making as simply deviant forms of resistance to government desires fails to identify how policing has fundamentally been enabled through more or less discretionary spaces provided by ‘blue-letter law’ (Reiner 1997a: 1010), highlighting the scope for ‘on-the-ground’ practices to shape the reconstitution of governing techniques such as legal regulations (Grimshaw and Jefferson 1987; McConville, Sanders and Leng 1991; Leo 1994; Dixon 1997, though these authors differ on the extent to which law can or does shape police action and inaction). Further, “external rule changes” such as legislative change or judicial decisions to such areas as criminal procedure “can ramify through the police communication system … mediated by the elaboration of
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This does not mean that the incorporation of street-level operational practices into ‘law’ or the mediation of external rules through police internal rules (formal and informal) is viewed as being ‘right’ or ‘appropriate’ but rather to recognise that it occurs. This highlights how grounded practices shape the techniques for governing police, and shifts attention away from attempting to identify a ‘gap’ between formal law and practice as being indicative of a ‘failure’ in governing police.

Further, while much of this literature focuses on the discretionary ‘spaces’ that exist in police patrol work, we also need to recognise the substantial discretionary decision-making capacity allocated to police managers. The legislation determining the roles and responsibilities of police managers is largely devoid of specific details concerning what is to be done in terms of general management practices and principles (see Chapter 3).

Taken together, the discretionary ‘spaces’ for police work ‘in the suites’ and ‘on the streets’ (Reuss-Ianni and Ianni 1983) and what Grimshaw and Jefferson (1987: 19) refer to as the ‘organizational’ (rules, policies, procedures) and ‘occupational’ structural determinants of police behaviour (norms), are indicative of how in a study of police the exhortation to view resistance as more than an externality to governmental techniques is vital to understanding the complexities of governing police. The existence of various representative or collective organisations such as unions and associations, and the role of executive forums, placed within a loose framework of ministerial responsibility represent key sites in which struggles take place over the question of who governs police organisations and how governing occurs. Most notably, there are tensions over internal governance (for instance unions and police managers) and external relations (police managers/Government/‘independent’ authorities). These ‘collective’ processes contribute to the constitution of governing techniques that operate alongside of, and are ‘compounded’ by, the discretionary nature of much police work. Further, the discretionary basis of the individual police officer enables the individual to negotiate the ways in which they
might ‘resignify’ or ‘redeploy’ governmental discourses seeking to constitute the image of the

In sum, governmentality studies focus on the analyses of a diversity of governing sites, the
ideas embodied within governing discourses emanating from and between this diversity of sites, and how the programs of governing are imbued with ideas concerning how to govern police. Though still relatively ‘new’ as a research framework, governmentality studies is undergoing a period of review and critique concerning its distinctive features (Garland 1996, 1997, 1999), and methodologies (Stenson 1993, 1999 and O’Malley et al. 1997). The following two sections addresses each of these issues – the ‘newness’ and method - in turn.

The ‘newness’ of governmentality studies?
O'Malley et al. (1997: 502) argue that the focus on political rationalities distinguishes governmentality studies from traditional historical and sociological inquiry in that it is not concerned with “what actually happened” or “what government is really about”. Instead, the focus is on understanding ‘mentalities of rule’ through the various documents or texts of governmental plans and programmes and the discourses shaping the formation, resistance and struggle over the ongoing development, implementation and potential re-casting of practical techniques for governing. This has led to a “capacity [to] radically rethink many taken for granted sociological unities and verities” by moving beyond questions concerning “what actually happened” to examination of the shifts in how government is thought practicable and rendered operational through specific techniques (emphasis original, O'Malley et al. 1997: 502). Rather than thinking about changes in the state for instance, and how such changes impact upon or produce changes in governing, governmentality studies reverses this order, placing changes to mentalities of rule and governing technologies as the source of changes to the state. As Colin Gordon puts it, Foucault believed that “the state has no essence. The nature of the institution of the state is, Foucault thinks, a function of changes in the practices of government, rather than the converse.” (Gordon 1991: 4)

However, David Garland (1997, 1999) has challenged this claim of governmentality studies to being distinctive from sociological inquiry. For Garland, whilst governmentality studies “do pose a distinctive set of research questions”, in doing so they “inevitably raise a series of more familiar sociological problems” that can only be resolved through the utilisation of the necessary sociological tools (1999: 36). In particular, he argues that governmentality studies are portrayed as being quite distinct from sociology in their eschewal of “systematic generalization and theory-building” (1999: 37). Though he doesn't state it directly, Garland is arguing that governmentality studies have a tendency when discussing “their relation to sociology” (1999: 37) to view sociology as an homogenous field, failing to take account of the various practices within sociology and which include studies of such areas as governing beyond the state.
The task here is not to answer the question of whether or not governmentality studies are either contained by or transcend sociology. These boundary disputes are less important than the productiveness of the approach taken to study police. What governmentality studies offer, as Garland identifies, is a way:

… to anatomize contemporary practices, revealing the ways in which modes of exercising power depend on specific ways of thinking (rationalities) and specific ways of acting (technologies), as well as specific ways of ‘subjectifying’ individuals and governing populations. (Garland 1999: 16)

Thus, rather than enter into the challenges of identifying the boundaries of governmentality studies vis a vis sociology the former can be used, as Garland recognizes above, to provide new means of addressing the practices of governing, allowing us to recognise the utility of governmentality studies in bringing new perspectives to researching police for instance, while at the same time allowing us to “resist doctrinaire overstatement of [governmentality studies] unique and unprecedented character…” (Gordon 1991: 2). Indeed, O’Malley et al. (1997: 509) have argued that whereas governmentality studies are “not a philosophical theory, nor an empirical sociology of social relations” there remains the need to engage in assessing the effects of governing in particular ways. However, this still leaves us to consider more explicitly the ways in which we can go about conducting research within governmentality studies. As the next section indicates, this is by no means a clear and settled issue amongst researchers working within governmentality studies.

**Research methods: ‘plunder and promiscuity’**

The second critique of governmentality studies concerns its research methods. Governmentality studies are seen as focusing too heavily on the texts of government, failing to draw upon the broader sociological traditions of identifying ‘alternative’ voices through the utilisation of a range of research techniques and research foci that allow for the ‘resistant, adaptive and constitutive’ practices from ‘below’ or ‘outside’ governmental programmers and programmes (Stenson 1998: 348). Stenson argues for a range of methodologies (1999: 45-6) and celebrates the opportunity within governmentality studies to “don a pirate’s hat and plunder,
promiscuously, the range of theories and methods of the human sciences” (1999: 49). He suggests that in order to move beyond institutionalised discourses contained in the documents at the centre of the textual analysis which dominates governmentality studies, and to provide greater clarity to the ‘conditions of possibility’ so often mentioned within governmentality studies, we need to utilise “the research tools to enable us to identify the gaps and tensions between textual representations and the practices of everyday life…” (1999: 57).

However, Stenson’s criticism of reliance on textual analysis seems strongest when directed at research practices that rely solely on textual representations emanating from Government, or even more broadly sites of governing, particularly those texts that we can refer to as ‘policy’ documents. Even then there is significant scope to interrogate a range of textual representations produced within different sites of government. In the case of police organisations, there can be a range of data sources (or textual representations) that utilise varying research techniques.

For instance, in recent years Australian police agencies have enhanced their own research capacities (for a similar point made in relation to the UK see Weatheritt 1986, 1989; Reiner 1997a and see Reiner 1992c: 449-52 for a discussion of national and local internal research units and the research of the Police Foundation). Australian police have conducted internal surveys of police officers on a range of issues – sometimes using research consultants, at other times the research being conducted within an area of the agency which consists of staff educated in research methods (variously named ‘research’, ‘policy’ and ‘planning’ divisions or units). The recent exhortations to move towards ‘evidence-based policing’ is an explicit attempt to utilise a specific form of ‘scientific knowledge’ based on the model of the natural sciences to enhance the research-policy-practice nexus within police agencies (Laycock 2001; Nixon 2002; Sherman 2002).
In addition to the enhanced research capacities of police agencies, there are other agencies that conduct research into policing such as various types of inquiries and government auditing bodies that have quite varied formal relationships with government (for instance the Criminal Justice Commission, the Police Board of Victoria, Auditors General and state coroners). The two most recent royal commissions into Australian police have instituted ongoing ‘strategic audits’ by independent consultants to monitor, review and evaluate organisational reforms (Wood 1997; Kennedy 2004). Indeed, central to this thesis is the argument that the presence of such bodies has become an important part of the generation of information and construction of knowledge about contemporary policing and key aspects of policing discourses linked to new ways of knowing the police, or what Power (1994, 1997) refers to as the ‘rituals of verification’ found in the ‘audit explosion’.

While we should not overstate the dangers of relying on government texts, two issues arise from this. First, how are we to attach a ‘weighting’ to different texts on the governance of police? Second, to what extent can we focus on a specific ‘moment’ or governmental technique? We will address each of the research problems in turn before concluding this chapter.

Weighting of texts
First, there is a concern with the choice of substantive material to be examined and the relative weight to be accorded to any text or program. There is little guidance within governmentality studies about how this is to occur, though such choices are standard in any study and to be justified in terms of the nature of the study itself. As O’Malley et al. (1997: 511) point out, Foucault attempted to apply the focus of research onto “‘serious statements’, those that are repeated, transformed and give rise to new statements...” which leaves little space for the consideration of what they refer to as “‘everyday discourses’ that are casual and transient.”
However, a key feature of governmentality studies concerns the focus on the positive aspects of power and the ‘problematisations’ of governing (Dean and Hindess 1998b: 8). *Problematisations* concern the ways in which the practices and objects of governing are questioned, where the identification an issue raises problems to be addressed and questions concerning how to govern such issues. Drawing upon Foucault (1988) Burchell (1996: 31) refers to ‘problematisations’ as

… the historically conditioned emergence of new fields of experience. These new fields of experience involve new truth games, new ways of objectifying and speaking the truth about ourselves, and new ways in which we are able to be and required to be subjects in relation to new practices of government.

Burchell is particularly interested in the “ethics of intellectual work as a practice of self” and sees intellectuals as being able to ‘reproblematisise’ subjectivity (1996: 30).

More specifically, Nicholas Rose (1999: xi) refers to ‘problematisations’ as

… the emergence of problems in relation to particular … concerns, or within the operations of particular practices or institutional sites…; the authorities who define phenomena as problems …; the criteria in relation to which certain persons, things or forms of conduct come to be seen as problematic …; the kinds of practices involved …

It is noteworthy that whilst Rose uses the revised edition of *Governing the Soul* to define key dimensions to his study, he also rejects the notion of having a “formal methodology for [his] kind of ‘history of the present...’” (1999: xi). This thesis draws upon the notion of problematisations as a means of examining how the managerialisation of police produces new ‘fields of experience’ for police personnel, and enables new forms of authority to ‘define phenomena as problems’. In this sense, the examination of the problematisations of governing the police over time enhances the capacity to *re*problematisise contemporary means of governing police.

For instance, policing might be questioned in respect of police practices, raising issues about the appropriateness or otherwise of what has occurred, including questions about governing the
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conduct of the police. This is the standard inquiry into policing such as a Royal Commission (for instance Wood 1997) or a Commission of Inquiry (for instance Fitzgerald 1989). Such an inquiry might just as likely raise issues about the activities of the policed, such as lack of respect for authority, or ‘professional agitators’ at protests (for instance Deputy Ombudsman (Police Complaints) 1994a, 1994b; Ombudsman 2001). In these situations, the questions raised can concern the ‘conduct of governing’ either through examining police management processes or police-government relations. In addition, questions can be generated about ‘governing of conduct’, such as a perceived breakdown in respect for authority from the policed, or alternatively the practices employed by the police (Dean and Hindess, 1998: 8).

Such texts no doubt represent the types of ‘serious statements’ mentioned above and indeed form a key part of this study. However, this thesis extends the analysis of governing police beyond the examination of ‘serious statements’ of inquiries and the like to the more mundane practices of internal reforms, the extended reach of agencies into policing as representative of the “multiplicity of voices within rule itself” (O’Malley et al. 1997: 505) and ‘middle range’ policy and programmatic development. As Jones and Newburn (1997: ix) indicate, analyses of ‘middle range’ policies and programmes “do not focus on the fine grain of policing on the ground [nor] … statements of policy at force level” but instead seek to examine the linkages between the ‘serious statements’ of the police organisation or State policy and the practical efforts involved in finessing these into governmental practices.

We can recast these in terms of Brodeur’s distinction between ‘high’ and ‘low’ policing. Brodeur (1983) distinguishes between policing practices concerned with protecting the state (high policing) and those activities focused on the more mundane order maintenance (low policing). Of course, Brodeur was analysing the practices of state police rather than policing or governing the police. In applying his analytical framework to a study of police governance, we can think of this distinction as one between ‘serious statements’ concerned with the broader
issues of police management and police accountability for instance (*high policing of police*), and the ‘everyday discourses’ related to the daily practices of police work such as the processes used in the daily operation of policing and the discursive efforts to constitute such practices (*low policing of police*). This does not quite take us to what appears to be the more ethnographic leanings of O’Malley et al. (1997) and extends somewhat the focus on ‘middle range’ policy development of Jones and Newburn (1997). However, it does enable us to overcome the concerns that governmentality studies is too narrowly constituted by the focus on ‘serious statements’, often somewhat paradoxically those emanating from the state. More generally, this loosens the focus from negative or controlling aspects of power, to the vast array of practices that seek to establish and achieve governmental objectives, and “how new objects of knowledge emerge… and what effects of power they produce” (Nash 2000: 21).

**Cumulative effects**

In examining shifts in the ‘art of government’ and the specific programmatic interventions, we also need to be wary of trying to isolate a specific instance or moment seen to contain effects of shifting from one form of governing to another. As indicated above, mentalities of governing and their aligned techniques are far more complex and over-layered than this. Further, we need to be cognisant of the cumulative and more general effects that arise over several years of multiple attempts at reform (Ball 2000), which may not be captured through the examination of one moment or one governing technique. As will be detailed in the following chapters, many of the programs of reform to the techniques for governing police involve ‘false starts’, partial adoption of a proposed agenda, and the re-institution of previous mechanisms. This suggests rather more than the benign recognition that things are always more complex; it is a recognition that each development operates within complex processes reflexively constituted and thus never fully closed to alternative developments.

This occurs at both the individual and organisational levels. For instance, changes to police recruitment and promotional policies are informed by and inform changes to notions of police performance. The shift in the desired skills and attributes of recruits, and the change from ‘seniority’ to ‘merit’ in promotions, examined in chapter 4, highlights the complexities of
programmatic change. More generally, the attempts to govern the police organization through the techniques of new managerialism have by no means been a straightforward ‘rolling out’ of the content of this reform agenda. The desire to introduce such changes as civilianisation, contracting out, performance-related pay scales, and delineating between ‘core’ and ‘non-core’ activities have experienced variously back downs, watering down, outright rejection and finally implementation of change rarely in the form initially conceptualised.

In other words, to focus on the ‘moment of the programme’

… almost inevitably produces a characterization of programmes as if they can be captured or encapsulated in a moment that exists between successive implementations, failures and evaluations. (O’Malley et al. 1997: 512)

Such an approach is predicated on the false division between programme design and implementation, reproducing the notion of resistance as external to governmental techniques and creation of “an insular and episodic vision of rule.” (ibid.). It also overstates the ability to clearly define authorship of a programme, or for that matter the motivation of ‘authors’. However, as Ball (1994: 24-5) has argued in relation to education policy, “the specific effects of a specific policy may be limited but the general effects of ensembles of policies of different kinds may be different.” This recognition allows us on the one hand to escape the ‘moment of the programme’ and avoid an essentialised and unproblematic program of change. On the other hand, we can identify how the process of translation of mentalities of rule into technical programs for governing can have a cumulative effect. Furthermore, the cumulative effect of changes to the technologies for governing police has indeed been substantial and merits the appellation of the ‘new policing order’ (Leishman, Cope and Starie 1996), which we re-conceptualise in the conclusion as the ‘new politics of policing’.

If ever there could be seen to be such a ‘moment’ of police reform in Australia, it is unlikely that any could surpass the Fitzgerald Inquiry. The Fitzgerald Inquiry is subject to extensive analysis below. However, to clarify the point being made, the claim that this was an historic
moment is based on the Inquiry having exposed widespread corruption not only in the police, but also in the state. As a result of the Inquiry, politicians and senior police, including the commissioner were convicted of various offences and imprisoned, the administrative machinery of the state was radically transformed, and the incumbent government lost its uninterrupted 27-year rule.

However, even in this case, the ‘Fitzgerald model’ of reform (O’Reagan, Chairman of the CJC, Foreword in CJC 1994: iii) interacted with a number of other developments, leading the Criminal Justice Commission review of the implementation of the ‘model’ to recognise the need to take account of the “extensive, rapid and often disruptive organisational change” (CJC 1994: 2). Further, the CJC indicated that the ‘model’ was subject to new interventions such as the Public Sector Management Commission Review of police structures, operations and management (PSMC 1993) which “overlapped to some extent” with the Fitzgerald Inquiry (CJC 1994: 5, on issues as well as personnel) but added additional issues to be addressed. Further, another review was published in 1996 (Bingham 1996) introducing additional complexity to the discourses concerned with how to govern police and techniques or means of governing police (Lewis 1999). A similar argument can be made concerning the reforms to the New South Wales Police Service following the Wood Royal Commission (Wood 1997) and the three reports on the *Qualitative and Strategic Audit of the Reform Process* (QSARP 2000, 2001, 2002 and see Dixon 1999a, 2001).

Clearly, the Fitzgerald Inquiry has had *specific effects* such as the formal recommendations and the requirement for the Criminal Justice Commission to review the implementation of the recommendations (CJC 1994:2). At the same time these specific effects have interacted with other developments such as those mentioned above and more besides, producing more *general effects* on the discursive terrain of policing. Thus, while each of these developments outlined above are important in their own right, and we have argued that no clearer example of the
specific effects exist in policing than the Fitzgerald Inquiry, analytically we need to bring them together in order to transcend the ‘moment of the programme’ and identify the more general historical shifts in the discourses and techniques for governing police. Further, it is argued that rather than seeing a programmatic intervention such as the Fitzgerald Inquiry as re-structuring the institutional framework of police governance, we need to view such interventions as simultaneously embodying particular mentalities of rule. In other words, rather than seeking to understand how the historical moment transforms governing, we need to examine how such moments embody changes to the ideas about governing – that is, notions concerning “who can govern; what governing is; what or who is governed” (Gordon 1991; 3).

**Conclusion**

Governmentality provides a framework for interrogating the multiple forms and locations for governing. It focuses on the programmatic interventions that embody the range of ideas about how to govern, and the specific techniques for the translation of these rationalities of governing. The primary focus is on the textual representations of specific techniques for governing and more generally the mentalities of rule exhibited within these texts. While in agreement with Stenson’s (1998, 1999) concerns that governmentality studies needs to incorporate a range of research methods that take us beyond ‘serious statements’, we also need to recognise the plurality of methods that can and are employed within such ‘serious statements’. Through the exploration and analysis of a range of texts, governmentality studies provides a means for understanding how changes in the notions of what to govern and how to govern emerge and are cemented in practicable programs. Governmentality studies is concerned with linking the ‘micro’ instances of specific techniques or programmes with the more general shifts in the will and means to govern. In the following chapter we outline the different mentalities of rule identified by Rose (1993; 1996a), the different ways in which these questions concerning what to govern and how to govern have been posed and answered, and the different sets of relations that develop within the mentalities of rule.
CHAPTER 2: THE ART OF GOVERNMENT AND THE GOVERNMENT OF POLICE

Introduction

Over the past decade increasing emphasis has been placed on making Australia a ‘Working Nation’ (1994) an ‘Enterprising Nation’ (Karpin 1995) and a more recently a ‘Knowledge Nation’ (Australian Labor Party 2001). The current Commonwealth Government has committed itself to *Backing Australia’s Ability*, providing an Innovation Report to help “foster an environment of innovation excellence” and ensures “that our education and training systems teach entrepreneurship and enterprise at all levels” (my emphasis, Commonwealth Government 2003: 7-8). The ‘art of government’ - activity shaping the conduct of actors (Gordon 1991:2) - has become oriented towards shaping cultures of enterprise and competitiveness (Hilmer 1993) to meet what are perceived to be the effects of international/regional/local challenges wrought by globalisation, technology, and customised service (Rand 1995 cited in Karpin 1995:x). Further, in establishing an enterprising nation, the institutions of Government are also undergoing a shift in practices of ‘good governance’ and simultaneously notions of accountability. For instance, an earlier Commonwealth examination of public sector accountability sets the tone for the contents of the project of reform:

> Accountability is fundamental to good governance in modern, open societies. Australians rightly see a high level of accountability of public officials as one of the essential guarantees and underpinnings, not just of the kinds of civic freedoms they enjoy, but of efficient, impartial and ethical public administration (Commonwealth of Australia 1993:3).

Accountability is cast here in terms of efficiency, impartiality and ethical conduct. The review also comments on the place of ‘law’ in public sector accountability:

> Due process, fair dealing and the clear requirement to work within the law continue to be mandatory, but are not sufficient in themselves as a focal point for public servants (Commonwealth of Australia 1993:15).

While in recent years ‘law’ has been seen to be the key to governance through and of police (‘law’ being both permissive and regulating), such views are increasingly under challenge as the way in which to render police practices thinkable and governable. Although the Commonwealth
review cited above was concerned more generally with the public service the idea that ‘law’ alone is a sufficient means of governing practices is giving way to new forms of governance.

What is supplementing ‘law’ as the key mechanisms of governance is an increasing emphasis on results-oriented government, where accountability for governance is calculated in terms of ‘results for customers’ (according to the Secretary to the Department of Treasury and Finance in Victoria the work of Osborne and Gaebler, 1993 has been particularly influential in shaping the new ideas on governance, Vertigan, 1995).

While at first a Commonwealth review of public sector accountability might seem somewhat remote from an analysis of police, the argument put forward in this chapter is that there has been a significant shift in the ideas about governing, in part reflected in various reports and policy statements, but more subtly in the ways in which the possibilities, objects and means of governing are thought desirable and/or possible. How is the well-being of people, individuals, groups, communities, and ‘sectors’ thought to be achievable? In turn, how do such things relate to governing police and policing?

To understand the importance of the enterprise ethic and notions of ‘good governance’ to ideas about police and policing, we need to examine the inter-connection between broad shifts in the ideas (the political rationalities) of governing and practices (the governmental technologies and techniques) of governing and the ways in which police have been shaped by and negotiated these changes. In this chapter we provide a broad overview of the genealogy of political rationalities of liberalism, welfarism and neo-liberalism developed by Rose (1993, 1996a). As will be discussed below, while Rose (1993; 1996a) prefers to use the term ‘advanced liberalism’, we follow the dominant approach in the literature where the term ‘neo-liberalism’ is used.
Our aim here is to sketch the ways in which these rationalities have shaped the different modes and techniques for governing police and then draw upon these broad changes in governmental practices when discussing changes to the techniques for governing police. A central feature of governmentality studies is that government here does not refer solely to the state, but rather multiple and dispersed sites of governance. In these sites of governance questions concerning what to govern, who to govern and how to govern are asked and practical techniques and programs are developed, which in turn shape the nature of the state (Gordon 1991; Rose 1993). However, before proceeding we need to re-state three concerns.

First, the relationship between the techniques for governing the police and political rationalities is not one of super- and sub-ordinate spheres, one determining the other via some underlying structural logic (that is, they are not reducible to an underlying structural logic such as ‘capitalism’), as is often the case in other disciplinary frameworks. Similarly, they are not chronological developments in political rationalities, a movement as it were from one to the next and so on. Rather, to avoid the dangers and limits of determinist, functionalist, evolutionary and teleological accounts of governing police, it is necessary to examine the ways in which such changes to governmental techniques are negotiated rather than imposed unilaterally and unmitigated by the institutional contexts the seek to operate upon. As indicated in chapter 1, it is not simply a matter of noting police resistance to measures seeking to change the ways in which they are governed. Rather, police are actively engaged in the processes shaping the emergence and development of governing techniques, whether in the discretionary spaces ‘on the streets’ or in the active engagement in the negotiations over policy developments. In understanding the relationship between techniques and mentalities of rule, we follow Shearing (1995) and Rose and Miller (1992) wherein the interpretation and application of mentalities into specific techniques of rule involves a process of ‘translation’.
Second, there is a need to avoid over-schematising the changes to political rationalities so that they come to be seen to be neat parcels, self-enclosed and seen to be so distinctive that there is no room for recognising both some ‘old in the new’ or some elements of continuity and overlap. The different political rationalities of liberal government are not viewed as operating exclusively at any one time or place, but rather interact and intersect within the locations where questions of governance are developed.

Third, we need to avoid seeing particular sites of practice as simply a reflection or representation of a particular mode or particular forms of political rationalities. Being sensitive to the unevenness of change, to how changes are negotiated spatially and temporally, we can overcome the dangers of functionalism and determinism whilst still being able to connect specific changes to broader changes in how governing is made practicable.

Lest we be uncertain of the value to be found in identifying the historical processes shaping contemporary ideas about governing police, various police managers have alerted us to the need to understand current police practices and strategies in terms of negotiating historical changes (see Moore and Wettenhall 1994 for examples from Australia, Britain and United States; Moore 1994a, 1994b, and Etter and Palmer 1995 for more detailed views of some Australian police managers; and for examples from Britain see Reiner 1991; McLaughlin and Murji 1995; Butler 1996, 2000). Though there is a strong tendency in the accounts of police managers to use or interpret policing histories in both functionalist and celebratory tones, nonetheless such accounts point to the need to think about governing police in historical terms, requiring an understanding of how current techniques for governing police have been shaped by broader historical negotiations over the form, content and practices concerning how to govern police.
To take one brief example, the key feature of recent police discourses informing the new philosophy of ‘community policing’ has been an attempt to recapture ‘preventative policing’ as the essential function and practice of police. Community policing invokes, in part, a nostalgia of police organisation (Strangelman 1999), a return to the fundamental project of the ‘modern police’ as represented by an ‘orthodox’ (see Reiner 1985) reading of the formation and practices resultant from the introduction of the London Metropolitan Police Act 1829 and its take-up in other localities. In police-based discourses preventative policing is offered as a solution to contemporary problems in policing and ordering - enhancing effectiveness, efficiency, accountability, and public legitimacy and support. However, attempting to understand such shifts through technically evaluating reform programs (or even the ‘essence’ of their meaning) fails to connect police to the broader political environment, the ways in which the idea and practices of police such as ‘community policing’ are informed by and reflect the changing ideas about governing (in the example of community policing this concerns both governing through and of police).

In the following sections we examine the three forms of liberal rule identified by Rose (1993, 1996a). This schemata is used to identify modes or formulae of rule (see Rose 1993:283), “ways of doing things” (Burchell 1993:269), ways of thinking about “what should be ruled, by whom and through what procedures” (Rose 1993:285). Understanding the variability of political rationalities within liberal rule establishes the necessary context for understanding and contextualising the technologies and techniques of rule in contemporary police governance in Australia. However, rather than use “should”, which implies an obligatory - determinist - notion of duty or necessity, we need to think about both “should” and “could”. Though perhaps potentially seen as a quibble about verbs, the inclusion of the latter adds to the open-ended nature of change as it refers to a power or ability to do something, far more open than duty or necessity to do something deriving from changes in structural conditions.
Liberal rule

As we have already discussed, the term liberalism is used here to denote “a style of thinking quintessentially concerned with the art of governing” rather than simply a political doctrine (Gordon 1991: 14). In this usage, liberalism is “considered as a rationality of rule and not simply as a set of philosophical and normative reflections upon rule.” (Rose 1993: 284) Rose (1993; 1996a) has provided a set of “schematic propositions” about the “forms of authority” and “devices of rule” that constitute liberal societies (1993: 290-92). Of course, we need to be wary about variations on how liberalism has developed in “diverse culturally specific locations …” (Stenson 1998: 338). In particular, the practical problems of the early Australian colonies meant that in the “governmental system… the force was centrifugal” rather than centripetal as was the case in England (Finn 1987: 2). A second difference was that “the raw conditions of the colonies” meant government responsibilities and activities extended well beyond the reach of their British counterparts (Finn 1987: 3). Some authors, such as Robert Hughes (1987: 1), extend this difference to the very foundations of colonial Australia. Hughes states somewhat dramatically and questionably that the colonisation of Australia was based not on

Utopia, but Dystopia; not Rousseau’s natural man moving on moral grace amid free social contracts, but man coerced, exiled, deracinated, in chains … the intellectual patrons of Australia, in its first colonial years, were Hobbes and Sade.

Others have suggested that very different principles underpinned colonisation. For instance, Hugh Collins has argued that the political ideology of Australia was based on the formation of a ‘Benthamite society’: an anti-collectivist utilitarianism seeking to resolve the tensions between the interest of individuals and sovereign interests; a legalism that established the basis of institutional arrangements in legislation; and a positivism that insisted “upon a separation of fact and value…” (1985: 149). David Neal captures the tensions between these positions on colonial Australia being either a ‘penal colony’ or ‘free society’. His detailed study of the political struggles that shaped the emergence of the principles of the rule of law in penal colonies is indicative of the over-simplification of ‘either/or’ arguments (Neal 1991). The key issue arising from these different interpretations of the colonisation process and the underlying formulae of rule is the need recognise the variability of liberal rule in the ‘schematic propositions’ developed by Rose (1993, 1996a).
However, with this caution in mind, and the earlier recognition that where governmentality
studies examine police or policing it does so in terms of governing *through* police, we use the
framework developed by Rose (1993, 1996a) to guide our analysis of shifts in the governing *of*
police.

The first of Rose’s ‘schematic propositions’ about liberal rule is that in the early forms of
liberalism of the nineteenth century a series of problems about the capacity to govern emerged,
wherein new forms of expertise “came to provide a number of solutions” to make liberal rule
operable through “new authority for authority” or new sites and forms of expertise (1993: 284).

Second, towards the end of the nineteenth century and into the early twentieth century growing
perceptions about the ‘failure’ of this form of liberal rule led to the emergence of welfare
liberalism. An ‘inextricable link’ between expertise and the formal political apparatus emerged,
transforming “the state *into* a centre that *could* programme … events and persons distant from
it.” (1993: 285). This involved governing at a distance through social forms of intervention –
government through society - based on the truth claims of expertise and newly empowered
‘professionals’.

Third, in the second half of the twentieth century, welfare liberalism sustained a “series of
critiques” concerning a range of “alleged failings” such as the unsustainability of the welfare
state and the negative effects of welfare dependency on individual development. Rose refers to
this mode of liberalism as an ‘advanced liberal’ form of governing, based in part on the
“‘successes’ of welfare in authorizing expertise in relation to a range of social objectives” that

These historical transformations in the problematisations of liberal rule – questions concerning “what should be ruled, by whom and through what procedures” (1993: 285) – contain a number of discrete processes. We will examine each of these transformations in liberal rule below, seeking to adapt Rose’s schematic outline of liberal rule to the specific issue of changes in the techniques developed for governing police, allowing us to draw upon this framework in subsequent chapters examining the specific techniques used to govern police in Queensland and Victoria.

**Early liberalism**

Rose has elaborated four significant features of nineteenth century liberalism as a rationality of rule that shaped governmental practices - a new relation between government and knowledge; a novel specification of the subjects of rule as active in their own government; the authority of expertise; and finally, continual questioning of the activity of rule itself (1993; 1996a). These features of liberal rule “limit the scope of political authority, and ... exercise vigilance over its exercise” shaping the ‘market’, the ‘public sphere’ and ‘individual liberty’ “without destroying their existence and autonomy” (1993: 290). Liberalism is therefore contrasted as a mentality of

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1 In this section we use Rose’s term ‘advanced liberalism’ in order to be true to his account. However, in remaining sections we refer to ‘neo-liberalism’.

2 In the earlier version of this work (Rose 1993) he indicated that there were “five significant features of liberalism” (1993: 290). However, he only provided features numbered 1, 2, 3, and 5. i.e four features. In the later work this is corrected to “four significant features of liberalism” (1996: 44).
rule with the earlier form of government seeking to specify and scrutinise conduct “through
detailed regulations” of the “totally administered society” typified by the eighteenth century
‘science of police’ where all would be “transparent to knowledge” (Rose 1996a: 43). Liberal
rule is “dependent upon ways of rendering intelligible and practicable …[the] conditions for the
production and government of a polity of free citizens.” (Rose 1996a: 44) Our specific concern
here is with how the features of liberal rule shaped the techniques for governing police. We will
address each of these features of liberalism in turn below.

Government and knowledge
The relation between government and knowledge is centred on knowing the population and
knowing what to do. Various theories, programs, techniques and forms of disciplines and
expertise develop in ways that make government possible, not through forms of domination, but
through developing technical means of enhancing the rational free conduct of the governed
(Burchell 1993: 270-1). Such activity is limited to enhancing the natural, private interests of
individuals in civil society. A range of techniques and experiments emerge to enhance the
natural and optimal economic and social well-being of society, constructing notions of public
and private domains, introducing new ways of making social and economic practices conform
to overall well-being, to be normalised and moralised, involving “governed individuals
adopting particular practical relations to themselves in the exercise of their freedom in
appropriate ways” (Burchell 1993:272 and 273 for quotation).

Active subjects
Liberalism “both depends upon the existence of free individuals and seeks to shape and regulate
that freedom in a social form…” (Rose 1993: 91). This occurs through the specification of
norms of civilised behaviour, and divisions between the ‘civilised’ and those lacking such
attributes or capacities. Liberalism “thus becomes dependent upon devices … that promise to
create individuals who do not need to be governed by others, but will govern themselves …
care for themselves.” (Rose 1993: 291). This latter group of individuals are therefore conceived
as able and active participants in their own governing, free as normatively civilised individuals able to care for themselves.

**Authority of expertise**

Through the efforts of “independent reformers, a number of frictions and disturbances … were recoded as ‘social’ problems … and thus called for authoritative attention.” (Rose 1993: 291) Expertise identifies some social practices as ‘social problems’ undermining economic and social well being and thus requiring some re-dress. A process of professionalisation and bureaucratisation of expertise emerges in which forms of authority develop at a distance from government, both enhancing expert authority but also securing autonomy of expertise.

**Reflexivity on rule**

Rather than being a relatively recent phenomenon indicative of “some terminal stage of modernity”, ‘reflexivity’ was central to early liberalism wherein there was a “constant critical scrutiny … exercised over the activities of those who rule…” (Rose 1993: 292). Liberalism is constantly reflecting through questioning: ‘why rule’, ‘who can rule’ and how the legitimacy of authority can be established and maintained. Rose suggests that this is ‘answered’ “through various technical means” - particularly democracy and expertise as ways of enhancing effective and better government (Rose 1993: 292). This does not mean that democracy is essential to liberal rule, but rather that democracy, and new forms of expertise, provided a means for reflecting on rule. Further, Rose’s notions of democracy and expertise are not fixed sociological terms but rather appear to be fluid concepts that are shaped by, and shape, governmental forms (for more detailed analysis of different notions of democracy as applied to policing, particularly a normative rather than institutional framework, see Jones et al. 1994).

These four general features of liberal rule “limit the scope of political authority, and … exercise vigilance over its exercise” (Rose 1993: 290). Applied to the field of governing police, the early
Chapter 2: The art of government

liberal ‘art of government’ can be identified in the substantial and fundamental reforms that took place over the period of 1750-1900 (see Hay and Snyder 1989 for detailed studies on the various reforms to the machinery and practices of criminal justice in this period). During this time there emerged a range of perspectives and practical exercises for reforming policing in Ireland and England (Palmer 1988), Scotland (Carson 1984, 1985; Carson and Idzikowska 1989) and similarly in Europe, particularly in France, which served as a point of contrast as illiberal police under centralised bureaucratic control (see Emsley 1996, 1997, 1999). A range of proposals for policing reforms emerged, such as those developed by Adam Smith, Patrick Colquhuon, Henry and John Fielding and Robert Peel amongst many (Emsley 1983a; Neocleous 1998, 2000; Palmer 1988).

These writings and reformist activities were directed at producing knowledge about the conditions of policing, developing means for enhancing the capacities of policing to contribute to government objectives, and instantiating notions of a public police system (Emsley 1983b). Policing became ‘problematised’ – both in terms of the capacity to govern through existing policing forms, and most importantly in terms of practical questions concerning how to govern policing. The debates about policing reform provided practical knowledge about systems of police and their relation to government.

As we will see in the following chapters, expertise on police shifts from the ‘serious statements’ of police reformers, to the mundane internal practices for governing police conduct. In this historical period when the modern police were established, expertise on police shifts increasingly to internal administrative officers operating in a formal bureaucratic structure, displacing the controls of the judiciary over policing and relocating expertise, administration and management into the hands of ‘professional’ police and the emergent public service departments. For instance Emsley (1996) details the growing relationship between the police experts in the English Home Office and their direct relationships with heads of police agencies.
Of course, this movement towards internal expertise and authority on police was never total and involved (and involves) ongoing negotiation over the practices of policing and the place of ‘the police’ in such relations. Key negotiations took place between Government (local, county, provincial and central), the magistracy (justices of the peace and stipendiary magistrates) and police managers (involving different management levels according to the manner in which the police were organised) and reformers from the mid-eighteenth to mid-nineteenth century and beyond (for some examples on the United States see Lane 1992:12; Monkonnen 1981,1992; on England see Emsley 1983b, 1996; Storch 1989; on Ireland see Palmer 1988; on Canada see de Lint 1999; and on Australia see Finnane 1994; Palmer 1994, 2003).

With the exception of the United States, the key shift in this period was away from non-expert and fragmented organisational structures towards expert, organised semi-autonomous bureaucratic agencies developing their own capacities to identify and respond to social problems. In the Australian colonies, the various police agencies that existed in the first half of the nineteenth century were reformed into singular, colony-wide agencies under central and singular command by the early 1860s. The exception was Tasmania, which maintained a network of police magistrates controlling local police until 1898. However, as Finnane argues (1994: 15) even in the Tasmanian case, as the supervising magistrates were stipendiary magistrates they were directly responsible to the Governor, again ensuring centralised control of police. In the case of Victoria, the impact was to replace “no fewer than seven autonomous bodies of police” operating in Victoria with the state-wide Victoria Police under the singular direction of a Chief Commissioner (Haldane 1995: 29). Again as Finnane has argued about this period, the “colonial legislatures required that the police were to be controlled from the centre of political power, rather than local authorities” (1994: 15). Policing was to be state based rather than locally organised and controlled. Further, establishing the singular authority of the commissioner, subject to directions from the minister meant, “the commissioner became the most important figure in policing, since few ministers would be in a position to know or be capable of knowing the intricacies of a police organisation” (italics added, 1994: 15).
In the Australian colonial context there was no equivalent to the English ‘police authorities’ and the lack of an equivalent system of local government. As I have argued previously (Palmer 1994, 2003) there was a key period in mid-nineteenth century when the possibility of a Municipal police existed in Port Phillip/Victoria. However, this possibility was overrun by two concerns. First, inter-colony relations and the efforts to secure the separation of Port Philip from New South Wales outweighed the specific institutional concerns. Second, the relations between the colonies and the imperial centre over financial matters limited police reforms, most particularly the concern in the colonies that the imperial centre continue to fund policing. The cities of Melbourne and Geelong were offered some form of local government control of police, but in return had to raise taxes to fund the police, an issue strongly opposed by landholders.

This possibility of some form of local level involvement in police governance was revisited in Victoria in the 1880s when the Longmore Royal Commission into the policing response to the ‘Kelly gang’ surveyed local authorities on their attitudes to “the proposal to allow municipalities to have a voice in regulating the strength and distribution of the police force in their respective districts” and to be charged for any costs for constables appointed beyond a pre-determined allotment (Longmore 1883: xxiii). On the matter of general control of police, the Longmore Commission was not proposing a shift to municipal control, but rather from a single Chief Commissioner to a Board of three Commissioners, one being the Chief Commissioner (1883: viii-x). The Longmore Commission’s proposal did not therefore represent a significant break from the centralised administration and accountability of police and failed to be implemented due to concerns about the dispersal of accountability across three people rather than a unified, singular controlling officer fully accountable for the totality of the police organisation.

In sum, colonial arrangements meant that in the period prior to the unification of state police (up to the mid-nineteenth century) far greater emphasis was placed on justices of the peace and
increasingly a stipendiary magistracy in the governing of police (Hirst, 1988: chapter 14; Sturma 1983: chapter 6; Palmer 1990, 1994, 2003: chapter 2; Golder 1991; Finnane 1994: chapter 1). The framework emerging by the second half of the nineteenth century involved a colony-wide police administrative structure, with control of the police placed into the hands of a singular police manager (similar to the London Metropolitan Police and the Irish Constabulary 1836 in terms of the relationship between police administration and government, see Palmer 1988, Finnane 1994). There was to be no form of local governance intervening between central government and police administration (with the exception of Tasmania for the second half of the nineteenth century, see Finnane 1994: 18).

In turn, these institutional structures shaped a range of practical techniques developed to enhance the capacity of the police officer to be free to police. The police were to develop as disembedded professionals, taken out of their specific temporal and spatial contexts and “re-combined ‘across indefinite time/space distances’”. This meant police personnel were removed from “local norms and influences” and re-embedded within a system of “disciplinary administration” (De Lint 1999: 38, 41, emphasis original, and for further development of the term disembedded see Giddens (1991: 242). Governing the police officer was to occur through their removal from ‘the community’ and the development of police bureaucracy.

The techniques and practices of liberal rule enabled police to gain greater autonomy over the ensuing century through the continual re-working of government-judiciary-police management relations, the changing bureaucratic organisation of police, and the ongoing development of notions of the ‘professional’ police. This can be seen to culminate in a series of legal judgements writ large that the ‘office of constable’ made the police officer responsible to no one ‘save of the law itself”. This was stated most explicitly by Lord Denning in the English case of \textit{R v The Commissioner of Police of the Metropolis ex parte Blackburn} [1968] 2 QBE 118 at 136. In this case, Mr Blackburn sought to have the Police Commissioner compelled to police
illegal gambling. The court determined that there was a duty on the Commissioner to enforce the law, but that the relevant police authority could not direct him in his duties, and that the courts would be reluctant to intervene. Blackburn tried several years later to address the same principles (Blackburn No.3 [1973] 1 QB 241), though this time related to the lack of policing of obscene publications. He again failed to have the court direct the Commissioner. This notion of the independence of the office of constable was also central to earlier cases such as Enever v. The King (1906) 3 CLR 969 involving a Tasmanian man wrongly arrested for a breach of the peace, who then sued the Government for damages. The Australian High Court held that no master servant relationship existed between the police officer and the Government. This principle was followed in another English case, Fisher v Oldham Corporation [1930] 2 KB 364, once again involving claims of wrongful arrest where it was also held that the police officers were not servants or agents of the government (in this case Oldham Corporation or local government authority). Finally, in the case of Attorney General for NSW v. Perpetual Trustee Co. Ltd 1952, 85, CLR 237 and [1955] AC 457 the NSW government engaged in legal action for the loss of the services of a police officer pensioned due to a motor vehicle accident. This case also affirmed the principles of Enever (see Marshall 1965 for a detailed critical account of the relative recency of this construction of police authority; see also Plehwe 1973; Brogden 1982; Lustgarten 1986; Orr 1986; Finnane 1994; Goldring and Blazey 1994; Jones et al. 1994; Plehwe and Wettenhall 1994).

Of course, the ‘settlements’ produced during this period were constantly undergoing scrutiny, as is suggested by the ever-present inquiries into police and the constant deliberation upon and questioning of whether police are inadequately governed or are governed too much (for details of inquiries in Victoria see Haldane 1995, and for Queensland see Ross Johnston 1992). The freedom to police under the mentality of early liberal rule was not inherent in the New Police, nor was police autonomy readily achieved in some pure idealised form, or evolved smoothly and unidirectional. What is argued is that the broad features of early liberal rule made possible the idea of the ‘modern police’ and that within the mentality of early liberal rule the practices of
the police were subject to ongoing negotiation, contestation and resistance, both in a direct sense (that is, against those agents called the police) and in terms of ideas about governing (the fear of an overly intrusive governing mechanism encroaching on individual liberty at the behest of the state). The construction of independence of the police, embodied in the ‘office of constable’, limited the scope of Executive authority and elevated legal authority as the means of exercise vigilance over police without destroying police autonomy. Finally, such ‘settlements’ are subject to a substantial re-writing in the present period, which we address in the following chapters (in particular cf Chapter 3). For now, we turn to the second of Rose’s (1993, 1996a) ‘schematic propositions’ about the changing nature of liberal rule – welfarism.

**Welfarism**

Rose argues that the emergence of welfarism or what he refers to as ‘governing the state of welfare’, occurred through a “series of transformations in the problematics of rule…to which the ‘socialization of society’ seemed to be the solution” (1993: 292). Put simply, the techniques for governing developed by early liberalism were increasingly identified by experts as failing to provide the means and capacities to manage social relations and social change. Early liberalism was concerned with enhancing the capacities of the individual by enhancing the rational free conduct of the governed (Burchell 1993:270-1). Welfare liberalism sought to “pair individual liberty and collective security”, preserving individual liberty through democratic rights whilst simultaneously increasing state interventions that controlled and structured individual liberty (Pavlich 1999: 106-7). Individual liberty is thus seen to be reliant on the extent to which collective or social welfare is able to provide redress of social, structural problems that inhibit the development of individual capacities for individual freedom.

In welfare liberalism, social conditions are seen to be the source of the inability of the individual to meet the *norm* of good conduct. As Gordon indicates, “the focal question of
politics is now not so much the justification of state action as the governability of the social” (1991: 34). Establishing the norm enables identification of the ‘abnormal’: individuals who transgress these norms are to be corrected. Rose characterises this work of identifying the norm and correcting the abnormal as occurring through a range of strategies, of which the twin strategies of ‘social insurance’ and ‘social work’ are exemplars. The former establishes the norms that underpin the efforts to govern through the social. Social insurance is ‘collective’, dispersing ‘risk’ across the ‘social state’ (1993: 293), so that the state assumes “responsibility for the management of a whole variety of risks” (1996: 338). In policing terms, the task was to establish norms of good conduct, with regularised systems of inspection to identify the ‘abnormal’ and develop and invoke the means of correction. Social work is indicative of the emergence of new forms of expertise able to correct the deviations from the norm through intensive casework on individuals, developing techniques of diagnosis and measures to correct and ‘responsibilise’ individuals.

These twin strategies are also seen to be indicative of a transformation in ‘truth’ and ‘expertise’, wherein “the state was to produce a set of technical devices that would ‘re-invent community’, socializing both individual citizenship and economic life in the name of collective security.” (Rose 1993: 293). Experts were able to deliberate on necessary social reforms in a manner that technicizes and depoliticises the distribution of resources. Increasingly, “good government came to be identified with dependency on expertise”, whereby

Experts, and particularly state-employed experts, were invested with authority…precisely because the determining role of the social was understood as vitiating individual autonomy and limiting the capacity of individuals to understand and intervene in the causes of their own problems. (O’Malley and Palmer 1996: 140)

Being mindful of our earlier warning against imposing a neat periodisation on the changing forms of liberalism, we can identify several key changes in governing policing from the nineteenth century to the late twentieth century that characterise governing police under welfare liberalism. Four general developments are noteworthy.
The social conditions of police work

From the very introduction of the ‘modern police’ we can identify the seeds of the notion that to govern police it was necessary to address broader social conditions seen to be productive of good policing. For instance, across English-speaking countries the formation of the ‘new police’ simultaneously addressed the need to provide for improvements in general workplace conditions such as reforms to wages, pensions and superannuation and other factors related to the social conditions of police. It was increasingly recognised that to govern police it was necessary to govern the social life of the police person. This is found to be the case in both Victoria and Queensland.

The Victorian Snodgrass Committee, appointed in July 1852 and reporting September 1852, addressed both the need for institutional reform along the lines of a singular police force with jurisdiction-wide responsibility, and the need to develop the proper material and social conditions that would enable good policing. Indeed, the Committee indicated very clearly that such reforms to the conditions of police were necessary in order to overcome the “reluctance in performance, and timidity in the execution, of their functions” (Snodgrass 1852: v). The recommendation for a single police force for the colony under the supervision of a Chief Commissioner (the preferred title of the Committee was for an Inspector General of Police, 1852: iv) was implemented in January 1853, with the new legislation addressing in detail the necessary conditions for good police work (see Haldane 1995 for details). Recruits were to be of ‘good character’ (Police Regulation Act 1853, s.7) and were subject to intensive surveillance through a series of regulations directed not only at their police work but also their personal habits such as dress, deportment, and living arrangements (see Dean 2003).

The shift to a colony-wide police force in Queensland was slightly more protracted. Queensland separated from New South Wales in 1859. Soon after an Inspector General of Police was appointed without a more general reform to the police system and with the continuance of the
central role of magistrates in governing local police. The position of Inspector General was abandoned after the report of an 1860 Select Committee on Police. Greater efforts were made to introduce substantial organisational change through an 1862 Bill introduced by the Colonial Secretary. The 1862 Bill included having an Inspector General of Police but it failed to be passed. A further Bill was introduced by the Colonial Secretary in 1863 and was passed with amendments such as “a freeze on the size of the police” (Ross Johnston 1992: 4). This Act provided for a centralised police system under the control of an Inspector General, though leaving magistrates as Inspectors of police until 1870, and the continuation of a separate Native Police to police the frontiers (for details see Ross Johnston 1992, chapter 1). Most importantly, a significant amount of the detail of the legislation addressed the social conditions of the police in ways similar to the Victorian regulations, and enabled the local magistrates to inspect the social conditions of police.

While in general the concern with the social conditions of police work were part of the framework of the New Police in contrast to the older forms of policing, we can view these changes as part of the shifts in the ways in which policing was governed. For the new police systems to be effective, police reformers addressed the range of impediments to the efficient functioning of the individual officer such as salaries, pensions, superannuation and personal habits, and the more general organisation of police. Indeed, at the core of these efforts was an ever-present desire to enhance the qualities of the police officer, most notably through ongoing changes to the entry requirements as part of establishing police work as a ‘career’.

Of course, this is not to suggest that such reforms efforts were immediately successful as for instance the notion of a career did not manifest itself in practical terms until early in the twentieth century in Australia and elsewhere (Finnane 1994: 140-44; Reiss 1992: 89-91; Monkonnen 1992: 556-7; Emsley 1996; Reiner 1995: 62). Further, police entry requirements and ‘professional development’ have long been based on on-the-job craft-based apprenticeships.
with follow up training in police academies, limiting claims to a professional career (Finnane 1994 chapter 7 on the history of police training and education in Australia; see also Bradley and Cioccarelli 1989, and Bradley 1992, 1996 for discussion of more recent changes to police training and education in Australia).

Cautioning against assuming professional police careers were easily established, Eric Monkonnen (1992: 560-1) draws upon Watts’ (1983) detailed historical analysis of police careers in St Louis (United States), which concluded, “no truly ‘typical’ pattern ever emerged” during the twentieth century (Watts 1983: 224 cited in Monkonnen 1992: 561). Monkonnen suggests that this study should be used as a “cautionary note” to the tendency of assuming the professionalisation of the police bureaucracy during the twentieth century.

While we can accept that there are dangers in assuming that a police career developed through the process of bureaucratisation and professionalisation, the point being made here is that the notion of a career emerged as a response to the issue of how to govern police. As Reiner suggests of the London Metropolitan Police (1829) the entry requirements for the new police “were quite demanding and stringently applied” (1995: 62). A range of factors would shape the degree to which the new selection requirements and training could in practice deliver greater ‘professionalism’ or to provide a ‘career’. Further, the very introduction of new standards of entry and behavioural codes, and their ongoing refinement over the years, were often the source of limiting ‘careers’ in police work. For instance, the early police administrators were particularly concerned to govern the drinking habits of police officers, habits that were seen to be typical of the ‘old’ police. Haldane indicates that in 1854 “more than one quarter of the Melbourne City police appeared in court charged with alcohol-related offences whilst on duty” (Haldane 1995: 49). Finnane indicates that the focus on disciplining the drinking habits of police officers was a continuing problem well into the twentieth century in Queensland,
accounting for approximately half of the dismissals from the Queensland police (Finnane 1994: 160-1; see Palmer 1988 for accounts from Irish and London police).

From the early twentieth century the broader welfare of the police officer comes to the fore in the discursive constructions of what was seen to be necessary to be able to effectively govern police. These discourses on officer welfare did not simply emanate from insightful reformers or political elites, but were actively constructed by police officers entering into the process of establishing collective bargaining associations (benevolent societies, associations and unions). These were established in 1917 in Victoria (reformed in 1933) and 1915 for the Police Union and 1925 for the Police Officers’ Union in Queensland. As indicated above, police associations have sought to address the broader welfare of police: adjusting the pay, allowances, leave, pensions, superannuation, compensation, disciplinary systems and decision-making, legal reform, and penal and social policy (Finnane 2000, 2002; Emsley 1997: 71-2). To govern police under welfare liberalism required attention to these general social conditions that shaped the police officer.

Finally, a more recent example of changing the conditions of welfare as a means of governing police also produced consequences for the police career. The 1987 changes to the superannuation scheme for Victorian Police Force, described by Haldane as being introduced in recognition of the arduous nature of police work and the need to provide realistic options for early retirement (in other words, seeking to govern police work careers through addressing welfare) were “lucrative” and caused an exodus of members, with over one third of the force retiring over the following four years (1318 left in the four years preceding the change, while 3132 left in the four years following the change, Haldane 1995: 310). In this example, and in the others provided above, changing the conditions of welfare was seen to be an important way of governing police.
Science of police

Second, the growing ‘science of police’ was centred on efforts to identify the means for enhancing the efficiency and effectiveness of police methods and understanding the structural or social factors shaping police conduct. The use of the term ‘science of police’ is quite distinct from the earlier use of ‘police science’ in eighteenth century and earlier in Germany, Italy and England (see Pasquino 1991 and McMullan 1998b: 98), when this referred to the broad ambit of governmental interventions of ‘domestic administration’, rules, regulations – in general the efforts to produce social order - absent of the specific institution of the police (Knemeyer 1980: 182 cited in McMullan 1998b: 99).

What emerged from the 1960s was an array of attempts to know the police, to develop systematic scientific knowledge or the intellectual machinery (Rose and Miller 1992: 182) concerning the practices of policing within the state institution of the police (see Reiner 1992c: 439, and on US and UK research during the 1960s, 1997: 999-1003; in Australia this was particularly influenced by the emergence of criminology in universities, Carson and O’Malley 1989, though see Finnane 1998 for a critique of this work; and see Chappell and Wilson 1969 as the first detailed Australian study of this period and Wilson and Western 1972). The ‘science of police’ had an earlier and more specific genesis in the US. This was due to the changing organisation and focus of police agencies from the late nineteenth to early twentieth centuries and the activities of key police reformers such as August Vollmer, “elected town marshall of Berkeley in 1905… [who]… soon became famous and influential” for his efforts in developing a science of police (Monkonnen 1992: 556-7; 565-7, quotation on p.566). More recently, the academic and institutional research has focused particularly on understanding the ways in which police cultures shape police officer behaviour (James and Warren 1995; Chan 1997, 2003; Warren and James 2000). Police work is increasingly understood in terms of the interplay between structural factors and organisational processes (though of course the individual responsibility is not lost in this process).
We also see (Reiner 1997a) growing concern with establishing a normative framework for police practices through the knowledge produced by experts on policing within criminology, policing studies and policy reform authorities. Further, the key concern of these studies was with identifying the ways in which police harm social justice, such as through ‘inappropriate’ use of discretion, non-consensual policing practices and the general lack of accountability to the state. The high point of such a development was the President’s Commission on Law Enforcement and Administration of Justice (1967) in the United States, commissioning detailed research into police, fostering considerable growth in the study of police, and shaping the emergence of a sub-discipline within criminology – criminal justice and police studies. Criminal justice courses in the United States (inclusive of what is now referred to as Police Studies) expanded from 64 courses in 1965, to over 1200 in 1978 (Simpson 1979 cited in Halstead 1985: 152). Though no equivalent data exists in Australia, the Fitzgerald Inquiry (1989) in Queensland had a similar, though smaller-scale influence in the development of policing studies in Australian universities (Wimshurst 1999).

Establishing ‘public’ norms in police work

The increasing role of expert knowledge on policing is related to a third development particularly from the 1960s onwards, as a range of institutional forms emerge which seek to make police accountable to the broader ‘public’ norms of conduct and public interest. Increasingly, efforts were developed to enhance the capacity to govern beyond the individual cases towards a more ‘systemic’ or social focus. Indeed, the failure to manage or even produce ‘public’ knowledge about individual cases of complaints became part of the efforts to reshape the means to produce knowledge of police conduct and the capacity to shape normative behaviour within police. Complaints about accountability in the specific sense (ie. individual cases) and complaints about the processes of seeking police to account for behaviour (ie. complaints about general accountability mechanisms and processes) became governmental: police accountability processes became problematised, with questions being asked about how
and what to govern to achieve police accountability. One of the key problems concerned the lack of detailed information about police complaints. Two brief examples highlight this process.

Maguire's analysis of police accountability via complaints in British policing provides an example of this shift. In the early 1900s there was little effort within police agencies to record complaints. In 1929 a Royal Commission found that there were “only 149 complaints officially recorded in the whole of England and Wales over a twenty two month period”. The lack of data was the result of limits to the awareness of procedures for complaining and limits to the means of recording complaints. By the 1960s another Royal Commission “discovered that the annual total [of complaints] had risen to over 4,000” which doubled again in the following year with “further sharp rises after” the introduction of the 1964 Police Act (Maguire 1991: 181). Complaints against police were reformed, became tabulated and calculable and a key indicator of the health of the police.

Similar problems were encountered in Australia. For instance, in his ‘inspection’ of the Victoria Police Force the former Chief Inspector of Constabulary for England and Wales, Sir Eric St Johnston commented, “I have attempted to ascertain how many complaints are made each year against members of the Police in the State of Victoria, but these statistics are not kept.” He went on to recommend a number of changes to the recording of complaints, and specifically recommended that the data on complaints be reported in the Chief Commissioner’s Annual Report to Parliament (St Johnston 1971: 170). In Queensland, the Fitzgerald Inquiry (1989) outlined the problematic nature of the complaints process. Fitzgerald described the Internal Investigations Section established in 1977 as an ‘artifice’, having no powers of surveillance of police (1989: 288). Similarly, the Police Complaints Tribunal established in 1982 was described as being a ‘facade’ for Government power and “a mask to disguise the reality” of police corruption (1989: 290). Fitzgerald identified the lack of sound data on complaints and recommended wholesale changes to the management of complaints against police.
In both examples the ‘lack’ of information was seen to be problematic and produced significant changes to the production of knowledge concerning complaints against police. More generally, these concerns with knowledge about police complaints are related to the desire to seek new ways for governing police practices, problematising the production of knowledge about police practices, and contributing to the institutional reconfiguration of expertise on police.

New institutions and new expertise on police

The reforms indicated above were part of a broader institutional reconfiguration that represents the fourth important change to the practices of governing police under welfare liberalism - further change in the locations within which knowledge about policing is produced. Whereas the knowledge about accountability described by Maguire emanates from Royal Commissions, by the 1960s we begin to see a shift away from reliance on ad hoc inquiries towards standing authorities such as various forms of police complaints authorities, Law Reform Commissions and the like emerging. This process establishes new institutional locations for the production of knowledge about police practices and, like the President’s Commission mentioned above, both drawing upon and helping to expand a whole new source of expertise on policing within universities that feeds into and feeds upon these standing authorities. Indeed, as Mathew Goode points out,

… the first reference of the shiny new Australian Law Reform Commission was on public complaints about police behaviour, and the second, criminal investigation and police powers, despite the fact that both were of marginal relevance to Commonwealth jurisdiction (Goode 1990: 132; Australian Law Reform Commission 1975a and b; 1978).

In turn, these standing authorities influenced the ad hoc inquiries. For instance, the first report of the ALRC mentioned above was taken up in the Beach Inquiry into corruption in the Victorian police. Beach indicated that “I have studied that Report with the greatest of interest … and I am in complete agreement with the conclusions arrived at by” the ALRC. He then made recommendations in keeping with those of the ALRC report (Beach 1976: 108, 110).
There is also a considerable literature on the development of such *ad hoc* and standing Commissions and public police complaints authorities in the United States (Rumbaut and Bittner 1979; Pettersson 1990; Terrill 1980, 1990; Reiss 1992). This process has been referred to, tentatively, as the ‘trend to external review’ of police agencies in North America, Australia and the UK (see the collection of essays in Goldsmith 1991). In this process, the concern with the individual officer is not displaced *in toto* as the development of internal disciplinary systems continued to focus on individual behaviour. In the early period of the new police there were limited ‘codes of conduct’ that Finnane indicates “were poor guides in many respects, applying only to the broadest conception of what police work involved” (1994: 152). These loose guides to police behaviour were supplemented by the “gradual development of other forms of regulation” such as legislation, rules, and regulations governing police conduct (Finnane 1994: 152).

Finnane suggests that the “content of these administrative devices suggests the ambition of centralised control” of police officers. Reiss (1992: 75) has similarly argued that they developed in the United States as a means of holding police employees accountable to reduce the vulnerability of police chiefs to dismissal by allowing the development of blaming the individual officer as a ‘rotten apple’. In general terms the scope for disciplining the individual officer has remained central to governing policing. What changed under welfarism, and has been developed further under neo-liberalism, was the increasing ‘external’ scrutiny of what constituted the norms of police conduct, the necessary procedures for correction as well as the growing use of the case-work approach to address the social factors that lead to deviance from the norm of acceptable conduct. Until quite recently this practice remained internal to police administration, most particularly in the hands of the Commissioner until well into the twentieth century. However, as Finnane (1994: 165) suggests,

> The modern resort of counselling has its origins in the means of administering a caution…a process which reflected not simply the bureaucratic imperative of ensuring that directives reached those to whom they applied, but carried with it perhaps an element of shaming as well as encouragement of personal reflection.
In sum, governing through welfarism represented two broad shifts in governing the police. First, the attempt to professionalise police via the responsibilization of the individual diagnosed case – the ‘rotten apple’ - over time is increasingly conducted through efforts addressing the social conditions shaping police practice. The problem officer becomes linked to the problems of policing, the ‘impossible mandate’ and cultural dysfunctions. Similarly, a host of new sites of knowledge emerge, where new forms of expertise deliberate on the norms of police behaviour and develop practicable measures to change the police officer and the police organisation.

This second development occurs from the 1960s onwards, where new claims to expertise and truth transform the ‘authority of authority’ and extends the ‘politics of policing’ “through linking the judgements and deliberations of experts” (Rose 1993: 294) to operations of the police organisation and the subjectivity of the police officer. However, expertise simultaneously generates *enclosures* (Rose and Miller 1992: 188, original emphasis). Enclosures involve establishing power and authority “through the use of esoteric knowledge, technical skill, or [an] established position as crucial resources which others cannot easily countermand or appropriate” (Rose and Miller 1992: 188). These enclosures create the space for autonomy of expertise in the sense that experts attempt to establish and maintain their power and authority, claiming the possibility of solving problems through expert ‘truth’ claims rather than through more contestable political activity and choice of government.

In terms of police, the new organisation of bureaucratic professional police offered expertise in law and ordering, ‘de-politicised justice’ (Tomlins 1985), and created a new *centre of calculation* and power that produced the knowledge necessary for social ordering. This increased the autonomy of police as experts on law, order and justice. But this was never total, and by the latter stages of welfare liberalism the autonomy of police managers is challenged by the expertise located in universities and in standing authorities on law, crime and policing. What had emerged by the 1980s at the latest was a “complex administrative structure” (Rose and
Miller 1992: 193) involving various authorities on police and policing – police administration, academics, accountability agencies, law reform bodies and government offices. By the latter part of the twentieth century these governmental forms were problematised by “an alternative formula of rule” – neo-liberalism (Rose 1993: 294).

**Neo-liberalism**

In recent years welfarism has come under sustained critique for having ‘failed’ in three general ways. First, the lack of substantial impact on the capacity to govern as evidenced by the ‘failures’ of governing through welfarism, such as the ongoing police ‘scandals’ and the lack of efficiency and effectiveness, themselves assessed increasingly in economic terms. Such concerns no doubt have a longer standing, but under neo-liberalism they are made technical into new programmes for governing. This has involved the articulation of a range of mundane devices such as audit, activity analysis, and performance indicators. Second, the efforts to govern from ‘outside’ the object of governing through ever-increasing rules and regulations are seen to over-extend governing through the state and encroach upon the freedoms of autonomous actors. The condition of dependency created under welfarism is re-cast into individual responsibility for ‘care of the self’. Governing the police officer was increasingly posed through consideration of how to engage the officer in his or her own government. Finally, the social science expert knowledge on policing developed from the 1960s onwards is seen to be of limited value in solving the problems of how to govern police. New forms of knowledge and expertise are seen to offer a new *intellectual machinery* to render police governable, most particularly the techniques developed under new managerialism.

These critiques of welfarism link the more specific concerns about the costs, bureaucratic procedures, the discretionary authority of bureaucrats and professionals, and the paternalism and “crushing of autonomy” seen to be inherent in welfarism into a more coherent programme
for governing (Rose 1993: 294). Welfarism is increasingly seen as a ‘failure’ for having created a dependency on state action to manage and resolve problems: either the demands were too great, or increasingly the state was viewed as encroaching on individual freedoms.

Neo-liberalism as a mentality of rule is concerned with the limits of government. Neo-liberalism is formed out of a reaction against the ‘exorbitant growth’ of the state marked by welfarism and a concern for not simply “limiting governmental intervention, but also for rationalising government itself...by reference to an idea of the market” (Burchell 1993:269). As Burchell argues, neo-liberalism differs from early liberalism as a rationality of rule in the containing a different notion of ‘markets’.

Early liberalism sees markets as ‘quasi-natural’ and ‘secured by the state’, whereas neo-liberalism views the market as something “that must be actively constructed by government” (1993:270-1). In turn, this is suggestive of how “neo-liberal forms of government do not simply lead to a shift in the capacity to act away from the state… to a reduction in the state or its limitation to some basic functions”(Lemke 2001: 201). Rather, neo-liberalism combines the capacity for direct intervention in some domains with indirect techniques for governing other areas. Responsibility for governing shifts away from the state to ‘responsible’ and ‘rational’ individuals and collectives. Practical techniques such as “marketization, enhancement of the powers of the consumer, financial accountability and audit” give neo-liberalism its versatility in the strategies and programmes to be developed and which accord more, or less, involvement of the state (Rose 1993: 294-5).

Most often when the notion of ‘markets’ is discussed in relation to police, the reference is to the marketization and commodification of policing (see chapter 6), such as the growth of private policing, the re-focusing of state police onto ‘core’ activities (see chapter 5), and the
civilianisation of state police. The dominant explanations for these processes are usually either the ‘fiscal crisis of the state’ or a more general growth in ‘mass consumption’ and ‘commodification’ of all things (Johnston 2000: 134-5). However, marketization in policing can be conceptualised in quite a different way. While police ‘outputs’ can be costed through activity analysis (Steering Committee for the Review of Commonwealth/State Service Provision 1999b) to allow fee-for-service policing, contracting out and privatisation, a key element in police markets concerns market simulacra embodied in the comparative performance measures of contemporary police. While we cannot choose to exchange one state police for another (though this can be done where contracts are used for state police such as in the Australian Capital Territory or in Canada), we can identify the success and failures of service delivery in relation to comparisons in performance across service providers. This does not mean that the various welfare technologies such as ‘independent’ expert authorities are abandoned, but rather are reconstituted as part of the plurality of voices that contribute to the assessment of the performance of individual police and of police organisations. Increasingly, it is not only the police officer and police organization that needs to be attuned to these performance assessments - the citizen consumer can assess the service delivery, is asked for their satisfaction with the delivery of police services and receives exhortations to be active in their own policing by enjoining with police in their consultation and partnership committees. Before discussing the details of these changes in the following chapters we first need to elaborate on the key features of neo-liberalism as outlined in Rose's (1993: 1996a) ‘schematic propositions’.

As Rose has argued, the potency of neo-liberalism has been its ability to articulate critiques of welfarism into technical issues that reactivate liberalism's vigilance over the scope and exercise of political authority, connecting this to "operable technical forms for exercising perpetual scrutiny over the authority of authority" (1993:294-5). In doing this, neo-liberalism as a rationality of rule provides a means for establishing distance between formal political institutions and decision-makers and individuals and re-casting the idea and terms of freedom of individual actors. Rose examines three broad ways in which neo-liberalism does this (though
again we note that he refers to ‘advanced liberalism’) - a new relation between expertise and politics; a new pluralisation of ‘social’ technologies; and a new specification of the subject of government. We will address each of these elements of re-configuring governing mentalities.

**Expertise and politics**

Under welfare liberalism, experts shaped the practices and calculations of rulers by placing expert knowledge in mechanisms of rule in ways that insulated such knowledge from external political challenges. ‘Independent’ expert knowledge made claims to scientific truths and sought where possible to entrench these claims within institutional locations that ‘depoliticised’ and ‘technicised’ the nature of the claims (Rose 1993: 294-5). Neo-liberalism on the other hand is different in the manner in which new forms of expertise emerge around “a range of new techniques for exercising critical scrutiny over authority” such as audit, accountancy and budget management (Rose 1993:295).

**Early liberalism** bound government to the authority of expertise through the role of expert knowledge in identifying social problems and developing programs autonomous and distanced from the state. **Welfarism** locates expertise within state appointed ‘independent’ standing authorities. **Neo-liberalism** utilises expert knowledge to develop critical scrutiny over authority, to develop calculative regimes not so much concerned with knowing human behaviour as with knowing the exercise of authority and especially the effective and efficient management of resources. Professionals are no longer to be trusted as having unproblematic truth claims. Rather the various programs and techniques they have contributed to developing in liberalism and welfarism are now subject to being made governable by the choices made by their subjects - consumers. Early liberalism involved expert knowledge in ways that allowed truth claims about social problems, and expertise was governed by its ability to be able to provide programs that allow for more effective and efficient government. Neo-liberalism seeks to obtain the same goals of effectiveness and efficiency not through the ability of professionals to solve problems
or to be able to make claims of neutral, independent expert truths but through their ability to meet consumer demands.

These changes represent shifts or transformations in the relations between expertise and governing rather than the ‘end of expertise’. As Rose (1993: 295) argues, the “calculative regimes of positive knowledge of human conduct are replaced by the calculative regimes of accounting and financial management.” In terms of the police, there are two ways in which these new relations between expertise and governing operate. In the first instance, governing through police changes in considerable ways as police increasingly focus on the policing of risk (Ericson and Haggerty 1997; O’Malley and Palmer 1996). In particular, this is increasingly done through the deployment of ‘real time’ data to allow the policing of ‘hot spots’ and repeat call locations and more generally problem-oriented and intelligence-led policing (Tilley 2003; McDonald 2002; Scott 2000; Walsh 2000). However, our key concern here is with governing of police. Most importantly, we are concerned with how neo-liberal mentalities of governing are translated in the domain of governing police.

In general terms we can see that these new relations of expertise involve a range of practices or techniques such as auditing, budgeting, benchmarking, performance measures, program evaluation, reviews and identification of core/periphery functions, consumer surveys, regionalisation, mission statements and corporate plans. These techniques are not all new as at least some can be found to have existed over much of the history of the modern police. For instance, collation of crime data has been used to assess the success or failure of police for much of their history. However, neo-liberalism transforms the manner in which crime data is utilised, and extends performance to incorporate a whole new set of data such as customer satisfaction surveys, activity analysis, input and output assessments, and general efficiency and effectiveness measures.
Chapter 2: The art of government

The importance of these new measures within neo-liberalism is that each in its own way constructs a division between the political arm of government and ‘service delivery’ mechanisms. In a double move, police need to address the new assessments of performance, and the citizen is ‘responsible’ by having to be informed about services and to make informed consumer choices. It is incumbent upon the service provider to not only ‘know the customer’, which is activated through techniques such as customer service strategies built upon customer satisfaction surveys, consultation and ‘partnerships’ (chapter 6), but also to have their services ‘validated’ through audit (chapter 3). There is, in effect, a dialectic involving the consumer becoming knowledgeable about policing and participating in defining service delivery needs at the local level, whilst at the same time having their perceptions and attitudes to police assessed over the ways in which they know the police. Further, experts employed within the state, establishing the objectives of rule and the means of achieving these, no longer dominate expertise. Instead, there is a pluralisation of expertise, exemplified by local police committees where each participant is, ostensibly, equally able to make claims on what policing needs exist and on how police work is to proceed. The ‘ideal’ consumer exercises choice(s) about policing and security informed by the production of knowledge emanating from such techniques.

More generally, Rose (1993: 295) suggests that the various calculative techniques utilised within neo-liberalism, such as audit, contribute to and are shaped by the erosion of trust of professionals and the determination of government “to establish new distanced relations of control” between political authorities and those on whom they rely to meet government objectives. Professional or expert practice is governed more and more through the choices of consumers rather than the adjudication of political authorities over expert truth claims.

As will become clearer below, in the case of police services this shift is perhaps more problematic than for other practices of governing. For instance, while all the elements of neo-
liberalism can be identified in Victoria, particularly after the 1992 election of the Coalition Government, the new Premier announced that there was to be one government service that would not be subject to the new market discipline - the Police! Yet it was the same Government that immediately moved to introduce the Police Board of Victoria as a means of enhancing the management of the Victoria Police (see chapter 3). In any case, the managerialisation of police had already begun prior to the Kennett Government (Neesham 1985, and see chapter 3). This points to two important caveats to this point. First, it is clear that in other comparable jurisdictions, the evidence suggests that the Police are likely to ‘lag’ behind other government services. For instance, in England various shifts have occurred since the late 1980s that squarely place the police within the calculative frame of neo-liberal governing. While initially the Thatcher Government placed more resources in the hands of the police (powers and funds), towards the end of Thatcher’s period as Prime Minister and since, the Government has employed various neo-liberal techniques in order to re-shape police (see Jones and Smith 1993; McLaughlin and Murji 1995; and Reiner 1992 for some examples). New Labour’s ‘modernisation’ programme has continued the focus on audit, local level customerisation through the Crime and Disorder Act 1998, and the continual scrutiny of efficiency and effectiveness measures (Newburn 2002b; Wright 2002; Jones 2003).

Second, it is not the case that police are quarantined from shifting governmental practices but rather that the specific details are worked through a complex and ambiguous relationship between the state and the state police. The constant re-working of the office of constable and its residual notions of independence of police actions from the incursions of state direction has provided one domain in which these struggles over changes to governing the police have been played out. In addition, as mentioned above, the relatively high levels of collective representation through police unions and associations (Finnane 2000, 2002) have further made practical reform measures difficult to impose from without. Nonetheless, as we will see in subsequent chapters, new forms of expertise on police and “new techniques for exercising
critical scrutiny” (Rose 1993: 295) over police have developed in recent years as part of the emergence of neo-liberal mentalities of rule.

**Pluralising the social**

The second key feature of neo-liberalism identified by Rose concerned a ‘pluralisation’ of social technologies (1993:296). The shift to neo-liberalism has involved a ‘de-governementalisation of the state’, detaching the technologies for governing from government (the state). The object of government is to shape the powers and norms of such entities. Service to consumer demands and levels of satisfaction with the service become key measures of accountability and are central elements in “the establishment of different networks of accountability and different arenas of accountability.” (Rose 1993: 296). In terms of the police, the new project of ‘community policing’ embodies such practices. Police develop service orientations, survey consumer attitudes and satisfaction, develop localised consultative mechanisms and partnerships, and become ‘accountable’ not simply through a centralised accountability mechanism but through a plurality of accountabilities - performance measures, local consultations, consumer satisfaction, and localised (often informal) means of shaping individual agent accountability, particularly through educative informal resolution.

While there might be a temptation to dismiss such technologies as simply public relations exercises with little ‘real meaning’, to do so would be to miss the process of translation connecting changing forms of political rationalities and changes to police organisations and practices. While in Australia it can be reasonably argued that it has proved difficult to govern police either through centralised expert-based accountability agencies or through emergent forms of governing at a distance (such as auditing, benchmarking or local consultative mechanisms) this simply highlights the strong ‘bargaining position’ of the police vis a vis government, which has made such governing techniques difficult to develop and even more difficult to implement. It is not that such programs ‘fail’ to meet some abstract ahistorical goals
or standards, but rather that particular ways of conceptualising police and policing - in particular the concept of the Office of Constable - necessarily limit the reformism contained within such programs. Indeed, as will be argued in the conclusion, recognising the need to challenge the ways in which we think about the terms police and policing is at least as central to shaping police practices, as are such concerns as police powers and police accountability. The neo-liberal reforms to governing and the practical techniques of managerialism may indeed offer the political space to re-think the place of police within the ‘multilateralization’ of policing and the means of policing the police through questions of how police are ‘authorized’, through what means and with what objectives (Bayley and Shearing 2001).

The subject of government

Finally, Rose argues that in neo-liberalism there is a new specification of the subject of government. This involves a shift from experts shaping norms through socialised technologies to the obligation of consumers to manage their own risks and well being (O’Malley 1992), to establish their own individualised relations with expertise through active and free choice. Thus, what were initially projects concerned with inculcating norms shift to consumer demands for satisfaction - a shift from community service (welfarist) to consumer service (neo-liberal).

The various techniques amassed under the project of ‘community policing’ are precisely concerned with breaking down the assumptions that state expertise in the form of the police can be called upon at will to resolve or meet security needs. The public, ‘communities’, are called upon to be ‘active’, to be ‘partners’ or ‘stakeholders’ in providing their own risk management techniques, to construct their own forms of self governing. Further, the police are also to become active, self-governing agents, re-shaped through programs aimed at changing police (such as research on cultures of police and ethics guides and training) in ways that seek to construct police agents as reflective, ethical self-governing individuals.
In sum, Rose (1993: 298) argues that ‘advanced liberalism’ – what we have referred to as neo-liberalism – represents a fundamental shift in the mentality for governing. It seeks “to govern through the regulated and accountable choices of autonomous agents”, such as consumers, employees and managers. Rather than the centralized network of governing attached directly to the state, neo-liberalism invokes a “proliferation of little regulatory instances” where autonomous individuals are to be increasingly capable of self-governing. It is a fundamental shift in thinking how governing is possible, and is of far greater consequence than the waxing and waning of the *formal politics* identified as ‘neo-liberal’. Just how much purchase this shift has had on the question of ‘how to govern’ police, and the emergence of transformed and new techniques of governing police is addressed in the following chapters.

**Conclusion**

While I have attempted to outline broad shifts in political rationality and how these affected police (as both part of governing and as objects of governing) there are inherent difficulties in identifying either precise ‘moments’ of change or the extent of change. No doubt there are examples that would suggest that at any one time there are *competing* political rationalities. For instance, we can identify tension between welfarist and neo-liberal rationalities in current governing practices, which cannot be resolved by a process of abstraction but which require further concrete research on the extent of change. Further, in discussing police as part of government and as an object of government we cannot assume congruence in the effects of changing political rationalities on these two areas of governing precisely because such shifts or changes are the subject of negotiation. For instance, the strengthening of police unionism in the past two decades has no doubt increased the ability of rank-and-file police to have a greater capacity to shape the nature of such changes (Finnane 2000, 2002). So too is the potential resistance of communities to accept the process of the ‘de-governmentalization’ of governing police (Chan 1999). Identifying the content of these changes and the relationship to changing political rationalities, and most particularly neo-liberal mentalities of rule, is the subject of the following chapters.
CHAPTER 3: FREEDOM AND CONSTRAINT: THE MANAGERIALISATION OF POLICE

Introduction

As we approach the twenty-first century and ponder changes of the century almost past, it would be easy to conclude that the basic structural organization of policing today resembles rather closely that in place at the beginning of this century…. Yet even a casual Martian visitor with a century scanner would remark on changes. (Reiss 1992: 55)

How do I know the community is satisfied? The annual survey of professions conducted by Roy Morgan Research … found that two thirds of Victorians rate their police in the top group of professions as highly or very highly ethical and honest. When compared to policing services in other states where did the public rate the Victoria Police? I’m proud to tell you that we were rated the best in Australia. (Comrie 1995: 15)

These two quotations suggest the subtleties involved in understanding the nature and extent of recent changes to the management of police organisations. Up to the 1980s little had changed to state police organisational structures in Australia since the inception of jurisdiction-wide agencies in the mid-nineteenth century (though later in Tasmania, 1898). They have remained highly centralised, hierarchical, para-military organisations with decision-making processes based formally on chains of command (though see Manning 1977). This matches comparable police organisations in other countries. For instance, in his review of policing in English-speaking countries, Bayley argued that despite “the enormous variation in the scale of police forces among these countries, the formal structure of command is surprisingly invariant”, consisting usually of only four levels of command (i.e. headquarters, divisions, districts and stations, Bayley 1992: 519).

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Little too had changed in terms of the freedom given to the police commissioner in terms of determining the appropriateness or otherwise of operational practice within the confines of government direction on the level of staffing, controls over rank structures and the distribution of police personnel. In this sense, Australian police commissioners have developed, historically, considerable freedom of action in their determination of the practice of police work. But it is the freedom of a managerial negotiator, not that of an autocrat (Brogden 1982: 220-1).

Brogden’s analysis of ‘autonomy and consent’ within English police alerts us to the need for a closer examination of changes to the ‘freedom and constraint’ of the police commissioner, shaped by the managerialisation of police. As Brogden identifies, police managers can only ever enjoy a “relative freedom of action” operating within the confines of “both extra-organizational and intra-organizational factors” (Brodgen 1982: 221-2). However, such ‘factors’ are by no means stable. This is particularly so in the more recent past, where piecemeal or ad hoc changes have been replaced by far more substantial efforts to ‘re-engineer’ the police organization through the practical techniques new managerialism.

Take for instance the pressure of citizen expectations, one of the noteworthy aspects of the second opening quotation from the previous Victorian Chief Commissioner Neil Comrie. Comrie does more than simply recite the historical need to be more or less responsive to citizens to ensure ‘autonomy and consent’. Comrie indicates the elevated importance of scientific managerial-level knowledge of ‘community attitudes’ and the comparative performance of police. Consumer attitudes and perceptions of police are to be compared with those for other ‘professions’ and to be compared with other police forces/services across the country. In other words, police agencies are now compared internally and externally – amongst police agencies and amongst other ‘professions’ – for how they ‘measure up’ in the minds of consumers and how they meet the efficiency and effectiveness performance objectives used to assess police actions.
Such comments by police managers are indicative of a more general shift in the way police performance is imagined and analysed. In general we have seen in recent years the criticisms of old notions and measures of performance *overlayed* and *supplemented* by new techniques and indices for measuring, evaluating and comparing police performance.

Of course, comparing police organisations has a much longer history – indeed comparing the organization of *policing* across jurisdictions was a key element of nineteenth century debates about police reform and has continued to varying degrees in the deliberations of inquiries into police (for more recent comparisons in Victoria see for instance St. Johnston 1971; Neesham 1985a, 1985b, 1985c; Coroner of Victoria 1995; Wood 1997; Kennedy 2004). However, what is new is the explicit concern with the development of calculative techniques to measure, or ‘know’, in systematic ways the performance of the police organization in terms of community perceptions and demands. Furthermore, this knowledge-gathering work to identify community attitudes - conducted by police and by other agencies - is a marker of how police organizations have responded to a new regulatory environment heavily invested with *governing through community* (Rose and Miller 1992: 185-7; Rose 1996b). While ‘the community’ has “long been salient in political thought” concerning governing police, captured by the axiomatic principle if somewhat troubled practice of ‘policing by consent’, but “it becomes governmental, however, when it is made technical” (Rose 1996b: 332). In terms of police, this is done through a range of techniques embraced within new managerialism, such as ‘market research’ on community perceptions and demands (Police Board 1994d, 1995c, 1997a, 1997d) and other practices such as consultative committees and partnerships (Fitzgerald 1989; Victoria Police 2000a, 2000b).

Indeed, as the quotation from the Chief Commissioner suggests, how police managers identify the ‘success’ and more generally what Bradley et al. (1986, chapter 3) refer to as the ‘purposiveness of the police organisation’ is currently undergoing considerable change. The
performance and purposes of police have extended beyond the focus on rates of reported crime and crimes ‘cleared’, and the rapidity of response to calls for service. However, this does not mean these ‘old’ measures of police activities are discarded despite longstanding criticisms over their accuracy and validity as a measure of police performance (Bottomley and Coleman 1980; Braithwaite 1992), or even more recent evidence of their ‘failure’ as an ‘accurate’ measure of crime or of police performance (Fitzgerald 1989: 157-61; Legal and Constitutional Committee 1991; Palmer 1991 Palmer 1991; Carcach and Makkai 2002; Parliamentary Drugs and Crime Prevention Committee 2001a, 2001b, 2002). Crime statistics and other ‘old’ measures of police performance are now interwoven in a richer and more complex tapestry of ‘performance indicators’ constructed within governmental assessments of police efficiency and effectiveness by new forms of authority and expertise generating knowledge of police work and critically evaluating the measures of police performance.

In order to understand the emergence of efficiency and effectiveness and performance indicators as governmental techniques, we need first to locate these developments within broader changes in the responses to the question concerning how to govern police. This chapter begins with an examination of the concept of managerialisation and its application to the study of state police. The chapter then examines two central features of the managerialisation of police – the ‘right to manage’ and the development of performance culture. The final section of this chapter analyses the development of national comparative performance measures for Australian police. The chapter concludes by considering how the managerialisation of police has changed the dynamic of freedom and constraint for police management.

**Managerialisation**

In analysing these aspects of police reform, there is a need to keep in mind the practical linkages – institutional and discursive – that shape and are shaped by the broader political
rationalities discussed in chapter 2. In the features of change examined below we map recent changes to police in terms of a *triangular* relational interplay between political rationalities, new managerialism and police: police is the specific field of analysis; neo-liberalism represents a set of ideas about governing; new managerialism, while not explicitly a product of neo-liberalism, nonetheless provides a means or set of practical tools to enable the translation of ideas of how to govern police. New managerialism provides a language and range of techniques that embody ideas concerning what can be done to make up the enterprising police organization. These practical tools are flexibly and reflexively developed and applied to specific fields such as police, working upon more or less embedded settlements about how police are to be governed, yet at the same time de-stabilising these settlements in novel ways, resonating with broader changes in the sentiments of what can be governed, what can be delivered through government, and how governing is to be organised.

The process of change is by no means a smooth transition from the more abstract to the specific field. In the case of police – if not elsewhere - such transitions are open-ended and subject to relational and contested processes of organisational change. Further, this is suggestive of how such changes are not simply the *downward* application of neo-liberalism (again, as a political rationality than political philosophy) but rather a process of translation involving the interplay between how police are problematised, shifts in the rationalities of governing and the practical techniques of new managerialism.

Chapters 1 and 2 identified the emergence of neo-liberalism as a key to understanding contemporary changes in the means of governing institutional and individual practices. We identified several over-arching criticisms of welfare liberalism that in Rose’s terms reactivated “the sceptical vigilance of classical liberalism …” (1993: 294) and led to the creation of “operable technical forms for exercising perpetual scrutiny over the authority of authority…” (1993: 295). These were: the problem of increasing demands; the intractability of ‘expert’
discretion; the inability to govern from ‘outside’ the object of governing; and finally, the
disempowering effects of expert authorities on the capacities of subjects to be active in their
own self government. In the transition to neo-liberalism, new forms of expertise and knowledge
emerge to provide the scrutiny of authority; ‘authority on authority’ is pluralised and distanced
from the centre; and the subject of government increasingly becomes the active, reflexive self-
governing individual (Rose 1993; 1996a). In order to understand these transformations in the
techniques of governing police, we first need to distinguish between ‘new managerialism’ and
‘managerialisation’.

New managerialism

The measures of community perceptions of police performance identified above are one part of
a suite of new or re-developed techniques that are re-shaping police management, referred to in
the literature as New Public Management or new managerialism. Among its ‘many
appurtenances’ (Barberis 1998: 453) the key features of new managerialism are:

- managers are made into ‘real’ managers;
- purchaser and provider of services are divided as part of the metaphorical delineation of
  ‘steering’ and ‘rowing’ (Osborne and Gaebler 1992);
- contracts are increasingly used to provide services and to expose service provisioning to
  market or semi-market conditions fostered variously through employment contracts,
  privatization and civilianisation;
- service providers are required to meet defined and measurable performance criteria at
  individual and group levels;
- programs are individually identified and budgeted, with the emphasis placed on outputs
  and outcomes rather than inputs;
- customers or consumers are promoted as key ‘voices’ or sources of knowledge about
  the quality and needs in service delivery;
• agencies must be able to define their ‘core’ activities to curb the demands on state services;

• in turn, clearly defined ‘core functions’ allow the identification of clearly stated corporate objectives and the enunciation of the means by which the agency can be assessed for their efficiency and effectiveness as service providers (for earlier formulations see Hood 1991; and see Dunleavy and Hood 1994; Painter 1997; Barberis 1998; Clarke et al. 2000a).

In general, new managerialism ‘unsettles’ relations of power in the public sector, simultaneously centralising and localising; aggregating and individualizing decision-making, and has been increasingly influential in governing police (Grange 1992; Leishman et al. 1996a; O’Malley and Palmer 1996; McLaughlin and Murji 1997; Davids and Hancock 1998; Elliot 1998; Lafferty and Fleming 2000; Waters 2000; Wright 2000; Vickers and Kouzmin 2001; Long 2003). It is not that new managerialism means the ‘end of government’, but rather ‘reconfigured’ means of governing (Hood and Scott 1996), practiced in new ways that work upon, through and beyond established ‘traditions’ (Bevir and Rhodes 2001).

**Managerialisation**

However, the extent such managerial techniques have been developed and applied is complex and contested, and subject to inter- and intra-jurisdictional variation. As Clarke et al. (2000a: 7) argue, new managerialism consists of more than the sum of its parts (as ‘uneven, complex and contested’ these are), and is best conceptualised as a normative project concerned with the ‘proper’ way of managing. This thesis follows the approach of Clarke et al. (2000a) and McLaughlin and Murji (1995) by treating new managerialism as a process referred to as *managerialisation*. In particular, the normative project of managerialisation is concerned with an assemblage of techniques that seek to govern the police in novel ways, attempting to shape entrepreneurial behaviour (chapter 4); the ongoing realignment of the ‘core’ roles and functions of police (chapter 5); breaching professional autonomy by changing the relationship between the ‘producers’ of professional services and the ‘consumers’ of these services (chapter 6); and
enhancing the freedom or ‘right’ to manage public sector agencies (this chapter). Taken together, the managerialisation of police promotes consumerisation and entrepreneurialism as ways of governing police organisations and police officer behaviour.

**Disaggregation and essentialising new managerialism**

Treating new managerialism as a process enables us to avoid two key problems in the literature. The first problematic use of new managerialism concerns the *disaggregation* of the features listed above, where the each specific technique of managerialisation is drawn on selectively. For instance, the previous Chief Commissioner of the Victoria Police selectively promoted some elements of new managerialism, while rejecting other features such as divesting state police of public order functions (Comrie 1995). This approach treats managerialism as having a fixed reality, the task being one of choosing between the different ‘bits’ that are more or less suitable to the particular agency or problem.

The second and more fundamental problem concerns *essentialising* new managerialism, treating the various techniques as part of a total, homogenous package introduced at the one time as a ‘blanket discourse’ (Davies and Thomas 2003: 695), along the way demonising what is characterised as a fundamentally anti-democratic set of reforms (Davids and Hancock 1998) and the ‘deleterious effects’ of this ‘management fadism’ on the provision of police services (Vickers and Kouzmin 2001). We can briefly highlight the limits to such approaches with examples from Victoria and Queensland.

**Victoria**

In Victoria, new managerialism has been aligned with the political shift to the Kennett Coalition government (1992-1999) driven by the ideological guide of neo-liberalism (Costar and
Economou 1999: x, understood here as a political ideology than a mentality of rule) and the development of a ‘contract state’ (Alford and O’Neill 1994). For the Kennett government, Victoria was a ‘$17 billion enterprise’ and government departments were to be managed as if they ‘were a business’ (Kennett 1993, cited in O’Neill 2000: 112). However, this period would be better described as an intensification of the managerialisation of the ‘public sector’ generally, and the Victoria police specifically.

The empirical details of the managerialisation of governing during the Kennett government certainly indicate important developments. Key reforms to the ‘public sector’ were introduced during this period such as the Management Improvement Initiative and Integrated Management Cycle, requiring the shift from ‘input’ to ‘output’ budgeting, the identification of “specified services (outputs) to achieve agreed results (outcomes)” and the introduction of Business Plans (Police Board 1997a: 4; and see Palmer 1998). Further, the Management Reform Program, introduced in 1999 (prior to the change of government) required police to deliver ‘outputs’ negotiated with government in order to achieve government ‘outcomes’.

Other related key reforms occurred to the public sector through the Employee Relations Act 1992, the Public Sector Management Act 1992, the Public Sector Management and Employment Act 1998, and more generally various forms of “privatisation, outsourcing, and downsizing” (O’Neill 2000). These acts considerably increased the ‘freedom to manage’ for departmental or agency executive officers. For instance, performance-based contracts were introduced for senior staff, and department heads, including the Chief Commissioner, became the employer for senior employees. Further, a new Police Board (discussed in detail in chapter 5, see Palmer 1997a) was introduced in 1992 to “encourage excellence in administrative practices” (Police Board Annual Report 1993: 5). The Board was to provide advice to the Minister and Chief Commissioner on potential improvement to police administration and “structure, organisation and management police of the Force” (Police Board 1993: 1, see Police Regulation Act 1958,
While the Police Board represents a new ‘authority on authority’ external to the police, the Chief Commissioner was a member of the Board.

The first ‘Reference’ to the Police Board was to review corporate planning, decision making and resource management processes as part of a general Management Review of Victoria Police (Police Board 1994b, 1995b, 1997a). The Management Review is replete with the language and techniques of managerialism. For instance, the Management Review examined ways to enhance “efficiency and effectiveness” to meet Government policy objectives; the incorporation of “shareholder, customer, and police” views on efficiency and effectiveness through ‘market research’ (Police Board 1997b: 7); Service Improvement through outputs measured via ‘high quality low cost’; the incorporation of ‘Key Management Area’ performance indicators ‘benchmarked’ against targets identified in the Business Plan; and improvement in overall planning through the “devolution of responsibility and accountability … through … internal service level agreements and assessments of individual performance” (Police Board 1997b: 12; 1997a).

Taken together, the practical work of the Board and other public sector employment and management reforms are central to the managerialisation of police in the Kennett years. However, the focus on the Kennett government reforms alone suffers from three limitations. First, it understates earlier reforms such as those emanating from the earlier work of the Neesham inquiry (Neesham 1985, itself heavily influenced by the influential Lusher inquiry in New South Wales, Lusher 1981). For instance, reforms following the Neesham inquiry included the development of mission statements and corporate plans, hallmarks of managerialism introduced in the 1980s well before the arrival of the Kennett government in 1992 (Palmer 1998; VPAR 1987—88).
Second, such approaches lack specificity in terms of the ways in which managerialisation occurs in distinct areas such as the police. Take for example the introduction of the Police Board. While the Police Board was indeed the product of the Kennett government, the activities of the Board need to be analysed to discern precisely how the Board contributed to the managerialisation of governing police. For instance, the Board was constrained by the stated concern to avoid encroaching upon the perceived need for ‘independence’ of the police. Further, as the Chief Commissioner was both a member of the Board and along with the Minister had the power to refer matters to the Board for investigation, it cannot be assumed that the Board simply imposed a managerial framework *in toto* on the police.

Finally, there is a need to recognise how managerial reforms transcend particular governments. For instance, while the new Labor Government (1999 onwards) abolished the Police Board immediately after being elected, many of the managerial reforms shaped by the Board remain, such as the focus on efficiency and effectiveness, performance measures, and aligning government policy outcomes with police outputs and outcomes, as well as those managerial techniques pre-dating the Board such as mission statements and planning documents.

In other words, treating new managerialism as an homogenous whole and aligning it with the electoral fortunes of a political party fails to account for the different emphasis placed on the techniques of managerialism, whether in Victoria generally or in relation to specific agencies such as the police. Managerialisation had begun before the Kennett government and, as we examine below, the content of managerialisation is ongoing and more complex and negotiated than such accounts allow.
Queensland

In Queensland, it can be argued that there was a more radical ‘break’ in the form of the Fitzgerald inquiry (1989). Earlier attempts at organisational reform of the police, particularly under Commissioner Whitrod (1970-76, discussed further in chapter 4), were fully and for the most part successfully resisted by the Queensland Police Union of Employees until the Fitzgerald inquiry (Bolen 1997; Lafferty and Fleming 2000). Indeed, the Fitzgerald inquiry went so far as to argue that while police misconduct was already a problem prior to the arrival of the reformist Commissioner Whitrod, “it is doubtful whether he attempted or even intended to do more than remove what he considered to be the worst features of police misconduct” (1989: 201). However, there had been some important recommendations for public sector reforms in keeping with ‘new managerialism’ following the Savage Report into the Queensland public sector (Savage 1987; Coaldrake et al. 1992: 6-7), and the subsequent Public Service Management and Employment Act 1988 (Lafferty and Fleming 2000: 158).

Fitzgerald was well aware of such changes being introduced to the Queensland public sector, such as the use of managerial procedures of strategic planning and programme based budgeting (Fitzgerald 1989: 267) and increased emphasis on the responsibility of chief executives for the management of government agencies (1989: 131). Thus, while the take up of new managerialism across Australia at this time (Painter 1987) largely “missed Queensland” (Coaldrake, Davids and Shand 1992: 5), the reforms occurring during the hearings of the Fitzgerald inquiry (1987-89), and Fitzgerald’s awareness these reforms being “consistent with modern theories of public administration” (1989: 131) highlight the way in which the Fitzgerald inquiry was a means for a radical intensification of the managerialisation of governing the police. The major political parties committed to implementing Fitzgerald’s blueprint, readily adopted for instance in the opposition Labor Party’s policy framework Making Government Work (1989). The identification of political, administrative and police corruption by the Fitzgerald inquiry made possible the end of 32 years of National Party government (either in coalition with the Liberals or as forming government in its own right) and the opportunity for
the Labor Party to implement the policy framework blueprint for the managerialisation of public sector reform.

Furthermore, the radical intensification of managerialism in Queensland had a particular focus. The Fitzgerald inquiry documented entrenched corruption in the Queensland police and broader political administration, locating much of the cause of police corruption in problematic, outmoded and ‘deficient’ management (Lafferty and Fleming 2000: 157). Management decision-making was viewed as overly centralised, requiring decentralisation via regionalization to enhance police efficiency and effectiveness (Fitzgerald 1989: 233). In turn, decentralised decision-making would overcome the problems of “paper-intensive … decision-making by written rules”, decision-making being passed ‘up the line’ and too many officers having “responsibility without authority” (Fitzgerald 1989: 266). Finally, the Fitzgerald inquiry reforms required a considerable increase in expenditure on police services, up 53 per cent “from $253 million in 1989-90 to $432 million in 1992-93” (Public Sector Management Commission 1993: 35), indicating that managerialism is much more than the often assumed cost-cutting concern with ‘efficiency’ via by decreased expenditure.

In general, the Fitzgerald inquiry was a key mechanism for fostering the managerialisation of the public sector and of the police in Queensland. Centrally, Fitzgerald bound the need for changes to the organisation and practices of the management of police (alongside more fundamental reform to Parliament and the public sector) to the prevention and control of corruption (Nethercote, Galligan and Walsh 1992).

Drawing together these developments in Victorian and Queensland, the managerialisation of the ‘public sector’ and police was not tied to any particular party political ideology but rather part of the changing mentalities of rule, shaped by the particular features of local politics in the
1980s and 1990s (Considine and Painter 1997; Yeatman 1987; O’Faircheallaigh, Wanna and Weller 1999: 3). In Queensland, the Fitzgerald Inquiry explicitly linked the managerialisation of police to the control and prevention of police corruption, providing a blueprint for organisational reform with questions concerning the ‘proper’ way to organise and manage police at the forefront of change. In Victoria, no such template existed and instead the ‘slow politics’ (McLaughlin and Murji 2001) of the managerialisation of police developed in the 1980s and intensified in the 1990s, emphasizing efficiency and effectiveness more than corruption control.

**Managerialisation: corruption versus efficiency?**

We should be careful not to overstate this distinction between managerialisation as a response to corruption or, alternatively, as a means to enhance efficiency and effectiveness. Indeed, not only did Fitzgerald locate many problems with the police in ‘deficient’ management, that in turn undermined police efficiency and effectiveness, but also the reforms following Fitzgerald increasingly focused on questions of efficiency and effectiveness (Coaldrake, Davis and Shand 1992). A new agency, the Public Sector Management Commission was introduced to review all public sector agency corporate management and performance along managerial lines. The 1993 PSMC review of the QPS identified the need for further reforms to devolve decision-making through ‘flatter management’ structures, further civilianisation, and the need for a “clear strategy for improving the effectiveness, efficiency and productivity of police” (PSMC 1993: 5).

The Public Sector Management Commission review was followed in 1994 by the Criminal Justice Commission review of the post-Fitzgerald reforms, focusing on such issues as devolved management through regionalisation, the effective management of police resources, civilianisation, information management; and ‘management structures and processes’ (CJC 1994: xxi). While the CJC found ‘satisfactory’ progress overall (1994: xxii), the review
indicated the need for the QPS to adopt a ‘strategic focus’ to management practices, and the need for “more effective measuring and monitoring of organisational performance” (CJC 1994: xxi)

Within the space of two years, yet another review of the QPS occurred. The Bingham review (1996) was asked to “examine the Queensland Police Service with a view to identifying areas in which its efficiency, effectiveness, and accountability can be improved in order to ensure the best service delivery” Bingham 1996: 1). Once again, ‘organisation and resource management’ (structures, processes, regionalisation, civilianisation, information and resource management), and ‘human resource management’ were central concerns. A ‘strong corporate vision’ was found to be lacking, requiring ‘leadership’ to be displayed by senior management. On a more positive note, the Bingham review indicated that human resource management had developed a ‘strategic focus’ and enhanced the “efficient and effective performance of the QPS” (Bingham 1996: 9). However, Bingham warned that “demand for ongoing external scrutiny and auditing will continue as an essential ingredient of QPS administration” (1996: 10), though it should be noted there has not been a major review equivalent to any of these inquiries/reviews since the Bingham review. Thus, while corruption remained a central concern, the post-Fitzgerald reviews increasingly developed critical scrutiny over the efficiency and effectiveness of the QPS.

While in Victoria the central focus has been concerned with efficiency and effectiveness, the connections between the corruption and problematic police management have also been important and increasingly so in recent years (Neesham 1985; Freckelton 1991; Ombudsman 1998a, 1998b, 2001, 2003, 2004). For instance, in his most recent report on corruption within the former Drug Squad, the Ombudsman found the “overall management and supervision of the Drug Squad … has lacked accountability to an astonishing degree” (2003: 14). Furthermore, the Ombudsman indicated that he “was particularly concerned by the revelation that internal
auditing of the Drug Squad was obstructed by alleged ‘security concerns’ … [that] … prevented earlier detection of the obvious lack of accountability…” (2003: 16). This report builds upon earlier concerns expressed by the Ombudsman concerning the lack of ‘proper’ management in the policing of protests (Deputy Ombudsman 1994b; Ombudsman 2001), and the inadequate management identified in the investigation into widespread corruption in the ‘window shutter allocation system’ (Ombudsman 1998a).

The different histories concerning the relative emphasis on corruption and efficiency and effectiveness in Queensland and Victoria emphasise the importance of the specific context within which the managerialisation of police occurs, and as we identify below, how this in turn shapes the emphasis placed on the different techniques of managerialism.

**Context, specificity and possibility**

These two limits to the treatment of new managerialism – disaggregating and essentialising - both treat new managerialism as being devoid of social context, free-floating from the specific instances whereupon it is employed, either dismissing new managerialism *in toto* or adopting some aspects of new managerialism as ‘proper’ ways of managing while rejecting others as ‘improper’. The problems with such approaches are that dismissing new managerialism *in toto* fails to recognise that the nuances of new managerialism are negotiated within specific contexts, while the selective usage of disaggregated elements on new managerialism is itself recognition and evidence of the process of negotiation and translation of new managerialism.

To ignore the process and context of translation of the techniques of new managerialism is to produce a form of positivism and structural determinism, wherein new managerialism is viewed as having a fixed social reality to be ‘discovered’ and is imposed by neo-liberal governments unproblematically. Such approaches assume that subjects experience such changes as one, thus
failing to recognise the internal divisions with police agencies along vertical (rank structure) and horizontal (for instance gender divisions) lines. Second, they also assume police subjects are passive, leaving us without any sense of the capacity of those subject to new managerialism to interpret and negotiate its contents and effects through choices such as whether “to accommodate, adapt or deny the subject positions offered” within managerialisation (Davies and Thomas 2003: 695). For instance, Davies and Thomas suggest that new managerialism shapes the development of, and tensions between, two discrete alternative identities – the professional-ethical police subject, and the competitive masculine subject. The former is characterised by communication, partnerships, innovation, problem-solving and ethics, the latter by rational and instrumental notions of performance through competition, calculation and individualism. For Davies and Thomas, “the efforts to inculcate public sector professionals with new attitudes, values and identities” through managerialisation is negotiated through the active engagement of subjects, producing in this interpretation quite distinct subject identities (Davies and Thomas 2003: 695). Whether or not the impact of managerialisation is reducible to two subject positions, the key point is the need to view police as active agents in the translation of the techniques of managerialisation.

Finally, addressing new managerialism through the analytical lens of positivism and structural determinism closes the possibilities outright of even considering utilising the scrutinising capacities emergent from new managerialism to enhance democratic possibilities. Police agencies have for so long been the subject of critique in terms of being closed to democratic scrutiny, either in terms of a ‘democratic deficit’ (McLaughlin 1992) or a ‘governance deficit’ (Shearing and Wood 2003). This suggests the need to be somewhat more open to the possibilities that the techniques of new managerialism actually offer as a means, albeit circumscribed, to enhance the responsiveness and public scrutiny of contemporary police agencies. A similar point is made in Sasson’s analysis of sentencing reform in Massachusetts 1988-1999. Sasson highlights how “progressive policy-makers and advocates” used managerialism as a political and administrative tool to constrain “law and order rhetoric and the
punitive policies to which it gives rise” (2000: 249-50). While being cognisant of ‘negative’ consequences or possibilities of managerialisation we need to explore how managerialisation shapes the development of new governing techniques that work upon the fundamental ‘democratic’ and ‘governance’ deficits in police accountability. In this way, being ‘sensitive to difference’ (Hope and Sparks 2000a: 3) in terms the up-take and impact of managerialisation on specific agencies in specific political contexts, not only demands the empirical examination of “substantive and contextual differences”, but also requires us to treat managerialisation as ‘open-textured’ (Hope and Sparks 2000a: 9).

The position taken in this thesis is that we can approach new managerialism “as a novel set notions about the art of government” that recognises new managerialism as “considerably more original and challenging phenomenon” than simplistic critical dismissal allows (Gordon 1991: 6). In doing so, new managerialism is viewed as a process rather than a fixed, homogenous entity. We therefore refer to the managerialisation of police. In turn, we need to be more specific about what is being analysed, and more open to the possibilities contained within managerialisation. By exploring in detail the ‘managerial turn’ (McLaughlin and Murji 1997) in police agencies we can identify how managerialisation works upon and unsettles established ways of governing police and the extent that it opens up new possibilities for governing police.

Suggesting that there are progressive possibilities contained within new managerialism and the range of techniques of governing within contemporary Australia and elsewhere, should not be confused with an apologia to the ‘new right’ or radical neo-liberal governments. To be sure, many of the practices or techniques developed to govern police are seen to be highly counterproductive to enhancing democratic politics generally, and the institutional forms and normative elements of state police can be “marginalised within the grim administrative projects of the present” (Loader 1994: 539; 1997a). Nonetheless, in seeking to identify the possibilities contained therein – at the least the disruption to the ‘settlements’ on the always ‘failing’ extant
modes of accountability of police practices - we seek to divest such governments and the panoply of supporting consultants of total control of such political agendas, and to point to ways in which *things might be different*. We need therefore to explore how the managerialisation of police, though never ‘total’ in its development, and subject to various tensions and conflicts, embodies notions of what characterises the ‘good’ police agency and frames the skills and competencies of the ‘good’ police manager and police officer of today – a process of making up the performance-oriented, entrepreneurial police organisations and officers.

In sum, we need to avoid making general and deductive claims about the impact of neo-liberalism and avoid essentialised notions of new managerialism and the impact on state police and the public sector generally. Subsequent chapters examine various aspects of the managerialisation of governing state police, while the remaining sections of this chapter examine how the techniques for managing the Victorian and Queensland police specifically have been made ‘problematic’. In turn, we examine how these problematisations have been taken up in a new, emergent framework for governing Victorian and Queensland Police through the managerialisation of governing.

**Freedom to manage**

The adaptive capacity of the economy depends on managers. Seizing opportunities offered … is a formidable challenge… The adaptive capacity of our economy therefore depends on the flexibility of our managers (Karpin 1995: 8).

The Federal Government’s taskforce on management skills and training (Karpin 1995) argued the need to lessen the existing constraints on managers in both public and private sector agencies. This is one important example of a key feature of new managerialism - the concern to enhance ‘flexibility’, ‘innovation’ and ‘performance’ by enabling the manager to be free from the perceived constraints of bureaucracy and be given the ‘right to manage’. Thus, in order to enhance innovative and entrepreneurial public sector organizations attuned to customers rather than ‘vested’
professional interests, the ‘old’ central controls on decision-making are to be dismantled; public service tenure is to give way to contracts; managers empowered to determine employment conditions and define desired employee attributes; and managers empowered to assess the suitability of employees and able to rid the agency of non-performing employees. Yet we need to examine more closely the extent to which police managers have been given enhanced freedom to manage along such lines. While much of the literature on new managerialism stresses the discontinuity between the ‘old’ and the ‘new’, only detailed analysis of specific domains of practice will enable us to evaluate the extent to which these domains have been transformed or reinvented through the techniques of managerialisation.

In this section we focus on two key aspects of managerialisation. The first issue concerns the ‘right’ of the police manager to ‘hire and fire’ employees. Second, we address the issue of the constraints placed on the commissioners by the power of the responsible minister to direct the commissioner or to determine policy objectives and priorities. In other words, how does the managerialisation of police impact upon the manner in which the police manager has managerial autonomy or freedom, or conversely what new constraints are placed on the commissioner?

**The right to ‘hire and fire’**

Most of the decision-making related to both day-to-day activities and broader administration of police has remained with the chief executive officer (Goldring and Blazey 1994: 148). In relative terms the police manager has enjoyed an historical *freedom to manage* within the confines of quite stable organisational forms. However, we need to examine specific aspects of this relative freedom. The power to be able to determine the suitability of employees and to have the control of decision-making concerning the termination of ‘non-performing’ personnel is central to the freedom to manage, which is in turn a key part of the managerialisation of police management.
Historically, the issue of the commissioner’s powers to appoint and dismiss police employees has involved conflicting concerns. On the one hand, there is the need to enable the capacity of the commissioner to fulfil their responsibilities for overall “superintendence” (PRA s. 5(1)) or for “efficient and proper administration, management and functioning” (QPSA s. 4.8(1)) of the police agency. Conversely, there has been a concern to protect against the use of such powers being exercised as a tool for patronage, ‘cronyism’ and discrimination (Fitzgerald 1989) and the need for ministerial responsibility for agencies within their portfolio (Plehwe 1973; Finnane 1994; Plehwe and Wettenhall 1994).

Allocating formal power for the employment and dismissal of police personnel has a complex legal and administrative history. The legislation establishing the new colony-wide police forces in Victoria and Queensland allocated decision-making power for appointment at officer and sub-officer levels to the Governor, on advice from the Executive. Similarly, the internal discipline system distinguished between ranks concerning the power of the commissioner to discipline personnel. In general terms, the power to make appointments or to discipline more senior police was beyond the authority of the commissioner. However, we need to examine whether this has changed in recent years in line with the enhanced ‘freedom to manage’ under the managerialisation of police.

The power to ‘hire’

In Victoria, it first appears as though things have changed very little. First, there is the issue of the appointment of senior officers. The Governor-in-Council is allocated the power to appoint and dismiss the Chief Commissioner (Police Regulation Act 1958 Vic. section 4(1) and Deputy and Assistant Commissioners (PRA, s.4 (2)). The Governor also has the power to give directions to the Chief Commissioner (PRA, s.5), to determine maximum level of staffing (s.8) and make regulations (s. 130). However, the broader impact of performance management
frameworks across the ‘public sector’ has, amongst other developments, led to senior or executive appointments being made under distinct legislation. This has been a particularly messy affair in Victoria.

The introduction of the *Public Sector Management and Employment Act* 1998 (PSMEA) established the Chief Commissioner as an ‘Agency Head’, providing the Chief Commissioner with the power to use this act to override the provisions of the *Police Regulation Act*. In a double move, the PSMEA allowed the appointment of senior staff by the Agency Head, and for appointments to be made on performance-based contracts. Following the introduction of the act, Deputy and Assistant Commissioners were from 1998 appointed by the Chief Commissioner under performance-based contracts (Johnson 2001: 58-62).

Following concerns about the nature of performance bonuses, and the possibility of nepotism, Victoria abandoned the use of performance-based contracts with financial rewards (and financial benefit was the key issue as all contracts are ‘performance-based’) and returned to the use of the PRA to appoint Deputy Commissioners (the rank below the Chief Commissioner). However, Assistant Commissioners (the third rank) continue to be appointed by the Chief Commissioner under the provisions of the PSMEA rather than the PRA. The power to appoint Assistant Commissioners is vital as these ranks numerically dominate the senior executive (the maximum number of Assistant Commissioners is 10, and four Deputy Commissioners), and are the organisational link between the senior executive and operational units. Indeed, in a submission to the Johnson Review, Victoria Police argued that such powers of appointment were ‘appropriate’ so that the Chief Commissioner can:

- manage senior officers’ performance;
- appoint senior managers whose approach is consistent with the Chief Commissioner’s particular policies and management philosophy;
- ensure the executive management team fully supports major operational, organisational and cultural change programmes introduced by the Chief Commissioner. (Johnson 2001: 60).
Furthermore, in 1998 the Victoria Police moved to devolve managerial authority through regionalisation introduced by Local Priority Policing, with each Regional Commander having considerable autonomy to determine policing strategies and the allocation of police resources (Palmer and Cherney 2001, and see chapter 5 below). In 2002 the Chief Commissioner changed these positions from Commanders to Assistant Commissioners, appointed through and under the conditions of the PSMEA. Thus, the power for the Commissioner to appoint Assistant Commissioners, as opposed to the Minister through the Governor-in-Council, provides considerable managerial authority and autonomy and a significant capacity to shape the management practices of the Victoria Police. Indeed, such power has been used, as the current Chief Commissioner has replaced most Assistant Commissioners since her own appointment in 2001.

In Queensland, the Commissioner has in recent years obtained an increase in power over the right to hire and fire. In relation to senior appointments, the Governor is allocated the power of appointing and dismissing the Commissioner (Queensland Police Service Act 1990 Qld s. 4.3, s. 4.5(4)) and the power for appointing executive officers (s.5.3). Under the legislation introduced following the Fitzgerald inquiry, the chairperson of the Criminal Justice Commission and the Minister had the role of recommending the appointment of the Commissioner to the Governor in Council who then made the appointment (PSAA 1990 s. 4.2(1)). More recently, this has changed so that it is the Crime and Misconduct Commission chairperson (the agency that replaced the Criminal Justice Commission), without the involvement of the Minister, who recommends the appointment of a Commissioner (PSAA 1990, as amended 2003 s. 4.2(1)).

Beyond the changes to the appointment of the Commissioner, the legislation gives the Commissioner considerable scope to be ‘free to manage’ QPS staffing. In contrast to Victoria, the Queensland Commissioner determines the level of overall staffing and the numbers at each rank (PSA Act 1990 s. 5.6). The Queensland Commissioner also determines the priorities of the QPS, as
well as such issues as the number and location of police stations (s. 4.8). This ‘freedom to manage’ overall staffing in Queensland has been identified as conflicting with another key aspect of managerialisation – civilianisation. The Public Sector Management Commission Review (PSMC: 1993) of the QPS was critical of the Commissioner having the power to appoint sworn personnel while not having the same power of appointment with regard to civilians. According to the PSMC, this meant that the Commissioner “creates police positions [through] the practice of assigning police to positions which do not require the exercise of police powers” (1993: 72). In other words, the freedom of the Commissioner to appoint police personnel was undermining the move towards ‘civilianisation’ recommended by the Fitzgerald inquiry.

The link between civilianisation and the freedom to manage is important as civilianisation was concerned with something more fundamental that the often assumed cost saving dimension. For Fitzgerald, civilianisation was viewed as a keys means of breaking ‘police culture’, obtaining the right person for the right job, and focusing sworn police on ‘operational’ duties (1989: 234-6). The 1994 Criminal Justice Commission review of the post-Fitzgerald reforms indicated that civilianisation had been limited after the changes made immediately following the Fitzgerald inquiry (CJC 1994a: 109). Further, the focus had been on the total number of civilians employed, rather than ‘civilianised’ police positions. This was seen to be vital by the CJC as increased employment of civilians does not necessarily mean that more police have been made available for operational duties… [and currently] … it is difficult to determine the number of police positions that have been civilianised (1994a: 109).

The Bingham inquiry re-stated these concerns adding, “suspicion remains among some sworn officers about the ‘incursion’ of civilians into the QPS, and a view that only sworn officers should fill senior positions” (1996: 80).
Thus the ‘freedom to manage’ has been made complex by the Commissioner having freedom over the appointment of sworn personnel, and constrained in relation to the appointment of civilians. This dialectic stifled another aspect of managerialisation – civilianisation – and allowed police antipathy to ‘outside’ management to continue post-Fitzgerald. In subsequent years, further reforms to ‘corporate governance’ such as the introduction of the Senior Executive Conference have increased the role of civilian managers. However, the issue of civilianisation has been ‘de-centred’ as Annual Reports no longer identify numbers and levels of QPS employees except as required by Government through the Office of Public Service reporting guidelines (for instance reporting number and rank of ‘female officers’ and ‘target group membership and salary levels’ across ‘sex’, ‘language backgrounds’, ‘Aboriginal or Torres Strait Islander’, and ‘People with Disabilities’, cf. QPS Annual Report 2002/03: 72-3). As we will examine in the third section of this chapter, ‘civilianisation’ has become one of the performance measures in the national comparative performance data.

In sum, rather than the unproblematic introduction of the ‘freedom to manage’ through control over staffing, what has been identified is the need to think historically about such developments, to interrogate the precise nature of change in specific contexts and the tensions between different aspects of the managerialisation of governing police. In both Victoria and Queensland, the ‘freedom to manage’ in relation to the power over personnel appointments is indeed more ‘uneven, complex and contested’ than simply assuming that such aspects of managerialism are implemented unproblematically (Clarke et al. 2000a: 7).

The power to ‘fire’

As indicated in chapter 1, we have witnessed in Victoria a recent reintroduction of the commissioner’s sovereign power to ‘banish’ employees, a form of illiberal ‘despotism’ where the commissioner is empowered to act in an authoritarian manner against those without the capacities and attributes to act as liberal, self-governing subjects (Valverde 1996; Dean 1999a:}
133). An all-powerful Commissioner is the “historical accompaniment…[that]… facilitate[s] the project of ethical self governance while necessarily undermining it …” (Valverde 1996: 370). Thus, constructing enterprising police agencies relies upon despotic techniques of rule internal to the police bureaucracy, providing the commissioner with greater managerial control of subordinates as one aspect of the pluralisation of the techniques for governing police and the ‘deliberational’ of certain spaces (de Lint 1999b: 133-4, 136). However, we need to explore further the ‘coexistence’ of this illiberal ‘despotism’ with liberal techniques of rule.

In the early Victorian legislation, the commissioner only had the power to ‘banish’ and was not given disciplinary powers short of dismissal. In subsequent years, “police discipline was increasingly a matter for the authority of the commissioner” in both Victoria and Queensland (Finnane 1994: 160). However, as Finnane identifies, the ‘autocratic’ powers of commissioner’s were often limited to the lower ranks, and circumscribed by appeal mechanisms, including alternative authorities such as the introduction in 1946 of the Police Discipline Board in Victoria (1994: 160-4).

The Neesham inquiry lamented the role of the Police Discipline Board “which so limited the Chief Commissioner’s authority in matters of discipline” (1985c: 596), However, despite conducting a review of other Australian police agencies and the New Zealand police that indicated Victoria was alone in not giving the commissioner powers of dismissal (1985c: 635-89) Neesham rejected giving such powers to the Victorian Chief Commissioner. The reasoning reflected the concern that police “are entitled to a degree of protection especially having regard to the relative ease with which they can become the victims of complaints” (1985c: 750).

The issue of the commissioner’s powers over employees has arisen again in recent years. In Victoria, new provisions were added to the Police Regulation Act 1958 in 1999 enhancing the
capacity of the Commissioner to determine the suitability of personnel to perform police work through what are now known as ‘commissioner’s confidence’ provisions (PRA s. 68 inserted by s.13 No. 30/1999). These provisions have been referred to as the ‘Tanner clause’ (Silvester 2004b) in reference to the inability of the Chief Commissioner to sack Detective Sergeant Dennis Tanner following a coronial finding that he had killed his sister-in-law. While not prosecuted due to ‘insufficient evidence’, Tanner resigned before the amendment to the legislation was passed by Parliament (Silvester 2004b). The ‘commissioner’s confidence’ provisions enable the commissioner to terminate the employment of individuals who are deemed be unsuitable as a police officer either through their own lack of integrity, or through their continued employment causing “the potential loss of community confidence in the force” (PRA s. 68(1)). In general terms, such ‘despotic’ powers (Valverde 1996) are constructed as a necessary measure of flexibility to enable the Chief Commissioner to efficiently and effectively manage the Victoria Police.

In addition to the ‘commissioners confidence’ provision there is the longer standing power for the Chief Commissioner to inquire into the ‘fitness for duty’ of police personnel (s. 82) to determine if the police person “is incapable of performing his or her duties or inefficient in performing his or her duties and that incapacity or inefficiency is not caused by any infirmity of mind or body”. These two powers held by the Commissioner would appear to fit neatly with the managerialist template for enhanced autonomy and flexibility for executive decisions.

However, while the ‘freedom to manage’ is a key feature of the managerialisation of police, such freedoms are constrained by the specific contexts within which they are practised. Not one person has been dismissed under the Victorian ‘commissioners confidence’ provisions. Further, these ‘despotic powers’ are constrained by significant procedural requirements and the substantial capacity for review of the commissioner’s decision. When the ‘commissioner’s confidence’ powers were introduced in May 1999, decisions made by the Commissioner were subject to review by the Police Service Commission. Following the election of Labor in late 1999, amendments to the
Police Regulation Act abolished the Police Service Commission (1993-99) and introduced an Appeals Board. The general responsibilities of the Appeals Board were the same as those of the Police Service Commission: to review whether the Chief Commissioner’s decision was ‘sound, defensible or well-founded’ (PRA s. 68B-G).

While the powers to review decisions are similar in the shift from the ‘old’ Commission to the ‘new’ Appeals Board, one important feature distinguishes the two forms of review. The Police Review Commission could only make recommendations, with the final decision left to the Chief Commissioner. The Appeals Board has the authority to override the Commissioner’s decision and order reinstatement, re-consideration by the Chief Commissioner, or order compensation where reinstatement would be impracticable. In the Second Reading of the Bill the Police Minister Andre Haeyermeyer highlighted the importance of ensuring that the decisions of the Commissioner were subject to binding review, rather than the ‘old’ system under the Police Review Commission where the Commissioner had the final decision (Legislative Assembly, 2 December 1999: 788). Thus, the commissioner’s confidence powers are constrained by procedural and administrative mechanisms that significantly limit despotic and arbitrary acts. Indeed, as indicated above the Chief Commissioner has not dismissed a police person under these provisions, suggesting that in practice such powers do not represent the crude “invocation of divine right and authority” (Garland 1991: 266).

Within the context of current concerns about police corruption, the Chief Commissioner Christine Nixon (2004) has rejected calls for a royal commission and instead called for further powers to ‘oust rogue police’ (Silvester 2004a), indicating that the current commissioner’s confidence powers “had never been used in Victoria because the force’s legal advisers” advised her that the procedures were too difficult to use (Petrie 2004). Nixon had sought from the government changes to the ‘commissioner’s confidence’ powers but the government deferred making changes until a new police act is introduced (Silvester 2004b, the act having now been
under review for six years, Police Board 1998a). However, on June 9 Nixon announced that these powers would be used for the first time, initially against two police officers, with the possibility applying these powers to a further 15 to 20 officers (Bachelard and Murphy 2004; Silvester 2004b). The Police Association continues to lobby for the removal of the ‘commissioner’s confidence’ powers and their replacement by an ‘independent’ Police Career Services Commission (Mullett 2004) as recommended earlier by the Johnson Review (2001: chapter 9). The government has responded by providing increased resources and powers to the Ombudsman (Baker and Petrie 2004a) to investigate police corruption, and new powers to the commissioner to investigate organised crime (Hughes, Alcorn and Schmidtke 2004), leaving the ‘commissioner’s confidence’ powers unchanged.

In Queensland, the reforms following the Fitzgerald inquiry fundamentally changed the power to discipline and terminate the employment of police officers (Bingham 1996; Lewis 1999). Put simply, new forms of critical scrutiny over police malpractice occurred through two key measures. First, the Criminal Justice Commission received all complaints against police with responsibility to oversight police investigations into breaches of discipline, and the power to investigate police ‘misconduct’ (Criminal Justice Act 1989 s.29; and see the Crime and Misconduct Act 2001 s.15). Misconduct is similar to the categories of behaviour covered by the ‘commissioner’s confidence’ powers in Victoria, namely “disgraceful, improper or unbecoming” behaviour, ‘unfitness’ for duty, and failing to “meet the standard of conduct the community expects of a police officer” (QPS Act see s.1.4). In general terms, the CJC represented a new ‘authority on authority’, albeit limited to making recommendations to the Commissioner (Landa and Lewis 1996: 22).

The second reform was of quite a different nature, introducing the ‘responsibilization’ of individual officers as a key technique for governing police. The legislation made it a formal requirement that if a police officer “knows or reasonably suspects” misconduct or breaches of
discipline, they are to report their knowledge or suspicion to the Commissioner and Criminal Justice Commission (for misconduct) or follow other reporting requirements in the police regulations (PSA Act s.7.2). While Victoria is not without these techniques of ‘responsibilization’, the demands placed on individual officers is limited to where they have assisted in another officers breach of discipline “by any act or omission”, with such acts or omissions constituting a breach of discipline (PRA 1958, s. 69(2)). Thus, whereas Victoria requires an act or omission to act, Queensland emphasises the responsibility for reporting misconduct or a breach of discipline where an officer has reasonable suspicion of such behaviour misconduct or breach of discipline.

In recent years, the QPS have achieved more control over the disciplinary process, and the Crime and Misconduct Act 2001 has added considerable emphasis on police (and other agencies) to be responsible for the management of misconduct (QPSAR 2001-02: 56). However it remains the case that the freedom of the Commissioner in relation to the power to ‘banish’ has been limited by the circumstances in which the managerialisation of the QPS occurred. The limited trust in the ability of police to manage corruption has meant that the Commissioner has been constrained in this area by the allocation of responsibility to an authority outside the QPS - the CJC and more recently the CMC (January 1, 2002) - and the surveillance demands placed on individual police. Currently, the QPS has primary responsibility for investigating ‘misconduct’ (see above), while the CMC has primary responsibility for investigating ‘official misconduct’. With regard to ‘misconduct’, the CMC can issue guidelines for dealing with police misconduct, review or audit internal investigations into misconduct, or finally conduct its own investigations into misconduct (s. 47). ‘Official misconduct’ refers to a breach of discipline or criminal conduct that could result in dismissal from the QPS (Crime and Misconduct Act 2001, s. 15). The CMC can then refer the investigation results to the public prosecutor or to a Misconduct Tribunal, which has original jurisdiction in determining the outcome of disciplinary matters involving ‘official misconduct’ and makes binding decisions on the QPS (Misconduct Tribunal Act 1997 s. 14(3)).
In sum, the freedom to manage through the power to ‘hire and fire’ has operated differently in Queensland and Victoria. In Victoria, the Commissioner is more constrained in the power to hire, and has more freedom over the power to fire. In terms of the power to hire, the Victorian Chief Commissioner is constrained in their capacity to determine and appoint most staff and to determine the number of staff, with the increase in executive ‘right to manage’ related to the power to hire Assistant Commissioners. At the same time, the power to ‘fire’ through the new ‘commissioner’s confidence’ provisions has been more symbolic and is subject to procedural constraints that limit these ‘despotic’ powers. Only in the weeks prior to finalising this thesis it was announced that the Chief Commissioner would finally use these powers in the context of revelations of substantial corruption in the Victoria Police (Bachelard and Murphy 2004; Petrie et al. 2004). In Queensland, the Commissioner is given considerably more freedom to hire, but is significantly constrained in their capacity to ‘fire’.

The examination above of the ‘right to manage’ through the exemplars of the power to ‘hire’ and ‘fire’ indicates the importance of the context of managerialisation. We have identified how the interplay between the freedom and constraint of executive authority in relation to the power to hire and fire is shaped by the broader history of police-government relations and by the specific context of the managerialisation of police. As Clarke and Newman argue (1997:140-1), there is ‘no turning back’ from the managerialisation of governing, but rather temporary settlements or ‘equilibria’ that are “contradictory and contested, creating instabilities” in the techniques for governing. We now turn to the second key aspect of the ‘freedom to manage’ concerning relations between police management and government.

**Towards a settlement on directions?**

The issue concerning the capacity for political authorities to direct commissioners has a long practical history and has been the subject of considerable analysis (Marshall 1965, 1978; Plehwe 1973; Lustgarten 1986; Orr 1986; Oliver 1987; Bersten 1990a, 1990b; Finnane 1994: chapter 2;
Jones et al. 1994; Plehwe and Wettenhall 1994; Pitman 1998; Patten 1999; Walker 2000; Jones 2003). In this section we examine the power to issue directions to a commissioner. In the following section we examine the ‘indirect’ form of directions through the development of government objectives to be incorporated into police missions, plans and objectives.

As indicated in chapter 2, from the very earliest days of the ‘new police’, commissioners increasingly attempted to enhance their autonomy and control over the administration and management of police agencies, as well as influencing the broader political landscape of police work. It was not until well into the 1900s that the notion police should be free from political direction began to take hold, and even then has remained contested in Australia (Finnane 1994) and elsewhere (Jones 2003). In order to address the issue of political direction of police, we need first to consider the early colonial institutional arrangements that shaped the relationship between police and political authorities. Following this, we re-visit the concept of the ‘office of constable’ and the supposed limits this places on political direction. We then examine the power of ministerial direction in Victoria and Queensland.

The ‘failure’ of local control

As Finnane (1994) has argued, the institutional arrangements of Australian colonial and state police were quite different to the Imperial centre. In Australia, once legislation was introduced to form jurisdiction-wide colonial police there was no formal relationship with local authorities through such institutions as a police ‘watch committee’ or local government based committee. Put simply, the various forms of colonial police were not formally related to local government, despite attempts to create such linkages in the 1840s (see Palmer 1990, 1994, 2003). In turn, this feature of colonial police (with the exception of Tasmania until 1898) meant, and has continued to mean, that it is the relationship between the minister and the commissioner, without the intervening variable of a local government based committee or authority, that has been vital to the ‘direction’ of police.
Chapter 3: Freedom and constraint

The reforms that introduced colony-wide police in Victoria (1853) and Queensland (1863) continued the established practice that police forces were not in any formal relationship with democratic local government structures. Pre-dating the unification and centralisation of police agencies, the various policing forms (for instance town, native, county, water, and border police) were under the control of different offices of the magistracy (honorary justices, paid magistrates and various forms of commissioners, Palmer 1994, 2003). The shift in authority that occurred with the introduction of the colony-wide ‘new police’ was from the colonial centre in Sydney to the new centres of authority in the newly formed colonies, a transfer from Sydney to Melbourne and Brisbane, and from the magistracy to government ministers. Without local government based committees, and having colony-wide police organisations, the issue concerning the power to direct the commissioner became one of ministerial powers of direction.

The ‘office of constable’ re-visited

The power of ministerial direction cuts across the idea that police, through the ‘office of constable’, are accountable to the law and the law alone. First, Australian legislation allocates formal power of direction to ministers or the Governor. On that basis alone, the nonsense of the “strange history of the invented tradition of the ‘office of constable’” (Dixon 1999b: 55) and constant invocation and re-statement of Lord Denning’s ‘bizarre’ (Brogden 2001: 275) idea that police are responsible only to ‘the law’ can be dismissed (R v Metropolitan Commissioner of Police ex parte Blackburn 1968, 2 QB 118, and 1973, 1 QB 241). Further, the idea of accountability only to ‘the law’ ignores the reality of the internal rule making and division of responsibilities within the police bureaucracy. Police personnel are required to obey ‘lawful instructions’ given within the chain of command and such instructions “set out in detail directives to police officers in virtually every area of police activity” (Goldring and Blazey 1994: 152, and for similar views see Australian Law Reform Commission 1975a, 1978; Neesham 1985c). Indeed, as discussed below, the Victorian Police Board (1998a) recently recognised ‘extensive’ instructions issued by the Chief Commissioner under section 17 of the PRA 1958, and that police are no different from a range of other public servants that exercise similar discretion and who “have powers or arrest, search and seizure”
Despite this, the Board concluded that the ‘office of constable’ and accountability to the law should remain the foundation of police accountability.

A further problem with the notion that police are accountable to ‘the law’ alone is that the cases used to argue this position were concerned with whether the state was vicariously liable for tortious acts or omissions of a police officer as an employee of the state (for instance the Tasmanian case of *Enever v The King* [1906] CLR 969; the New South Wales case of *Attorney-General for New South Wales v Perpetual Trustee Co.* 1952, 85 CLR 237, and 1955, *AC* 457; and *Fisher v Oldham Corporation* 1930 2 KB 364 in England). This key question of vicarious liability has in recent years changed, so that Australian police have been recognised as employees of the state, either formally in legislation or through established convention or agreements acknowledging state liability for their actions when acting lawfully and/or in good faith (see s. 123 PRA Vic. 1958 and s. 10.5 PSA Qld 1990; Neesham 1985c; McCulloch and Palmer 2003). In other words, the claim of police independence derived from cases addressing vicarious liability has had their foundation – that the state is not vicariously liable – taken away. This makes the use of these cases “to support the proposition that the police officer was not accountable in any sense to the Crown for his or her actions” untenable (Goldring and Blazey 1994: 149). Furthermore, as Lustgarten states with regard to the ‘bible’ of the ‘office of constable’ doctrine, the Blackburn case, “seldom have so many errors of law and logic been compressed into one paragraph” (1986: 54, see also Jones et al. 1994). Finally, as indicated above, Australian legislative provisions give the minister the explicit and immediate power to direct or less immediate power through the Governor in Council, undermining any such claims to autonomy at an organizational level (Finnane 1994: 38; see also Oppal 1994 and Patten 1999 for a recent critiques).

This is not to deny police discretion and individual responsibility. As David Dixon has argued, police personnel do indeed have to make their own decisions, but “this is not distinct from a general administrative law requirement that officials should exercise discretion given to them by
law and must not act under dictation” (1997: 76). As Plehwe and Wettenhall (1994) argue, it is not necessary to view Australian police agencies as ‘just another department’ of government, but rather to consider them as ‘statutory authority’. Just like other statutory authorities they have their own enabling legislation and decision-making authority, yet are subject to ministerial directions and accountable, organisationally, to the responsible minister (Plehwe and Wettenhall 1994: 165). Furthermore, as we identify in subsequent sections and chapters, the managerialisation of governing police unsettles police claims to this special ‘constitutional’ status (McLaughlin and Murji 1997), not by attempting to re-write or clarifying the legal status of police, but by introducing new ways of problematising how police are governed. In particular, governments engage in ‘steering’ or ‘rule at a distance’ (Rose and Miller 1992) by setting policy objectives, strategic planning frameworks and ‘output’ performance measures that by-pass the issue of specific powers of direction.

However, this does not mean the issue of ministerial direction is no longer of relevance. There are two aspects of the ministerial powers of direction to be considered. First, there is the formal sense of directions: to what extent are the commissioner’s freedoms constrained by the capacity of ministers to direct them? Second, there is the often more subtle form of direction concerned with setting police priorities and objectives.

**Directing the commissioner**

We have already identified above the historically based ministerial powers to direct a commissioner, an issue that was the subject of several ‘crises’ in the 1970s (Finnane 1994: 40). This period has already been covered extensively in the literature (Finnane 1994; Goldring and Blazey 1994; Plehwe 1973; Plehwe and Wettenhall 1994), so the focus in this sub-section is on recent developments on the powers of direction in Queensland and Victoria.
Queensland shares many features of the Victorian legislation, though with an important difference. The first police Act was similar to the Victorian legislation, locating much of the power to direct, appoint, and issue rules and regulations in the Governor in Council (27 Vic. No. 11 *The Police Act of 1863*, ss. 3, 4, 7). However, the key difference is that the Queensland Act included a provision for the Commissioner of Police to act “under the direction of the Home Secretary” (s.3), making more explicit the ministerial power to direct the Commissioner. More recently, the issue of formal powers of direction was part of the post-Fitzgerald reforms.

Fitzgerald made it clear that the Commissioner was to remain answerable to the Minister. As well as general directions on the management and administration of the police, Fitzgerald specified that the

> Minister may even implement policy directives relating to resourcing of the Force and the priorities that should be given to various aspects of police work and will have responsibility for the development and determination of overall policy.

Priorities determined would have to include the degree of attention which is to be given to policing various offences (Fitzgerald 1989: 278).

The new police legislation introduced following the Fitzgerald inquiry reflected these recommendations. While the legislation gave considerable autonomy to the Commissioner in relation to determining priorities, staffing, and organizational structure (Police Service Administration Act 1990 s.4.), at the same time the Commissioner is constrained by being subject to formal powers of direction from the Minister (s. 4.6(2)). The Minister is required to seek the advice of the Commissioner first, but can then give written and *binding* directions (s. 4.6(3)). The ‘binding’ element was to ensure that directions would not “be left to the discretion of the Police Commissioner or Police Union” (Fitzgerald 1989: 278). The powers of ministerial direction are specified as concerning (a) the overall administration and management of the QPS, (b) the “*policy and priorities* to be pursued”, and (c) the number and deployment of personnel and police stations (my emphasis, s. 4.2(2)).
There is also a detailed formal process for documenting ministerial directions. All ministerial directions and any comments from the Commissioner are to be tabled in Parliament after first having passed through the Crime and Misconduct Commission (and previously the Criminal Justice Commission) and the chairperson of the Parliamentary body overseeing the CMC, the Crime and Misconduct Committee (s. 4.7). The chairperson of both the Commission and the Committee can make further comments on these directions. Such procedural requirements significantly enhance the transparency and accountability of minister-commissioner relations in three ways: by making the directions subject to parliamentary scrutiny; by allowing further comment from other key agencies (the Commission and Committee); and finally by the requirement that the Commissioner comply with these directions (see Bersten 1990a, 1990b on the codification of commissioner-minister relations in Australia).

More generally, the ministerial power to make binding directions particularly in relation to ‘policy and priorities’ encroaches significantly on the commissioner’s ‘freedom to manage’. Indeed, soon after the new legislation, the new Commissioner Noel Newnham (an ‘outsider’ from Victoria, appointed one month prior to the change in government in 1989) and the new (post-election) Police Minister Terry Mackenroth clashed over the extent of executive direction of police reform (as well as other more personal disagreements, see Pitman 1998). As Pitman’s interviews with QPS Commissioners from 1970 to 1998 indicates, Newnham shared with the other commissioners a strong distaste for any government ‘interference’ except in terms of setting the broad policy objectives of the government.

The practice in Victoria could not be any more different. Victoria uses a system of ‘convention’, where the boundary between police autonomy and political responsibility is ‘ill-defined’ (Finnane 1994: 40). First, the Governor-in-Council acts as an intermediary located between the executive of government and the Chief Commissioner. In Victoria the Minister has not been given direct, formal powers of direction, as the power of direction and other roles such as appointments remain in the
hands of the Governor-in-Council (PRA s. 4, 5, 8, 130). The Minister’s ‘direct’ role is only in relation to determining disputes between the Chief Commissioner and Deputy Ombudsman (Police Complaints) where they disagree over a police investigation into police conduct or the subsequent remedial action (PRA s. 86S, see Johnston 2001:chapter 2).

Second, there is the existent of the vague ‘principle’ or ‘rule of thumb’ that the Government determines ‘policy’ and police determine ‘operations’ (Johnson 2001: 37). Of course, this ‘principle’ ignores the difficulty, if not impossibility, of distinguishing between ‘operations’ and ‘policy’ (Jones et al. 1994; Oppal 1994: B. 75). As Du Gay has recently argued in a review of ‘responsible government’, determining where policy ends and administration or operation begins is never a simple matter, and that “Anyone with discretion helps to determine policy” (Du Gay 2002: 474). In Victoria, it is as if, following Adam Smith’s The Wealth of Nations, there is an ‘invisible hand’ not reducible to strictly defined and detailed law based on precise knowledge of the proper way to govern the relationship. The Police Board review of the Police Regulation Act (Police Board 1998a), and the Johnson Ministerial Administrative Review (2001) have recently addressed the adequacy of this convention as the basis for governing police, and governing police-government relations. It is important to note that both reviews discuss the possibility of changing the relationship in the context of introducing a new police act. At the time of completing this thesis (June, 2004) and six years after the Board’s (1998a) review of the legislation, the new Bill has yet to emerge.

The Police Board outlined the arguments ‘for’ and ‘against’ codification of the relationship between the Commissioner and the Minister (1998a: 23). Having simply assumed that police “independence, powers and accountability” are provided through the ‘office of constable’, the Board’s first ‘principle’ for “the development of modern policing” was that the status quo be maintained (1998a: iv). In further analysis, the Board indicated that the “relationship between the government and police is difficult to describe compendiously and with complete accuracy” (1998a: 23).
Quite properly, the Board recognised that police are part of the executive of government (rather than the confused view that they are one arm of the triumvirate in the separation of powers doctrine). Further, the Board indicated, again quite properly, that while police have discretion, they are bound by the legislation to obey lawful instructions (s.69), including the ‘extensive’ instructions issued by the Chief Commissioner (s.17). Finally, the Board recognised that a range of other public servants exercise similar discretion, such as fisheries and wildlife officers, who “have powers or arrest, search and seizure” (1998a: 17), though this says nothing about the general discretion possessed by public servants in the exercise of general duties, including various statutory duties.

However, despite identifying the similarity between police and other public servants, and the ways in which the freedom of the ‘office of constable’ is circumscribed by various rules and administrative procedures or requirements (again, like other public servants), the conclusion was that “the powers of a constable should remain” to ensure police independence from political influence (1998a: 17). In other words, the Board simply ignored the evidence it documented and continued the ‘bizarre’ re-statement of Lord Denning’s dictum of the ‘office of constable’ as being accountable to the law alone. In turn, the Board concluded, “directions concerning operational matters should not be able to be made by the Minister as they would impinge upon the independence of the Chief Commissioner as chief constable” (my emphasis, 1998a: 22).

The reference to ‘chief constable’ (as distinct from the actual term used in Victoria – Chief Commissioner) invokes the ‘office of constable’ as a limit on ministerial powers of direction, conflating the individual discretion of the police officer (problematic in any case as indicated above) with organisational accountability and ministerial direction. This is done by the Board despite the existence of powers for the Governor (initially the Lieutenant Governor and now the Governor-in-Council) to make “rules, orders and regulations” that go back to the first police act (16 Vic. No. 24 1853, s.VI) and continue to this day (PRA 1958 s. 5)! Finally, the Board found the
arguments against codification of the powers to direct the Chief Commissioner to be ‘persuasive’, as codification “may hinder” the relationship between the Chief Commissioner and Minister, decrease the “degree of flexibility” of the convention, and that “Victorian history has not demonstrated a need” for codification (1998a: 23). In sum, the Board took the view that the ‘office of constable’ is not unique, yet needs to be preserved, and that the Chief Commissioner is apparently an organisational form of the office and therefore cannot be directed by the Minister, at least on operational policy. That the legislation provides for such direction through the Governor-in-Council was apparently neither here nor there.

The Johnson review is even more stunning and confusing in the account given of police-government relations and the place of the ‘office of constable’ in this relationship. Johnson approvingly cites the Force Command submission outlining police-government relations. Force Command argued that the relationship is one

heavily dependent on conventions so widely respected that they are accepted as part of the informal constitution of the state. These include a general respect for the rule of law by both the public and the political executive – ‘policing by consent’ (Johnson 2001: 34).

Whatever conceptual and empirical limits can be said to exist in relation to the concept of ‘policing by consent’ (see Jefferson 1990 chapter 2; Reiner 1992; Dixon 1997 chapter 3) this account is most unusual and difficult to interpret. At best, it conflates the ‘rule of law’ with ‘policing by consent’ rather than the more conventional understanding of ‘policing by consent’ as requiring the discretionary application of the ‘rule of law’ to ensure public order. Nonetheless, Johnson simply pushes on with citations from the key cases mentioned above, arguing that these judicial decisions support “that proposition” from Force Command (2001: 35).

However, in contrast to the Board Johnson concluded, “there is scope for clarifying the current Victorian direction power and for ensuring that any use of it is made more transparent” (2001: 53). Citing the existence of ministerial powers of direction in Queensland and other jurisdictions, Johnson recommended the introduction of a “ministerial power of direction” in the yet to emerge
new police act (Recommendation 7, 2001: 56). This was qualified by suggesting that the “more prescriptive formula” used in Queensland would need to be “qualified to safeguard the operational independence and accountability of the Chief Commissioner” (Johnson 2001: 56). Just why the Victorian Chief Commissioner requires special treatment, or how the Queensland legislation infringes upon the ‘operational independence and accountability’ of the Queensland Commissioner was never explained. Furthermore, this simply ignores once again the existing power of direction via the Governor. The Oppal commission in Canada put such concerns with ‘autonomy’ and the ‘policy/operations’ divide succinctly: it is for the commissioner to “implement the strategies and tactics to best attain the objectives” established by policy. If they disagree they should seek to convince policy makers of the need for change; if this fails they should either implement the policy or resign as a “matter of principle” (Oppal 1994: B. 75). Alternatively, if the policy makers loose confidence in the commissioner to implement established policy they should seek their removal (1994: B. 76). While Victorian legislation does not specify the grounds for dismissal of senior police (PRA s.4), the Queensland legislation provides for dismissal for breach of contract (s 4.5(2) and incompetence or neglect of duty (as well as other factors such as incapacity and a range of offences, s. 4.5(3)).

In sum, the formal powers of the minister to direct the commissioner have remained unchanged in Victoria, based on ‘conventions’ that perhaps are to be ‘clarified’ in new legislation. In Queensland, the issue of ministerial powers of formal direction have become more formal and more expansive, specifically identifying ministerial powers to direct the commissioner on objectives and priorities. However, governing police through ministerial power and authority is not limited to the issue of formal powers of direction. This takes us to the second dimension of ministerial direction and the ‘right to manage’.
Establishing missions and objectives

One of the key elements of the managerialisation of governing police concerns the increasing subordination of craft-based decision making to managerial forms of efficiency and effectiveness (Clarke et al. 2000a: 9). A central means or technique for achieving this change in service delivery is through the development of clearly identified ‘outputs’ (McLaughlin and Murji 2001: 109). In turn, this enables the identification of ‘best practice’ and ‘benchmarks’ of the comparative performance of service delivery agencies. Apart from the inherent difficulties in the development performance measures (Moore 1992a; Reiner 1998; Loveday 2000; Moore 2001), let alone properly comparative performance measures, this task is made more difficult in relation to Australian police by two factors. First, and in common with other countries, as we have already identified the highly unionised workforce enhances the capacity of police personnel to shape any changes to the framework governing decision-making and the formats for measuring efficiency and effectiveness. For instance, in response to the recent Johnson Review examination of Victoria Police effectiveness and performance measures, the Police Association questioned effectiveness measures on the basis that “the best police work produces no measurable result” (Johnson 2001: 127). Second, Australia has a federal political structure where the Commonwealth, States and Territories administer their own criminal justice systems, with most agencies organised on a jurisdiction-wide basis, including police. Until recently, little was done in terms of producing knowledge that was comparable, and even more so in relation to measures of efficiency and effectiveness and outputs and outcomes.

This began to change in the late 1970s. In the context of concerns with the growing costs of police, police mismanagement, corruption and the loss of legitimacy (Finnane 1999: 14), several inquiries argued the need for police agencies to establish clear missions and objectives in order to enhance police innovation, responsiveness to the community and performance measurement (Lusher 1981, Neesham 1985; Fitzgerald 1989). While progress was relatively slow in the police domain, such developments have been important in terms of the managerialisation of the governing of police through ‘indirect’ powers of ministerial direction.
Missions, plans and objectives in Victoria

In Victoria, the Neesham Committee of Inquiry (Neesham 1985) made several recommendations concerning the organisation, administration, planning and management of Victoria Police (in particular see Recommendations 8-20). Following the Neesham inquiry, the Victoria Police produced its first Corporate Plan and Mission Statement in the 1987-88 Annual Report and Neesham’s 220 recommendations were referred to an Implementation Steering Committee chaired by the Police Minister. Further, in August 1988 ‘Project Arbiter’ was formed internally to address broad police administration, and in particular recommendations 8 – 20 of the Neesham inquiry (November 1988, VPAR 1988-89: 62). Arbiter led to a reduction in the number of police districts (for instance country districts were reduced from 12 to 6) and changes to the internal structures of divisions, reducing divisions from 92 to 34 (Haldane 1995: 311). In addition, devolution of decision-making authority occurred through giving greater responsibility for managing local areas to District Commanders. In general, the period following Neesham is representative of the ‘slow politics’ of managerialisation of the Victoria police that continued into and intensified in the 1990s (McLaughlin and Murji 2001).

Alongside these administrative reforms, the Victoria Police Annual Report of 1987-88 is a key marker in the change towards ‘performance culture’ (Scott 1998; Hallam 2000). Working from the recommendations of the Neesham inquiry, the first Corporate Plan identified the move towards assessing police ‘efficiency’ through means beyond the traditional measure of crime statistics. The Annual Report indicated that while the traditional measures of crime and perceptions of public safety “remain important, more sophisticated and objective measures are being developed and implemented to monitor and measure our effectiveness” (VPAR 1987-88: 11). For instance, in the following year Victoria Police started to report on longitudinal data for five key service categories covering a four year period, with an assessment of a ‘Demand Growth Index’ (calls received, crimes reported and traffic contacts, VPAR 1988-89 Appendix 1: 55-6). It was also the first time that actual performance targets were established for Victoria Police, albeit limited to two of the nine identified ‘specific objectives’: reducing the ratio of
motor vehicle collision injuries by two percent (ie. number of injuries per 10,000 registered vehicles); and reducing the growth rate of Major Crime Index Offences per 100,000 population by five percent (VPAR1988-89: 13). In both instances, Victoria Police claimed to have ‘exceeded expectations’ (VPAR 1988-89: 26) by reporting an increase in crime that was lower than previous increases, and by using collision data with no reference to injuries (VPAR 1988-89: 55, Appendix 1).

The 1989-90 Annual Report made two key changes to the measures of effectiveness. First, the Major Crime Index growth rate was replaced with a target to ‘maintain’ the clearance rate of major crime at 25% (achieved 27%). The second and more interesting change to measures of effectiveness was to increase police visibility by five percent (achieved 20%). Police visibility was measured by the following criteria, with the percentages expressing increases in these activities: kilometres travelled in marked police vehicles (21%); average hours of uniformed foot patrol (38%); time spent at Neighbourhood Watch meetings (17%); time spent by police helicopters in the air (3.4%); and time committed to the Police/Schools Involvement Program (PSIP, 1989, Sutton 1998) by uniformed police (340%) teaching primary school children “their obligations and responsibilities to society as well as the concept of good citizenship” (VPAR 1988-98: 8). These efforts to develop measures of visibility are a good example of the attempt to ‘rationalise’ the irrational and somewhat chaotic ‘street level’ decisions affecting police-community interaction (Clarke and Newman 1997: 66-7). Further, they also seek to produce new means of ‘symbolic organisational legitimacy’ in response to community and government demands for police visibility (Clarke and Newman 1997: 88-9). While such measures as the time spent in the air by police helicopters is not likely to be the form of visibility demanded by the public, the attempt to develop measures that ‘prove’ increased visibility indicate the intensified search for legitimacy of the police through performance management.
More generally, the requirement to have mission statements and clearly defined objectives identified in Corporate and Business Plans intensified in the early 1990s when the new Kennett government (1992-99) introduced the Management Improvement Initiative and Integrated Management Cycle soon after being elected (Palmer 1997a, 1998). These public sector management reforms required government agencies to produce a pro forma Business Plan and to change budget submissions from being made on the basis of required ‘inputs’ to being made on ‘outputs’ identified in terms of quantity, quality, timeliness and cost (Police Board 1997a: 4). The ‘vision’ contained within these two reforms was one “of an efficient organisation which is effective in delivering the right services (outputs) to achieve agreed results (outcomes)” (ibid.) Reflecting the language of these reforms, the Police Board summarised these changes as the government being the ‘purchaser’ of policing services on behalf of the community, and where “government policy sets broad parameters for policing activities and the management of public resources through interpretation of community expectations” (ibid.). Similarly, the Johnson Review argued that one of the key roles of the Chief Commissioner is to negotiate “outputs and budgets that deliver the outcomes sought by Government” (2001: 33). Indeed, no better example of this image and practice of ‘contractualisation’ police-government relations can be found than a statement to police personnel by the previous Chief Commissioner, Neil Comrie. Directed at the development of ‘future leaders’ within the police, Comrie stressed the “enormous leadership challenges … to meet our contractual obligations to government” (Comrie 1998: 1).

Shortly after these general public sector reforms were introduced, the Police Board was given a reference to conduct a review of Victoria Police management to ensure progress in the efficiency and effectiveness of Victoria Police service delivery (Police Board 1997a: 1). The Management Review (1993-97) documents the ongoing managerialisation of Victoria Police during this period, with further recommendations for making police accountable for their outputs, rather than the way in which they are produced, freeing them to develop innovative and better ways to produce the highest quality outputs at least cost (Police Board 1997a: iv).
The Board introduced a ‘Market Research Program’ to “build an integrated data set on community, workforce and partners’ views on the effectiveness of policing outcomes and efficiency of police services” (1997a: 5, discussed further in chapter 5). Further, an ‘activity analysis’ of police work was undertaken “to identify what is being done, where and with what resources” to allow a linkage between activities being performed and relevant outputs (ibid.). These two ‘data sets’ would answer the fundamental question identified by the Board: “are policing services effective and efficient and providing value for money for the Victorian community” (Police Board 1997a: 6)

The Board concluded that Victoria Police had developed an appropriate framework for the efficient and effective delivery of outcomes (achieving a safer community) through a Business Plan that matched specific services to outcomes sought in government policy (1997a: 12). In terms of the overall ‘output’ of service improvement, further work was needed to develop performance measures for ‘timeliness’ and ‘cost’ (1997a: 23). Finally, ‘inputs’ were viewed as being improperly managed, as an “historical emphasis on the management of inputs rather than outputs” produced a “service delivery framework that militated against the provision of customer focussed service delivery” (1997a: 27). Victoria Police remained focused on process or “internal organisational issues” rather than an “output management model” (ibid.). Furthermore, the absence of an “individual performance assessment system” meant that there was an inability “to align individuals’ activities to the broader vision of the organisation” (ibid.).

The Management Review also embraced the managerial notion of having the ‘right person is in the right place’ to ensure the capacity for efficient, effective and innovative police service delivery. To achieve this, the Board argued for the need to distinguish between three levels of responsibility and accountability: executive, managerial and service delivery. Each level would require specific forms of training, development and assessment so that individual competencies
could be matched with allocated levels of responsibility. However, “fully translating the executive vision to the service delivery level” had not yet been fully realised and required further measures (Police Board 1997a: 27). The Board indicated that ‘best practice’ output management required ‘Service Level Agreements’ between the different levels of authority. Such ‘contracts’ would in turn enhance effectiveness by ensuring the integration of different levels of authority and strategic planning. Further, devolution of authority to service delivery managers would allow services to be delivered “within the contexts of their local market requirements”. ‘Contracts’ would operate in conjunction with ‘local action planning’ and new forms of individual performance assessment to link the efficient and effective use of human resources to outputs ‘contracted’ with government (Police Board 1997a: 27-8).

These managerial reforms were taken up in the development in 1999 Local Priority Policing, itself shaped by the broader changes introduced by the Management Reform Program in the 1998-99 budget. The Management Reform Program further refined the earlier planning requirements indicated above, requiring each government agency to deliver specified outputs determined by government to achieve government policy outcomes, and did not treat police as being in any way different from other government agencies (Coghill 1998: 13-4). To deliver these outputs and outcomes, the Victoria Police introduced Local Priority Policing, claimed by Victoria Police to be the “most significant change in its 150 year history” (Auditor General 2001: 53). As discussed further in chapter 6, Local Priority Policing involved the further managerialisation of the police through emphasising devolution of decision making; a flattened management structure; strategic management from the executive; and the introduction of station, District, Division and Regional plans aligned to the both organisational planning and the emergent ‘whole of government’ framework for crime prevention and community safety (Palmer and Cherney 2001; Auditor General 2001; Department of Justice 1997).
Additional reforms focused on the development of individualised assessment, such as the Performance Enhancement Program (PEP), which introduced annual “performance planning, monitoring and assessment” that encourages and rewards ‘good performance’ (Johnson 2001: 233). Similarly, Executive Management Assessment Centres (EMAC) are used for those seeking appointments above the rank Inspector as a means of “identifying skills and competency gaps” (Johnson 2001: 225). Further, the PEP and EMAC are used to generate individual developmental plans that “ensures individual performance is related to organisational performance” identified in the Business Plan (Johnson 2001: 232).

More recently, the current Victoria Police strategic plan *The Way Ahead* identifies “key value areas” for “operational reform and organisational change” (VPAR 2002-03: 62). Central ‘values’ include the notion of ‘intelligent policing’ based on the Compstat performance management process (McDonald 2002; Moore and Braga 2003), while ‘confident policing’ concerns “the encouragement of innovation and creative problem-solving … that creates police as community leaders who are capable, ethical and high performing” (VPAR 2002-03: 62).

We can argue about the significance of Local Priority Policing reforms, such as the combined nature of devolution and ‘re-centralisation’ (for instance the number of regions was reduced and new management practices gave greater central control over some areas). Similarly, ‘intelligent policing’ and ‘confident policing’ are in the early stages of development and therefore not able to be evaluated in terms of their historical importance. However, of more significance is the manner in which these organisational reforms embrace the techniques of managerialism. In broad terms, there is a combination of increasing emphasis on ‘self government’ with greater governmental ‘steering’ capacity through aligning individual performance review and assessment to ‘contracted’ organisational outputs. Furthermore, these managerial developments over the past two decades have formalised ministerial powers of direction and extended deep into the organisation. Thus, what starts out as a general managerial framework of organisational
requirements to establish missions, business plans and a more general strategic planning framework extends the reach of ministerial direction through ‘cascading’ plans and ‘contracts’ and individual performance assessment. Stated more directly, each officer is now effectively ‘contracted’ the deliver ministerial objectives, and subject to internal performance assessments that measure and coaches their self-governing capacity to deliver services in an ‘innovative’ and ‘creative’ way. It is a process for ‘making up’ the entrepreneurial officer, embedded in the techniques of managerialism, a self-governing officer under ‘contract’ to deliver ministerial objectives.

Missions, plans and objectives in Queensland

While Victoria went through a process best described as a ‘slow politics’ of managerialisation (McLaughlin and Murji 2001), we have already identified the relative absence of the techniques of managerialisation in Queensland in period before the Fitzgerald inquiry. However, during the period of the Fitzgerald inquiry, recommendations from the Savage Report (1997) required public sector agencies to introduce strategic planning processes, incorporating a mission statement, goals and strategies. This was further augmented by Treasury requirements for programme-based budgeting, performance indicators and agency commentary on “results achieved compared with results anticipated” in the 1989/90 financial year (Fitzgerald 1989: 268, the Australian financial year is from July 1 to June 30). Though the Fitzgerald inquiry was critical of the strategic planning process (1989: 267), as with Victoria the QPS was being required to specify annual objectives, performance indicators and an assessment of outcomes.

The QPS introduced its first Corporate Plan for 1990-95 in response to the requirements of the Public Finance Standards released in July 1990 (PSMC 1993: 44). These Standards required the identification of corporate goals, detailed specification of service delivery ‘programs, with specific ‘outputs’ and ‘outcomes’ and an evaluation framework for monitoring performance. The corporate goals were: enhancing safety; preventing crime; investigating and solving crime;
improving efficiency, effectiveness and accountability; enhancing professionalism; and, restoring public confidence. The Public Sector Management Commission Review found a “number of the corporate goals are too general” and that the “program structure appears ill-defined” and contradicts the corporate goals (1993: 45). This was seen as causing a disjunction between corporate goals and street level personnel so that the “average cop on the beat cannot relate to how the corporate plan is meant to work” (1993: 45).

In other words, the strategic ‘visions’ was ‘owned’ at the executive level, but had yet to penetrate the street level, undermining the capacity for the development of self-governing officers whose practices aligned with managerial and government objectives. In order to connect the ‘street police’ with the ‘suite managers’ of police, Performance Planning and Assessment procedures had been introduced in 1991. Initially for all staff (sworn and unsworn) except the Commissioner, this procedure was used to identify work performance, provide feedback from supervisors on officer performance, and identify training the needs of the officer (Bingham 1996: 118, discussed further in chapter 4).

The PSMC indicated that the QPS had real difficulties in developing meaningful strategies and performance indicators due to having inappropriate corporate goals, the lack of standardised performance indicators across the state, and by having “an existing program structure [that] serves no useful purpose for the organisation and does not give external observers any insight into achievements for particular outlays” (1993: 48).

A year later the Criminal Justice Commission report on QPS reform found ongoing problems with the development of performance indicators throughout the organisation, including the lack of “standard reporting formats” and the failure to have developed performance indicators at the local level (CJC 1994: 196). The Bingham review in 1996 found a number of positive initiatives
had occurred in the shift to strategic management, such as the development of “measuring QPS-wide and regional performance in terms of some key indicators… annual activity surveys” and ‘client satisfaction’ surveys (Bingham 1996: 65). However, Bingham expressed concern that these were more directed at compliance with government requirements rather than management developing “a strategic orientation so that decisions are taken in a planned, coordinated way in accordance with corporate goals” (Bingham 1996: 66). In other words, the Queensland Police remained reactive to the managerial demands of government, rather than proactively embracing performance based management.

Bingham viewed the Performance Planning and Assessment procedure for the “performance appraisal” of staff as “essential for creating a professional service as it enables good performance to be identified” (Bingham 1996: 118). However, among the several ‘failures’ of this procedure for performance management, the “setting of objectives and suitable measures has been problematic”, the use of the procedure ‘cursory’, and supervisors exhibited “reluctance to document poor performance” (Bingham 1996: 119). Such practices undermined the performance management procedures as a technique for governing officer behaviour, and limited the extent police personnel were governed by ministerial objectives.

More recently, a number of changes to strategic planning and performance management have been introduced in Queensland. The introduction in 1999 of the government policy Management for Outcomes required the QPS to specify key outputs, the allocation of police resources to each of the output categories and performance indicators for each output category. A management planning cycle was introduced, identifying monthly, quarterly and annual activities for planning, performance reviews and financial management (QPS Strategic Plan 2001-2005). In 2001-02 Operational Performance Reviews were introduced as a trial mechanism for performance management review and part of the commitment to “continuous improvement” and the identification of “best practice policing strategies” (QPSAR 2001-02: 3).
In July 2002 Operational Performance Reviews were implemented as a ‘permanent’ management tool to improve the performance of the QPS (QPSAR 2002-03: 4, 23). These operate somewhat like the Compstat model (McDonald 2002; Walsh 2001; Moore and Braga 2003) where each “police district’s performance is assessed in relation to five operational and three corporate priorities” (QPSAR 2002-03: 4). District management teams meet the senior executive of the QPS annually at police headquarters to assess District performance on “crime and other trends”, with a second meeting six months later in the Districts (QPSAR 2002-03: 23). The underlying principles of the Operational Performance Reviews are to ensure timely and accurate information is available; to emphasise rapid and timely police deployment to identified problems; the use of “the most effective policing strategies”; and “relentless follow-up and evaluation of policing strategies” (QPSAR 2001-02: 54).

Commissioner Bob Atkinson currently views Operational Performance Reviews as central to the ‘performance’ and ‘professionalism’ of the QPS. For Atkinson, it is “critical to the future success” of the QPS to “continually strive to improve our performance and professionalism” (QPSAR 2002-03: 2). Through the use of Operational Performance Reviews, management attempts to ‘rationalise’ street level decisions to ensure ‘human resources’ are directed to achieving government objectives. As Walsh (2001: 352) argues, the Compstat model that informs the Operational Performance Reviews represents a ‘managerial synthesis’: strong executive management previously based on command and control, but with greater devolution of authority for local problem-solving to “create more responsive and effective police organizations” (2001: 359). However, this is achieved by breaching craft-based knowledge with ‘objective’ data analysis. As McDonald (2002: 81) puts it, Compstat represents a “new approach to performance management” involving a shift from “intuition to data”. Further, accountability shifts from the focus on rules to accountability for results, and individual performance is assessed in terms their ‘unit’ solving problems that help to produce the outcomes sought in government policy. In this way, Operational Performance Reviews seeks to
shape self-governing police through fostering innovative problem solving, within the confines of meeting government directions on police priorities and objectives.

In sum, the freedom and constraint experienced by police commissioner’s is more complex and uneven than a simplistic reading of the unproblematic introduction of new managerialism allows. Queensland has formalised and extended the power of ministerial direction of the commissioner, with the potential for considerable constraint on the freedom of the Commissioner. Most importantly, the Queensland Minister is able to give binding directions to the Commissioner on matters of policy and priorities. In Victoria, police-government relations are based on ‘conventions’ rather than the prescriptive and formal arrangements that exist in Queensland. Recent reviews remain generally supportive on the continuation of such ambiguity (Police Board 1998a; Johnson 2001), or in the case of Johnson accepting the possibility for ‘some clarification’ through a general power of ministerial direction, though certainly not of the ‘prescriptive’ type that exists in Queensland.

However, both police agencies have increasingly been required to adopt managerial procedures and formats that require the incorporation of government objectives into police planning processes. This ‘indirect’ form of ministerial direction by-passes concerns with police ‘independence’ through the requirement to produce various planning documents and output measures incorporating government objectives. Thus, governing through performance management techniques reaches deep into the police organisation. We argued that the results of this process mean that in Victoria, each officer is effectively ‘contracted’ to provide police work in accordance with ministerial objectives. In Queensland, the introduction of Operational Performance Reviews aggregates individual police into ‘units’ to be assessed in their performance for meeting government objectives. In both instances, craft-based knowledge is displaced: in Victoria through ‘contract’ and in Queensland through the shift from ‘intuition to data’. In both agencies, police officers are required to be innovative, creative, or more generally entrepreneurial. However, rather than craft-
based creativity or being assessed in terms of internal ‘professional’ judgements, the entrepreneurial officer is assessed in terms of their performance in meeting government objectives. We discuss the concept of the concept of the entrepreneurial officer in greater detail in chapter 4.

What remains central to this thesis is that there is no simplistic reading of how the managerialisation of police determines the extent that the police manager is either ‘free to manage’ or constrained by the directions of a minister or governor. Once again we have identified how the ‘freedom to manage’ has particular nuances in the jurisdictions under study, indicating the need for closer empirical scrutiny of the managerialisation of governing police through the examination of specific jurisdictions and specific agencies. In Queensland, the close relations between the Commissioner and the Minister was identified as problematic and a source of corruption, shaping the development of a formal (defined in legislation), more inclusive (allowing comment on ministerial directions from three other offices) and a more open (reporting to Parliament) relationship between the Minister and Commissioner. In Victoria, the absence of a large-scale investigation linking police corruption to police-government relations has allowed the ongoing use of the ‘convention’ that lacks transparency and continues a tradition of ambiguity in the roles, responsibilities and relations between the Minister and Chief Commissioner.

These internal mechanisms of managerialisation also intersect with developments occurring at the Commonwealth level, where attempts have been made to enhance the capacity for comparative performance, enabling ‘benchmarking’, the identification of ‘best practice’ and ‘value for money’ and improve ‘outcomes’ in the delivery of government services. We now examine the development and details of this national project of comparative performance.
Comparative performance

The development of national comparative performance data is the product of and contributes to the managerialisation of governing police. Police performance is now ‘auditable’ on a national comparative basis. As Rose argues, “rendering something auditable shapes the processes that are to be audited” (Rose 1996b: 351). Further, this framework of comparative performance measures represents the inscription of new forms of expertise and knowledge on police. Thus, the development of performance measures and audit of police practices represent “new techniques of accountability to render their decisions visible, calculable and amenable to evaluation” and comparative performance (Rose 1996b: 351), shaped by and filtering through organisational formats encroaching upon and displacing craft based expertise.

In the introduction to this chapter we indicated the increasing complexity to the measures of police performance. It was indicated that this does not mean the ‘old’ measures of crime statistics and rapidity of response to calls for service for instance have been discarded, but rather they have been seen as limited and problematic ways of measuring and monitoring the efficiency and effectiveness of state police. Alongside these ongoing concerns about the accuracy of police crime statistics and their value as an indicator of police performance, there have been a number of practical efforts to develop new measures of efficiency and effectiveness. In general terms the introduction of principal/provider divisions in government and the related new procedures for determining budgets, particularly the focus on outputs and outcomes rather than inputs, has led to new requirements on government agencies to identify discrete and costed programmes to enable the formulation of performance measures. We have already examined these developments at the state level. At the commonwealth level, the Productivity Commission engaged in the process of establishing national comparative performance measures through ‘working groups’ of state representatives for key state services, including police. It is the emergence of this new form of knowledge of police, and the manner in which such knowledge has been constructed that is the focus of this section.
More specifically, we will discuss in detail the work of the Productivity Commission for two key reasons. First, the Productivity Commission represents a new ‘authority on authority’, a new governmental mechanism developed to shape “new techniques for exercising critical scrutiny” of police, establishing a new ‘regime of truth’ (Rose 1993: 295). In this way, national comparative performance measures organise particular systems of thought such as audit to develop “procedures, analyses, reflections [and] calculations” to render police work governable in new ways (Foucault 1991: 102). We now have nine reports covering the past decade to analyse (1995-2004, a report was not produced for 1996). We do this by examining the construction of knowledge of police as an historically contingent means for governing police, rather than evaluating whether the comparative performance framework objectively ‘measures what matters’ (Langworthy 1999), or ‘properly’ identifies ‘how to recognise good policing’ (Brodeur 1998).

Second, the process and content of police performance measures developed by the Productivity Commission has yet to receive any detailed critical analysis. There was one identified instance where the Productivity Commission reports in relation to police received more than a brief extract of statistics (Dadds and Scheide 2000). However, the Productivity Commission was used in this instance to situate police ‘activity measurement’ in South Australia within the broader movement towards new measures of police performance across Australia, and viewed as a source of “external motivation for better performance measurement” (Dadds and Scheide 2000: 2). Thus, even this work was not concerned with the Productivity Commission itself, though importantly it does recognise the governmental effects of the Productivity Commission as shaping the ‘conduct of conduct’ in relation to the development of performance measures.

The Productivity Commission

We first need to clarify the use of the title Productivity Commission. The Productivity Commission was formed in 1998, predated by the Industry Commission. Both Commissions
have been the institutional location for the unwieldy titled Steering Committee for the Review of Commonwealth/State Service Provision (SCRCSSP). In 2004 the SCRCSSP was changed to the Steering Committee for the Review of Government Service Provision (SCRGSP). It is the work of the SCRCSSP/SCRGSP within the Productivity Commission that is the focus of this analysis. Thus, for the sake of clarity, rather than constantly changing between different commissions and different committees we will use the Productivity Commission as the umbrella organisation, and the SCRCSSP for reports, except when direct reference is made to the 2004 report, in which case the proper citation of SCRGSP will be used. To understand the importance of this work we need to briefly explain the history and role of the Productivity Commission.

The Productivity Commission extends from the work of the Commonwealth Grants Commission, established in 1933 (Commonwealth Grants Commission 1983, hereafter CGC). The key function of the CGC has been to provide the Commonwealth Government with advice on the level of commonwealth grants to be allocated to the States and Territories (hereafter referred to as States). Taxation, excise and duties principally operate across two levels of government in Australia – State and Commonwealth governments (local government is the third tier of government but is limited to raising income from property rates and the provision of services). The constitutional and administrative details of these arrangements are not the concern here, but rather the different ways of raising income.

The increasing role of the Commonwealth in collecting this income (for instance all income tax was collection was transferred to the Commonwealth in 1942) required the development of mechanisms to distribute collected revenue to the States. The underlying approach of this funding mechanism has been the attempt to achieve ‘horizontal fiscal equalisation’: Commonwealth funding to enable the States to “provide the same range and quality of public services” without having to raise additional funds through higher taxes and charges (Doessel
1991: 389). The role of the CGC became more central to determining funding when it was given “the task of evaluating fiscal equalisation” in the early 1980s as part of a ‘new federalism’ restructuring of federal-state government relations (ibid.)

The earlier work of the Commonwealth Grants Commission was not concerned directly with notions of performance, but rather the extent to which services are influenced by ‘policy differences’ and/or by ‘disabilities’. Policy differences are defined as “any differences between actual and standard policies which are not attributable to specific disabilities.” (CGC 1994: 2) A disability refers to

an influence beyond a government’s control that requires it to spend more (or less) per head of population than other governments to achieve the same objective, or reduces (or increases) its relative capacity to raise revenue from the same effort. (CGC 1994: 5)

The two key broad factors affecting the disability weighting are ‘social-demographic composition’, which in particular provides weighting for Aborigines and young males (aged 17-25), and ‘dispersion’ to adjust for the higher costs associated with service delivery across larger states. The key source of this data is the census, though data is still largely based on the 1996 census rather than the 2001 census (CGC 2002: 8).

The means of calculation for horizontal fiscal equalisation are quite detailed and again not the focus of analysis in this thesis. What is of interest is that the CGC focused on comparative costs of service delivery, which is then used to determine the level of Commonwealth grants to the States. The introduction of a Goods and Services Tax in 2000 changed the manner in which taxes are collected, and committed the Commonwealth government to redistributing the entirety of these taxes to the States based on the ‘horizontal fiscal equalisation’ calculations conducted by the Commonwealth Grants Commission. The effect is that fiscal equalisation means that a State does not receive the amount of GST collected within that State. More central to our analysis is that the process of horizontal fiscal equalisation led to the analysis of comparative performance data based on costs of delivering services.
As part of the ongoing negotiations between the Commonwealth and State governments, in 1991 the Commonwealth Grants Commission (1994: 1) began the process of examining the reasons for policy differences across government services. The CGC conducted a “survey of resources and policies applied to the provision of police services” and used this as part of the basis for the 1994 Information Paper on the “reasons for ‘policy differences’” in police services. However, before the CGC developed detailed comparative data on police, the February 1994 meeting of the Council of Australian Governments (the Prime Minister, Premiers, Chief Ministers and President of the Australian Local Government Association, established in 1992) determined that there was a need to go beyond policy differences and costs of services by developing measures of comparative performance in order to “improve outcomes for clients and value for money” (SCRCSSP 1995: 2). This task was given to the new SCRCSSP, which produced the first report on national comparative data in 1995.

The SCRCSSP identified three general recent developments that ‘reinforced’ the need for performance monitoring, and three broad benefits that would result from the development and publication of comparative performance indicators. The three recent developments were:

- ‘increasing demand for government services’;
- ‘greater diversification of service delivery mechanisms’ reflective of changing demands and new agency practices, pointing to the need to monitor change and coordination of diversity; and
- the use of ‘market type mechanisms’ such as performance-based contracts and contracting out service delivery (1995: 8-10).

The three principle benefits were identified as:

- ‘greater transparency of performance and accountability’;
- ‘clarifying and defining objectives and responsibilities’; and
- developing ‘yardstick competition’ to enhance efficiency and effectiveness by identifying and disseminating ‘best practice’ (SCRCSSP 1995: 2-3).

Describing itself as “a significant departure from past practice in this country and [with] no direct parallels overseas” covering all services from all levels of government (Federal, State/Territory and Local Governments) the SCRCSSP then set out the performance monitoring framework (SCRCSSP 1995: 5).

In the first instance the SCRCSSP developed ‘core objectives’, with the view that published performance indicators would contribute to “the ongoing debate about what these objectives should be” (SCRCSSP 1995: 5). Indeed, as we analyse in detail in chapter 5, the means for deliberating on what constitutes police ‘core functions’ has in recent years undergone considerable change from the earlier forms located in either an assumed ‘natural’ set of functions or expertly determined ‘core functions’, to new institutional forms for reflexively constituting core roles and functions. The SCRCSSP performance measures feed into this process of deliberation.

The first Report on Government Service Provision by the SCRCSSP (1995) and contains several important statements about the nature of the activities of the SCRCSSP, the focus on continuous improvement in performance data, and the links between the SCRCSSP and performance of service delivery. The SCRCSSP viewed itself as contributing to the performance monitoring of government service providers so as to ensure “incentives are in place ... to achieve desired outcomes and, over time, raise performance levels” (1995: iii). The SCRCSSP explicitly stated that any “assessment of performance must include consideration of both effectiveness and efficiency (emphasis original, SCRCSSP 1995: iii). Describing itself as “an ambitious undertaking” that will “require several iterations” (1995: v) the SCRCSSP indicated “that each subsequent report will incorporate improvements to the quality, consistency, and completeness of performance indicators and data” (1995: iv). Thus, the work of the SCRCSSP was concerned with the development of knowledge of police work through an iterative, reflective process that seeks to perfect comparative
knowledge, however much it ‘fails’ to achieve such perfection (Foucault 1991). The areas included in the SCRCSSP Reports have changed over time including education, housing, health, courts, corrections, support services and police. In terms of police services, all State and Territory police and the Australian Federal Police are included. We turn now to a more detailed analysis of the development and content of performance measures of police services, with particular emphasis on Queensland and Victoria.

Developing performance measures

As indicated above, the SCRCSSP was aware that it would need to allow several ‘iterations’ of performance measures. We now have almost a decade of this development to analyse, an analysis that has not been done before. Table 3.1 identifies the police objectives determined by the SCRCSSP. The first report identified police objectives as community protection, help and reassurance, crime prevention and law enforcement. These objectives remained the same until 2000, when they were expanded and have since remained constant.

<table>
<thead>
<tr>
<th>TABLE 3.1: POLICE OBJECTIVES 1995-2004</th>
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<tr>
<td><strong>1995-1999</strong>¹</td>
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<tr>
<td>Protect, help and reassure the community</td>
</tr>
<tr>
<td>Crime Prevention</td>
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<tr>
<td>Law enforcement</td>
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Further, from 2000, each of the objectives were aligned to specific Service Delivery Areas (SDAs), respectively these were: ‘community safety and support’; ‘crime investigation’; ‘road safety and traffic management’; and ‘services to the judicial process’ (SCRCSSP 2000: 530-1), and each SDA is assessed in terms of efficiency and effectiveness.

In 2001 a further category of performance measures ‘relevant to all service delivery areas’ was included. The measures reported for 2001 were: perceptions of police integrity; satisfaction with police services; complaints; and access and equity (indigenous staffing and gender of personnel, SCRCSSP 2001: 342-50). Thus, by 2001 there are three categories of performance measures: those seen to be relevant to all service delivery areas, and those measuring efficiency and effectiveness. As the generic performance indicators emerged over time from the efficiency and effectiveness indicators they are examined in the context of the development of these two groups of performance indicators. In the following two sections we map to development of first, efficiency indicators, and second, effectiveness indicators of police performance. Our central task is concerned with how the measures of efficiency and effectiveness develop over time, rather than an evaluation of the adequacy or appropriateness of the measures used.

*Measuring police efficiency 1995-2004*

In this section we trace the development of measures of police efficiency from 1995-2004. Table 3.2 outlines the general shift in efficiency measures (for more details see Appendix A). The first report of the SCRCSSP identified a ‘preliminary framework’ of performance indicators for efficiency. *Efficiency* is assessed in terms of the cost of services generally, though the SCRCSSP indicated that “only a very limited set of partial measures of unit cost and workloads” were available (1995: 24). Furthermore, measuring police efficiency was viewed as inherently difficult as “for many police activities there are no clearly defined units of outputs” and because “it is difficult to separately identify the inputs that are devoted to delivering” the outputs (SCRCSSP 1997: 383). However, the lack of knowledge on police efficiency measures and the absence of
clearly defined outputs meant that the SCRCSSP would need to develop new forms of knowledge and expertise to determine these outputs and develop the measures of police efficiency. In subsequent years this led to more detailed efforts to measure efficiency through the introduction of ‘activity based surveys’ (SCRCSSP 1997: xlix) to establish the linkages between inputs and outputs by establishing “the total costs of delivering each output” (SCRCSSP 1999b: 5).

In 1997 two important changes occurred to the efficiency measures (see Appendix A). The first set of changes concerned the introduction of additional indicators of police efficiency for crimes against the person and property per crime for victims and offenders, and the unit cost of “major crash & registered vehicles” (SCRCSSP 1997: 662). However, despite adding additional efficiency indicators, the 1997 report echoed the previous report indicating, “only limited information on efficiency is currently available” (SCRCSSP (1997: 675). In the 1997 report the SCRCSSP only reported on a case study from New South Wales where an attempt had been made to measure the efficiency of police patrols in terms of inputs (full time equivalent police and civilians, and number of police vehicles) and outputs (number of arrests, responses to calls for service, summons served, number of car accidents attended, and number of kilometres travelled by police vehicles).

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<th></th>
<th>1995&lt;sup&gt;1&lt;/sup&gt;</th>
<th>1997&lt;sup&gt;2&lt;/sup&gt;</th>
<th>2000-2004&lt;sup&gt;3,4&lt;/sup&gt;</th>
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<tr>
<td>Unit cost</td>
<td>Unit cost: Crimes against person/property</td>
<td>Unit cost for Service Delivery Areas: Community safety and support</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Road safety</td>
<td>Crime investigation</td>
<td>Crime investigation</td>
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<tr>
<td>Other</td>
<td>Other</td>
<td>Road safety and traffic management</td>
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<tr>
<td></td>
<td></td>
<td>Services to the judicial process</td>
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While the new efficiency measures of unit cost for crimes and ‘crashes’ appear to make little sense, and in any case no performance indicators were produced for this measures of efficiency, the 1998 report clarified the measures. In 1998 the unit cost of crime against person/property was to be measured by cost per crime by offender/victim. The unit cost for road safety was to be measured by “cost per unit of road safety” and “cost per response to major crash” (SCRCSSP 1998: 262). However, once again this data was not reported, with the ongoing hope that the introduction of activity surveys would soon “allow expenditure allocations” to be identified by each jurisdiction, who in turn are “exploring ways of establishing equivalences across jurisdictions, which will allow comparable unit cost information” to be reported (SCRCSSP 1998: 264). We can see from this example how the process of establishing national comparative data both reflects and helps re-shape the internal practices of police management. In order to produce national comparative data, the production of new forms of knowledge about police work was required; in this instance commodifying police work into discretely costed activities through regular activity analysis. In 1999 activity surveys were conducted twice yearly in Victoria and Queensland, for all operational staff in Victoria, and for all staff in Queensland (SCRCSSP 1999: 380-1).

The second key change to occur in 1997 concerned the introduction of efficiency measures for the category ‘other’. Whereas no indicators were provided in the first report (see Appendix A), the 1997 report introduced three indicators: the number of police per person; the ratio of operational/total full time equivalent police; and the ‘available’ full time equivalent police personnel. However, while the ‘framework’ figure indicates this data is reported on a national comparative basis, only expenditure per head of population (for 1996 only) and police staff per 100,000 population (1994-1996) are presented in this way (see Figures 11.1 and 11.2, SCRCSSP 1997: 658). Additional statistical data on each jurisdiction is reported in the Appendices of the Report providing more complete efficiency indicators, but the data is not reported in a comparative manner (ie. as aggregated data compared for each police service, see Table 11A 39 and 11A 40 for efficiency indicators for Victoria and Queensland respectively, SCRCSSP 1997: 711). In 1998 efficiency measures are reported for police recurrent expenditure per person (this time over a four
year period of 1994-1997) and police staff per 100,00 population (1994 and 1997), with the latter figure distinguishing between ‘sworn’ and ‘un-sworn’ (Figures 5.2 and 5.3, SCRCSSP 1998: 258-9).

In 1999 the performance measures for efficiency were developed further. In this report, comparative recurrent expenditure is reported over a five year period for expenditure per head of population (1994-1998, SCRCSSP 1999: 373), and the number of staff per 100,000 population are presented separately for ‘sworn’ and ‘un-sworn’ comparing 1994 and 1998 (SCRCSSP 1999: 374). Further, for the first time, the report distinguishes between ‘operational’ and ‘non-operational’ staff (SCRCSSP 1999: 375, for 1998 only, though note that Queensland was the only jurisdiction unable to provide this data). “Operational staff” is defined as “any person delivering a police or police related service to an external customer” and ‘non-operational’ staff are defined as “any person who does not satisfy the operational staff criteria” (SCRCSSP 1999: 374).

The shift to assessing efficiency in terms of delineating between sworn and unsworn staff and the operational status of police reflects the earlier statements from the SCRCSSP that it is “important to ensure that tasks are undertaken by those with appropriate skills” and that “sworn officers … perform ‘front line’ policing duties, and so reduce costs” (SCRCSSP 1997: 660). Having sworn police acting in non-operational positions is deemed to be inefficient, undermining the general shift towards identifying core functions and civilianisation and out-sourcing of positions not requiring the exercise of police powers. These issues are discussed in greater detail in chapter 5.

Reporting on the operational status of police personnel was refined further in the 2000 report. First, the 2000 report makes stronger comments on the aims of civilianisation. Two objectives are identified:

- to reduce the amount of administrative work undertaken by sworn police staff; and
• to reduce the involvement of sworn staff in duties that do not require constabulary office (SCRCSSP 2000: 526).

Similar to the 1999 report, comparative data is presented for police staff for sworn and unsworn positions (1994 and 1999), operational status (1999 only) and recurrent expenditure (though for the first time the recurrent expenditure is calculated by subtracting the revenue raised from own sources, SCRCSSP 2000: 522). However, the 2000 report made two important changes to the reporting of efficiency.

First, efficiency measures are identified for each of the four Service Delivery Areas (SDAs), reflecting the shift to output-based budgeting and the attempts to link outputs and outcomes (SCRCSSP 2000: 532). This was made possible by each police agency engaging in a ‘mapping project’ to link individual and program outputs to the SDAs, establishing the time and resources allocated to these activities (SCRCSSP 2000: 531).

To measure efficiency for each of the SDAs, the total police expenditure is divided across the four SDAs (SCRCSSP 2000: 523, though Queensland did not report any data as it could not disaggregate the data for the different SDAs). For instance, expenditure on community safety and support was over 40 per cent of total police expenditure for the Victoria Police. The efficiency indicator for this SDA is the ‘$ per person’. Victoria reported that the expenditure per head of population for community safety was almost $100; almost $60 for crime investigation; over $40 for road safety and over $60 per registered vehicle; and $15 for support to the judicial process (SCRCSSP 2000: 549, 553, 559, 562). On a national comparative basis these expenditure levels are respectively average, above average; almost one-third higher than the next highest levels of expenditure; and below average. The use of efficiency indicators for each of the SDA has continued up to the 2004 report.
The second key change to efficiency indicators made in the 2000 report was the relocation of comparative data on staffing profiles. In 1999, this data was linked explicitly to efficiency measures under performance category ‘other’, a generic ‘catch-all’ indicative of the uncertain status of these indicators. These measures were proportion of available staff (full time equivalent staff numbers), expenditure per head of population, and proportion of operational staff (SCRCSSP 1999: 377). While limited data on staffing was provided in an introductory section since 1997 (SCRCSSP 1997: 658) they continued to be used as an explicit measure of police efficiency until 1999. By introducing efficiency measures for each SDA 2000, the introductory section on the profile of police services was expanded to reflect additional ‘generic’ measures of performance. The key additional measures concerned police employee gender and position ‘classification’. Gender simply reports the per cent of male and female employees, though importantly this is reported for all staff rather than distinguishing between sworn and unsworn. As examined further in chapter 4, reporting this data in such a manner avoids addressing the fundamental concern with the significant gender imbalance for sworn staff. This fails to address the extent that police agencies might appear to perform comparatively better on the percentage of female employees through having a relatively higher percentage of unsworn female employees, a relatively higher percentage of civilian employees or both.

The data on police’ classification’ reports on the divisions between ‘practitioner’, ‘supervisor’ and ‘manager’. Practitioners are defined as “civilian administration staff and sworn staff” up to the level of Senior Constable. Supervisors are “civilian team leaders and sworn staff” up to the level of Senior Sergeant. Managers are civilian managers and sworn staff at Inspector level and above (SCRCSSP 2000: 529). The use of ‘classification’ descriptors, described by the SCRCSSP (2000: 528) as providing “an alternative description of the human resources profile for police agencies”, reflects two general concerns. First, such measures reflect the continuing shift towards treating personnel as resources “whose traits, skills attitudes and values can be defined and measured” (Clarke and Newman 1997: 94). Second, classification measures reflect the concern with the extent that police employees are engaged in active ‘on the beat’ policing. Higher levels of supervisory and
management positions implicitly indicates limited devolution of authority, overly centralised
management structure and inefficient use of police resources.

In 2001, the ‘classification’ data is maintained as part of the general profile of police services,
while gender and indigenous staffing are shifted to the section reporting indicators relevant to all
SDAs under the heading of ‘access and equity’. However, Victoria and Queensland could not
provide data for indigenous staffing for 1999-2000 (the period covered by the 2001 report,
SCRCSSP 2001: 348-50).

These efficiency indicators have remained consistent since 2000 so that by the time of the last
report in 2004, efficiency indictors are reported for each of the four service delivery areas. All
SDAs include the efficiency performance measure of expenditure per person, while road safety and
supporting the judicial process have two additional measures. For road safety and traffic
management these are expenditure per registered vehicle and expenditure per fatal or serious injury
or collision, the latter added in 2003 (SCRGSP 2004: 5.50). Services to the judicial process have
two additional measures of expenditure per person in custodial care; and costs awarded against
police in criminal actions (SCRGSP 2004: 5.59). However, after having these efficiency indicators
in place since 2000 (with the exception of the addition of expenditure on injuries and collisions in
2003), not one of the efficiency indicators could be reported on a ‘strictly comparative basis’ in
2004. This did not mean data was not reported, but rather that different ‘counting rules’ and
different activities undertaken within the SDAs undermined the capacity to report comparable
performance indicators.

Measuring police effectiveness 1995-2004

The development of measures of *effectiveness* for police objectives was even more complex than
those for efficiency and not therefore reducible to a summarising table (for details see Appendix
A). For the first report in 1995 the list of performance indicators for objectives is expansive and largely under-developed. The first objective to ‘protect, help and reassure the community’ had eight outcomes and 16 performance indicators aimed generally at measuring the “formal and informal contact with the community” such as ‘client satisfaction’ and ‘perceptions of safety’. The most unusual of measures concerned the outcome ‘minimise the impact of crime’. This would be assessed by the “value of confiscated assets”, which is more accurately an output of a specific practice rather than anything to do with the impact of crime on the community. Of the 16 performance indicators, only two were provided on a national basis (serious injury and fatalities resulted from motor vehicle crashes and the percentage of stolen motor vehicles recovered). A further nine were identified as either incomplete or ‘not strictly comparable’, with the remaining five not yet developed (see Appendix A).

The second police objective of crime prevention had the one outcome to ‘minimise crime’, assessed by the two performance indicators ‘levels of reported crime’ and ‘victimisation surveys’. This data was provided on a national basis. The final police objective of law enforcement had three outcomes. These were ‘compliance with laws’, assessed only by motor vehicle related indicators (percentages of drink drivers, speeding and wearing of seat belts), none of which had developed performance indicators; the ‘management of detainees’ assessed only by deaths in custody (provided on national comparative basis); and ‘resolution of criminal incidents’, assessed by ‘offender identification’ (not complete for purposes of comparability), ‘bring offenders before the court’ and ‘satisfaction with police prosecution services’ (both yet to be developed).

It was made clear that the “first cut nature” of the first report (SCRCSSP: 1995: vi) meant that considerable work was needed to develop national comparative data on police performance in terms of effectiveness. In other words, the lack of national comparative data on many of the areas of police practice did not represent a ‘failure’. Instead, the incomplete data was seen to represent the need for further work to enhance the expertise and knowledge necessary to translate notions of
comparative performance into practical measures of performance. Indeed, this was reflected in the next report produced in 1997, where substantial changes were made to the performance indicators.

The 1997 report clarified the framework of performance indicators of effectiveness, now to be identified through four broad categories of indicators: outcomes, access, appropriateness, and quality (SCRCSSP 1997: xxiv). This didn’t produce any change to the three specific police objectives, which remained the same, though ‘law enforcement’ and ‘crime prevention’ was now combined as a singular objective (Figure 11.3 SCRCSSP: 662). It did however lead to a significant re-ordering of the performance indicators (see Appendix A). The outcomes were reduced to the objectives, and indicators shifted between the different objectives. Protecting and reassuring the public indicators would now be measured largely through perceptions of safety and police and satisfaction with police services. This was made possible through the implementation of the “first comprehensive, nationally comparable, survey of community perceptions of police” (SCRCSSP 1997: 663). Law enforcement and crime prevention now focused on performance indicators related to the three categories of crimes against the person, crimes against property and road safety.

A similar performance indicator framework was used in the 1998 and 1999 reports, though once again there was considerable movement of the indicators between the three objectives. The key additions were ‘access and equity’ measures (indigenous staffing and deaths in custody) and ‘outcome of investigations’ for crimes against the person and property.

The 2000 report produced significant changes to the performance framework, with performance indicators developed for each Service Delivery Area. In the cases of ‘community safety and support’, and ‘criminal investigation’, the performance indicators were the same as those used on the 1999 report, though now reported separately under each SDA.
Road safety has five consistent effectiveness performance indicators for 2000-2004: use of seat belts; driving under the influence; degree of speeding; crashes and hospitalisation; and perceptions of road safety problems. In 2004, ‘road deaths per 100,000 vehicles’ was added as an effectiveness indicator (SCRGSP 2004: 5.50). Patterns of behaviour (use of seat belts etc.) are measured through national community surveys, while hospitalisation and registration data are readily available from other agencies. Indeed, it is important to recognise that the police efficiency measures rely on the capacity to obtain data from other agencies, indicating that while it might be the case that police have increasingly become knowledge workers communicating risk to other agencies (Ericson 1994; Ericson and Haggerty 1997), other agencies are also engaged in communicating risk concerning police practices.

For services to the judicial process, ‘deaths in custody’ was carried forward from 1999, with three new measures introduced: proportion pleading guilty in the lower courts, proportion found guilty in the higher courts, and proportion of diversions for adult and juvenile offenders. These remain consist in 2004, with the exception of diversions, where adult diversions were excluded from the measure in 2001 (SCRCSSP 2001: 374), reflecting the police reluctance to engage in diversionary programs for adult offenders. In terms of the data reported, deaths in custody are reported for each year. The remaining indicators are reported from 2001 (SCRCSSP 2001: 375-6). However, guilty pleas and guilty findings are not reported in a strictly comparable manner, and juvenile diversions shifts from being reported on a comparable basis for 2001-3 to not ‘strictly comparable’ in 2004.

Finally while the efficiency indicators have remained stable up to the 2004 report, the 2004 report indicates that “a new outcome oriented performance indicator framework” will be produced in the 2005 report (SCRGSP 2004: 5.16).
In sum, we have identified a process of constant reflection on the means of assessing police performance on a national comparative basis. While the literature analysing performance most often focusing on the appropriateness or otherwise of such measures (Brodeur 1998; Langworthy 1999), we have instead concentrated on what measures are developed, and the problems of capturing the necessary data to measure police efficiency and effectiveness. We have identified the constant ‘failure’ across many of the measures to be able to provide national comparative data. However, these failures lead to ongoing attempts to refine the performance measurement framework and search for new forms of knowledge and expertise on police agency practices. Importantly, we have identified that knowledge generated through the practices of other agencies is incorporated into the framework for assessing police efficiency and effectiveness. Furthermore, the national comparative project fosters the development of new knowledge. For instance the attempts to develop efficiency measures shaped techniques for costing or commodifying police services through activity sampling and activity surveys makes police work ‘auditable’ on a national comparative basis, at the same time shaping “the processes that are to be audited” (Rose 1996b: 351).

More generally, the national comparative performance framework seeks to shape customer knowledge of police services to allow assessment of police performance. For governments, the comparative assessments are seen as “an incentive to improve performance … promoting yardstick performance …and enhancing measurement approaches and techniques” (SCRCSSP 2001: 1). It is also promoted as a means to “improve accountability … encourage ongoing performance improvements … and to encourage efficient service provision…” (SCRCSSP 2001: 7). Finally, as a measure of reflection on the utility of comparative performance as a means of governing, a survey of report users conducted by the SCRCSSP found a high level of use and high regard for the data presented in the reports (2001: 8).
Conclusion

We began this chapter arguing for the need to avoid essentialising new managerialism, treating it as a homogenous whole, and assuming it is unproblematically implemented across the public sector. In place of such an approach, we used the term managerialisation to describe a more complex and contested process of change to the techniques of governing police that in turn needs to be examined empirically in specific contexts of jurisdictions and agencies.

The first section identified the different contexts shaping the managerialisation of Queensland and Victoria police. In the case of the latter, we found the ‘slow politics’ of managerialisation (McLaughlin and Murji 2001) concerned generally with enhancing the efficiency and effectiveness of police. In Queensland the Fitzgerald inquiry provided a substantial rupture to the existing ‘settlements’ in the techniques for governing police. The Fitzgerald inquiry radically altered the political and administrative arrangements in Queensland, though what has generally been overlooked is that it was informed by the ‘modern management literature’ and broader managerialisation of governing occurring across the country. It was a case of simultaneously introducing the managerialisation of governing police and a fundamental concern with the control and prevention of corruption, with questions of efficiency and effectiveness increasing in importance over subsequent years. While the different processes (‘slow politics’ in Victoria and ‘radical intensification’ in Queensland) and different emphasis (efficiency and effectiveness and corruption control and prevention) should not be over-stated, these specific political exigencies were found to have important implications for the ways in which the managerialisation of governing police proceeded.

As we identified in the section examining the ‘freedom and constraint’ that shapes the management of police, the concern with corruption in Queensland placed management under particular constraints. For instance, the Minister was given formal powers of direction, including over policy and priorities, and the Criminal Justice Commission was established to
maintain critical scrutiny over police practices and the police discipline framework. At the same time, the Commissioner was granted considerable autonomy over staffing. In Victoria, an ambiguous convention continues to operate in relation to police-government relations, with ministerial directions operating through the Governor-in-Council. Recent inquiries in Victoria have either been supportive of the continuation of this convention or ambivalent of the need to move to a process like that operating in Queensland. This was despite the case that the Minister already has such powers, albeit operating at one step removed via the Governor. However, a key distinguishing feature is that the Victorian ‘convention’ does not have the reporting requirements established in Queensland to ensure reviewability (via comment), transparency and accountability (via reporting) in relation to ministerial directions. The circumstances in Queensland indicate how managerialisation via central direction can enhance the openness of decision-making and increase transparency and accountability.

We also identified how in the case of Queensland the freedom to manage in relation hiring sworn personnel was in conflict with another technique of managerialisation – civilianisation. Civilianisation was viewed by the Fitzgerald inquiry, and subsequent reviews (PSMC 1993; CJC 1994; Bingham 1996) as necessary to changing dysfunctional aspects of police culture, which was identified as the basis of police corruption and inefficiency and ineffectiveness. Without the same freedom over appointing civilian staff, and the entrenched ‘antipathy’ of sworn personnel to the ‘incursion’ of civilian authority over police craft knowledge, the means to achieve the broader project of cultural change via civilianisation was ‘stalled’. In a different manner, we identified how the Victorian Chief Commissioner has been able to use new powers to appoint sworn personnel under legislation designed to establish a ‘performance culture’ within public sector management. At the same time, the Commissioner remains constrained in terms of other aspects related to the freedom to determine staffing (for instance the overall number appointments).
Similar complexity emerges in the examination of the disciplinary framework and the capacity to ‘fire’ police personnel. Put simply, the concern with corruption in Queensland curtailed the freedom of the commissioner, allocating much of the responsibility to the Criminal Justice Commission. In Victoria, the commissioner has been granted more significant powers in recent years, but they have remained more symbolic than of any great practical substance. Only in the days before submitting this thesis has the Chief Commissioner decided to use these powers in circumstances where Victoria Police are alleged to have a serious and systemic corruption problem (Palmer 2004). Furthermore, the most recent changes in Victoria to the power to dismiss police personnel have further undermined the executive authority of the Commissioner. Prior to these changes the Commissioner had the authority for making the final decision, whereas currently the Appeals Board has the capacity to override the Commissioner’s decision. This places considerable constraints on the executive authority’s freedom to manage and is currently the matter of considerable political debate. These examples concerning the power to ‘hire’ and ‘fire’ from Queensland and Victoria highlight the complexity of managerialisation and the need to avoid assuming a coherence or unity in the techniques of managerialisation.

Each of these developments was situated within historical processes that shaped administrative and organisational arrangements. In particular, we identified how the colonial legacy of having jurisdiction-wide police agencies made the issue of minister-commissioner relations central to questions concerning how to govern police. The relative absence of local political authorities engaged in the task of developing techniques for governing police continues to shape further dimensions of managerialisation examined in later chapters, such as the manner in which ‘core functions’ are determined (chapter 5), and the ‘consumerisation’ of police through consultative and partnership arrangements (chapter 6). However, for current purposes, this historical dimension to police-government relations highlights the limits of a simple adoption of the ‘bizarre’ concept of the office of constable as the basis for the independence of police from political authority.
Other recent developments have further undercut the utility of the ‘office of constable’ as a means for understanding police-government relations and notions of ‘independence’. In recent years, the increasing emphasis on the development of performance indicators has had two important effects. First, state police have had to identify discrete programs for service delivery, and develop measurements for ‘outputs’ and ‘outcomes’ for each service delivery activity as part of the negotiations over the delivery of state government policy. Second, as we examined in detail, the Productivity Commission emerged as a site for the development of national comparative performance measures, heightening the emphasis on comparative performance. However, rather than a simple process of aggregating state-level data, the Productivity Commission had to engage in an iterative process of developing and refining comparative performance measures.

The work of the SCRCSSP involved an iterative process of developing national comparative performance measures for Australian police. This process operated relationally with developments at the state level and shaped the development of new forms of knowledge and expertise about police practices. Such a process does not seek to govern directly through detailed regulation and control (as in sovereign modes of governing) but rather operates at a distance, constructing knowledge of the objects of governing as a means of shaping their conduct. The SCRCSSP fosters the commodification of police services through the process of developing efficiency indicators through such techniques as activity analysis. It also shapes the entrepreneurialisation of police through the development of effectiveness performance indicators. We also identified the various limitations of these comparative performance indicators, such as the concerns with the difficulties in developing clearly defined ‘outputs’ and the lack of data for various measures. However, these ‘failures’ have not led to the abandonment of the comparative performance framework but rather ever more detailed effort to capture the means of more fully developed performance measures through the development of new forms of knowledge. After a decade of development, we now await “the new outcome oriented performance indicator framework” to be introduced in 2005 (SCRGSP 2004: 5.16).
In general, the chapter has challenged the way in which we new managerialism is used to analyse the changing techniques for governing police. Rather than a dystopian account based on viewing new managerialism as an homogenous whole unproblematically implemented and uniformly deleterious to governing police, we have identified the process of managerialisation as complex, contradictory and negotiated with at least some prospects for opening up the relatively closed institution of the modern police. By engaging in a comparative study we have further emphasised the need for detailed and historically informed empirical scrutiny concerning how managerialisation of governing police is shaped by political, administrative and organisational contexts. In the remaining chapters we maintain this open-ended stance towards managerialisation, exploring further how the practical translation of the managerialisation of governing has shaped notions of the ‘right way’ to govern police.
CHAPTER 4: RE-MAKING THE ENTREPRENEURIAL OFFICER

Introduction

The idea of one’s life as an enterprise of oneself … is part of the continuous business of living to make adequate provision for the preservation, reproduction and reconstruction of one’s own human capital. This is the ‘care of the self’ …” Gordon 1991: 44)

“The young lady in the Mazda sports car is very attractive and smiles at the young officer in the patrol car alongside at the traffic lights. The officer, following a couple of lengths behind, radios for a vehicle registration check to find out her address.” (Criminal Justice Commission 1995b: 6)

This chapter is concerned with the growing emphasis in governmental techniques aimed at inculcating entrepreneurial, self-governing police officers. Entrepreneurialism is fostered within neo-liberal mentalities of rule through the promotion of responsible, rational and autonomous individuals, governed by the “proliferation of little regulatory instances” (Rose 1993: 298). As the first quotation above indicates, such “regulatory instances” are the practical ways of “evaluating and acting upon one’s self” (Rose 1992: 144). These are what Foucault referred to as the ‘technologies of the self’, the techniques available to “attain a certain state of happiness, purity, wisdom, [and] perfection” (my emphasis, Foucault 1988: 18). The second quotation above provides a mundane example of how police organisations seek to foster the ‘care of the self’ through asking police recruits, first year constables and experienced police to assess the ethics of such conduct. It represents interlinking discourses by being both a condition of and contributing to the QPS as a ‘learning organisation’, testing the ethical temperature of the QPS over time; assessing the extent that the QPS is indeed fostering the right ethical disposition amongst recruits and serving police; and providing a tool for individual police to reflect upon their selves.
As discussed in the Introduction, managerialisation operates relationally with entrepreneurialism to re-shape the meanings that constitute the good police organization and the pure police officer. The key elements of the managerialisation of police have occurred along multiple, uneven and contested lines: enhancing the freedom of managers to manage; excellence; targeted priorities within ‘core functions’; and consumerisation. Each governing technique impacts upon the individual, organisational and broad political level. As Rose (1992: 143-4) argues, entrepreneurialism also operates across three inter-related dimensions – as part of a mentality of rule, at the institutional level and on the ethics of the self.

At the individual level entrepreneurialism works as a normative discourse fostering the values of initiative, self-reliance, risk-taking (du Gay 1994: 659) and the ‘autonomization’ and ‘responsibilization’ of the self (Rose 1992: 149). Entrepreneurialism also works upon institutions - seen broadly as structured practices containing ‘assumptions’ and ‘objectives’ concerning institutional actors – to “maximize certain capacities of individuals and constrain others” (Rose 1992: 144). Finally, it operates as part of the re-thinking of how to govern, through what means and to what ends. Taking these dimensions together, “enterprise links up a seductive ethics of the self, a powerful critique of contemporary institutional and political reality, and an apparently coherent design for the radical transformation of contemporary social arrangements” (Rose 1992: 145).

In the 1980s the notion of enterprise re-entered political vocabulary, most strongly in the UK (Keat and Abercrombie 1991; Heelas and Morris 1992) and United States (Drucker 1985, 1994; Osborne and Gaebler 1992; Gore 1993, V.R Johnston 1996). In Australia too such thinking impacted upon political deliberations. At one point Australia was imagined as the Enterprising Nation (Karpin 1995), a blueprint for political authorities to re-shape the political, cultural and institutional landscape of Australia, which in turn shaped the emergence of a ‘course of entrepreneurialism’ at the sub-national level (McKenna 1996: 213). More recent political
manifestos that work upon notions of enterprise include *Backing Our Ability* (Liberal Party of Australia, 2001) and *Knowledge Nation* (Australian Labor Party, 2001).

In one telling example of this exhortation to be entrepreneurial, the Commonwealth Auditor-General indicated that “results are what ultimately count”, that there must be “vitality, innovation and overall performance in the public sector” (Barret 1997: 104). He went on to characterise this new institutional environment in the following terms:

> In an environment of devolved authority, we are placing increased emphasis on personal accountability for performance, including effectively managing risks, with guidance rather than instruction. (1997: 104).

Furthermore:

> For public servants, the challenge is to continue to innovate, to remain motivated and enthusiastic about serving the public interest (Auditor-General for Canada 1995: 23 cited in Barrett 1997: 105).

Increasingly government bureaucracy is seen as stifling the development of individuals who are more market-oriented, proactive and have an ‘entrepreneurial disposition’ (Du Gay1994: 656).

We can identify notions of entrepreneurialism at the centre of recent Home Office deliberations in London concerning the ‘earned autonomy’ of police agencies. Under ‘earned autonomy’ there are to be “more freedoms for good performing public services” (Home Office 2003: 28).

In relation to police organisation, such freedom would include ‘lighter touch’ inspections by Her Majesty’s Inspectorate of Constabulary and freeing up specified or ‘ring fenced’ Home Office grants and other ‘new initiatives’ (*ibid.*). Conversely, those agencies (or individuals) that ‘fail’ to meet new standards of “required competence, prudence and self-restraint” (Hope and Sparks 2000a: 3) and new forms of ‘ethical subjectivity’ (Rose 2000: 335-6) and ‘earned autonomy’ (Home Office 2003) are consigned to ever more intervention and correction through audit, inspection and regulation.
For some time now it has been recognized that managing police officers demands considerable effort and significant resources of police organisations (Manning 1979) though this says nothing about how, through what means and why particular techniques of governing the police officer occur. From such invocations as becoming a ‘learning organisation’ (Bill Roberston, 1995: 54-5, Assistant Commissioner, Training, Victoria Police) comes the exhortation to take responsibility for ‘care of the self’. As Anthony Bouza (then deputy chief of the New York City Transit Police) submitted to the United States National Advisory Commission on Higher Education for Police Officers, the proper aim of police education

is to turn out the Renaissance man ... a man of thought and action, a man at home in the world of ideas, who would nevertheless actively confront, on the basis of these ideas, the situation on the streets of the cities (Sherman and The National Advisory Commission on Higher Education for Police Officers (1978: 42).

More recently, the Commissioner of the Australian Federal Police has argued that the “police officer of the future must emerge as a responsible professional who is self-regulating in his/her personal conduct, who accepts accountability as an important personal challenge” (Palmer, M. 1995: 5). In turn, the ethical officer can be trusted to be entrepreneurial problem-solvers. In organisational terms, police agencies become a ‘meritocracies’, practitioner centred, engaged in ‘best practice’, focused “on results rather than activities and which actively rewards creativity, initiative, and problem solving” (Lauer 1995: 101, the then Commissioner of the New South Wales Police 1991-1996).

Indeed, the Victorian police are now given the responsibility to ‘test’ themselves about the ethics of their actions through the cognitive ethical map of the Victorian Police S.E.L.F test (VPAR 1997-98) Introduced in February 1998, this self-reflective ‘test’ provided to Victorian police indicates that “Ethical standards is a matter for yourself (S.E.L.F)”. This test directs the police person to considering whether their actions will withstand Scrutiny; whether the actions are Ethical according to policies, practices, procedures, “our Code of Ethics, Code of Conduct and the law”; whether they are Lawful; and finally if the “decision is Fair on the community, your colleagues, your family, yourself and others” (Victoria Police nd). Notice too that it is
‘our’ Codes, the ‘our’ directed at promoting a sense of unity and ownership among police. This sense of ownership is emphasised in the Chief Commissioner’s Foreword where consultation in the development of the Code is stressed, making it “a document which you and your colleagues have helped to create”. Further, the Code also seeks to break away from detailed rules and regulations, indicating that the Code cannot detail every possible situation likely to arise; therefore it should not be seen as a set of absolute rules. Rather it is intended to offer practical guidance, based on a commonsense approach, to help you make ethical decisions (ibid.)

Here, the ‘little theatres’ of everyday officer practices are provided with a template to shape “one’s trivial little habits of the soul” (Valverde 1998: 38). In short, the governing techniques developed to shape entrepreneurial behaviour seek to ‘free the spirit’ (Morris 1991) of police, governing “through regulated choices made by discrete and autonomous actors” (Rose 1996:b: 328). Police are made responsible for their own government through ethical training, guidelines and cognitive devices such as the Victoria S.E.L.F test. We can see therefore, the emergence of a new ideal of the ‘good’ police officer - one I will term the entrepreneurial officer. Amongst the grand plans for organisational reform and new policing styles, the key technique for the development of the entrepreneurial officer has been the shift from ‘seniority’ to ‘merit’ as the basis for recruitment and career advancement in contemporary police. As Commissioner Lauer indicated above, it is ‘meritocracies’ that foster creativity and initiative – entrepreneurial policing - and this shift to ‘merit’ forms the empirical focus of this chapter.

The historical development of entrepreneurial police

Before proceeding with the examination of recent efforts to re-make the entrepreneurial officer and to make police more entrepreneurial at the organisational level – to seek to govern through notions of enterprise - we need to recognise the longer-standing place of enterprise within policing. First, there is the direct notion of enterprise in the economic sense (Schumpeter 1961), something that has always been present (Perkin 1992). In the field of policing, this is most obviously identified with forms of ‘private’ policing in its contemporary forms (Johnston 1992,
Ascoli 1979; Critchley 1972; Emsley 1983b; Paley 1989). In order to identify the longstanding relevance of entrepreneurialism to policing we can briefly consider two examples of analysis of entrepreneurial forms of policing: the ‘New Improved Monied Police’ in late eighteenth century London (McMullan 1996) and the ‘entrepreneurial police’ of nineteenth century America (Levett 1975, chapter two). Following this we shift our attention to entrepreneurial policing in Australia.

**The London ‘monied police’**

McMullan’s analysis of policing in London links entrepreneurial policing to the opportunities provided by ‘law’, most particularly the reliance on ‘personal prosecution’ (1996: 86 and see generally Hay and Snyder 1989). Reforms to policing in the second half of the eighteenth century ‘commodified’ policing, not only in terms of ‘tangible security products’ but also the more symbolic ‘security attributes’ or the feelings and emotions of security (1996: 103). By identifying the commodity of security and policing with specific personnel, and linking policing institutionally to the police offices of the magistracy, policing for profit was consolidated by police reformers such as the Fielding’s, albeit still somewhat “diffused and decentred” (1996: 104). This was a “renovation of private policing methods” (1996: 93), transforming places such as Bow Street “into a small police bureaucracy” (1996: 98) operating as “private stock exchanges in policing services” (1996: 99).

Central to McMullan’s analysis is that in order to make policing a community service as embodied in the London Metropolitan Police of 1829, policing had to be detached from the commodity form, which meant the “de-privatization and the re-formation of policing” to enable a more effective means for producing order (emphasis original, 1996: 105). This “new strategy of de-privatized policing” (Shearing 1995: 73) involved a process of re-locating the machinery of policing within the state, staffed by ‘professionals’ who would be preventative or future-
oriented. As Shearing (1995: 82) identifies, such efforts to de-privatise policing ‘failed’, as the reality was that the new police had to rely even more so on the information from citizens. In doing so, policing “became even more retrospectively focused than ever” with the effect that policing “was re-privatised rather than de-privatized” (Shearing 1995: 82). Despite the ‘failure’ in the transformation of policing McMullan has identified the entrepreneurial character of pre-Peelian policing in its economic and cultural forms, and the ‘de-entrepreneurialisation’ involved in the move to the New Police.

American entrepreneurial police

Levett’s account of entrepreneurial police is concerned with analysing the unification or centralisation of policing in early to mid-nineteenth century America. The unification of policing involved a process of locating diffuse police roles under a single “command accountable to the Mayor and Council” (1975: 3). Levett rejects approaches that view the pre-unification policing arrangements as either the continuation of a long tradition of policing drawn from England, or as merely an inadequate “forerunner of the departments which were to follow” (1975: 39). Rather, his approach is to analyse policing arrangements as particular to the demands of the time, most notably the shift from the “preservation of morality to the protection of property” (1975: 41). Levett argues that ‘entrepreneurial relations’ are characterised by: “minimal hierarchy of offices, the actors operate for maximum individual rewards in competition with each other, and are recruited to office on the basis of their competitive ability at the tasks for which the reward or pay is offered.” (1975: 40)

Levett identifies four forms of ‘public’ police office operating in the 1840s – watchmen, constables, City Marshal or High Constable and Day Police, and private watchmen and detectives (1975: 42-51). These policing forms varied in terms of what Bayley and Shearing have recently labelled ‘the new structure of policing’: questions of who auspices or determines policing measures; who is responsible for employing the policing measures; who provides the
services; what resources (monetary and legal) are provided; and what forms of accountability exist (Bayley and Shearing 2001). For instance, Levett indicates that some police were part time (watchmen), some full time (constables, City Marshal) or a mix (Day Constables). The funding of police work also varied, with constables employed at the local ward level, whereas the other forms of policing were ‘controlled’ or ‘directed’ through fees and rewards from a range of city officials and from private citizens (Levett 1975: 1-2).

The ‘entrepreneurial police’ identified by Levitt did not need to distinguish between ‘public’ and ‘private’ activities (1975: 6-7) and were not confined geographically, or by what Levett refers to as their “communities of accountability” (1975: 6). In the early nineteenth century increasing concerns about the protection of property led to a shift from an unpaid citizen watch to payment for nighttime patrol work, with citizens given the right to hire watchmen with limited police powers (1975: 20-1). These different forms of police were encouraged to operate “in an entrepreneurial way” through the use of fees and rewards (1975: 21).

In these two accounts entrepreneurial police are shaped by the economic rewards offered for certain policing activities. In McMullan’s case, entrepreneurial police is viewed as ‘policing for profit’ and contrasted with ‘community service’ police (1996: 104). However, as Levett identifies, entrepreneurial police operated across the public/private divide, shaped by the extent individuals were able to “exercise individual initiative … within an organizational framework that had certain minimal features defined by rational-legal authority” (1975: 40). It is this latter sense of entrepreneurial police, the efforts to foster innovation, initiative and risk taking that informs this thesis.

There does, however, remain a key limit to both accounts. McMullan and Levett each ultimately reduce entrepreneurialism to the economic level such as the presence of fees and
rewards. Spitzer and Scull (1977: 19-20) refer to this type of policing as ‘piece-work’ or payment by results. They argue that in America and England early police personnel (i.e. before the new bureaucracies in the early to mid-1800s) were more “private entrepreneurs than public servants” (Richardson 1970: 30 cited in Spitzer and Scull 1977: 20). As all of these accounts are concerned with policing prior to the emergence of ‘rational bureaucratic’ police agencies, economic benefits were provided via fees and rewards as opposed to the internal and ‘indirect’ rewards offered within a bureaucratic structure such as tenure, promotion and non-economic elements such as status and ‘job satisfaction’.

These latter bureaucratic rewards point to our concern with the non-economic aspects of entrepreneurial police, taking us beyond the linkage between enterprise and competitive markets (Marquand 1992: 61-2) to thinking of enterprise as a ‘formal virtue’ (Skillen 1992: 80) rather than limited to ‘self-seeking’ economic activities. However, given the informal existence of the omnibus ‘ways and means act’ within policing, the ‘formal virtue’ of enterprise in policing has to engage with the activities and the goals of police practice: enterprising activities are to be circumscribed or limited to specific forms or activities. For instance, police have a considerable capacity within legal means to act against certain people or places, using more or less force (Dixon 1997). In the circumstances where legitimate use of force occurs, the content of the activities becomes important for reasons other than whether or not the activities are enterprising, such as whether the actions are ethical and legal and meet community expectations concerning justice, equity and fairness. In this way, the ‘formal virtue’ of enterprise in police agencies needs to be constructed in particularistic ways. We return to this issue in the Conclusion, where we address enterprising police in terms of the issues of ‘authorisation’, ‘resources’ and ‘accountability’ (Bayley and Shearing 2001).
Early entrepreneurial police in Australia

Did entrepreneurial policing occur in Australia prior to the New Police being established and/or since? The simple answer to this question is ‘yes’, on both accounts. In the first instance there were specific forms of police in which economic rewards were provided for certain practices. The examples are many but two will suffice to make the point. First, some early police forms used fee revenue to fund the operation of police. A case in point was the Border Police of 1839-1846, funded from taxation on stock. The function of the Border Police was to patrol ‘unsettled’ districts and ‘keep the peace’. But they also had additional tasks such as conducting statistical surveys of stock holdings, which in turn were the administrative mechanism for collecting tax from landholders and leaseholders and were the basis of the funding for the Border Police. This led landholders to claim that the Border Police devoted their energies to tax collection rather than providing ‘protection’ to the landholders against the ‘depredations’ of the Aborigines (Palmer 1990: 41-5, Sturma 1983: 169). In other words, the police work was shaped by the economic rewards attached to certain practices.

A second example concerns the use of ‘fine sharing’, otherwise referred to as moieties. In the mid-nineteenth century it was still common to have the person prosecuting an offence receive any fines awarded by the courts. More directly, police were able to share in the fines awarded for certain offences such as ‘drunkenness’ where they acted as the informant and prosecutor. This issue was addressed explicitly in Victoria in the Snodgrass Committee of 1852 (whose recommendations led to the colony-wide police) where it was commented by a serving police officer that a significant amount of additional money could be obtained through moieties (Q. 832). Further, the magistrates were quite aware of the greater willingness of the police to prosecute where a moiety was available (Q. 444) and were increasingly unwilling to impose financial penalties where the alleged offence occurred late at night without any evidence save for the police officer who had a financial stake in the penalty (Q. 386-7). The use of moieties was changed by the 1853 Act (s. XXX) whereby all fines collected were payable to a Police Reward Fund, which was distributed to widows of police or used for other “rewards, gratuities,
bounties, pensions, and other allowances” as determined by the rules and regulations promulgated by the Lieutenant Governor.

Though different in terms of the benefits that accrue to individuals (the former an institutional funding mechanism, the latter individual ‘rewards’), these two examples from the period just prior to the introduction of the colony-wide New Police are indicative of forms of economic incentives used to shape police practices. While the introduction of colony-wide police forces signalled the desire to disarticulate direct economic incentives from police work this was by no means immediately realised. In many instances police continued (and continue) to perform ‘extraneous duties’ that attracted additional economic rewards. For instance, in Queensland the police continued performing a range of additional duties in the late nineteenth century, acting as clerks of petty sessions, crown land rangers, bailiffs and animal inspectors (Ross Johnston 1992: 61-7, and see the following section). Such work either attracted additional payment (clerks received a payment equivalent to approximately one-fifth of a constable’s wage), or alternatively the officer received payment through fine sharing such as in the case of breaches against timber regulations (half share) or through fees for inspecting animals (fees retained by the inspecting police until 1890 when the fees were paid into the Police Reward Fund).

Indeed, such practices were of concern to the Queensland Civil Service Commission (1889), which found that Police Inspectors were also able to enhance their financial position by taking charge of Gold Escorts, an activity that provided “double allowance for travelling” without there being any real need and simultaneously taking them away from their general duties to “supervise, direct and inspect” as stated in the Police Manual (1889: XIX, see Police Manual p.141, paragraph 1). More recently, the Royal Commission into Aboriginal Deaths in Custody (1991) identified police profiting from the allocated task of providing prisoners in police cells with meals by supplying meals at a much lower cost than the official meal rate.
Nonetheless, following the introduction of the new police model, increasingly police work became tied to a ‘command and control’ structure, following rules and obeying orders - a ‘de-entrepreneurialisation’ of police work. ‘Incentives’ were re-located into the rewards from the bureaucratic structure and until relatively recently quite differently constituted in ‘non-entrepreneurial’ terms. For instance, upward movement through the police bureaucracy has been based on ‘seniority’ (i.e. length of service and at times other ‘rankings’ such as those based on the results from internal examinations) rather than ‘merit’ of performance.

Early Australian attempts to introduce ‘merit’ to selection procedures to enhance the “acquisition and exercise of enterprising qualities” (Keat 1991: 4) failed to generate the necessary political support to be workable. Best known amongst these was the attempted reforms by Chief Commissioner Brigadier General Thomas Blamey, appointed as Victorian Chief Commissioner in 1925. Blamey came to the position of Chief Commissioner following the Monash Royal Commission (1924-5, Monash 1925) into the ‘efficiency’ of the Victoria Police and the causes and consequences of the 1923 police strike (Haldane 1995: 181; Brown and Haldane 1998). Blamey wanted a promotion system based on “examination results and ability, rather than seniority” (Haldane 1995: 203). Blamey stated that:

> The police force of Victoria today is suffering very greatly in its efficiency …It can never really become an efficient force until the most able men are given opportunity to attain the highest positions without having to wait for the passing of men of poorer abilities…The seniority system of promotion is the worst factor in the police system of this state (quoted in Haldane 1995: 203).

While the Police Association opposed Blamey’s plans, the Government in July 1929 adopted them. However, an election in November 1929 provided the opportunity for a vigorous campaign by the Association. The Association lobbied every candidate in what ended up “close to being an open endorsement of the Labor Party” (Haldane 1995: 204). Labor won the election and deferred implementing the promotion regulations until after the completion of a review. Despite Blamey’s efforts, the political lobbying of the Police Association and the more general “passive resistance of a force committed to promotion based upon seniority” meant the merit-based promotion system ‘disintegrated’ (Haldane 1995: 207).
Though there were ongoing efforts to limit the use of seniority as the basis of promotion in police agencies generally (Wilson and McLaren 1972), from the 1960s we can identify the beginnings of the re-emergence of entrepreneurialism as part of the re-formulation of responses to the questions concerning how to govern police and through what means. But to become governmental, entrepreneurialism has to be embedded in practical techniques developed to shape the conduct of police. This occurred through two forms of problematisations. First, there have been increasing concerns with gender and equity in relation to appointments and promotions. This has been identified as police being ‘unrepresentative’ of the broader community due to the low number of policewomen. Second, while the internal reward structure maintained seniority as the basis of advancement in police agencies, seniority was increasingly viewed as limiting the possibilities for ‘good policing’. Merit became a technical means of promoting entrepreneurialism in police by addressing governmental problems concerning ‘gender and equity’ and the ‘deadening mediocrity’ (Chappell and Wilson 1969: 166) of seniority as the basis for career advancement. In this way, rather than a distinct mentality of rule or new cultural form represented by the term ‘enterprise culture’, notions of enterprise and its technical forms is part of neo-liberal political rationality. The following section outlines the general attributes of entrepreneurialism. We then examine in detail the practical development of merit as a key technique developed to shape entrepreneurialism in the Victoria and Queensland police.

**Attributes of entrepreneurialism**

Contemporary entrepreneurial police involves a number of attributes that can be distinguished from economic exchange. This new entrepreneurialism embraces and exhorts initiative, self-reliance, risk-taking and responsibility, energy, independence, boldness, creativity, and flexibility (du Gay 1996; Keat 1991; Morris 1991; O’Malley and Palmer 1996). As Keat has argued, enterprise culture has extended beyond ‘economic liberalism’ with its appeals to the market and a non-interventionist state, to a programme increasingly represented in cultural terms “concerned with the attitudes, values and forms of self-understanding embedded in both individual and institutional activities” (1991:1).
Thus the cultural programme of entrepreneurialism is more than Cohen’s (1979: 128) description of police as “moral entrepreneur[s] of public propriety”, for enterprise culture extends into all domains of the police institution and police practices. As Barbara Etter, the then Assistant Commissioner of the Northern Territory Police and now Director of the Australasian Centre for Police Research has argued, Australian police must engage in ‘mastering innovation and change’ (Etter 1995), led at the front by “the development of entrepreneurial police leaders” (my emphasis, Munro 1989: 84). For too long, police leaders had obtained their positions on the basis of seniority (Etter 1995: 282), resulting in much ‘dead wood’ amongst senior police according to the then commissioner of the Australian Federal Police (Palmer, M. 1994: 85)

The ‘elasticity of the concept’ of enterprise promotes the commercial enterprise to a ‘paradigmatic status’ as “the preferred model for any form of institutional organization”, shapes the ‘de-differentiation’ of organisational forms (such as that between the ‘private’ and ‘public’ sector) and fosters ‘flexibility’ and ‘responsiveness’ to the consumer (Keat 1991: 2, 8). As Clarke and Newman indicate public entrepreneurship is constituted within new managerialism as the antithesis of bureaucracy:

For the new managerialism, bureaucracy embodied and exemplified the worst features of corporate ossification: an approach to corporate organisation that systematically privileged stability over adaptation, repetition over innovation, rules over responsiveness, hierarchy over performance, and roles over people. (Clarke and Newman 1997: 45)

But implementing the new managerialism is not just a process of freeing up the natural instincts of individuals through ‘de-bureaucratisation’. Rather, the “acquisition and exercise of enterprising qualities must be encouraged” and individuals “trained in the virtues of enterprise” (Keat 1991: 4, 5). The shift from ‘seniority’ to ‘merit’ is precisely concerned with fostering such ‘virtues’. In turn, this creates tensions between what Webb (1999: 747, 756-7) refers to as ‘entrepreneurial strategists’ who embrace these new qualities, and those ‘old-style professionals’ who hold on to the ‘bureaucratic mentality’.
As Etter (1995) has argued, Australian police have had the ‘wrong’ organisational structures akin to Mintzberg’s ‘Machine Bureaucracy’, authoritarian management styles, and a generally conservative culture oriented towards the status quo. These ‘problems’ have been entrenched by the continual reliance on seniority and a ‘rule bound environment’ that have together combined to create an environment in policing that has “stifled innovation and initiative” (Etter 1995: 282-33). However, this has begun to change in “more recent years …[as] change has been increasingly generated from within” (Etter 1995: 283). The collection of articles by senior police in Etter and Palmer (1995) is indicative of the ongoing struggles to develop enterprise culture and enterprising individuals within police. The question has now become one of how best to ‘innovate’: through the slow process of incremental change embodied in Australian Federal Police Commissioner Mick Palmer’s aphorism of ‘slowly, slowly catchee monkey’, more radical transformation or a combination of the two (Palmer 1994: 89 cited in Etter 1995: 297). Whatever strategy for change is chosen, there is today “a clear commitment to become more proactive, to anticipate and prepare for change, and to adopt more of a leadership and partnership role” to foster entrepreneurial police (Etter 2001: 25)

Following Keat (1991: 5-6), a ‘more fully articulated vision’ of enterprise works upon four broad features outlined in Table 4.1, with corresponding techniques used by police agencies to foster such characteristics and the officer characteristics to be produced. First, individuals must take responsibility for their actions, becoming self-reliant rather than depending on others to make decisions. To foster this ‘responsibleization’, police agencies develop mission statements and a code of ethics for pastoral guidance on decision-making. Further, the ‘entrepreneurial police leader’ will develop within the organization a “substantial bias towards action … [by] … loosening the bonds of regulation and convention” and encouraging “a free flow of information … laterally and diagonally, as well as vertically” (Munro 1989: 87).
Second, action must be oriented towards specific goals (core functions and performance indicators) and the results of these efforts monitored and evaluated (performance measures).

Third, ‘problems’ become ‘opportunities’, situations to display the attributes of entrepreneurialism as a problem-solver (community and problem-solving policing, ‘what works’ and ‘best value’). To enable innovation, police leaders need to embody “openness to experimentation … [and] …a tolerance of failure” (Munro 1989: 87). Indeed, a failed project can be a ‘good’ failure when “experimentation, innovation and creative behaviour” are invested in a well planned and executed experiment that does not work in its own terms, but provides organisational benefits from which the police agency can learn (ibid.).

Finally, enterprising individuals and organisations are highly attuned to the pursuit of rewards and thus responsive to incentives, competing with each other (individually and organisationally) as “spurs to greater efforts” rather than envy or resentment (Keat 1991: 6, ‘league tables’, benchmarks and performance culture). However, this is not a Darwinian struggle producing a survival of the most entrepreneurial, but rather the production of “a dynamic climate of ‘cooperative competition’” (Munro 1989: 88).

**TABLE 4.1 ENTERPRISING POLICE**

<table>
<thead>
<tr>
<th>Enterprising characteristics*</th>
<th>Police organization techniques</th>
<th>Officer characteristics</th>
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</thead>
<tbody>
<tr>
<td>Responsibilised &amp; self-reliant individuals</td>
<td>Code of ethics</td>
<td>Ethics and ‘care of the self’</td>
</tr>
<tr>
<td>De-bureaucratisation</td>
<td>Core functions &amp; performance measures</td>
<td>Personal performance reviews</td>
</tr>
<tr>
<td>Action oriented to specific goals</td>
<td>Problem-solving, ‘what works’, ‘best value’</td>
<td>Innovative and experimental problem-solving officer</td>
</tr>
<tr>
<td>‘Problems’ as ‘opportunities’</td>
<td>Merit in recruitment and promotion</td>
<td>Responsiveness to incentives</td>
</tr>
<tr>
<td>Pursuit of rewards</td>
<td>‘Cooperative competition’</td>
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* Enterprising characteristics based on Keat (1991: 5-6)
As one of the key international exponents of entrepreneurialism argues, it is through the development of institutional techniques to foster these attributes and practices that an ‘Entrepreneurial Society’ can emerge, a society where innovation and entrepreneurship become “systematic, organized, purposeful activity” and are treated as disciplines in their own right to be learnt and applied in institutional settings (Drucker 1994: ix-x). Indeed, more recent developments suggest that entrepreneurship is increasingly embedded commercially, culturally and in academia, albeit remaining fragmented (Thornton 1999).

While remaining agnostic or sceptical about blueprints such as Drucker’s ‘Entrepreneurial Society’, entrepreneurialism is currently shaping the techniques for governing police in several ways. For instance, the use of a Code of Ethics to guide police officer behaviour has become a standard feature of the institutional architecture of contemporary police agencies (Kleinig 1996, 1999; O’Loughlin and Billing 2000; Neyroud and Beckley 2001). Further, there are ongoing efforts to develop ways of determining ‘core functions’ of police to enhance the efficiency and effectiveness of police (see chapter 5). Similarly, claims of problem solving and problem-oriented policing as the organising principle to police operational practices are now central to police reform in Victoria (Comrie 1999), in Queensland (QPS Strategic Plan 1999-2001; QPS Strategic Plan 2001-2005) and internationally (Goldstein 1979, 1990; Toch and Grant 1991; Scott 2000; Metcalf 2001; McDonald 2002; Bopa 2003).

A central feature of the reforms directed to enhancing entrepreneurialism is the need to ensure the ‘right person in the right place’, an ethical officer skilled in being able to deliver core services creatively, to be innovative and to engage in problem-solving. The key technical means to shape the emergence of entrepreneurial police is the development and implementation of merit as the basis for recruitment and career advancement. At the same time, merit is viewed as a means of protecting against the fundamental concern with patronage and corruption in the
appointment, promotions and transfers of police personnel (for detailed examples of the links between patronage and corruption in the Queensland Police see Fitzgerald 1989: 74-85, 253-6). As NSW Commissioner Lauer stated (1995: 101), ‘meritocracy’ is the basis for entrepreneurial policing.

Of course, merit-based recruitment and promotion systems have their own limitations. On the one hand, Anechiarico and Jacobs (1996) argue that *The Pursuit of Absolute Integrity* through the use of merit-based recruitment and promotion system has long been recognised as potentially “slow, inflexible, and ineffective” and “impedes recognition of true merit” (Stanley 1963 cited in Anechiarico and Jacobs 1996: 37). However, Anechiarico and Jacobs are concerned with the disciplinary or ‘panoptic vision’ of corruption control mechanisms operating on police (1996: 23), rather than understanding merit as a practical technique or tactic to manage police “in the pursuit of perfection …” (my emphasis, Foucault 1991: 95). In other words, we need to understand merit as a tactic of governing chosen over seniority to address competing governmental concerns of performance and nepotism. On the other hand, as Finnane argues, “the difficulty of the merit criterion in work where qualitative judgement is essential provokes the charge of favouritism or nepotism” (2002: 203). Thus the construction of the meaning and practical content of merit needs examination. Taking these two points together, we have argued above that merit has developed as a tactic of governing within the broader shift to neo-liberal mentalities of rule, seeking to shape the conduct of police in ways that enhance entrepreneurialism. Second, we need to examine how the merit-based systems have developed and been implemented as a governmental technique to shape police “customs, habits, ways of acting and thinking …” to achieve specific ends (Foucault 1991: 93). In the following section we examine how merit-based recruitment and career advancement have been developed as a *technique* for governing police officer behaviour in Victoria and Queensland, attempting to foster the development of an entrepreneurial police organization, at one and the same time ‘making up’ (du Gay 1994) and ‘Freeing the Spirit’ (Morris 1991) of the entrepreneurial police officer.
From ‘deadening mediocrity’ to merit

In the late 1960s and early 1970s merit was increasingly seen to be the ideal for progress through the police hierarchy. In attempting to foster the transition to merit in his review of the Victorian Police, the perambulating inspector Colonel Sir Eric St. Johnston (previously Her Majesty’s Chief Inspector of Constabulary 1967-70, appointed to ‘inspect’ the Victorian Police Force in 1970) criticised as being “most undesirable” the Victorian Police use of seniority as the basis for promotion (1971: 64). St. Johnston identified the following attributes that would constitute merit: “leadership, sound judgement, strength of character, integrity, hard work, enthusiasm, tact, ability to delegate...” as necessary to “get men with young minds, full of vitality and receptive to new ideas in positions of responsibility” so as to “achieve a virile Force…” (1971: 64). Merit was clearly masculine, but it was also seen as the technical means for overcoming the ‘dull compulsion’ (Metcalfe 1988: 199, cited in Ezzy 1997: 430) to the rules and regulations of the police agency.

At the same time as St. Johnson’s review, Chappell and Wilson described seniority rules as producing ‘deadening mediocrity’ (Chappell and Wilson 1969: 166 and see 1969: 81-4, 163-7). It has only been in the latter half of the twentieth century that promotion by ‘merit’ became part of the bureaucratic reward structure, and even then was fiercely resisted by police associations (Chappell and Wilson 1969: 166-7; Wilson and Western 1972: 81, 87; St. Johnston 1971: 64-73; O’Gorman 1994 cited in CJC 1994a: 126; Finnane 2002: 203-6) and more recently generally ‘distrusted’ by police (CJC 1994a: 117-37; Bingham 1996: 108-118) and seen by police personnel as ‘biased’ and lacking ‘fairness’ and ‘consistency’ (Criminal Justice Commission 2000).

In this shift from ‘seniority’ to ‘merit’ we can identify the beginnings of the technical means for the reintroduction of notions of entrepreneurial characteristics in police organisations, providing new forms of rewards for enterprising activities such as “the pursuit of individual excellence”
(Fitzgerald 1989: 253). But ‘merit’ is not an unambiguous concept, not readily and unproblematically accepted by police, and to this day remains contested within policing (CJC 2000). For instance, while Victoria Police continues to attempt to ensure that merit underpins recruitment and promotion, at the same time it is recognised that there are certain areas where merit might be undermined, such as in equity and equal opportunity (Latta 1998; Auditor General 2002). In Queensland, merit has been particularly problematic in the area of promotions (CJC 2000). We will address each jurisdiction in turn.

**Merit, equity and gender in Victoria**

Men have dominated employment in police agencies. Even today women make up less than one-fifth of the sworn personnel in Australian police and tend to be concentrated at the lower, sub-officer ranks. The relative lack of women across police agency ranks has been explained by the lower proportions of women in police agencies (Kanter 1977; Brown and Heidensohn 2000; Prenzler 1994, 1996, 1998); the dominant masculine culture of police agencies (Heidensohn 1992; Chan 1997, 2003) and the related perception that women are not up to the task of police patrol work (Martin 1980).

In addition to the increasing academic and professional interest in women in policing, a range of laws at the Federal level and corresponding legislation at the state level, have addressed equal opportunity (Human Rights and Equal Opportunity Commission Act 1986 and see for instance the Victorian Equal Opportunity Act 1978 Vic., substantially revised in 1984 and again in 1995; for Queensland the Equal Opportunity in Public Employment Act 1992) racial discrimination (Racial Discrimination Act 1975 Commonwealth); sexual discrimination and harassment (Sexual Discrimination Act 1984 Commonwealth) and disability (Disability and Discrimination Act 1992 Commonwealth; and see Anti-Discrimination Act 1991 Qld). This series of legislative interventions increasingly problematised the employment practices of the police agencies and intersected with the concerns about police performance and notions of merit.
From the late 1980s the issue of merit was ‘problematised’ within the Victoria Police in specific ways. There were concerns with the need to address the ‘equal employment opportunities’ for women generally, and more specifically the concern that women were not increasing as a percentage of the sworn workforce and largely remained at the lower points on the rank hierarchy. To identify the nature of these problems in 1990 the Victoria Police completed an internal review of the impact of ‘equal opportunity’ legislation on merit and equity in Victoria Police. This review led to a range of initiatives designed specifically to increase the percentage of women in sworn ranks entering police work, and efforts to address the even more imbalanced ‘absence’ of women in the higher ranks (Victoria Police Research and Development Department, 1990). In turn, this review received significant criticism for not fully addressing the barriers of entry and career opportunities for women (McCulloch and Schetzer 1993; Prenzler 1996).

A further internal review was conducted in 1998, analysing the impact of the reforms introduced following the earlier review. The following analysis focuses largely on the 1998 review and subsequent developments, as the review encompasses the findings of the 1990 review, analyses the impact of equal opportunity reforms introduced between 1990 and 1998, and establishes merit is the key technical means for governing the recruitment and advancement of police.

The Chief Commissioner established the Latta Review “to validate the appropriateness and effectiveness of [previous] initiatives to ensure the Force is seen to be a leader in equity policy and practice, compared to other forces…” (my emphasis, Latta 1998: 33, Appendix 1). While the Latta Review was not concerned with gender only, by far the majority of recommendations in relation to ‘equity policies’ concerned the need to increase the percentage of women amongst
police ranks overall, and enhance internal procedures to enable women to move up the police rank hierarchy. For instance, Recommendation 1 was:

That Police Command undergo an extensive equity awareness training and critical reflection program as a matter of priority, utilising a series of speakers as part of its normal fortnightly Command Conference (Latta 1998: 21).

This is a relatively brave recommendation as it is directed at the top of the organization and specifically identifies a lack of knowledge and skill amongst police managers in an important policy area. Further, the list of suggested speakers is dominated by organisations concerned with the ‘status of women’ (Women’s Trust, Women’s Council, Office of Women’s Affairs, and perhaps the label ‘feminist lawyers’) with some residual place for organisations and individuals concerned with equity issues beyond gender (Equal Opportunity Commission, equity practitioners and perhaps the general label of ‘academics’, Latta 1998: 21). In general though it is clear that equity has been largely seen in terms of gender proportions and rank.

The Latta review indicated that despite significant policy and program development emerging from the 1990 review of ‘equal opportunity’ the percentage of women in the sworn ranks “has essentially remained at approximately 14% since 1987-88”, which is against the national trend of increasing percentages of women in the sworn ranks (Latta 1998: 16). The lack of increases in women in the Victoria Police was attributed to the lower rate of applications from women (approximately one quarter of applicants), and factors related to the attrition rate of women. In turn, these are related to our concern with the principles of merit. As the Victorian Review indicated:

Anecdotal evidence suggests there are informal barriers to under-represented groups entering different parts of the Force and senior ranks, or at worst a perception that women are not suited to certain areas of law enforcement. (Latta 1998: 19)

There are several additional noteworthy aspects of the Latta Review and subsequent policy developments. First, much of the emphasis is directed at the ‘numbers game’, identifying
potential problems that impact on the number and relatively junior rank of women. Having such a numerical imbalance undermines the police agency claims to being ‘representative’ of the community it ‘serves’, itself an adjunct of the legitimating doctrines that the ‘police are citizens in uniform’ and the ‘police are the public and the public are the police’ (Haldane 1995). The gender of police employees is also a highly visible characteristic of information about police. The publicly reported data on Force demographics contained in the police annual reports clearly identifies ‘male’ and ‘female’ in personnel totals and in rank positions. However, it should be noted that the comparative data produced at the Federal level by the Steering Committee for the Review of Commonwealth/State Service Provision (SCRCSSP) has focused on overall expenditure, including average salary cost and proportion of ‘sworn’ and ‘unsworn’ staff: an elision of gender from the economic focus of efficiency and effectiveness measures (see for instance 1995 Figures 7.1 and 7.3 and Table 7.2 and 7.8. See Table 7.12 for Victorian data and Table 7.19 for Queensland data). It is only as recently as 2002 that gender is made more visible by the SCRCSSP, with aggregated data presented under ‘access and equity’ performance data (for 2002 see Figure 8.16 and 2003 figure 5.19).

Yet problems remain with the SCRSSP data. The SCRCSSP data on gender is only provided for total staff (sworn and unsworn), indicating that women make up over 20 and 30 per cent in Victoria and Queensland respectively. The importance of presenting data in this way is that it gives a misleading image of the (lack of) gender balance of police agencies. This is because of the much higher percentage of women working in ‘non-sworn’ positions. To give one brief example, the Victoria Police Annual Report (2002/2003: 68-72) indicates women filled almost two-thirds of non-sworn positions (1137 women and 609 men). In contrast, men held over eight of every ten sworn positions (8520 men and 1549 women). The effect can be seen in the following figures. The overall percentage of women in the Victoria Police is 22.6 per cent – the figure used by the SCRCSSP. The actual percentage of sworn staff is 15.4 per cent. This is important because the key access and equity ‘problem’ for police agencies is with the low percentage and rank of sworn staff, not unsworn staff. (of course the ‘numbers game is not the
only ‘access and equity’ issue, but the percentages are seen to be indicators other important issues of access and equity such as entry barriers, discrimination, sexual harassment, career development etc.)

To highlight the point, the 2002/2003 Victoria Police data indicates that the current percentage of sworn women (15.4 per cent) is only marginally higher than the 1987-88 figure of 14 per cent. This is the case despite having had two substantial reviews and significant policy and programme development during the past 15 years! In addition, the SCRCSSP failure to distinguish between ‘sworn’ and ‘unsworn’ staff is not due to problems with data collection and information management systems. As indicated above, the data is readily available and produced in police annual reports. Finally, to make even clearer the limits of the SCRCSSP approach to ‘access and equity’, clearly stated performance indicators for ‘access and equity’ were “To be developed” in the 2002 Report and remained so in the 2003 and 2004 Reports (SCRCSSP 2003: Figure 5.20, p.5.27; SCRGS 2004 Figure 5.23, p.5.29; and see Appendix A). Perhaps this is unsurprising when the key issue in the ‘numbers game’ – the changes to the rank and percentage of sworn women – is not used in the data compilation of the SCRCSSP.

The high visibility of the ‘sex’ of police personnel, notwithstanding the limitations of the data presented by the SCRCSSP, is in marked distinction to other categories that might also raise representativeness and equity concerns central to merit. There is a paucity of data on the ethnicity, aboriginality and religious backgrounds of police, as recruits are only asked to volunteer such information, thus making the data selective and unreliable. The SCRCSSP has attempted to provide comparative data along these dimensions since 2002, again under the ‘access and equity’ performance indicators. However, Victoria Police has not provide any data for the 2002-04 Reports on the numbers of indigenous staff, and the data from other jurisdictions is conflated into overall full time equivalent staff, inclusive of sworn and unsworn personnel (SCRCSSP 2002: Table 8.5; 2003: Figure 5.18; SCRGS 2004: Figure 5.21).
inability to provide such data in Victoria, and the lack of national performance indicators for ‘access and equity’ suggest that equity in Victoria remains focused on gender; and that collapsing the important division between sworn and unsworn – despite the appropriateness of establishing a ‘unified workforce’ in terms of ‘human resource management’ - overstates the ‘progress’ of gender equity and the representativeness of the personnel engaged in policing the community.

Furthermore, the inability to provide data on ethnicity and aboriginality undermines earlier claims made by the Victoria Police. When in 1985 the Neesham Inquiry recommended (Recommendation 71) that Victoria Police “should actively attempt to attract applicants who reflect the Aboriginal and ethnic composition of the community” the response of the Victoria Police was that this “was already existing practice” (VPAR 1987-88: 69). Yet no data was provided in the Annual Reports and, it would seem, Victoria Police still lack the ability to identify the extent of ‘diversity’ in personnel. Indeed, the recently released 2004 Report on Government Services (January 30, 2004) indicates that Victoria remains the only Australian police agency unable to provide information on indigenous staffing (Steering Committee for the Review of Government Service Provision, SCRGSP 2004: 5.26-7, Figure 5.21).

A second feature of the Latta Review concerns the significant and ongoing imbalance in the ratio of men to women continuing despite substantial efforts to overcome this imbalance through enhancing organisational knowledge and policy and programme development (Victoria Police Research and Development Department, 1990; Latta 1998). The policy and programme ‘failure’ suggests an undermining of the principle of merit, particularly when linked to the ‘anecdotal evidence’ cited by the Latta Review (1998: 21). In order for merit to become more widely practiced, Latta recognised the paucity of training in this area, limited to one 1 hour and 45 minute session in formal training programs for rank progression, not delivered by course training staff, and “not part of the formal assessment of any course.” (Latta 1998: 9). While this
was supplemented by 3 hours of training to ‘targeted’ work areas, clearly little emphasis has been placed on training in equity issues, undermining the ability to achieve “positive organisational culture and performance” (my emphasis, Latta 1998: 10). It also helps to explain the entrenched hostility to affirmative action programmes:

Within the Force the concept of affirmative action is often regarded as being synonymous to applying quotas or providing ‘easier or more opportunities’ for targeted groups and is rejected on this basis. (Latta 1998: 17)

Latta placed significant faith in the capacity of further training and education in equity issues to produce a “better understanding” of these issues based on recognition of under-representation. In this way, merit would be properly infused into the mind and the practices of police members by the recognition, through training, of equity issues as part of the effort to enhance police performance. Victorian police were to be trained in the merit of merit.

Several interventions that continued to problematise merit through the issues of equity, diversity and gender followed the Latta Review. First, a five-year Equity and Diversity Strategy was introduced, with a new Equity and Diversity Office established to implement and oversee the Strategy. The Strategy set a target to increase the number of sworn female police by 10 per cent over ten years and address the lack of diversity generally in the Victoria Police across work units and ranks (Auditor General 2002). Given the relatively small percentage of women in the Victoria Police (averaging approximately 14 to 15 per cent of sworn personnel over the past 16 years) this seems a remarkably small target particularly when considered alongside the following point concerning substantial recruiting since 1999.

Second, the 1999 Victorian State election resulted in a new Labour Government with an electoral commitment to increase the number of ‘frontline’ or ‘operational’ police by 800 under the campaign policy document No More Excuses on Crime policy document (Australian Labor Party 1999). This increase involved “employing 650 new police and by moving 150 desk-bound officers from the office back onto the streets to the job they were trained for” (Australian Labor
Party 1999: 4). This crime-fighting emphasis was despite an earlier recognition by the Victoria Police that “Only about 20% of police work is directly related to the critical role of fighting crime” (Annual Report 1996/1997: 55).

A significant recruiting campaign was developed for the period from October 1999 to June 2003 titled ‘New Century, New Force’ with an emphasis on increasing the diversity of sworn personnel. The advertising was described in the Johnson Review as a “marketing image and recruitment campaign … with particular emphasis on women and those with (sic) diverse cultural and ethnic backgrounds” (2001: 182). Due to an attrition rate of between 4.82 per cent in 1998-99 and 6.23 per cent in 1999-2000 the actual number of recruits was more than three times the 650 new positions. Despite the large numbers needed, the target was met in April 2002, some 14 months ahead of schedule (Auditor General 2002: 195-6). Such large-scale recruiting offers an important ‘window of opportunity’ to make substantial changes to the profile of the workforce. This continued into the November 2002 State election where both major parties committed to a further significant increase of 800 new police (approximately an eight per cent increase to total sworn staff). Despite the significant recruitment and the emphasis on diversity little has changed to the gender profile of sworn personnel.

The third development following the Latta Review concerns the re-visiting of the issue of diversity in the police workforce and an assessment of ‘progress’ measured in the Johnston Ministerial Review in early 2001 (Johnston 2001). Fourth, a series of changes were made to the physical fitness tests for applicants, directed at those tasks that had been important in terms of ‘filtering out’ women applicants (and to a lesser extent some ethnic minorities, see Prenzler 1996, 1998). Finally, gender diversity in police was linked to a broader State strategy for enhancing the employment opportunities of women across the State. In July 2000 The Office of Women’s Policy 2000-2003 Valuing Victoria’s Women: Forward Plan introduced ‘performance measures’ to increase the number of women employed in Victoria Police.
We therefore have five programmatic interventions following the Latta Review (1998) to shape merit through the issue of gender, itself preceded by a significant policy review and program development as indicated above (Victoria Police Research and Development Department 1990). In sum, we might expect significant changes to police officer diversity given the detailed policy review (Latta 1998), newly developed policy principles (Strategy), a massive recruiting campaign following two election commitments, less filtering out through physical tests, a ‘mid-term’ review to identify progress across a number of issues including diversity of recruits (Johnston 2001), and linkage to broader State objectives to enhance the employment of ‘Victoria’s Women’.

The results of these policy and programme initiatives as identified by the Auditor are quite sobering. There are a range of unhelpful statistics used by the Auditor, similar to those used by Latta and re-used by Johnston (2001), such as estimates of women in the general full time workforce (34%) and the conflation of sworn and unsworn personnel, but the outcomes are easily grasped through the concluding comments of the Auditor:

   Victoria Police has achieved a moderate increase in the representation of women in the Force … [However] At 30 June 2001, with the exception of Western Australia, Victoria had the lowest per cent of female sworn police and recruits. (Auditor General Victoria 2002: 201-202)

This is explained by all police forces improving the percentage of female police, so that Victoria went from being just over 1.5 percent to over 2.5 per cent below the national average, with an anticipated small improvement for 2002 due to an increase of 5 per cent in the number of women recruits in the second half of 2001 (Auditor General Victoria 2002: 201). But this remains a far cry from self-perceptions of ‘leadership’ in such areas (see below) and Latta’s concern that the lack of improvement in the gender imbalance undermined police performance. Furthermore, despite all the governmental initiatives mentioned above the percentage of sworn women in the Victoria Police has remained around 15 per cent since 1988. Whatever the national comparisons indicate, and however hopeful the current small improvements might be, the attempts to enhance merit through the techniques of access and equity reviews, policies and programmes can hardly be described as a ‘success’.
The data on ethnic diversity is even more damning. A ‘multicultural audit’ in July 2001 identified while 10.4 per cent of sworn Victorian police were ‘born overseas’ (against 24 per cent for the general Victoria population), only “less than 1 per cent were born in non-English speaking regions” (Auditor General Victoria 2002: 202). Once again, despite a range of policy initiatives such as the Equity and Diversity Strategy and the opportunity for significant shifts in workforce profiles due to the high level of recruiting, no substantive changes have occurred.

The Latta Review had hoped that a ‘better understanding’ of equity and diversity issues would develop through training programs, and in turn merit would be ‘properly infused’ throughout the police organization, producing gains that address various forms of under-representation. Indeed, it will be recalled that Latta’s task was to validate Victoria Police leadership in equity policy and practice, yet the Review was confronted with a reality not easily explained away (Latta 1998: 33, Appendix 1). The results up to the time of the Review (1998) and since suggest that ‘leadership’ remains a distant goal, that far more needs to be done to link the various policy initiatives, training programs, cultural attitudes and workplace practices to produce changes in the level of diversity and the practices surrounding equity and merit in the Victoria Police Force (for a prospective account of equity and diversity strategies see Chan 1997). Put slightly differently, the governmental ambition to enhance innovation and entrepreneurial activities in policing, embedded in the organisational and managerial rhetoric coming from police agencies, confronted in its technical form – systems of merit-based recruitment and promotion – very real limits.

Beyond the concerns with diversity and merit, merit also enters notions of efficiency across police ranks. Victoria Police locates merit underneath the concept of ‘efficiency’ in position or rank performance assessment systems. Efficiency is defined as inclusive of merit, alongside “diligence, good conduct, quality of service, mental capacity and physical fitness” for the ranks of Constable, Senior Constable Sergeant and Senior Sergeant; the potential to develop
“executive ability and leadership and management skills” for the rank of Inspector; and the possession of these capacities and skills for senior executive positions (Police Regulation Act 1958 S.8AB, see Johnson 2001: 256). Thus, not only is the meaning of merit contested, but also merit competes with other attributes. Furthermore, in the case of post-entry progression merit is not even identified as an explicit trait for career progress until attempting to reach the rank of Sergeant. Leaving aside specialist positions, Constables can expect promotion to Senior Constable in situ (introduced as part of the Enterprise Bargaining Agreement in 1998) once they have served the minimum time of four years, as long as they have passed the necessary exam and are deemed suitable by their manager (Johnson 2001: 257). This means that approximately two-thirds of serving police are in their current position for reasons other than merit!

Beyond the rank of Senior Constable the examination results become the most important assessment tool, as results determine the ability to enrol in the supervisory training program that is a prerequisite for an application for a vacant Sergeant’s position. The ongoing importance of exam results is based in the old system of ‘seniority’, and has the effect that “Staff who have demonstrated high level efficiency and effectiveness and outstanding leadership may not be eligible for promotion because of examination results” (Johnson 2001: 258). One police officer quoted in the Johnson Review (2001: 267) highlights the impact of the reduction of merit to examination and the failure to properly treat police work and police agencies in terms of the principles and practices within private enterprise:

> I am treated like a kid. No one is interested in what I think about how the job should be done. I have had eight to ten years service and many of my friends are in management positions in private enterprise. They are given plenty of opportunity to make decisions and use their own initiative … I would like more influence over how the job is done. I could suggest a lot of ways of making the job more efficient, more effective, more enjoyable.

As self-serving such an internal criticism may be it is indicative of how police agencies are compared to private enterprise and how they are ‘failing’ to create the freedoms associated with entrepreneurial policing.
Chapter 4: Re-making the entrepreneurial officer

It is only through a detailed assessment of the technical forms of governmentality that we are able to identify the extent of change to how police are governed. We have identified in Victoria the contested nature of merit and the practical difficulties in developing procedures and practices that ensure merit forms the basis for enabling enterprising policing based on individual performance and ‘excellence’. While ‘merit’ should not be confused as an independent variable as it necessarily involves actively constructing the different measures or criteria to assess it, the attempt to shape the entrepreneurialism of contemporary police has become governmental through the technical reforms centred on shifting from ‘seniority’ to ‘merit’. That such reforms in Victoria can be said to have ‘failed’, the ‘will to govern’ through entrepreneurialism via the use of merit continues unabated. We now turn to an examination of the efforts to reintroduce merit to the Queensland Police in the 1990s.

The ‘merit of merit’ in the QPS

In the late 1960s and early 1970s, the principle of merit in selection and promotion was seen to be vital to police reform in Queensland. In 1969 the new Queensland Police Minister (Hodges) and new Commissioner (Bauer) met with the South Australian Police Commissioner Brigadier McKinna. Following the visit McKinna was invited to review training and administration in the Queensland police (for more details see Proctor 1985; Ross Johnston 1992: 280-85; Bingham 1996: 17-20; and Bolen 1997:36-41). McKinna made numerous recommendations that influenced subsequent thinking on police organisational change (Bingham 1996: 18 and see following chapter). With regard to merit, the McKinna review recommended the use of merit as the basis for selection of training officers (McKinna 1969 cited in Bolen 1997: 38). Shortly after the completion of the McKinna review, Ray Whitrod was appointed Commissioner responsible for implementing McKinna’s recommendations (his term as Commissioner was from April 1970 to November 1976, for a detailed account of Whitrod’s terms as Commissioner see Bolen 1997).
Bolen argues that Whitrod was not opposed to the use of seniority *in toto*, but rather that “it was the exclusivity of seniority as a consideration that he opposed” (Bolen 1997: 56). Whitrod used the McKinna review and a particular interpretation of internal rules (Rule 27) to argue that it was already the case that formally seniority was not the major factor determining promotion, but rather “knowledge of the duties required, and particularly capacity for control, direction and superintendence of subordinates”. It was only the lack of “adequate data on each member’s performance” that undermined a merit-based system (Commissioner’s Newsletter No. 12, 17 June 1971 cited in Bolen 1997: 55). By 1972 Whitrod believed that merit was “a principle only slowly becoming accepted” (Queensland Police Annual Report cited in Bolen 1997: 55). However, as Bolen concludes, “Whitrod implemented McKinna’s recommendations with the exception of merit” (1997: 67). Despite sectarianism (Catholics and Masons) being ‘rife’ within the Queensland police, “the two groupings joined to subvert the implementation” of merit-based promotion (1997: 71). Indeed, the Fitzgerald Inquiry (1989) highlighted the limited nature of reforms to selection and promotion being based on merit, and it is the reforms following the Fitzgerald Inquiry upon which we will concentrate.

The use of merit-based appointments and promotions was central to the Fitzgerald Inquiry’s approach to eradicating police corruption and enhancing police officer performance (see Recommendations C.I. 13 and 15, 1989: 382). As Fitzgerald argued:

> By convention in Queensland, most promotions have been made on the basis of seniority … [which] in the first instance does not encourage the pursuit of individual excellence, is insensitive to operational efficiency and probably has the detrimental effect of discouraging those with talents and skills suiting them for police service from either joining the Force or continuing to service in the Force (1989: 253).

Echoing Whitrod’s earlier concerns, Fitzgerald also properly recognised the inadequacy information to make possible officer performance appraisal (1989: 253-4).

The new police act introduced after the Fitzgerald Inquiry required recruitment and most post-entry appointments to be based on the selection of applicants on the basis of merit (*Police*
Service Administration Act 1990, s. 5.2(2)). However, as the Police Education Advisory Council (PEAC) indicated some years later, although the legislation provides details on the meaning of merit for promotion, nothing in the act, the Police Service (Administration) Regulations 1990 or Human Resource Management Manual actually specify “what is meant by selection on the basis of merit” for police recruits (1998: 11). Further, even having established principles for merit-based promotion did not avoid confusion and contestation over the meaning of merit in the QPS.

The Public Sector Management Commission (1993: 159) found that there was “considerable distrust and cynicism” concerning the new merit-based promotion system. Despite the principle of merit being introduced to overcome ‘cronyism’ (Fitzgerald 1989; Bingham 1996: 108), the PSMC found that ‘cronyism’ was one of the key concerns of the merit-based system! The concerns identified by the PSMC included the lack of guidelines (such as the ‘right’ format) for applying for positions, regional variation in the make up of selection panels, and poor position descriptions that were inconsistent, sometimes with excessive selection criteria and different practices concerning the weighting attached to each selection criteria (1993: 159-60). The new merit-based selection, promotion and transfer system was reviewed again the following year.

The Criminal Justice Commission (1994a) review of the Fitzgerald Inquiry outlines the lengths to which the QPS had to go to train police in the ‘merit of merit’. Officers on selection panels needed to be trained; applicants needed pastoral guidance on the “procedures and underlying principles of merit-based promotion” (1994a: 134); and supervising officers either incorporated “inappropriate performance measures, such as writing a certain number of traffic tickets” (1994a: 139) or, in part due to unsuitable performance measures, were “reluctant to assess their staff other than ‘average’” and thus failing to identify differentiated levels of performance (CJC 1994a: 138). This reflects a long-standing managerial concern that in the use of performance appraisals, managers are reluctant to ‘play God’ (McGregor 1957 cited in Oettmeier and
Wycoff 1998: 368). Indeed, seven years after the legislatively mandated requirement for merit-based promotions (s. 5.2, Police Service Administration Act 1990), Bingham found that the “various problems” associated with merit-based promotion “had changed little” (1996: 108).

Similarly, the push for merit-based appointments at senior management level of the QPS confronted practical problems. Senior positions were opened to competition through the introduction of competitive appointment practices such as advertising nationally and the use of ‘performance contracts’, yet quite remarkably in the first attempt at implementing these merit-based principles “all incumbents had their appointments renewed without competition” (Prenzler 1997b: 20) despite the damning criticisms of police management by the Bingham inquiry (Bingham 1996).

While Bingham was identifying the limitations to the application of merit, the Queensland Police Union attempted to undermine the principle of merit within a larger campaign to enhance its capacity to shape Queensland police more generally (late 1995 to early 1996). Despite Fitzgerald’s concerns about the influence of the union in perpetuating the problematic aspects of police culture (1989: 201-2) politicising policing and acting as a barrier to reform (Prenzler 1997b: 15) the then opposition leader and police shadow minister entered into a secret ‘memorandum of understanding’ with the union in the lead up to a crucial by-election (February 1996, Finnane 2002: 5-15). The union also actively campaigned during the by-election, effectively in support of the opposition candidate, who subsequently won the by-election and caused a change in government.

The memorandum was subsequently revealed and offered to considerably increase the role of the union in police reform. The signed deal included delivering union demands for changes to the investigation of complaints against police; restricting the role of the Criminal Justice
Commission; providing an opportunity for the union to veto the appointment of the police commissioner (Lewis 1997: 6), a practice explicitly rejected by Fitzgerald (1989: 280); the lessening of police recruit standards; and “restrictions on promotion by merit” (Prenzler 1997b: 16, Lewis 1997). Two inquiries were conducted into the memorandum (see Lewis 1997, Prenzler 1997b, and Finnane 2002 for detailed analysis). It is the union attempt to change the application of merit that concerns us here. Prenzler argues that the “Union had legitimate complaints about the new system of appointment by merit” but does not identify what these legitimate complaints were (1997b: 20). Further in a section examining ‘appointment by merit’, Prenzler directs his criticisms at Fitzgerald’s recommendation for contract employment (1989: 132), describing it as “one of the most ill-considered of the reports recommendations” (1997b: 20). However, as indicated above, Prenzler used the Bingham inquiry to argue that despite the “comprehensive censure” of police management, managers had their contracts renewed (1997b: 20). In other words, the problem was that merit was not used to assess incumbents. More generally, the memorandum reveals the union’s hostility to the technical application of merit and the resolve to actively seek changes (Finnane 2002: 204-6). Finnane locates these mid-1990s union concerns with the shift to merit within the context of changing organisational forms that limit the possibilities for promotion and “heightened sensitivity to the perceived unfairness of the system” (2002: 205). Such changes as flatter management and civilianisation, as well as the different promotional requirements between senior officers and the lower ranks, meant that merit was seen to be the problem that elevated education over craft knowledge and increased the problem of limited career advancement opportunities.

Internal concerns with merit have continued and have been examined more recently by the Criminal Justice Commission (2000). Despite various attempts to monitor and evaluate the ‘new’ merit-based system of appointments, promotion and transfers, and various changes introduced in recognition of police officer concerns, QPS members still regard the system as biased and lacking overall fairness and consistency (Criminal Justice Commission 2000). The CJC found that only 20% of QPS personnel agreed that “the QPS promotion and transfer
system is fair”, up slightly from the 14% response in a 1998 survey (CJC 2000: 11, Table 3.1, A1). However, these perceptions change significantly for more senior staff. While only 30% of Senior Sergeants agreed that the system was ‘fair’, this perception increased dramatically to 63% for the ranks of Inspectors and above. These findings can be linked to another aspect of the CJC survey. When asked specifically whether “It is difficult for officers to demonstrate their merit in the selection process”, a slight decrease occurred in the percentage of officers agreeing from 71% in 1998 to 69% in 2000 (CJC 2000: 16, Table 3.6 A6). While not a ‘statistically significant’ change in percentages, the results indicate that despite various adjustments and ongoing awareness of the principles of merit, there was no improvement in responses to this question. This critically undercuts the notion that merit is perceived to be the basis of appointments in the QPS.

Even more dramatic is the response to the statement that that “Length of service should be given more emphasis in assessment of merit”. In the 2000 survey there was 71% agreement with this statement, down from 76% in 1998 (not statistically significant, CJC 2000: A8). Furthermore, well over half of the QPS respondents agreed, “too much weight is placed on educational qualifications” (57% in 2000, 55% in 1998, ibid A13). However, it should be noted that the results change significantly for those QPS members who were ‘successful’ in recent transfer and promotion decisions (the sample only included personnel who had been involved in the system since the May 1998 changes, CJC 2000: 8).

On the question of demonstrating merit (A6), 58% of officers who were successful agreed they were able to demonstrate merit, compared to 81% who were not successful and disagreed that they were able to demonstrate merit (CJC 2000: 18, Table 3.8, A6). On the issue of whether additional emphasis should be attached to length of service, the successful and the unsuccessful both generally agreed (63% of successful agreed, 77% for unsuccessful) though the difference was statistically significant (<0.1). Further differences were found across other variables.
distinguishing the respondents. Generally, the lower the level of educational qualifications of the respondent, there is a corresponding stronger perception (or agreement) that too much emphasis was placed on educational qualifications (Table 3.9 A13, p.19).

Similarly, respondents did not generally accept linking of a new training and education program to the promotion process. In 1998 the QPS introduced the Management Development Program (MDP) education and training program for police to study in their own time to prepare them for the next rank level. The more senior the rank, the higher the level of perceived relevance of the MDP to promotion. For instance, on the level of agreement for making the MDP a prerequisite for promotion, only 18% of constables agree, while 70% of Inspectors and above agree (Table 4.3, E1, p.26). Surprisingly, no data is presented on the link between perceptions of MDP and the level of educational qualifications.

This oppositional stance toward the MDP is important as the general literature on police culture stresses the ‘craft’ orientation of police views, the strong grounding in the notion of experiential learning on-the-job, the emphasis on ‘street work’ and a general ambivalence or distaste for ‘academic’ knowledge (Chan 1997, 2003; Young 1991, 1993; Finnane 2002). Indeed, this is borne out by selective quotations used by the CJC report. For instance, one officer comments the:

MDP has no significant benefit to operational policing. It is a complete academic exercise in writing essays to fulfil an academic program which does not prepare an officer on the street (CJC 2000: 34).

Indeed, one officer draws together criticism of the relevance of academic knowledge and the hostility between the ‘street’ and the ‘suite’:

Some operational officers are too busy working to complete MDP. Administrative officers are using their own and departmental time to complete MDP, thus achieving promotion over more worthy operational police. (ibid.)

Finally, in a more general criticism of the promotion system, one officer suggests:
The system does not identify or acknowledge the years of service, the expertise or knowledge of an officer … The system places too much emphasis on the academic skills of a person rather than the ability to do the job. (ibid.)

It needs to be kept in mind that the MDP has three levels to be completed by those seeking promotion from Senior Constable to Sergeant (Level 1), Sergeant to Senior Sergeant (Level 2) and Senior Sergeant to Inspector (Level 3). Even at the lowest rank the person seeking promotion would normally have significant operational experience, and given that it is labelled the ‘management development’ the whole focus of the course is designed to enhance ‘management’ more than ‘operational’ practices (of course this distinction is most often hard to maintain). Nonetheless, the ingrained resistance and hostility to ‘academic’ matters – or what we might call the intellectualisation of police operational craft – long identified in the literature, was identified further in Queensland in the Fitzgerald inquiry, persists in the attitudes towards the MDP specifically, and more generally in the application of merit to the assessment of police performance. Indeed, the Police Education Advisory Council (PEAC) review of recruitment and selection of recruits titled *Police for the Future* (PEAC 1998) identified the ongoing use of selection criteria that did not conform to the principles of merit.

The Police Education Advisory Council drew upon earlier reports, identifying the link between rapid change and the new requirements in police recruiting, indicating that for the QPS transforming itself … has required it to move from a rigid, authoritarian hierarchy to a modern, responsive, client-focused service … attempting to replace command and control structures with concepts of delegation and *innovation* (my emphasis, Bingham 1996: 56 in PEAC 1998: 1).

The new QPS Vision Statement was to develop a “professional police service, dedicated to excellence” (PEAC 1998: 2). In this vision, the *old* and the *new* are sharply contrasted: the ‘old’ recruit simply needed the basics skills to be “able to perform the functions of general duties constables”, whereas the new recruit “will need the flexibility and skills to adapt and respond to continuous environmental change” (PEAC 1998: 2).
Poor recruitment practices and procedures were viewed as leading to decreased ‘work efficiency’, ‘high attrition’, ‘high absenteeism’ and ‘damage to morale and reputation’. Each of these is seen to have an economic impact due to the waste of training and employment and increased costs associated with investigating complaints and legal actions (PEAC 1998: 3). PEAC estimated that the costs of training a recruit (including wages) to be almost $55,000, resources ‘wasted’ if recruiting is not ‘optimal’ (PEAC 1998: 3).

In order for optimal merit-based recruitment practices, selection criteria needed match the skills needed to be a general duties officer. PEAC examined the literature analysing and describing the ‘core competencies’ of the general duties police (Australasian Police Education Standards Council APESC 1997, see also APESC 2000 and the National Police Research Unit, NPRU, now the Australasian Centre for Policing Research, ACPR, Kaczmarek and Packer 1996). PEAC went further, conducting focus groups with serving QPS officers, asking what are “characteristics/qualities of a general duties officer” who is ‘good’/’not good’ at the job (PEAC 1998: 24). A total of 21 characteristics were identified, including:

- **reasoning ability** (analytical, quick thinker, lateral thinker, creative, inspirational, problem solving…)
- …
- **self control** (responsible, disciplined, ability to cope …)
- …
- **motivation** (reliable, worker, initiative, industrious, enthusiasm, energetic)
- …
- **leadership** (ability to motivate others, obtain respect, resourceful)
- …
- **professionalism** (pride in work, appearance) (my emphasis, PEAC 1998: 25)

Though we have drawn only a selective list of ‘good’ qualities (and it should be noted that this is only for the general duties constable) they are indicative of police officer views of what makes a ‘good’ police officer and, more specifically, they already embody much that is in common with the desire to select an entrepreneurial officer. Police recruitment would now use the principles of merit to shape the characteristics of entrepreneurialism.
Chapter 4: Re-making the entrepreneurial officer

The hostility to the QPS merit-based promotion system and the delay in introducing merit in recruit selection needs to be placed in the context of a police organization embarking on wide scale organisational change, including the introduction of merit, and the new emphasis on life experience and higher educational standards within the concept of merit. The Fitzgerald Inquiry recommended a changed emphasis in recruiting towards actively seeking to recruit “older, more experienced and better educated people from a more diverse range of backgrounds” (Police Education Advisory Council (PEAC) 1998:x; Fitzgerald 1989: 245-7). Further, from 1991-1996 a ‘mixed model’ training and education package was implemented, operating with a combination university and Academy study and training.

This new emphasis on education and diversity (age, gender, and ethnicity) caused a dramatic shift in the profile of QPS recruits. For instance in the five years prior to the Fitzgerald inquiry, recruits with some level of higher education made up less than 10 per cent of personnel. In 1992 this shifted dramatically to 60 per cent of recruits (CJC 1997a: 27, Figure 3.2). Indeed, it is worth noting the changes in education are far more substantial than changes in gender, where there was a steady increase in the percentage of female recruits from 1985 – 1992, in part explained by the low starting point of 5 per cent (rising steadily each year to 35 per cent in 1991-92 and then stabilising, CJC 1997a: 25, Figure 3.1). Similarly, the age profile changes toward less recruits under 21 years (the desire for older recruits), with the proportion of recruits under 21 years shifting from approximately 55 per cent in February 1991 to 25 per cent by February 1993, and then a constant movement between high teens and low single digit percentages (CJC 1997a: 28, Figure 3.3).

The point to be made is that the recruit profile had changed substantially as part of the post-Fitzgerald cultural and organisational change programmes. The CJC (1997a) and PEAC (1998) data confirm that real changes had occurred in the profile of recruits. Yet those now hostile in the CJC survey (2000) to the emphasis on merit through education and ‘academic’ work and the
requirement to complete MDP to gain promotion would be the very same personnel that were recruited as more highly educated. Many of those surveyed had also gained some experience of university education through the QPS-university programs or prior learning (43 per cent had attended university, 23 per cent to degree level, CJC 2000: 9). This cannot be stated unequivocally (the statistical tests such as correlations between educational levels and attitudes to MDP are not provided) but the sample consisted of approximately one third with 10 years or less service and would therefore have many that had been involved with the University/Academy-combined education and training. Furthermore, it is the older and more senior staff that are more supportive of MDP, precisely those police recruited when educational requirements were much lower and the internal reward for tertiary study all but non-existent (and perhaps even damaging, see Young 1991, 1993 for accounts of personal experience as a police officer obtaining a higher degree, and more generally internal police attitudes towards education in England).

The difficulties experienced in the attempt to shift from seniority to merit as the principle for selection and promotion in the Queensland Police are similar to those found in the previous section on Victoria Police. Merit was seen by the McKinna review (1969), Commissioner Whitrod (Bolen 1997) and the Fitzgerald Inquiry (1989) as central to the reforms to achieve the entrepreneurial characteristics of ‘innovation’ and ‘excellence’ in the Queensland Police. Yet we have found that these efforts to introduce merit have been highly contested. Recent surveys of police personnel indicate a significant majority question the fairness of the merit-based system and want a return to seniority via increasing emphasis being given to ‘length of service’ (CJC 2000). In turn, this highlights to ongoing salience to police personnel of craft-based skill development as the basis for becoming a good police officer. On the other hand, we have identified that enabling enterprising policing based on individual performance and ‘excellence’ has become governmental through the technical reforms centred on shifting from ‘seniority’ to ‘merit’. That such reforms can be said to have ‘failed’, as was found to be the case in Victoria,
the ‘will to govern’ through the promotion of entrepreneurialism via the use of merit continues unabated.

Conclusion

This chapter has identified the historical shift from early forms of entrepreneurial police, the ‘de-entrepreneurialisation’ of the modern police, and the attempt to shape entrepreneurialism in contemporary police. Entrepreneurialism has become governmental through the technical reforms centred on shifting the administrative principles for recruitment and promotion from ‘seniority’ to ‘merit’. The empirical analysis of the experiences of these changes in Victoria and Queensland has pointed to the limits or ‘failure’ of such reforms. However, as argued in Chapter 1, to talk only of ‘failure’ does not capture how the ‘will to govern’ through the promotion of entrepreneurialism, via the use of merit in particular, continues unabated and is subject to ongoing contestation from police unions and associations across Australia (Finnane 2002: 205). Indeed, in both Victoria and Queensland we have seen how the ‘failure’ of various techniques for enhancing entrepreneurialism through ‘merit’ has led to ever more programmatic developments. One development yet to materialise is the SCRCSSP performance indicators for ‘access and equity’. We await their development to identify the next instalment of the technical apparatus of ‘will to govern’ police through entrepreneurialism.

The selected instances of difficulties, tensions and resistance to particular forms or manifestations of merit – in particular recruitment in Victoria and promotion in Queensland - points us toward the practical problems associated with implementing organisational change designed to reinstate entrepreneurialism in police agencies. We identified an open-ended process of organisational reform seeking to introduce the ‘base attributes’ of entrepreneurialism by changing the principles of recruitment and promotion from seniority to merit. It is only through examining the micro-level efforts at organisational change that we can even begin to try
to comprehend how ‘creative risk taking’ (Bayley and Shearing 1996) might ever be possible in contemporary police agencies and the conditions or technical forms used to shape entrepreneurial policing. While there is an economic dimension to entrepreneurialism – obtaining an employment position as a recruit or obtaining extra salary through promotion – the key concern has been to develop a police organization infused with thinking and acting in an entrepreneurial way. This extends well beyond entrepreneurialism as economic exchange.

Economic entrepreneurialism can no doubt be identified, such as the efforts by police agencies to engage in fee-for-service activities. We can also identify ongoing economic entrepreneurialism at the individual/group level, particularly in the area of corruption and ‘vice’, and especially policing illicit drugs where police engage in ‘licensing’, ‘franchising’ and ‘taxing’ or simply ‘trading’ in illicit drugs (Fitzgerald 1989; Wood 1997; Police Integrity Commission 2001; Ombudsman Victoria 2003, 2004). Such economic forms of entrepreneurialism can also be found in the more ‘mundane’ example of the Victorian Police ‘window shutters scam’ in the late 1990s. As indicated in the Introduction, this involved a highly organised system for distributing funds gained from using select window repair companies rather than comply with Force policies for the reporting of broken windows (Deputy Ombudsman 1998, Goldsmith 2001).

These are examples of economic entrepreneurialism in both legitimate (fee-for-service) and corrupt forms (also with a long history, McMullan 1996). They highlight the practical tasks necessary to govern entrepreneurial police in ways that limit ‘corrupt’ forms of entrepreneurial policing activities. Indeed, one of the classic foundational studies of policing conducted by Albert Reiss for the US President’s Commission on Law Enforcement and Administration of Justice (1967) identified the use of ‘tariffs’ for the non-enforcement of traffic violations (Reiss 1971). Similarly, as we identified in the Introduction ‘freeing the spirit’ (Morris 1991) of entrepreneurial officers to enhance innovation and risk taking has been identified as creating the
conditions for corruption in the Victoria Police. For instance, the Ombudsman has recently reported (2003, 2004) that the creative use of ‘controlled chemical deliveries’ (police selling ‘pre-cursor’ chemicals used to make illicit drugs) to target the drugs trade was not authorized and was an “unmitigated and foreseeable disaster” (2003: 5). In this sense, creativity and innovation creates substantial risks that need to be managed. The Ombudsman concluded that the “lack of adequate administrative responsibility and accountability” (2003: 4), the lack of internal auditing obstructed by ‘alleged security concerns’ (2003: 16) and the lack of proper records “is beyond belief” (2003: 5). While initially the Ombudsman stated that ‘controlled chemical deliveries “should never be revived” (2003: 5), the same report later indicated the practice should be seen as a ‘last resort’ (2003: 11), must not involve the use of informers (2003: 14), and not to be used “without clear accountability and transparency” (2003: 15). In other words, even in the face of serious corruption being identified, such high-risk entrepreneurial policing practices are seen to be acceptable if certain standards of administration, management and ‘auditability’ are present. Put more directly, on this view if the managerialisation of governing can be fully realised or perfected, high risk entrepreneurial policing is made possible.

More generally, entrepreneurialism is shaped through the various managerial techniques described earlier. We have already examined in chapter 3 how establishing specific frameworks for ‘performance culture’ to enhance effectiveness, efficiency, excellence and service quality help to constitute several key aspects of governing through entrepreneurialism. We continue to develop the remaining aspects of entrepreneurialism in the following chapters. In chapter 5 we examine the varying efforts to identify ‘core functions’ that increasingly foster targeted prioritisation of police work, linking entrepreneurial policing to ways of acting within more tightly circumscribed domains of action in which the calculative techniques of evaluation and audit can be utilised to measure performance. In chapter 6 we examine the consumerisation of police as a means of breaching professional self-interest. In the conclusion we return to examining how entrepreneurialism in police organisations shapes a new ‘politics of police’.
CHAPTER 5: DEALING WITH DEMAND: THINKING ABOUT ‘CORE’ FUNCTIONS

Introduction

The state police has been a central institution that has long considered its special position as an agency along the lines of Bittner’s definition of police function as ‘something about which somebody had better do something now’ (1974: 34), delivering a specialised and increasingly ‘expert’ service to address the unbounded ontological desire for security. However, this view merely masks the ways in which historical conditions have shaped what police do and how they do it. While there has always been the ‘policing temptation’ (see Waquant’s 1999 notion of the ‘penal temptation’ cited in Hope and Sparks 2000a: 7) - the historical use of state police to carry out functions because they have the administrative and legal capacity - how this temptation has been constrained or satiated changes under particular historical circumstances. One of the perceived key aspects of the ‘managerialist turn’ and the emergence of neo-liberal rationality has been renewed governmental effort to ensure that organisations are ‘properly’ focused on those activities that meet the central or ‘core’ functions of the organisations. The effort to clarify and define organisational roles and functions is seen to emanate from three pressures: the commitment to the ‘market’ as the preferred location for service provision (ie. privatisation); secondly, the desire to establish clearly defined tasks and relevant targets and performance measures of police activities to promote and ensure efficiency, effectiveness and economy; and finally the pressure of increasing demands for service, particularly the demands for a physical patrol presence – police on the ‘streets’ – and rapid response to calls for service (on this last ‘pressure’, see Loader 1997c) that constitute the ‘symbolic dimensions’ of policing and security (Walker 1996).

Morris and Heal argued that in the early 1980s “a managerial perspective – which might place greater emphasis on ensuring that the goals of the organisation were both viable and attained – has been slow to emerge.” (1981: 38 cited in Chatterton and Rogers 1989: 69) Yet the past two
decades have been a period of ongoing development of the ‘managerialist perspective’. Specifically in relation to police agencies, in recent years this has been played out in terms of ‘core’ versus ‘ancillary’ functions, most clearly addressed in England through a Home Office Review of Police Core and Ancillary Tasks (1995). Leishman et al. (1996: 17) suggest the attempts to separate ‘core’ and ‘ancillary’ tasks reflects a process of ‘hollowing out’ which Jessop describes as a “practical rearticulation of political capacities” (Jessop 1993: 10, cited in Leishman et al. 1996b: 11). However, despite some accounts implying that this is a feature unique to new managerialism (Hancock 1998; Davids and Hancock 1998), in the field of police these debates go back to the very emergence of the new police, with such concerns continuing in the recent past. Thus, recent attempts at functional delineation between ‘core’ and ‘ancillary’ tasks “are far from a novel development ... Rather, it is the latest of a series of functional shifts between different policing bodies” (Jones and Newburn 2002b: 135). We first need to provide a corrective to such accounts that confuse or conflate causal and correlational relations between new managerialism and efforts to identify the core functions of police. Following this, we examine three different means that have developed in recent years for deliberating on core functions in Queensland and Victoria – deviation, diagnostics and reflexivity. The chapter concludes by identifying the limits to ‘reflexive deliberation’ on police core functions.

A longer history of identifying ‘core’ functions?

A closer reading of the historical debates concerning the role and function of police would quickly realise that there are numerous examples where the extant role and functions were challenged, variously from within police and from without. This ever-present concern with police roles and functions in Australia is in no small measure due to the extensive duties placed on police agencies from their very inception in the colonial period (Finnane 1994). The early police Acts of 1833 and 1838 establishing the Sydney Police and then extending this model elsewhere were effectively a combination of police regulation and local government administration, the ordering of commercial trading, and public order acts (4 William IV., No.7, 1833 and 2 Victoria, No.2, 1838). Apart from establishing a framework of police administration,
they contained a range of provisions such as observance of the Lord’s Day by strictly controlling Sunday trading, the control of disposal of waste such as ‘nightsoil’, beating carpets and flying kites, vagrants and drunk and disorderly behaviour and so on. These features of the 1833 and 1838 police acts continued to apply in the new Acts of 1853 (Victoria) and 1864 (Queensland). In this way, the early institutional forms of police in Australia were fundamentally those of a broad regulatory agency, equating to an institutionalised form of the earlier European notion of police. Thus they were never limited to the control and prevention of crime and disorder as an alternative to military force or severe punishment (Peel’s first principle). Nonetheless, this has not prevented various efforts to re-shape police in terms of the core Peelian principles.

Two examples from different periods illustrate the limits of seeing debates about ‘core functions’ or the role and function of police as only related to contemporary organisational change under new managerialism. A graphic example of this was the importation of London police to Victoria soon after the introduction of the Victorian Police Force in 1853 (Haldane 1995: 35-6). First, this group was imported under a three-year contract with a substantial penalty (50 pounds) for a breach of contract. The use of contracts is another matter often falsely seen as based solely on new managerialism. Second, this group protested at the nature of duties they were being asked to perform, such as chopping firewood and collecting water. They initially refused to be sworn in due to such concerns but “relented under threat of being fined”. (Haldane 1995: 35) A key element of their complaints was that the duties they were being asked to undertake were not seen as being the proper functions of a police constable. This brief example highlights both the historical longevity of practical deliberations over what constitutes the proper role and function of police, as well as the place of individual police personnel in shaping these deliberations.
The second example concerns the varying though regular intervals in which police commissioners would complain about the ‘extraneous duties’ calling upon police time, and the deleterious affect this was having on police capacity to control crime. For instance, in the 1890s the Victorian Chief Commissioner used his Annual Reports to identify the range of law enforcement duties expected of police and a number of ‘non-police’ official positions occupied by serving police (Annual Report 1893 cited in Western and Wilson 1972: 4). Similarly, the 1899 Royal Commission into the Queensland Police identified a range of ‘extraneous duties’ that the Commission recommended be transferred to other government officials (recommendation 11, and see Appendix No. 4, Police Inquiry Commission 1899). In a detailed response to the recommendations of the Royal Commission, laid before the Queensland Legislative Assembly, the Police Commissioner William Parry-Okeden agreed in general terms to these recommendations. He indicated that:

… from a police point of view, it would be very desirable that they should be relieved of these duties, or most of them, still in the public interest this can not always be done, for at many places there are no other public officers available to carry out the work, and to appoint officers specially for these duties would involve very large expenditure. (Parry-Okeden 1900, report tabled before the Queensland Legislative Assembly)

These brief examples from the mid-nineteenth century when the jurisdiction-wide Victoria Police Force was introduced and from the end of the nineteenth century in Victoria and Queensland, serve to illustrate the longevity of debates involving individual police, police managers and government inquiries, concerning the ‘proper’ role and function of police. The examples undermine accounts that see such debates as the sole product of the managerialist turn in the public sector. Furthermore, these examples highlight the centrality of police as key agents in shaping the notions of what constitutes ‘proper’ police functions. Indeed, it is quite remarkable that, when considering new managerialist techniques such as the emphasis on ‘core functions’, there is so often a failure to incorporate longstanding police views that see police work clearly in terms of ‘crime fighting’.
In sum, definitions of ‘core functions’ involve interplay between externally imposed constructions and expectations found in government policies, inquiries, legislation, regulations and the like, internally developed perceptions, attitudes and practices, and the institutional developments occurring in other fields of policing and social services (Clarke and Newman 1997: 78). For instance, the introduction of the National Crime Authority in 1984 (National Crime Authority Act 1984 Cth) created tensions amongst Australian police agencies concerning inter-agency cooperation (Sherman 1995), with specific concerns amongst state police personnel that the policing of illicit drugs was being taken from the ‘proper’ responsibility of state police (NPRU 1996). Indeed, while problematically equating policing with police, then Assistant Commissioner in the Northern Territory Police Barbara Etter stated these concerns explicitly, indicating the inability of police managers to master innovation and change meant that

… policing in Australia lost valuable ground to other agencies. Much of the ‘cream’ of police work was sifted off the top to and a number of other agencies were established to tackle the more intellectual, complex and transjurisdictional aspects of the police role (Etter 1995: 284).

Beyond these historical examples of what lies within the ‘proper’ ambit or ‘mandate’ of the police, and the political populism of putting police ‘back on the beat’ assuming such policies accord with the ‘core function’ of crime prevention and reduction, there has been ongoing development of expert knowledge to be found in the academic debates addressing this vexed or ‘wicked’ issue (Cain 1973, 1979; Skolnick 1975, 1993; Manning 1971, 1977; Klockars 1985; Brogden et al. 1988; Bittner 1991; Reiner 1992a; Walker 1995; Bayley and Shearing 1996; Johnston 1992, 2000). It is a ‘wicked’ issue in the sense of being “ill-defined, complex [and] subject to conflicting perspectives on the level and nature of the problem…” (Clarke and Newman 1997: 148; Stewart 1994). Our concern here is not to attempt further imposition of what often become functionalist and essentialised notions of the historical or contemporary role and functions of the police, nor document the ‘crime fighting’ focus of political opportunists, but to examine the practical deliberations over this issue, how ‘core functions’ are rendered technical and translated into questions concerning how to govern police.
Recent deliberations on core functions

Since the 1970s we have experienced three overlapping yet distinct forms of problematising – rendering something as a ‘problem’ to be addressed through particular programs - police roles and functions. As indicated in the introduction to this chapter, in most accounts these different ways of problematising police roles and functions are misleadingly conflated into what is seen as a broad managerialist attempt to delineate between the core and the non-core or periphery of organisations. In turn, this understates the differences between the three types of problematisations, and overstates the extent to which new managerialism is unique. Furthermore, this under/over statement neglects the manner in which new managerialism works on and through techniques that pre-date the managerialist turn. We have partly addressed this issue above, arguing that there is a longstanding history of questioning and deliberating upon the ‘proper’ roles and function of the modern police. In broad terms there is nothing new in questioning what is seen to be the ‘proper’ ambit of police roles and functions - it has been an ever-present issue related to governing police, raising fundamental questions such as: what tasks are deemed appropriate for police? How are decisions made about what ‘properly’ lies within the responsibilities of a police agency? How do any one or more tasks impact upon the efficiency and effectiveness of police agencies and the means to deliberate upon these? Finally, and most importantly there remains the question concerning what has been the impact of neo-liberalism and new managerialism on these deliberations about the role and functions of contemporary police?

We now need then to be more specific in terms of more recent deliberations on this question of police role and functions. We do this through identifying three approaches to problematisations of police roles and functions – deviations, diagnostics and reflexivity. While there is an overlap between each of these ‘ideal type’ means of problematising police roles and functions, and the need to be wary of neat periodisations, we can generally identify these three distinct and historically important shifts in the ways of addressing the issue of the proper roles and functions of the police. As a technique deviations formed the approach taken in the 1960s and 1970s, and
was concerned with assessing a police agency against the foundational Peelian principles of the modern police; *diagnostics* concerns the use of expert knowledge to diagnose the ‘proper’ responsibilities of the police and was the dominant approach of the 1980s; and finally, from the late 1980s *reflexivity* emerges as an open-ended yet institutionalised process of continual reflection on police roles and functions, most importantly invoking ‘the community’ as the site for such deliberation. Delineating between these different techniques highlights the different forms of knowledge and expertise, the different institutional mechanisms used to assess what are the ‘proper’ core functions of police, and the subtle yet important historical shifts in the ways of thinking about core functions that does not reductively locate the issue of identifying core functions in the rise of ‘new managerialism’. The true impact of *managerialisation* is found in the way it fosters changes in how core functions are problematised. We now turn to addressing each of these forms of problematising police core functions with examples from Victoria and Queensland.

**Deviating from the ‘core’: reinstating Peelian Principles**

The first problematisation is concerned with *deviations* from the foundational core of Peelian Principles. In this ‘back to basics’ approach, the content of the roles and functions of police is viewed as unproblematic - it is the practical deviations from these foundations that are the targets of concern. In this approach additional ‘non-police’ duties are seen to consume considerable police resources, distract police from their ‘real’ functions of preventing and fighting crime and are in need of redress to limit the demands placed on police. In essence, the concern is to reinstitute the institutional forms and practices of policing as a simulacrum of the Metropolitan ‘original’. The most detailed example of this approach was the ‘inspection’ of the Victoria Police by retired Chief Inspector of Constabulary for England and Wales, Colonel Sir Eric St. Johnston (St. Johnston 1971).
In the midst of concerns about corruption (Kaye 1971) the Victorian Government attempted to avoid the demands for a Royal Commission (Haldane 1995: 272, 279) by appointing St. Johnston to examine the “administration and organization of the Police Force of Victoria and to report and make recommendations as to the means by which the efficiency of the Police Force can be improved.” (St. Johnston 1971: 9 and see 1978 for autobiography). A lone figure perambulating the ‘colonies’, St Johnston was clearly surprised and dismayed with the ‘extraneous duties’ performed by the Victorian police and made wide recommendations for relieving police of such duties. On the issue of ‘extraneous duties’ (St. Johnston 1971: chapter XIII) St. Johnston stated:

1. During the course of my inspection I have been constantly surprised to discover how much time is spent by Police officers on work which is not properly Police duty. The objectives of the Police are the prevention and detection of crime and the preservation of life and property. Anything which does not directly pertain to these objectives should not be carried out by Police officers, but should be the responsibility of some other Department of the Government…

3. In this respect, I refer particularly to-
   Service of civil process and execution of civil warrants;
   The registration of motor vehicles;
   The testing of applicants for driving licences;
   Collection of Monetary Penalties; and

Such activities were of concern to St. Johnston for a number of reasons. First, some were seen to be “historical relic[s] of the colonial days when the Police were the only representatives of the Government … in outlying areas of the State …”, a situation now changed. Second, such activity “destroys good relations between the Police and the public.” Third, they took police away from their ‘primary functions’. Finally, “there is no doubt that [such activity] lowers the prestige of the Police Force and its members in the eyes of the public…” (1971: 158), echoing longstanding concerns with the impact of ‘extraneous duties’ on police legitimacy. This fear of undermining police legitimacy through demanding ‘non-core’ activities – something currently seen in exactly opposite terms – also has a long history. For instance, Ross Johnston provides a good example from Queensland in the early 1900s. In this period there were concerns amongst the Queensland police that attempts to police Sunday trading in alcohol, and ‘sly grog’
operations - illicit trading and distilling of alcohol - would “demoralize and lower the tone of the Police Force and thus lessen the confidence of the Public” (1992: 163).

To highlight the deleterious impact of such activities on the core functions of the police, St. Johnston used surveys of police time, calculating that the amount of time devoted to traffic issues alone was the equivalent of 295 police officers. He concluded that the extraneous duties “are so time-consuming that the members of the Force are prevented from doing their proper work” and much time is spent collecting and accounting for money from fines or fees. In 1970 Police collected more than $16 million, with the largest station collecting $959,411. In a stunned tone St. Johnston states:

I have never before encountered a Police Force where the fees of this magnitude are collected by the Police. In the United Kingdom, I doubt if more than $200 is received at any one Police Station in the course of a year. (1971: 167).

One Inspector commented to St. Johnston “We no longer have any time to be Policemen. We are just money collectors and State auditors.” (1971: 166).

St. Johnston’s recommendations were that these ‘extraneous duties’ be transferred to other Departments. In the years following these recommendations, many of these duties were relocated to other Departments such as the Road Traffic Authority (Haldane 1995: 249). The most significant impact occurred when in 1981 when 1,020 or 46 per cent of the public servants in the police were ‘transferred’ from the police to the Motor Registration Branch of the Road Traffic Authority (Neesham 1985: 612A, Table 9.1). St. Johnston’s view of police functions was one that sought to narrow the ambit of activities of the Victoria Police and the resulting implementation of his recommendations had a far greater impact in terms of ‘re-locating’ police activities than the ‘contracting out’ that would occur in the 1990s.
A broadly similar approach to understanding the role and function of police can be identified in Queensland in the McKinna reports (1969, the background to McKinna was discussed in the previous chapter). In relation to the role and functions of police, McKinna invoked Peelian Principles, arguing that for the police “to achieve greater efficiency and effectiveness in the policing role” according to these principles, “they would have to disentangle themselves from many of the extraneous duties they were undertaking on behalf of other government departments and semi-government organisations.” (Bolen 1997: 39)

In St. Johnston (1971) and McKinna (1969) Peelian principles are seen to provide a self-evident framework for a positivist evaluation of ‘departure’ from the ‘rules’ of what constitutes the roles and functions of a modern police. In both instances we have examples of the effort to ‘return’ police to ‘core functions’ well before the impact of the ‘managerialist turn’. They indicate the ongoing concern within welfare liberal governing to limit the demands on the state police whilst at the same time raising important questions about the capacity of police to be efficient and effective, themes that would be taken up later in more trenchant critiques of police and welfare liberal governing. Though the limitations of such approaches are quite clear - the failure to incorporate an understanding of the specific histories of political, institutional and cultural factors shaping police – they represent one key means of problematising police. This attachment to Peelian principles has been re-visited more recently, albeit in novel ways. However, in the 1980s an alternative mode of problematising the police emerged, based on expert analysis outside police knowledge.

**Diagnosing roles and functions through experts**

The second form of problematisation is diagnostic, involving detailed ‘expert’ examination of the contemporary roles and functions of police. In this approach, the roles and functions are not seen as self-evident, but rather to be diagnosed according to modern concerns, issues and practices through the use of particular expert knowledge beyond police knowledge. In Victoria,
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the Neesham Committee of Inquiry (1985) exemplifies this approach, using the expertise of criminologists and a range of ‘expert’ consultants from several disciplinary fields such as management, psychology and education. Furthermore, Neesham differed from much of what had preceded it (or has subsequently occurred) in terms of articulating relations between police practices, accountability processes and more generally the issues concerned with identifying what ‘properly’ constituted the role and functions of the Victoria Police (1985). To a lesser extent, and overlapping with the first form of ‘problematisation’, the Anderson Consulting & Co (1988) Review of Operational Work Practices of the Queensland Police is an example of employing new forms of expertise such as management consultants to review the role and functions of police and establish the ‘true’ modern purpose of the organization. We begin with a brief examination of Anderson Consulting & Co before turning to analysis of the more detailed Neesham Inquiry.

The Anderson Consulting & Co (1988) Review was conducted between July and December 1988, overlapping with the hearings of the Fitzgerald Inquiry (1987-9). The main task of the Review was to identify which activities could be subject to civilianisation. They developed “several criteria for determining whether specific tasks were in the domain of operational police work” and therefore requiring that they be performed by police officers. The criteria used to determine this was:

- Is there a legal requirement for the job to be performed by police?
- Does the job require police powers to be properly performed?
- Does the job constitute a unique career path available only in law enforcement agencies?
- Is training for this job available only through police departments? (Arthur Anderson 1988.ix)

Such questions are formed through particular forms of expertise (in this case management consultants and audit) and in turn become the diagnostic tools that enable experts to determine which activities should remain a police duty. More specifically, the Review devoted a section of
chapter 8 titled ‘Extraneous duties’ (1988: 8.5). Expanding on the criteria identified above, the Review argued that

the ability of police to dedicate themselves full-time to operational police work is hampered by the variety of *non-police duties* performed on behalf of other Government Departments and instrumentalities

and appointment to a ‘variety of positions’ (my emphasis, 1988: 8.5: 21). The Review indicated, “most of these extraneous duties involve the collection of monies” (1988: 8.5:22), echoing the earlier concerns of St Johnston (1971) in Victoria. Anderson Consulting & Co (1988) recommended transferring some duties to other government instrumentalities, the use of ‘user pays’ in instances where such duties continue to be performed by police, and the closure of some stations where the bulk of their work involved such extraneous duties.

The use of Arthur Anderson accounting and management consultancy represents an important departure in the deliberation on police core functions. First, it is a particular form of expertise, particularly that derived from management and business which is seen to contain the necessary expertise to identify what ‘properly’ constitutes police roles and responsibilities. Second, Arthur Anderson & CO have no need for the recourse to Peelian principles to delineate between police and non-police functions: this distinction is to be answered by examining whether such activities are unique to police, itself identified by the seemingly neutral criteria contained in the four questions set out above (legal duty, requires police powers, unique to the police career path, and the relevant training only available to the police). The Review therefore represents a shift in the technical means for determining police core functions, changing the forms of expertise and knowledge seen capable of delivering a programme of reform that would divest police of the multiple tasks they had accrued.

The Victorian Neesham Committee of Inquiry (1985) exemplifies the use of expert analysis to examine police roles and functions. This Committee was appointed to inquire into the functions of the police, their capacity to achieve ‘organisational philosophies’, the ‘objectives of
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The Neesham Committee was following a number of *ad hoc* and more specific inquiries into the Victorian Police. For instance Kaye (1971) had examined allegations of corruption related to illegal abortions; St. Johnston (1971) had focused on the administrative inefficiencies; and Beach (1976) and Norris (1978a, 1978b) addressed concerns about police abuse of criminal justice process and the ‘failure’ of internal accountability mechanisms and procedures. Later inquiries would also focus on more specific issues, such as a culture of excessive use of force in both general policing and in the use of lethal force (see Deputy Ombudsman 1994a, 1994b; Task Force Victor 1994; Hallenstein 1995; Palmer 1995), and the formal mechanisms of police accountability (Police Complaints Authority 1988; Freckelton 1991; and for an earlier overview see Palmer 1999). The Neesham Committee stands out as an attempt to draw together many of these and other specific issues (for instance education and training) within a far more encompassing framework that sought to utilise expert knowledge from a range of disciplines to answer the question of what is the role and function of the modern police.

The Neesham Inquiry’s considerable attention to considering the proper role of the police contrasts sharply with St. Johnston’s approach to the obviousness of the role and function of

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1 This is not to suggest that police knowledge was ignored as senior police were seconded to the Inquiry, as were personnel from the Police Ministry.
police. That Neesham devoted a full chapter to analysing the ‘police function’ was due to two factors (see chapter one, volume one). First, the terms of reference for the inquiry were more broadly pitched than St. Johnston’s ‘inspection’ and were directed to consider “the appropriateness of the present functions of the Force and the need for any changes to those functions” (1985b: 1). Second, the Lusher Inquiry had recently been completed in New South Wales (Lusher 1981). This inquiry was a broad administrative review of policing and included detailed discussions of the functions of the New South Wales Police. Neesham draws on Lusher at several points, including two lengthy quotations - one on police-community relations (1985b: 34-5) and another on law enforcement versus community service (1985b: 50-1).

For Neesham, the functions of the Victoria Police Force were to be found indirectly in ‘traditions’ drawn from the London Metropolitan Police and expanded upon in the Standing Orders (ignoring the influence of Irish police, Haldane 1985, see Neesham 1985b: 15-19 for the ‘organisational philosophy’ outlined in the Standing Orders issued by the Chief Commissioner). However, Neesham argued that it was “necessary to define the function of the police.” (1985a: 7). This was for the same reasons as Lusher (1981: 24-5) had indicated in New South Wales: to enable the ‘clear purpose’ of the police to be identified, which in turn would allow ‘sound management’ so that managers would know what is expected of them, and be able to plan accordingly. Further, this would help to avoid ‘conflict’ or ‘duplication’ between police and other government agencies and provide a ‘reference’ to identify ‘performance and efficiency’ which in turn could then be ‘evaluated and reviewed’ (Neesham 1985b: 36). We can see here the emergence of what Bottoms (1995: 24-30) refers to as the systemic dimension of managerialism: inter-agency cooperation to enable the efficient and effective operation of the criminal justice system; strategic planning, performance indicators and mission statements; and the ability to monitor aggregated data, particularly data pertaining to performance indicators.
Neesham drew further upon Lusher’s argument that the ‘traditional’ function of law enforcement remained the ‘primary’ task of police, whereas more recent ‘community service’ functions were provided by many agencies (1985b: 36-7). However, Neesham did not return to the more ‘narrow’ view of police functions identified by St. Johnston. It was pointed out that the Police Service Board had rejected St. Johnston’s view in a wages determination (Police Services Board ‘Determination 308 Salaries and Allowances Claim 1978-1979’ cited in Neesham 1985b: 38). The Neesham Committee utilised the expert knowledge generated by three sources of information to analyse the police function.

First, Neesham drew upon the analyses of a number of recent inquiries into police in England (Royal Commission in the Police 1962, Scarman 1982); the United States (President’s Commission on Law Enforcement and the Administration of Justice (1967) and the National Advisory Commission in Criminal Justice Standards and Gaols (1973); and Australia (Lusher 1981). Interestingly, like Lusher (Finnane 1999: 22) Neesham ignored the Bright Royal Commission in South Australia (Bright 1970). Second, Neesham selectively examined recent academic analysis of policing (Banton 1964; Radzinowicz and King 1977). Finally, the Neesham Inquiry conducted its own research with the assistance of various forms of expertise mentioned above, examining current police ‘activities’ (which were seen to form part of the context for defining functions, 1985b: 40) and original research into various aspects of police administration (for instance a detailed educationist evaluation of police recruit training, ‘activity analysis’, regionalisation, and financial management).

From this ‘triangulation’ of data Neesham argued that the contemporary police function as understood by the police ‘organisational philosophy’ had considerably extended functions well beyond those related to crime or breaches of the peace. The inclusion of a general duty to protect life and property regardless of whether or not crime or a breach of the peace was involved imposes a ‘duty too wide’ and has ‘overstated’ the role of the police (1985b: 61).
Neesham concluded that there was a need to circumscribe the functions of police and recommended that the functions be stated clearly, incorporating the early traditions and at the same time recognising the expansion of police functions related to disaster planning and activities (eg search and rescue) and the “provision of reasonable help” to those “who reasonably look to police to provide it” (my emphasis, 1985b: 64)

Overall, Neesham had complained that the police had over-extended their functions in ways that created a number of difficulties such as: defining the extent, priorities, and allocation of resources; duplication and conflict with other agencies; and “unwarranted intrusion upon the liberty of the subject” (1985b: 59). It was this last concern, which related to the broad functions of ‘protection’ to life and property without clear connection to crime or breaches of the peace, which led Neesham to qualify community service functions with the notion of reasonableness.

While the Anderson Consulting & Co (1988) report was rapidly overshadowed by the Fitzgerald Inquiry (1989), Neesham had a more lasting impact on the ways of deliberating upon the role and function of police, and in turn on the shifts in thinking about how to govern police. Neesham is an exemplar of the ‘slow politics’ of police institutional and cultural reform that McLaughlin and Murji (2001) have identified in England. Central to their analysis is the notion that neo-liberalism does not arrive with a ‘big-bang’, unproblematically implemented through new managerialism. Neo-liberalism is not a coherent program of fully developed technologies perfectly articulated one to another and in turn to the over-arching rationalities for governing. As with other political rationalities there is a process of translation between the more abstract rationalities for governing and the specific techniques developed to address the concrete problems. Neesham forms a key starting point of this ‘slow politics’ of change, representing the opening of police to the emergent techniques of the managerialisation of governing police.
Clearly, Neesham has the hallmarks of an unsettling of the distinctiveness of the police from other public sector organisations. Though Neesham reiterated the ‘traditional’ functions of police, the inquiry’s concern with the increasing importance of “the science of police management” created the discursive or narrative space for the potential elaboration of practical techniques for shaping institutional and cultural forms and practices through the techniques of new managerialism (Neesham 1985a: 4). As we have discussed earlier (see chapter 3), police management did respond in important ways, such as developing mission statements, plans and cultural reform programmes. However, in terms of the deliberations on the role and functions of the police, in Victoria it was the subsequent work of the Police Board (1992-1999) and more recently the Johnson (2001) Ministerial Review that operated upon the spaces created by Neesham. In Queensland, it was the Fitzgerald Inquiry (1989) that addressed the roles and functions of the police and largely ‘fixed’ the definition of what police should do and how they should be governed to the extent that three subsequent reviews (PSMC 1993; CJC 1994; Bingham 1996) worked upon and through Fitzgerald’s framework.

**Reflexively constituting roles and functions**

The final technique for problematising police role and functions is concerned with establishing the procedures for continual _reflexivity_ (Beck 1992, 1994; Giddens 1991, 1994). Though the specific histories of Queensland and Victoria differ markedly in this period from the late 1980s to the present – the former having a large-scale inquiry into police and government, the latter having multiple reviews on different aspects of policing – a key similarity is to be found in the shift from either unproblematically assuming the core role and function of police, or expertly determining what these are, towards the development of an institutional framework wherein police roles and functions are constantly and reflexively determined. Most particularly, this occurs through incorporating the ‘community’ into the processes for deliberating upon police roles and functions, potentially ‘puncturing the enclosures’ (Rose 1996b: 351) of previously insulated forms of expertise based either on police independence from political interference on
the Peelian core, or the diagnostic experts rationally and technically determining ‘proper’ functions.

The Fitzgerald Inquiry in Queensland repeated standard orthodox accounts of the role and function of the police. For instance, Fitzgerald stated:

The purpose of a police force is to preserve order, prevent crime and detect and apprehend offenders against order and criminal laws. Its role traditionally encompasses the protection of life and property, not only from criminals, but in natural disasters and other emergencies. (1989: 8.2.1: 218)

Further, Figure 8.1 of the Fitzgerald inquiry (1989: 219) sets out the legislation under which police operate. Eighty Acts are identified as being ‘commonly used’ and a list of a further 36 Acts ‘which may require police attention’ but which is ‘by no means exhaustive’ of all legislation used by police. Figure 8.2 (1989: 220) identifies a range of other duties involving specific appointments (27 duties) and work ‘regularly performed for other departments’ (21 Departments with several activities under most Departments).

For Fitzgerald, the proper function of the police was seen to be unproblematic and in this way the report did not differ from essentialising and ahistorical approaches of St. Johnston (1971) in Victoria or McKinna (1969) in Queensland. What differed though was the means of achieving these functions, which required ‘Changing the Approach’ through two measures (heading to section 8.3, 1989: 230). First, the organisational ‘philosophy’ was to be based on community policing, with considerable faith in the capacity of a new organisational ‘mission’ to change extant practices, with additional measures introducing “critical scrutiny over authority” (Rose 1993: 295) such as the introduction of the Criminal Justice Commission to ensure change ‘really’ occurred through both its monitoring role and its responsibility for handling complaints against police. Second, to achieve community policing the QPS was required to introduce an institutional means for deliberating on police function in the form of ‘community crime committees’ (1989: chapter VIII). While the QPS developed an alternative, Community
Consultative Committees (see chapter 6), the increasing purchase of ‘crime prevention’ in criminal justice and policing policy development shifted the emphasis away from the police specifically, and what should constitute ‘proper’ police roles and functions of police generally, to questions concerning how best to prevent crime and the allocation of responsibilities from the varying crime prevention tasks. In no small way, this was due to Fitzgerald’s limited analysis of crime prevention and community policing.

Though Fitzgerald was relatively brief in his discussion of what constituted community policing (1989: 230-33), he was clear in his view that “community involvement is essential to successful police work” and what the police did in particular localities was to be determined through the interaction between police and local geographic communities. In this way, the practical role and functions of police would be determined by continual reflection on the needs and desires of locally constituted community committees. At the same time, “[c]itizens have to be encouraged to accept their duties and responsibilities…”(1989: 231). Thus, for Fitzgerald governing policing required fundamental changes in the relationship between the police and the public, shifting police practice away from reactive law enforcement, ‘responsibilising’ communities to be engaged as ‘active citizens’ accepting their crime prevention ‘duties’ and the need to help identify ‘local’ policing priorities.

Underlying Fitzgerald’s approach was a desire to overcome the isolation of police from local communities. Further, developing an alternative institutional mechanism for the authorisation of policing practices challenges the self-authorisation of policing. This problematic self-authorisation occurs through internalised, discretionary decision-making concerning the “emphasis and organization” of policing (1989: 230). Under Fitzgerald’s approach, police practices were to be governed through the deliberations of ‘the community’, fostering the capacity for ‘outsiders’ to know and shape police practices through their role in the ‘sub-political’ consultative committees. However much these emergent calculative regimes ‘fail’ to
deliver new ways of knowing and deliberating on policing practices (CJC 1994a), the ‘will to
govern’ policing through new institutional forms of deliberation at a distance from the state is a
key context for managerialising police work and creates the spaces for new ways of governing
police. Most particularly, consultative committees represent the first attempts to breach
professional enclosures for determining police roles and functions. Furthermore, consultative
committees intersect with another key feature of the managerialisation of governing, the
consumerisation of police, analysed in chapter 6 where we detail the various forms of crime
prevention committees and partnerships.

Subsequent inquiries examined the extent to which the Fitzgerald reform agenda was being
implemented and the refinement of the practical techniques of management (PSMC 1993), the
implementation of Fitzgerald’s recommendations in toto (CJC 1994; CMC 2002) and the extent
to which police were delivering efficiency and effectiveness through the reform process
(Bingham 1996). But rather than fixing police roles and functions a priori, each of these
inquiries embedded reflexive deliberation through consultative committees and partnerships as
the means for determining police roles and functions.

In Victoria the Neesham inquiry had already raised the issue of the need for changes in the
relationship between police and the community (see 1985b: chapter 11). Neesham restated and
endorsed St. Johnston’s notion of the ‘mutual responsibilities’ of police and the community
(1985b: 756) and proposed the need for consultative mechanisms. Drawing upon the
recommendations of the recently concluded Scarman inquiry in London (Scarman 1982),
Neesham advocated the need for structures to enable “the community to be heard not only in the
development of policing policy but in the planning of many, though not all, operations against
crime.” (Neesham 1985b: 751) However, despite endorsing Scarman’s recommendations,
particularly the need for a legislated form of consultation rather than the existing voluntary
mechanisms Scarman had criticised, Neesham’s recommendations had nothing to say about legislated forms of consultation.

Neesham recommended three forms of consultation: first that police be represented on any regional planning bodies (1985b: 754-5); second the police introduce their own “local level liaison committees … at station level” (1985b: 755); and finally the introduction of an annual “Police/Community Conference” with no decision making responsibilities (1985b: 756). These recommendations opened the space for further elaboration of consultative mechanisms and indeed were taken up in the introduction of Police Community Consultative Committees in 1989 (James and Sutton 1993; Palmer 1993). However, similar to Fitzgerald’s recommendation for the introduction of ‘community crime committees’ the ongoing influence of ‘crime prevention’ and the lack of a detailed legislative form meant the recommendations did little in terms of introducing structures for deliberating on the role and functions of the police.

While Neesham’s micro-level recommendations thinkable and governmental by embedding governing through the community in the practical technique of consultative committees, a more detailed attempt to develop mechanisms for reflexively deliberating on police roles and functions was undertaken by the Police Board of Victoria through two distinct Reviews. However, rather than community ‘representatives’ located in consultative committees, the Board turned the attention inwards, developing a process for reflective deliberation on police roles and functions through the police planning processes, which in turn required ongoing knowledge of ‘community’ and workforce perspectives on what the police should do and how they should do it.

The Police Board was appointed in 1992 (the first meeting occurred on January 7, 1993) and consisted of ‘captains’ of the courts (retired Chief Justice), navy (retired Commodore) and
industry (CEO of a large catering company) and the Chief Commissioner of Police (Palmer 1997a). The Neesham inquiry had rejected the need for a Police Board in Victoria: an ‘advisory board’ would be ineffective due to having to convince the Minister or Chief Commissioner of the merits of their recommendations as they would not have the actual power to implement such; a Board with ‘executive authority’ would undermine the Chief Commissioner’s independence (Neesham 1985b: 778). Neesham provided no comment on why this was not the case in New South Wales where a Police Board had been introduced in January 1984 (though the role and functions of the New South Wales Police Board were outlined). Nor once again did the inquiry take account of the Bright Royal Commission in South Australia (Bright 1970) which long recognised the implausibility and undesirability of thinking about police ‘independence’ in such a manner, concluding that the political and legal reality was that police commissioners are and should be subject to directions from Ministers (Finnane 1999: 22). Furthermore, Bright’s conclusions were supported by the Mitchell Royal Commission into the dismissal of the South Australian Police Commissioner (Mitchell 1978; Goldring and Blazey 1994) and located the police within the executive of government and similar to any ‘statutory authority’ (Plehwe and Wettenhall 1994: 165, see chapter 3 above).

However, a change of State Government in October 1992 led to the implementation of an electoral promise to establish a Police Board “to maximise the resource-management skills of the Victoria Police and act as an apolitical bridge between the police and the Minister” (2nd Reading of the Police Regulation (Amendment) Bill, Legislative Council, 17-18 November 1992: 735). Further, as one member of the Government indicated in the parliamentary debates, the Board was designed to “apply the best international management practice” (ibid, p.874). Another Government member in the Legislative Assembly went further, indicating that the Police Board was part of the broader efforts to restructure the Public Service to provide incentives for increased performance and improved efficiency and that “the Police Force is one organisation within the public sector that will benefit from greater accountability” (Legislative Assembly 12 November: 860-1). Finally, not only would accountability be delivered through
the ‘responsibilization’ of police managers for individual and collective performance, but also
the introduction of the Board was seen to offer a means of ‘de-politicising’ the police by
displacing the Police Ministry to which “Labor had appointed many of its friends” (Mr. Smith,

Earlier, one government member, Mr Smith argued that the Ministry had become ‘politicalised’
and the new Board would act as the intermediary between the minister and the Chief
Commissioner to ensure the “separation of powers” (Mr. Smith, Legislative Assembly, 6
November, 1992: 576). In turn, this was criticised by the previous Labor Minister for Police, Mr
Sandon. Sandon argued that the Board would mean that the “minister is handballing the
problem and creating another level of bureaucracy” so that he can “blame someone else when a
problem arises.” He went on to argue, “it is incumbent upon the Minister to accept
responsibility” (Sandon, Legislative Assembly 6 November, 1992: 578). Indeed, Sandon went
so far as to suggest that the “minister must be close to the people he represents … and the
Police Board will ensure that the Minister is kept at arm’s length from the police officers he is
supposed to serve.” (my emphasis, Legislative Assembly, 6 November 1992: 579) Sandon also
questioned the ‘calibre’ of the categories of appointees such as a retired judge who would not
have the “capacity to undertake detailed financial management techniques”, and a “retired
military person, a Colonel Blimp. The members will have to call everyone sir.” (1992: 578)

Thus in the political debates over the merit or otherwise of a Police Board we can identify a
shift in the mechanisms of police governance. The Board was to replace the police Ministry, act
as a buffer between the Minister and the Chief Commissioner, and provide advice to enhance
the efficiency and effectiveness of government administration in this area generally, and police
management specifically (Palmer 1997a). The first inquiry of the Police Board was the
Management Review of Victoria Police (Police Board 1997a), which argued that while the
Review was to examine ‘core policing functions’:
There is however nowhere in the world any agreement as to what are core functions and it seemed fruitless to attempt any *a priori* definition. Instead, the Board undertook extensive and closely supervised surveys of the general public and of the members of the Victoria Police as to what they believed were important functions of the police. (Police Board 1998b: 1-2)

There is a significant amount of hubris expressed in the Annual Report of the Board summarising the results of the Management Review (1998b). For instance, there are claims that “the Board broke new ground which has not been previously attempted in a policing environment” by avoiding an *a priori* definition of police core functions. Further, the Annual Report argues that although the Management Review was produced by an ‘independent body’ (one it must be said that had the Chief Commissioner of Police as one of the four members!) that “Victoria Police accepted all recommendations prior to” the completion of the Review. This is seen as “unusual in that external inquiries into policing usually report separately, thus imposing recommendations without an opportunity for police to consider their practicality or acceptability” (Police Board 1998b: 1).

Such arguments are remarkable for their lack of appreciation of the realities confronting most inquiries into police. For instance if we look to the example of the Fitzgerald Inquiry – surely one of the most demanding of public inquiries into police in Australia in terms of ‘imposing recommendations’ – we find the use of several experienced police seconded to the Commission to perform various functions (1989: 19-20). Similarly, the Wood Royal Commission into the New South Wales Police Service utilised the experience of a number of seconded police (Wood 1997). Furthermore, scattered through the Interim and Final Report of the Wood Royal Commission are examples of the efforts of an inquiry to address and assist in the immediate and practical reform issues. These are examples from just two of the most recent and significant inquiries into Australian police agencies and serve to highlight the limited knowledge of policing literature and/or deliberate indifference to this literature from those inside the Police Board. It also points to the over-exuberance in attempting to make the work of the Board both relevant and politically important. It should also be noted that this Review was no small endeavour: it took over four years to complete (July 1993 – August 1997); involved seven
‘project teams’ drawing on seconded police and dedicated Board staff to complete various tasks; used a series of commercial consultancies involving several hundred thousand dollars; and involved three interim reports (Police Board of Victoria 1994b, 1994c, 1995b). Being no small endeavour, involving a range of personnel and significant public funds should have produced a Review with at least some appreciation of the relevant literature.

If the Management Review indicated a shift away from attempting an *a priori* definition of police roles and functions, the movement away from developing a definitive perspective was cemented in the last major Review before the abolition of the Police Board at the end of 1999. In February 1998, the Minister for Police, Bill McGrath asked the Police Board to conduct a review of the *Police Regulation Act 1958*. This was Reference Number 3 of the Police Board and was referred to as *Principles for the Development of Modern Policing Services* (Police Board of Victoria 1998a).

The *Principles* report took a nominalist position on the functions of the police, indicating that “it is clear to the Board that there is not a unanimous view as to what are police core functions” (1998a: 1). Instead, the Police Board determined that there were ‘some common understandings’ which lead to the development of 12 ‘foundations’ for modern policing, which were translated into 10 ‘principles’. The Board stressed that the principles developed by Sir Robert Peel “still provide a sound philosophical base for policing” and that the principles developed by the Board were to ‘amplify’ and ‘give effect’ to attaining Peel’s principles rather than replace them (1998a: 7).

Echoing Neesham’s comments a decade and a half earlier, Principle 4 of the Police Board was “That the role, function and responsibilities to be discharged by Victoria Police be clearly promulgated.” (1998a: 10). These functions were to be based on ‘agreement’ between the
government and the Chief Commissioner, with any proposed changes to be preceded by “a comprehensive cost-benefit analysis” and consideration of community expectations (1998a: 12). The Board examined four key issues related to the role and function of the police: policing with community consent; core roles; peripheral roles; and policing by ‘others’ (1998a: 25). We will focus on the first three key issues as policing by ‘others’ focused on increasing accountability of other forms of policing rather than the issue of the core role and functions of the Victoria Police.

**Community consent**

For the Board, policing by consent was seen to be axiomatic of Peelian traditions adopted in Victoria, with an emphasis on ‘partnerships’ and on the community ‘setting the standards’ for policing. Once again the inquiry indicates a paucity of historical knowledge and/or attempts to ride roughshod over historical realities in order to accommodate the historical amnesia within the Board and Victorian Police Force. This is particularly surprising given the ‘authorised’ history produced by a serving member of the Victoria Police Force recognised the mixed influence of the Royal Irish Constabulary and London Metropolitan Police on the history of the Victorian Police (Haldane 1986; 1995). Even more stunning is that the only example given of the ‘community setting the standards’ concerns ‘reducing road toll’, referring to community ‘cooperation and acceptance’ of changes to police practices. Thus ‘setting the standards’ is reduced to passive community acceptance of police determinations of appropriate police functions rather than mechanisms involving the ‘community’ *setting standards* for police practice.

**Core roles**

Beyond this confused and confusing ‘account’ of policing by consent, the second key issue identified by the Police Board concerned the core roles and functions of the Victoria Police. These are re-stated as the foundational principles of preserving the peace, preventing crime, upholding the law and bringing lawbreakers to justice, and the protection of life and property.
Thus, while properly raising the issue of how police work is to be conducted (or at least raising the underlying principle of policing by consent), as distinct from what police do (Johnston 2000: chapter 3 drawing on Bittner’s earlier distinction 1970, 1991), the Board simply retreated into re-stating basic Peelian principles. Further, the Board rejected embodying the general role of the police into legislation despite previously indicating the need for the roles to be ‘clearly promulgated’ (1998a: 10, 1998b). For the Board, internal police planning processes displace a legislative framework. Noting that although the ‘proactive’ and ‘reactive’ elements of police work “do not necessarily sit neatly together” the development of police business and annual plans and the related budget processes ensured that ‘outcomes’ would be properly developed (Police Board 1998a: 28).

In other words, rather than seek to define the functions of police, the planning processes would be used to adjust policing outcomes – which were to be based on community and workforce surveys – where necessary. Thus, rather than engage in forming community committees as the institutionalised means of governing the determination of police roles and functions, governing through reflexive deliberation was to be achieved by an alternative institutional framework: a triennial market research program established in the earlier Management Review of Victoria Police (1997a) to develop an integrated data set on community, workforce and partners’ views on the effectiveness of policing outcomes and the efficiency of services (Police Board 1997a: 5).

This data set was to be produced through several means: a ‘community monitor’ of community perceptions conducted twice annually; a national ‘benchmark monitor’ conducted nationally; an annual ‘direct’ customers survey; a biannual community survey on “what is important to be done by police”; and a biannual workforce survey (Police Board 1997a: vii, 15).

While the Board elevated market research as the technique to know police roles and functions, they continued to vacillate over whether it was possible to set broad parameters to these roles.
and function. However, core roles could not be agreed upon within the Board, particularly whether ‘crime and its control’ were the primary functions of police, or “whether it incorporates other core functions.” (1998a: 27).

Peripheral roles

The third key issue identified by the Police Board concerned the ‘peripheral roles’ engaged in by the Victoria Police. In discussion of ‘peripheral roles’ the Board referred to a ‘fifth’ role developed by the Neesham Inquiry – providing services for reasonable expectations of the community. Little insight is provided by the Board into how peripheral roles are to be determined and addressed, except to add that any review of peripheral roles should be considered in terms of “costs, benefits, relative policing priorities and alternatives for providing the functions … as per current practice.” (1998a: 29). In effect, it would largely be left to the police to determine whether such ‘peripheral roles’ would be accepted, and the level of service to be dedicated to these roles.

More fundamentally, there is a failure within the Review to recognise how contemporary police in Victoria differs substantially from the Peelian ideals they hoped to ‘amplify’. As O’Malley and Palmer have argued, rather than the early liberal Peelian ideal of police as merely citizens in uniform devoted full time to what was a responsibility of each and all,

the post-Keynesian liberalism of the 1980s has to take into account a professional police force, and police technologies and relations that had moved well beyond the imagery of the ‘amateur’ police… (1996: 144).

The Peelite model worked upon an imagery of the ‘ordinariness’ of the police, differing from the general populace only for the fact of being employed as uniformed peace officers. As we have identified in chapter 4, the current exhortation for police officers to be entrepreneurial community leaders dedicated to harnessing and developing the energies of local populations, and the extensive powers allocated to only the police, sits rather uncomfortably with the efforts to re-establish police as merely citizens in uniform along Peelian lines. Furthermore, as
discussed in the Introduction, the Board essentialised the Peelian model, failing to recognise the contested and contingent nature of Peelian principles and practices.

Nonetheless, the shift to the use of market research techniques to provide ongoing iterative knowledge of community and workforce views about police roles and functions, and the avoidance of an \emph{a priori} definition of these roles and functions continued Neesham’s earlier concern to enable ongoing and open-ended reflexive deliberation on police roles and functions. The technical means of achieving this was clearly different – committees for Neesham, market research for the Board – but they share in their concern to avoid the earlier approaches of identifying the deviations from an assumed set of roles and function or an expertly diagnosed determination of what these roles and functions should be. However, at the same time the Police Board market research program intersected with ongoing internal organisational changes developed by the Victoria Police. In particular, the police executive introduced an organisational and ‘business’ re-structure called \emph{Local Priority Policing} (Palmer and Cherney 2001).

\emph{Local Priority Policing} (LPP) is addressed in more detail in the next chapter but is important to address in this section in terms of the way it reintroduces the committee-based approach to reflexive deliberation on police roles and functions. One of the key objectives of LPP is to “increase accountability to local communities for police service outputs” (Auditor General 2001: 3). The key means of achieving this objective is through the introduction of the \emph{Community Consultation Model} (CCM). Central to the CCM is the development of ‘multi-agency partnerships’ and an extended “partnership to the broader community” (Auditor General 2001: 37). To achieve this objective Victoria Police introduced Local Safety Committees with specified agency and community representatives given the tasks of identifying local safety issues, developing ‘coordinated’ responses to these issues, and developing and implementing a ‘Community Safety Plan’. The LSC is also to act as a forum for the broader community to refer
issues of local concern and is required to monitor and seek to enhance public perceptions of community safety (Auditor General 2001: 41). In this way, the LSCs represent a ‘corporatist’ form of deliberation: decision-making is negotiated amongst selected ‘stakeholders’, managed in ways designed to produce consensus and avoid conflict, and concerned with pragmatism and efficiency than broader questions of justice (Hughes 1998: 99; Crawford 1994). While ‘the law’ provides police with their broad mandate for keeping the peace, the inter-agency nature of LSCs seeks to guide local policing priorities through the development of local policy plans that prioritise certain activities. Thus roles and functions, while broadly stated in the legal mandate, are implemented through the corporatist deliberation process of regular meetings and annual Local Safety Plans.

Though the LSCs were only introduced in July 2000 they have already been identified as a limited form of consultation driven by centrally developed ‘models’ and dominated by police (Auditor General 2001; Palmer and Cherney 2001). However, this should not distract us from two key elements of the CSM and LSCs. First, the objective is to develop an institutional means for the continual and ongoing deliberation on local policing priorities. Of course, this is circumscribed in practice, in particular through an implicit assumption that Peelian principles underpin these localised deliberations. But the goal of reflexive deliberation remains at the core. Second, the LSCs effectively demand that other government agencies, and to a lesser extent the ‘broader community’, engage in deliberations concerning local community safety in ways that include their own resources and responsibilities.

LSCs reconstitute the cognitive processes of deliberation by combining reflexive deliberation and ‘responsibilization’ of other agencies: whereas the work of the Police Board focused on knowing community and workforce perceptions of police roles and functions, LSCs require selected ‘representatives’ to deliberate on policing and community safety with their own capacities and responsibilities at the fore of their thinking. Furthermore, the recent Ministerial
Administrative Review of the Victoria Police recommended that “consultative mechanisms for community input” should be included in the new Police Act (Johnston, J. 2001: 52) thus proposing for the first time in Australia a legislative basis for police-community ‘partnerships’ or ‘multi-agency’ forums (though as of June 2004, six years after the first review of the Act, a Bill is still yet to emerge).

Finally, in August 2002 the Victoria Police produced a draft Strategic Plan for 2003-2008 and an accompanying discussion paper Victoria Police in 2008: the critical issues and possible strategic responses (hereafter Critical Issues, Victoria Police 2002). The draft plan was developed following “a large number of focus groups … within Victoria Police and the wider community” (Nixon 2002: 1). Critical Issues was placed on the Internet at the Victoria Police web page (www.police.vic.gov.au, accessed August 16, 2002) and on the internal Intranet inviting further comment and the option to complete a survey submitted electronically. According to Chief Commissioner Christine Nixon, in order for Victoria Police to “remain at the leading edge of modern policing” Victoria Police needs to “evolve to meet the needs of policing today and tomorrow” (Nixon 2002: 2). To this end, the draft plan Critical Issues discussion paper (Victoria Police 2002) raise the need for continual review of police ‘core functions’ in light of the ever-increasing demands for police services and broader social change that “has been rapid, deep-seated, and radical” (my emphasis, Nixon 2002: 3).

The Critical Issues discussion paper places the discussion of core roles and functions in the context of the stated requirement for police to adjust to the changing political, economic, social and technological conditions (Victoria Police 2002: 2-5). While it is once again claimed that the core functions remain those outlined by Robert Peel in London in 1829 (wrongly dated 1853), Critical Issues states “Victoria Police has increasingly assumed additional roles and responsibilities … beyond the traditional role” (2002: 5). There is also mention of ‘back to basics’ and the recognition of the growth of other public and private agencies and groups
engaged in maintaining social order. Finally, *Critical Issues* raises a concern about the level of police resources dedicated to ‘social services’, a debate that has occurred repeatedly over each of the periods we have examined.

*Critical Issues* suggests that these social pressures for change, and the extended ‘social services’ requires consideration of adjusting police response techniques, re-packaged in a catchy slogan: “Driving up community safety while driving down crime are core police functions” (Victoria Police 2002: 6). Without any hint that this represents a fundamental shift from Peelian principles (community safety is far more than crime prevention and law enforcement), *Critical Issues* simply pushes on to suggest that the key strategic question concerns how this is best achieved.

In this latest instalment of the examination of core roles and functions, we have witnessed a new procedure for deliberating on core roles and functions. This approach differs in an important procedural aspect from the ‘corporatist’ approach of the Local Safety Committees: the focus group procedure and related Internet feed-back loops of focus groups, draft plan, Internet distribution and final re-draft is an *ad hoc* attempt to ‘capture’ community sentiment. LSCs work procedurally through administrative details of deliberation – agendas, meetings, minutes, and Plans - that seek localised adjustments to the emphasis on different police roles and functions at the micro level through annual Local Safety Plans. The development of the Strategic Plan operates at the macro level to allow reflexive deliberation on the strategic direction of the Victoria Police with the likelihood of further refinement of these procedures in future deliberations over strategic directions and core functions.
Conclusion

The development of mechanisms for reflexive deliberation on police roles embraces notions of governing police through ‘the community’. This chapter has examined the changes in the ways and institutional means of deliberating on the role and function of police, shifting from the ‘back to basics’ approach of demanding a return to an idealised version of Peelian police, through to the use of expert diagnostics to determine the proper role and function of police. Finally, it was argued that more recent developments have led to the introduction of mechanisms for continual reflexive deliberation on police roles and functions. While it is argued that reflexive deliberation represents the current way of constituting police roles and functions, in both Queensland and Victoria reflexive deliberation ‘fails’ in two ways.

First, both the broader ‘community’ and the agencies required to participate in multi-agency partnerships resist the ‘responsibilization’ for policing and security (CJC 1994a, 1999; Audit Commission 2001; Palmer and Cherney 2001). This fosters further attempts to reconstitute the mechanisms of ‘responsibilization’, such as Victoria moving from ‘community consultation’ to corporatist, ‘multi-agency’ Local Safety Committees planning the priorities of local police services. This is made more complex in Queensland due to the dominance of the Fitzgerald Inquiry and subsequent community consultation mechanisms increasingly based outside the QPS. Further, these ‘external’ consultation mechanisms were more generally directed at crime prevention than at deliberating on police core roles and function. However, in Victoria even the substantial effort at police re-structuring and the central position of Local Safety Committees have failed to generate local enthusiasm for participation: in less than six months after being established, the Auditor General reported that there was a “relatively high rate of absenteeism across LSCs which averaged 25 per cent per meeting” and even then some agency “attendees with more junior status were deputising” for the desired senior agency representatives (Auditor General 2001: 42-3). Similar problems were identified with Crime Prevention Partnerships in Queensland (CJC 1999 and discussed in detail in the following chapter).
More recently, the Victoria Police has attempted to identify the core role and functions of police through focus groups and Internet feedback in the development of their strategic direction. This widening of the net of voices deliberating on police role and functions represents a further shift away from both Peelian assumptions and expertly determined notions of what constitutes core roles and functions of the police. Furthermore, direct marketing to the customers of police through focus groups and the use of the Internet bypasses the demands of the committee process by requiring little more than participation in a ‘one-off’ focus groups or volunteering to complete a survey.

Second, reflexive deliberation interacts with another recent change in the policing environment – consumer culture and the consumerisation of police (see chapter 6) and the emergence of particular forms of ‘surrogate markets’ for police (Walsh 1994). While customerisation and ‘market simulacra’ are important aspects of the changes to governing police, they place particular limits on the capacity for highly localised reflexive deliberation on police roles and functions. Knowledge of customers is ‘de-territorialised’ through abstract customer surveys that aggregate customer attitudes across the jurisdiction rather than in the locality where reflexive deliberation is to occur. Further, the use of market mechanisms produces ‘contracts’ on service delivery between the state and the police. These ‘contracts’ demand localised police performance to produce desired ‘outcomes’ for centrally determined policy objectives. In both instances reflexive deliberation works upon a political terrain that circumscribes the capacity to develop highly localised policing priorities.

In sum, this chapter has analysed the different ways of problematising police roles and functions and identified a long-standing and ongoing concern about what constitutes the ‘core’ functions of the modern police – not something unique to the managerialist turn. However, we have also identified how the recent discussions concerning what constitutes core functions have
a particular characteristic shaped by managerialism, with increasing concern to establish practical mechanisms for the reflexive deliberation on police roles and functions by ‘communities’, with a more developed ‘corporatised’ and managerialised approach to partnerships having recently been developed in Victoria through LPP Local Safety Committees. In Queensland, the impact of the Fitzgerald Inquiry ‘fixed’ notions of what the QPS should do based firmly in a re-statement of Peelian principles. What had changed following Fitzgerald was that the means for deliberating on how these functions would be achieved. This involved a shift from self-authorisation by police, to community consultative committees and partnerships reflexively deliberating on police practices.

While these mechanisms for reflexive deliberation ‘fail’ and produce further efforts to enhance reflexivity such as the recent use of focus groups and Internet feedback loops in Victoria, they also interact with a further feature of the managerialist re-working of the techniques for governing police - the consumerisation of police - to which we now turn.
CHAPTER 6: CONSUMER CULTURE AND THE CONSUMERISATION OF POLICE

Introduction

The elevation and status of the customer is a central feature of the managerialisation of the techniques for governing police. As part of the effort to enhance the efficiency and effectiveness of the ‘public’ sector, various techniques have developed that seek to change the nature of the relationship between professional public servants delivering services, and the ‘customers’ of those services. In this process, the customers are re-imagined as active consumers rather than passive clients, services are commodified to enable the costing of services and the identification of efficiency and effectiveness (see chapter 3) and internal and external competition, and services are focused on being responsive to the demands and desires of the ‘sovereign consumer’ (Keat et al. 1994b). These changes to the relations between producers and service providers have been portrayed as constituting ‘consumer culture’ (Featherstone 1991; Slater 1997).

Consumer culture refers to a process of re-defining the relationships between ‘producers’ – those who provide goods and services – and ‘consumers’ – those who consume those goods and services. There is, however, a tendency in this literature to reduce ‘consumer culture’ to a fixed, unified and coherent set of programmatic changes, rather than a process consisting of variable techniques containing competing visions of change that are as much in tension with each other as acting as a unified whole (Clarke et. al. 2000a: 6-7). In this thesis the term consumerisation is used to refer to the processes identified in the literature on consumer culture. Consumerisation is suggestive of a more varied and, at times, contradictory range of technologies shaping police patterns of organisation and practice. Consumerisation (as a process) has produced two related outcomes for police.
First, performance is increasingly cast in terms of the capacity to be responsive to consumer demands and pressures. Market-like mechanisms or ‘surrogate consumerism’ (Walsh 1994) are introduced to stimulate and measure the performance of police agencies and shape managerial practices that purportedly simulate the ‘private sector’. In this process of change a complex ‘interdiscourse’ (Fairclough 1993) develops, combining and overlapping old and new discourses concerned variously with community and/or client ‘satisfaction’ identified through ‘market surveys’ to know the abstract consumer (Slater 1997:25); customerisation through ‘customer service’ strategies and charters and consultation mechanisms used to know more directly the views of actual service users or ‘proxy customers’ representing larger groups (Clarke and Newman 1997: 114); the commodification of policing services, requiring program costing through activity analysis, and the identification of ‘core’ and ‘non-core’ functions to enable contestability of service provision, cost recovery, fee for service policing, and finally contracting out and privatisation. In this way, commodification enhances competition, allowing consumers to ‘exit’ from service providers that no longer meet their demands. While ‘exit’ from state police is complicated by their broad mandate the ‘keep the peace’, nonetheless ‘exit’ exists in two forms – explicit and implicit. Explicit exit from state police involves ‘opting in’ to alternative providers in a direct or formal sense, utilising the services of alternative providers to deliver first response policing services (for instance guard and patrol work, see Noaks 2000; Leach 2003; Valverde and Cirak 2003). Implicit or ‘soft exit’ involves the long history of decisions not to involve state police in policing practices through the non-referral of criminal matters to state police (termed ‘non-reporting’ in victim surveys).

These various processes and forms of responsiveness to the client, customer or consumer are never so neatly compartmentalised, but rather occur within the ‘messy realities’ of the development of government and police agency policies that may borrow parts of one process intermingled with parts of another. While this complicates the process of change, the shift towards ‘consumer culture’ has increasingly seen police agencies responding to the rise of the ‘authority of the consumer’ or the ‘sovereign consumer’ (Keat et al. 1994b) through marketing
themselves as the guarantors of security (Ericson and Haggerty 1997) within a broader market or ‘mixed economy’ of policing and security (Loader 1997a, 1997c). More than this, each of these processes contributes to the possibilities for the consumerisation of police work, where professional expertise is embedded in an open-ended process of deliberation and reflection on the means and outcomes of police work.

This indicates a second feature of consumerisation – the new means or techniques for shaping police officer subjectivity. On the one hand, empowering consumers challenges police officer expertise. On the other hand, there is a range of organisational efforts – influenced by more general managerial notions of how best to govern service delivery – to shape officer subjectivity. In both instances there is a possibility that the techniques of consumerisation offer a new opportunity to re-think police officer practices through enhancing the development of the ‘reflective practitioner’ (Fook 1996; 2002; Taylor 2000) as part of the more general ‘detradi tionalisation’ professional identities - the breaking down of older traditions in self-formation, such as class or gender, and the emergence of new means for reflexively ‘making up’ (Du Gay 1994) biographies of the self (Beck 1994). While the sociological literature on ‘reflexive modernity’ helps frame the ways individuals and professionals increasingly need to construct identity and practices under conditions of ambiguity and instability (Beck 1992, 1994; Giddens 1991, 1994), we are interested here in the translation of ‘consumer culture’ into practical techniques for governing police work and how the changing forms of governing through the consumerisation of police creates the spaces and institutional conditions for reflective practice. Whether in fact such spaces are created, and whether indeed reflexivity becomes so deeply embedded in everyday practice so as to produce ‘habitual reflexivity’ (see Sweetman 2003) demands the type of empirical analysis that follows.

We therefore have a meeting of two important discursive and practical agendas: the consumerisation of police and the efforts to engender reflective police practitioners. These two
developments need to be located in a richer normative framework of deliberative policing where the atomised individual consumer is linked and embedded in a deliberative framework that enables and fosters the reflective, entrepreneurial police officer. Such a re-thinking offers more than the limited calls for a reinvigorated ‘civil society’ with its focus on accountability and forms of deliberation external to police (Bartholomew 1993). Instead, consumerisation is viewed in this thesis as a process that opens up the ‘contexts of actions’ (Beck 1998: 95 in Wright 2002: 170) of police, offering possibilities for an ‘internalisation’ of deliberative techniques and change to the police subject along the lines of entrepreneurial, reflexive practice.

This chapter examines in detail the various means through which police agencies have attempted to respond to and shape these broader transformations. On the one hand, there has been a range in internal techniques designed to enhance the responsiveness of police services to customer sentiments and demands through managerial efforts to break open bureaucratic inertia and detached professional self-interest (Clarke and Newman 1997: 105). On the other hand, a contest has emerged between police and other agencies over who is best able to claim to know the customer and deliver the most appropriate institutional mechanism(s) for representing customer desires in the domain of policing, crime prevention and security. In particular, the underlying concern for police is to control the potential loss of status as the experts on broader crime prevention and policing: increasingly police have to contend with the various efforts to empower customers or their proximal representatives, as citizens are exhorted to become active in their own security and are organised through new sites of decision-making.

Thus, the ‘pathways to the sovereign consumer’ are open-ended processes of change with competing objectives and variable outcomes across organisational and individual levels. It is only through the detailed analysis of specific police agencies that we can begin to understand the impact of consumerisation on police organisations. We begin the chapter with an examination of ‘consumer culture’ and its application to policing. Following this, we turn our
attention to the efforts of the Victoria Police to produce an organisation attuned to the desires and demands of customers. Alongside the internal reforms, we also point to various developments external to police that similarly work upon notions of active citizenship and empowered customers. We then turn our attention to similar issues in Queensland. Finally, the chapter concludes with a discussion of the extent to which police agencies have been transformed through these efforts to ‘capture the customer’ and the extent to which police have been changed by the rise of the ‘sovereign consumer’.

**Consumer culture and police**

In recent years the growing academic and policy interest in the rise of ‘consumer culture’ (McCracken 1990; Featherstone 1991; Keat, Whiteley and Abercrombie 1994a; du Gay 1996a; Lury 1996; Slater 1997) has been adopted and adapted to an analysis of the impact of such organisational and cultural changes in policing (Spitzer 1987; Squires 1998; Reiner 1992b, 2000; Loader 1999; Johnston 2001; McLaughlin and Murji 2001; Newburn 2001; O’Malley 1997; O’Malley and Palmer 1996; Rigakos 2002).

The impact of consumer culture on changes to state police has been examined along two lines of inquiry. The dominant approach, drawing on the work of Robert Reiner (1992b; 2000), has been reactive, lamenting the intrusion of the market into state police, questioning the capacity to introduce market principles and suspicious of the likely dystopian effects of these developments on state police. An alternative approach to the consumerisation of policing, associated particularly with Clifford Shearing (1995), has been prospective, seeking further and ‘real’ efforts to transfer the relationship between police (though his analysis is more broadly directed at security, of which police form one part) and citizens. Shearing views the current relationship as being one of a police-client relationship, where citizens are treated as passive recipients of
professionally determined services. The alternative is to establish a police-customer relationship, with active engagement of citizens in ‘authorising’ policing services.

‘Reactive dystopia’ to consumerisation

The dominant approach to analysing the impact of consumer culture is both reactive and dystopian, seeking to draw upon the broader analysis of the privatisation and ‘hybridisation’ (Johnston 1992) or ‘greying’ (Hoogenboom 1991; Fairchild 1994) of policing. In broad terms, this approach argues that the consumerisation of policing has three potential negative effects: compromising the integrity of police practices and undermining the quality of police work (see Keat 1994: 24); undermining the very basis for the legitimacy of the state police specifically, and finally undermining normative public interest-based ordering secured through state police (Reiner 1992b, 2000; Loader 1997a, 1997b, 1997c, 1999, 2000; Sheptycki 1998a; Walker 1996; Loader and Walker 2001). In such accounts there is an implicit concern with the dystopian effects of commodification of policing for the state police (who inevitably cannot compete and lose means for enhancing their legitimacy) and for social relations generally or what Loader refers to as the loss of the ‘thickness’ of social bonds (1999: 385).

As McLaughlin and Murji (2001) suggest, the analytical literature has been significantly influenced by Reiner’s analysis of ‘policing in a postmodern society’ (Reiner 1992b). This early account of cultural change formed the basis of his later account of the impact of ‘consumer culture’ on policing (Reiner 2000). Reiner (1992b) argued that the emergence of ‘postmodern’ society represents a “fundamental transformation of social structure and culture”, manifested in a dramatic shift in public attitudes to the police that has led to the ‘demystification’ of the police (1992b: 761; 2000: 216-7). Further, a range of more specific changes – such as miscarriages of justice, growing militarisation and police bipartisanship in ‘law and order’ debates – has contributed to undermining police legitimacy and an “erosion of public confidence” in police (1992b: 764-769). For Reiner, the de-legitimisation of police places significant pressure on
police for efficient and effective use of resources, and demands for local democratic structures of accountability. The outcome of these changes is that, “accountability has been transformed, rather than simply reduced” and in the process police legitimacy has been undermined. (Reiner 1992b: 769).

More recently, Reiner (2000: 208) has argued more explicitly that consumerism has been at the centre of recent police reforms, both through various governments introducing techniques to make police more consumer-oriented, and ‘police elite’ using the language of consumerism “as a way of founding a new ethic of service to revive their flagging status, circumventing more political forms of accountability.” While such “service-based, consumerist rhetoric was infinitely preferable to the tough ‘law and order’ promises and practices”, the underlying aim of enhancing police status in the public eye could not be delivered through consumerism (Reiner 2000: 208). Further, the impact of consumerism is seen in the growing ‘underclass’ that constitutes ‘police property’, which is not only “far larger than ever before” but also “more fundamentally alienated” (2000: 216). Thus for Reiner there is a dual process at work: the changing nature of police practice (consumerist rhetoric etc.) and the changing nature of broader social relations characterised as consumerism (an increase in the ‘underclass’).

The authors following Reiner’s approach vary in their account of the factors shaping the commodification of policing, but share the concern with the negative impact of these changes on state police. For instance, Sheptycki argues that policing has been commodified under two ‘dyads’: the ‘marketisation’ of insecurity and the “triumph of cultures of consumption over production …” (1998a: 492); and the transnationalization of crime and policing. The former dyad works ‘from below’, enhancing the market of security goods and services in the first instance, and shifting state police into a service to customers. These two processes of marketisation “are indicative of a shift in the provision of social control away from the state sector and towards private forms” (1998b: 493). In the second dyad, the ‘transnationalization of
clandestine markets’ and free-market reforms “shrinking the regulatory system of the nation state proper” push state police further into the policing of transnational activities (1998b: 495).

Sheptycki argues that as global trade undercuts the state system, the growth of the transnational arena makes increasing demands on a state system already in a ‘fiscal crisis’. In turn, the result inside the state is to be found in the consumerisation of police and the concomitant ‘responsibilisation’ of communities to meet the constraints of the ‘fiscal crisis’. However, what is not explained in this account is why consumerisation and responsibilisation are the necessary responses to marketisation and transnational changes. Unless these relationships are established empirically we end up with a teleological account that seeks to explain the outcome of these developments in terms of a fit between the new social order and new policing arrangements. Such an approach understates the specific political and institutional struggles and negotiations over the nature of reforms and adjustments to policing institutions. Further, empirical claim that the regulatory system of the state proper has been diminished is at least questioned by other work identifying a new and expanded ‘regulatory state’ (Braithwaite 2000).

In the most detailed account of the ‘commodification of policing and security’ Loader (1999) identifies three ‘causal’ mechanisms of change: managerialism, consumerism and promotionalism. For Loader, managerialism consists of making the police more business-like, increased pressures for greater efficiency, effectiveness and economy, national objectives and performance indicators, the use of contracts, internal markets and the introduction of fees for police service (1999: 375). Consumerism is seen to involve “a discursive re-presentation of the police as deliverers of professional service” where the public are portrayed as consumers of that service (1999: 376). Internal police changes are geared towards shifting police practice from reactive to proactive policing, engaging with the ‘community’ through various consultation mechanisms and consumer satisfaction surveys designed to produce a police agency that meets the demands of the customer. Finally, promotionalism concerns managing and promoting both
the products of the police agency and the image of that agency, fostered through ‘Mission statements’ and sustained media and public relations campaigns.

Following Reiner, these managerial, consumerist and promotional aspects of ‘consumer culture’ are seen to stem from the twin forces of government policies and the practices of police management. The former seek to introduce market pressures to the police environment, while the latter are concerned with declining public support. The result according to Loader is an uneasy tension in which government and police practitioners attempt to

remake the police (and thus rebuild its legitimacy …) as an institution capable of delivering (like any responsive commercial enterprise) an efficient, prompt, courteous, value-for-money, professional service to all its customers (1999: 376).

Drawing on Reiner (1992b: 270), Loader’s concern is that senior police are engaging in a process of ‘demystification’ of police, attempting “to both mould and dampen consumer demand for their services” and “strip the police of their ‘sacred’ status as the symbols of ‘Law and Order’” (1999: 376). As Reiner argues, inherent in these efforts to ‘re-make’ the police are that they come to be seen as just another “mundane institution of government” (Reiner 1992b: 270).

Through these techniques of consumerisation of police, Loader sees an ‘unstable paradox’ shaping three general outcomes. First, as consumerism takes hold in the broader public, there is likely to be disappointment at two levels. On the one hand, consumer demands – such as the ongoing insistence on greater police visibility – are simply not met. On the other hand, whether through public, private, or ‘hybrid’ forms of policing (and of course other means for enhancing security) the ‘failure to secure’ serves to heighten anxiety and undermines ‘trust relations’ within the broader community (Crawford 1997: 269).
Second, consumerism undermines or erodes police claims to having a special status through their expertise, the means through which police have been able to establish and maintain their legitimacy. Police authority and expertise now sits alongside a range of voices, just another service provider in a competitive security market. Finally, as the police mandate remains tied to servicing a broader ‘public interest’, consumers increasingly turn to service providers who are able to respond to their specific demands, employing their powers of ‘exit’ from public police services. In such a struggle for market share, the public police must ultimately fail (Loader 1999: 378; Jones and Newburn 1998: 246) and the provision of an “integrated, multi-functional policing” is to be replaced with a police limited to a residual role in specific domains such as criminal investigation and the policing of marginal populations (Loader 1999: 383).

However, what is not recognised in this account is that the demand for police visibility has been ever-present and insatiable – certainly not a historically development unique to consumerisation. Furthermore, the ‘failure to secure’ is as much blamed on the ‘breakdown’ of traditional authority in general terms – organised religion, school discipline, parental authority and so on – as on the police specifically. Second, Loader overstates the extent to which the erosion of police legitimacy is due to the proliferation of expertise in policing and security and the loss of special status for state police. There is limited evidence of the strength of consumer power, and Loader understates the connections between the loss of legitimacy and the ongoing inefficiencies, isolation, malpractice and corruption within state police (Fitzgerald 1989; Wood 1997; Kennedy 2004, Ombudsman 2003, 2004). It is a rather narrow account that places all the emphasis on consumerism as the source of declining police legitimacy, without recognising the de-legitimisation of police emergent from such findings as ‘institutional racism’ in the London Metropolitan police (Macpherson 1999: 6.3 – 6.4, and see Wight 2003) and ‘systemic corruption’ in Australian police (Fitzgerald 1989; Wood 1997). As Andrew Goldsmith (2001) has rightly argued, trust and legitimacy are inextricably bound to the ethical comportment of individual police, shaped in particular by the ‘pursuit of integrity’ fostered by police managers. It would hardly be surprising to find declining police legitimacy in light of such devastating...
critiques of police practices and police management, whatever the shortcomings and criticisms of these inquiries (for examples on Macpherson see McLaughlin and Murji 1999; Wight 2003; and on Wood see Chan 1999; Dixon 1999a, 2001; and on Fitzgerald see Prenzler 1997a).

Finally, the ability to ‘exit’ state police is only a negative option for Loader and viewed as reducing the omnibus state police to a residual role in policing. But surely the reverse is more accurate: while private security is indeed expanding numerically and functionally, it largely remains a residual form of policing, still largely limited functionally to circumscribed roles, where the consumer choices for non-state policing – something historically ever-present more or less - are underwritten by the state police. For instance private guards or patrols operate under the shadow of the state police, with relatively limited formal powers and subject to the interventions of state police, and, most often, subject to regulation by the state police.

More recently, Loader and Walker (2001) have re-cast this approach in terms of a more explicit normative and polemical account of the need to understand the importance of policing in terms of ‘public goods’ (for an earlier and less reactive account of policing as public good see Jones, Newburn and Smith, 1994: 32-3). At its most basic level, their argument is that the connections between the state, national identity and the police have been unravelled by the processes of “a discernible erosion in the authority of the … modern state” through the ‘glocalisation’ of political authority (that is, a double shift of political authority from within and without the state to both the local and global levels) and, secondly and more specifically in relation to police, the ceding of authority for “one of [the states] constitutive functions – the enforcement of law and the maintenance of order” (2001:10).

Mirroring and helping to constitute the changes to the political authority vested in the state, policing is on their account shifting ‘outwards’ (the commodified market place of security),
‘downwards’ (“private organisations and municipal authorities”) and ‘upwards’ (“international police cooperation and transnational policing forms”, ibid.). In this way, commodification, privatisation, and transnationalization of policing ‘de-couples’ the state and the police. Loader and Walker suggest that for policing to be a public good two conditions must be met. First, security must be viewed as “irreducibly social, deeply implicated in our relationship with others” (2001: 26 emphasis original). Second, there is a need to establish the “presumption that state institutions should continue to occupy a privileged place in the delivery and governance of security” (2001: 25). Thus, their efforts to combat the pernicious effects of commodification and the culture of consumption ends by reinvesting in the state as the locus for developing, managing and ensuring ‘imperatives and values’ that can enable effective and democratic policing (2001: 27).

There are two key objections to be made this account, one empirical and the other normative. First, there is little evidence that police agencies have fully embraced the multiple dimensions of the consumerisation of policing beyond the rhetorical take-up of communication strategies that ‘talk the talk’ of the ‘C word’ (Denison 1991). Second, it fails to recognise the possibilities for transforming state police practices through the consumerisation of police, enhancing the capacities not only for the formation of a ‘reflective dialogue’ (Wright 2000: 299) but also for the development of reflective practice within state police agencies that have long been identified as lacking transparency and having limited and inadequate forms of accountability. We now turn to an alternative approach to the consumerisation of police.

**Prospective consumerisation**

An alternative to the reactive and dystopian account presented above seeks to identify the ways consumerisation can produce positive change in policing generally, and in the state police. Clifford Shearing (1995) has developed the strongest prospective account for the consumerisation of *security* (of which state police is only one part). Shearing argues that while the various police consumerisation strategies engage in the “language of the market … [this] for
the most part, has been used figuratively to create the appearance of consensual policing, rather than to radically transform the relationship between police and citizens.” (Shearing 1995: 80). Thus, rather than ‘customer care programs’ implemented by police managers, there is a need to ‘challenge cultural assumptions’ within police agencies (Dennison 1991: 166 and for similar comments see Heward 1994) and the ‘discursive repertoire’ of consumerisation. Such challenges offer the potential to fundamentally break police control over customers (Keat et al. 1994b: 5). Shearing suggests that within particular circumstances arguments can be made for further consumerisation beyond what has most often occurred in relation to state police. This might occur through enhancing the autonomy of ‘sub-political’ centres established below the formal state apparatus: enhancing their policing knowledge and deliberative capacities (democratic and localised) and the provision of financial resources through the transfer of the police budget to a policing and security budget located in the sub-political centres.

The overall objective embraced by Shearing is to develop the means for enhancing security in general, and improving the governance of policing. To this end, enhancing the consumerisation of police is part and parcel of the new forms of governance of police. He refers to these as ‘Post-Peelian’ strategies of governance, where “the machinery of policing and its control has shifted to a sub-political level” as evidenced by the growth of private security, and ongoing efforts of the state “to mobilize civil resources … through a range of police initiatives” (1995: 82). When the ‘institutional imperative’ becomes one of being responsive to the ‘sovereign consumer’, the highly diverse and situational meanings of security demand a shift in thinking and changes to the institutional means and processes for the provision of security. The ‘old’ forms of police embodied omnibus state police Acts and police budgets were suitable to Peelian-styled police where policing is seen to be the providence of the state and state police. In the current conditions of Post-Peelian policing, ‘sub-political’ centres are viewed as institutional mechanisms that challenge police claims to expertise and knowledge about policing issues and practices, undermining the authority of the police located in their “right to define and judge the meaning and value” of policing practices (Keat et al. 1994b: 7). Thus the loss of police
authority in this sense – the right to define and judge – is celebrated by Shearing, in sharp contrast to the ‘reactive’ account discussed above.

While Shearing is concerned with this less than ‘ideal world’ of a ‘market mentality’ he argues that it is necessary to search for the ‘opportunities for empowerment’ that present themselves within these social conditions, arguing for a range of necessary activities to re-shape the governance of police through making up ‘powerful customers’ (1995: 83). It is these ‘grounded’ experiences in developing mechanisms for the transformation of policing and security in South Africa (Brogden and Shearing 1993; Shearing 1995) that inform the later work on ‘networked nodal governance’ (Kempa et al. 1999), the New Structure of Policing (Bayley and Shearing 2001) and his input to the reform of policing in Northern Ireland (Patten Commission 1999; Shearing 2001). More recently, Shearing and Wood (2003) have argued a fundamental de-centring of the state as the location of sites of governance (albeit this understates changes to the organisation and practices of governance within the state) demand a shift in analysis from ‘state-centred’ to ‘nodal governance’. Here ‘consumers’ are re-cast as ‘denizens’, not in the negative sense of lacking ‘political inclusion’ (Hammer 1990, 2003) but rather as potentially involved in the collective organisation of “networks of trust and obligation”. These networks, or forms of nodal governance are not viewed as inherently ‘bad’ a priori, such as representing a governance or democratic deficit, but rather need to be empirically evaluated for the extent such sites of nodal governance are ‘thick’ or ‘thin’ networks of trust and obligation, and the extent that they involve ‘inclusions’ and ‘exclusions’ (Shearing and Wood 2003: 408).

What is less evident in Shearing’s analyses is a concern with the subjective experience of police personnel and the manner in which police are shaped by and shape the conditions of consumerisation and nodal governance. We can draw here on the literature concerned with the ‘emotional labour’ (Hochschild 1983) and police work (Stenross and Kleinman 1989). Emotional labour refers to management techniques developed to govern feelings and
expressions of front line service workers as they interact with customers. Consumerisation of police involves a range of techniques to change this interaction from the detached, isolated and reactive forms of policing, towards police being embedded in a range of situational and institutional settings where they are required to negotiate, more or less, with the newly empowered customers or ‘denizens’ referred to by Shearing.

Hochschild’s work has been highly influential on subsequent analyses of emotional labour (Korczynski 2002). Hochschild was concerned with negative consequences of the management of emotions in service work. First, she was generally concerned with the growing alienation of front line workers through the commodification of emotions, where emotions become an instrumental tool to achieve corporate objectives. Second, she viewed the relationship between customers and service providers as unequal and harmful to service providers where the ‘unmanageable customer’ is king (Gabriel and Lang 1995). Finally, Hochschild was critical of standardised, management-imposed rules and formats for managing emotions that effectively de-skill front line service work.

As Korczynski (2002: 142-3) argues, Hochschild focuses too heavily on the negative ‘objective’ effects of the changes in the management of emotional labour. Such an approach assumes that all front line service workers experience these effects negatively. This fails to allow for ‘subjective’ experience and practices for managing emotions in service work, such as where service workers are able to develop enriched and embedded relationships with the customers of those services or in the nodal networks of partnerships and multi-agency programs. As Fung (2001, 2003) and Thacher (2001, 2004) have recently identified, police officers working in such settings can develop thick bonds of trust and obligation to service customers (discussed in detail in the Conclusion). Further, Hochschild overstates the power of the ‘sovereign consumer’ in the managerialisation of service work, as managers are generally more concerned with developing techniques to produce empathy towards the customer “rather
than customer sovereignty” (2002: 135). Finally, where front line service workers have relatively more autonomy and discretion, as is the case in police work, the harmful effects of the management of emotional labour are more likely to stem from the inability to deliver services according to craft or professional interests, rather than from the restrictions placed on emotional labour by standardised management rules (Korczynski 2002: 146).

The addition of concerns with the emotional labour of police work enriches Shearing’s prospective account of the consumerisation of police. It allows us to consider how within the field of state police, the techniques of consumerisation open the spaces not only for the newly empowered consumer to shape police practices (akin to a bargaining process), but also for the development of a range of techniques to enhance police officer reflection on the nature of police work (a collective agreement process, see Uhr 1998). Thus, there is any number of ‘internal’ and ‘external’ customer surveys of suspects and defendants, victims of crime, complainants, station and telephone contacts, and police personnel used to enhance reflection on practice (cf Criminal Justice Commission 1994, 1996a, 1996b; CJC 1998; Crime and Misconduct Commission 2003a; Police Board of Victoria 1994d, 1997c, 1997d; National Police Research Unit 1998). However, the analysis in this chapter is focused more specifically on programs based on forms of consultation and partnerships and the extent that these programs seek to govern police officer and organisational autonomy through empowering consumers.

In sum, we have two very different analytical approaches emerging within the literature on ‘consumer culture’. Shearing and colleagues continue to seek fundamental institutional changes to policing, breaching professional expertise via attempts to empower consumer voices. They seek to develop practical measures that enhance the capacity of citizens, or ‘denizens’, to be central to the “arenas of calculative or normative power” that determines “what services are to be provided, to whom, and according to what order of priorities…” (Clarke and Newman 1997: 65). The alternative approach laments the perceived negative effects that such changes are
likely to have on the state police (even though there is little by way of substantive evidence that these negatives effects have materialised), and prefers in general to make limited adjustments to the decision making (rule setting and discretion), agenda setting (defining needs) and normative power (legitimation through expertise) of police (Clarke and Newman 1997: 63-4).

Though the consumerisation of state police has received limited analytical attention in Australia, the ‘reactive’ and ‘dystopian’ perspective has been the dominant analytical approach, expressing a general antipathy towards the emergence of the language of ‘customers’ and the commodification of state police goods and services. For instance, Hancock contrasts the limited obligations to ‘customers’ to the more expansive obligations of service providers to the rights of citizenship and the broader public interest (1998: 123-4). Davids and Hancock (1998: 58-61) criticize the narrowing of accountability under the ‘market model’ of customer service responsiveness, suggesting that such forms of accountability have “no broader social obligation outside the transaction in question” (1998: 60). However, in their brief discussion of Shearing’s (1995) analysis they open the door to the progressive possibilities of empowered consumers determining policing requirements as long as “a genuine sense of communitarian direct action at the local level” can be produced through Shearing’s essential preconditions (1998: 61).

Davids and Hancock then conflate communitarian direct action with private policing, and suggest that Shearing’s account is limited to the context of policing reform in South Africa. Further, what constitutes ‘communitarian direct action’ is neither explored nor explained. This is made more confusing because Davids and Hancock use the term ‘market model’ to encompass both ‘market exchange’ and ‘market forces’ (Adaman and Devine 2001: 230). *Market exchange* is concerned with the allocation and re-allocation of existing services, such as changing the priorities or the manner in which those services are delivered (for instance proactive policing in place of reactive policing). These decisions are increasingly taken at local or regional level partnerships and consultative mechanisms. While certainly limited, at the least
these partnership mechanisms are suggestive of the possibilities for achieving the vaguely framed notion of ‘direct communitarian action’. Further, it is inaccurate to suggest that this form of customer responsiveness is limited to specific ‘transactions’ without any hint of broader accountability and professional and social obligations carried into such settings by the representatives of other agencies and professions.

*Market forces* concern changing the structure of service delivery, such as the introduction of new service providers or withdrawing certain services from an existing organisation. In the case of new service providers, most decisions are made beyond the decision-making authority of police agencies (e.g., private policing). In the case of the withdrawal of existing services, such as the focus on core functions (Chapter 4) there is at most limited community involvement. It is the lack of a deliberative process for enabling empowered consumer voices to negotiate both market exchange (deliberation on priorities and practices of existing policing) and market forces (deliberation on policing needs and budgets to determine ‘who’ delivers ‘what’ services) that is central Shearing’s work (1995, 2001). It is this combination of market exchange and market forces that is overlooked by Davids and Hancock (1998) in their use of the ‘market model’ to dismiss consumerisation. Shearing’s position on policing reform is based on a pragmatic realisation that under existing conditions consumerisation opens the possibilities for new, practical measures precisely along the lines of Davids and Hancock’s (1998) ‘direct communitarian action’.

A more ambivalent account of changes to the Victorian Police by Baker argues that although “‘customer service’ pervades policing rhetoric it is not clear that this business terminology is appropriate for public policing” (Baker 1999: 244). On the other hand, research conducted for police agencies has focused more on the practical means of enhancing ‘customer service’ (Boni and Wilson 1994) mirroring the more general concern of police agencies to develop practical
techniques that improve customer service rather than transform state police into consumerised agencies.

The question remains to what extent such changes can be identified in Queensland and Victoria: to what extent has ‘consumer culture’, viewed here as the process of consumerisation, shaped the state police? How far have state police moved down the path towards the ‘sovereign consumer’? We answer these questions by examining the various programs developed in Victoria and Queensland. In the following two sections we examine the ways in which governing the Victorian and Queensland Police has been shaped by particular governmental techniques that foster a consumer-oriented police organization such as ‘customer service strategies’, ‘service improvements’ and consultative arrangements. We are interested in identifying the extent to which these programmes do indeed represent a shift to governing through the consumerisation of police, the triumph of the sovereign consumer and the creation of possibilities for entrepreneurial, reflective policing.
Victoria Police and the customer

… maximise our performance … meet our customers’ needs … remain the best provider of policing [so that] …we can retain control of our own future. (Severino 1997a: 10, Assistant Commissioner Service Improvement, Victoria Police)

These exhortations to the Victoria Police workforce by Assistant Commissioner Severino embody several key themes related to changing contemporary police organisations. First, he refers to the need to be oriented to and maximise ‘performance’, a second order reference to organisational measures of efficiency and effectiveness. Second, performance is to be measured through meeting customer needs, enjoining internal performance to the ‘outside’ world of the customer. Third, he is positioning Victoria Police within a broader ‘market’ of policing, whereby Victoria Police seeks to be the ‘best’ provider in an increasingly competitive and comparative market. Finally, Severino is concerned with controlling future developments, a continuation of positional or ‘status discourse’ (Frewin and Tuffin 1998: 175-8) that seeks to make claims about organisational status and reputation while simultaneously making this status precious to both internal (as in the quotation) and external audiences. Taken together, these specific themes intersect with the more general process of the consumerisation of public sector agencies. Yet the Service Improvement Program is only one of a number of the techniques of consumerisation developed in Victoria as outlined in Table 6.2. We will now examine each of these strategies to identify both the tools for implementing change and the extent of consumerisation of the Victorian Police as a means of governing police.


Police-Community Consultative Committees (PCCCs) have proved relatively longstanding institutions in the landscape of customising the Victoria Police (Victoria Police 2001). Indeed, while it appeared they might have finally been exhausted and de-commissioned in the late 1990s when Local Priority Policing introduced a new consultation mechanism (discussed below), they have recently received a new commitment in the current draft Strategic Plan (Victoria Police 2002: 10). In this section I draw on my own experiences as a member of both a PCCC and a Senior Management Team (see below).

<table>
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<th>PROGRAM</th>
<th>TECHNIQUES</th>
<th>OBJECTIVES</th>
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<td>Community Consultative Committees (1989-2004)</td>
<td>Consultation meetings</td>
<td>Improved interaction between police and community</td>
<td>Improved attitudes to police</td>
</tr>
<tr>
<td>Customer Service Strategy (1994-5)</td>
<td>Environmental scanning; Community perception surveys</td>
<td>Improved communications with public; Responsiveness to community expectations</td>
<td>Quality at the ‘moment of truth’#</td>
</tr>
<tr>
<td>Service Improvement Program (1996)</td>
<td>Workforce survey; Dedicated ‘change agent’ to coordinate service improvement initiatives; Benchmarking</td>
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<tr>
<td>Future Directions (1997)</td>
<td>Organisational flexibility; Continuous review and improvement</td>
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<td>‘Continuous improvement’ through changes to the organisational and individual officer, and changes in relations with customers</td>
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<tr>
<td>Local Priority Policing (1998-2004)</td>
<td>Service Delivery Model; Customer Consultation Model</td>
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<td>Strategic Direction &amp; Service Charter (2002-2004)</td>
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# The ‘moment of truth’ concerns the point of initial contact between a police officer and a member of the public, a moment which is seen to be vital in the impressions the consumer develops of the police organisation. The phrase was used by ex-Chief Commissioner Comrie (Comrie 1995: 16). For a detailed discussion of this concept see Carlzon (1987).
There are two keys aspects to PCCCs. The first issue concerns the extent that PCCCs enhance the position of the ‘sovereign consumer’. Second, there is the role of PCCCs claiming knowledge of the consumer vis a vis alternative institutions making similar claims to know consumer desires in the field of policing, crime prevention and community safety.

The first PCCC was introduced as an internal entrepreneurial ‘innovation’ within one region in 1989 (Geelong, see James and Sutton 1993), which was then used as a model to be adopted state-wide following the adoption of ‘community policing’ as the Victoria Police ‘philosophy’ in 1992. Further, the introduction of the Vicsafe crime prevention policy placed PCCCs, and therefore police, at the centre of crime prevention in Victoria (Palmer 1993). The initial – and only – evaluation of the first PCCC (James and Sutton 1993) welcomed the institutional effort to engage local communities in deliberations on policing.

However, the Victoria Police PCCCs have suffered from the problems that have emerged in similar consultation committees elsewhere: the selection of members is narrowly confined; ‘marginal’ groups rarely participate; the process is dominated by police; there is a lack of knowledge and resources amongst non-police members; and in general the false separation of ‘policy’ and ‘operations’ largely limits committees to receiving police ‘wisdom’ (Kinsey et al. 1986; Morgan 1987; Moir and Moir 1992; Bull and Stratta 1995; Morgan and Newburn 1997; Loveday 2000, though for a more positive portrayal of the operation of two consultative committees see Walklate 2002: 68).

In other words, while PCCCs formally created the institutional space to challenge police autonomy, in practice they can hardly constitute the grounds for the rise of the ‘sovereign consumer’. They involved relatively ‘thin’ bonds of trust and obligation and too many exclusions. The areas open for consultation were limited to non-operational activities, the
membership was highly constrained, and much of the committee time was reduced to receiving information from the police (Palmer 1993; Palmer and Cherney 2001). Thus, while even falling short of Bayley’s (1994: 105-6) model of consultation (mechanisms for advice, education, co-operation, grievances, informal evaluation, see Morgan and Newburn 1997: 179-91 for a more expansive consultation model) PCCCs represented institutional efforts to open police practice to customer views and a potential site for customers to engage with police as active citizens (see Hughes 1994; 1998).

While PCCCs have ‘failed’ in terms of delivering a fully realised ‘sovereign consumer’, the second aspect of PCCCs concerned their potential as site for police claims – both managerial and ‘front line’ claims - to know customer attitudes and desires. It is in this context that it is important to understand that PCCCs were introduced as a police-centred mechanism to ‘capture the customer’ by laying claims to know customer attitudes and desires in the face of alternative sites. While Victoria Police made tentative moves to enhance the role of the customer in the delivery of police services in the early 1980s (for instance the Police Community Involvement Program pilot project in 1981, see Beyer 1992) the capacity to ‘capture the customer’ changed significantly in 1988. In this year the Victorian government introduced a new statewide crime prevention policy – the Good Neighbourhood Program - based on the French Bonnemaison program, with local government-based Good Neighbourhood Committees (Dusseyer 1991; Palmer 1993). These committees were designed to develop knowledge of local community concerns about crime and policing and to introduce local strategies to address the identified concerns.

While these committee had their own limitations (limited funding and no formal powers) they represented an important development in the efforts to empower non-police voices in what policing services should be delivered. Until this stage, municipal government had only limited involvement in crime prevention and control: the GNC’s represented a significant shift towards
localising the responses to crime and more importantly changing the decision-making processes by making local government the lead agency. As Melossi and Selmini (2000: 153) argue in the Italian context, rather than Garland’s (1996: 452) ‘responsibilisation strategies’ shifting crime control from the public sector to the private sector and to individuals, “the redistribution of competencies and responsibilities is strongly demanded by new actors (the local governments) that directly seek to play a role” in program and policy development in crime control and prevention. The Victorian GNCs represented such a development (Palmer 1993).

While police were members of some GNCs, they were simply one of many voices on crime and policing, threatening police autonomy from public deliberation over operational priorities, undermining their ability to claim a special place based on knowledge of customer demands, and providing a forum for the (possible) ‘redistribution of competencies and responsibilities’ on crime and policing. In other instances, police were not even formally part of the committees as some committees lessened the focus on crime by developing initiatives addressing the broader harms related to inequality and disadvantage that were seen to undermine ‘community safety’ (Palmer 1993). Whether they were members of the GNC committees or not, these developments threatened the primary place of police as the experts on crime control and prevention. In cases where police were members, they were but one (albeit still central) amongst a range of voices, at least undermining claims as the singular experts. In cases were they were not members of the committees, police were reduced to observers of ‘active citizenship’ in the field they had previously viewed as their natural domain: crime prevention.

As I have argued elsewhere (Palmer 1993; Palmer and Cherney 2001), the police-controlled PCCCs were developed in direct response to the GNCs amid concerns over the control of crime prevention programs and crime prevention program funding, and concerns over the ability to claim to know customer demands and preferences in relation to crime prevention. Such concerns intensified when the Victorian Government introduced Safer Cities/Safer
Chapter 6: Consumer culture the consumerisation of police

Communities in 1991, which not only funded local government community safety officers, but, as the program title indicates, the focus was broadened considerably to ‘safer communities’ (or what is now referred to as ‘community safety’) rather than ‘crime prevention’ (Public Safety Anti Crime Council 1992). Initially, the relationship between community safety workers, ‘safer communities’ and the police-centred PCCCs was ambiguous with some scope to work independent of the PCCCs. However, within a short period the police had successfully contained the drift from crime prevention to community safety, as PCCCs became the controlling institution and GNCs were phased out (Palmer 1993).

Beyond this initial struggle to ‘capture the customer’, PCCCs continued to be an important institutional site for the Victoria Police. For instance, the Victorian Government introduced the Safer Cities and Shires strategy in 1997 (Department of Justice, Victoria 1997), with ‘multi-agency’ partnerships called Senior Management Teams focused on delivery of ‘community safety’ rather than the more narrow crime prevention. Victoria Police used PCCCs to limit the displacement of crime prevention and to limit their own displacement from being ‘the experts’ to being one of a number of agencies represented in the ‘multi-agency’ partnership. In part, this was due to Government ambivalence over the status of PCCCs within Safer Cities (Palmer and Cherney 2001) that undermined the program generally, and lessened the capacity of local government to become the lead agency in community safety. In some instances, the PCCCs were simply converted into Senior Management Teams (SMTs). In others the PCCC membership joined the SMT and carried with them their focus on crime reduction and prevention, again undermining broader notions of ‘community safety’. The variation of Senior Management Teams across the State, and the continued use of broad notions of ‘community safety’ shaped police efforts to reinvigorate their own forms of multi-agency partnerships the following year (1998). These Local Safety Committees (see below) had the same effect on Senior Management Teams as PCCCs had on the Good Neighbourhood program: the Senior Management Teams all but disappeared once the Victoria Police reinvigorated their claims to know customer demands and preferences through the introduction Local Safety Committees.
In sum, these struggles over the institutional forms of consultation represent a tentative step in the consumerisation of police. On the one hand, non-police members hardly acted in accordance with the image of the ‘sovereign consumer’. On the other hand, PCCCs were at the forefront in the struggle over claims to know the customer sentiments related to policing, crime prevention and community safety. In this way, PCCCs represent an institutional mechanism of consumerisation, embedding police in institutional relations to enhance understanding and responsiveness to customers, while at the same time circumscribing the imagery of the ‘sovereign consumer’ through limiting the focus to information exchange on crime prevention and reduction, and undermining alternative sites where new claims to know customer sentiments could be made. In the meantime, other techniques to enhance the consumerisation of Victoria Police were being developed.

From ‘tasks’ to ‘services’: Customer Service Strategy (1994-5)

While PCCCs represent a distinct and overt institutional mechanisms developed to know the customer, other activities have been more focused on internal changes to address the need to enhance responsiveness to customer demands. The Victoria Police developed a Customer Service Strategy (CSS) in 1994 to implement ‘professionalism through customer service’. As the Chief Commissioner indicated, police officer interaction with members of the community was the ‘moment of truth’ (Comrie 1995: 16), the very instance when first impressions are formed that have the potential to have lasting effects on customer attitudes (Carlzon 1987).

The Victoria Police Customer Service Strategy begins the shift towards addressing the management of emotional labour in police work. Police Community Consultative Committees were focused on developing the means for knowing the crime and policing concerns and priorities of proximal representatives of ‘the community’. They were concerned therefore with questions of what police services are delivered. The growing managerial concern with linking professionalism and customer service turns our attention inwards towards the techniques for
managing the interactions between customers and service providers. This concerns questions about how police services are delivered.

CSS built upon the more general directive of the 1992-97 Victoria Police Corporate Plan, which linked ‘professionalism’ to ‘customer service’ (see Table 6.3). The Key Result Areas (KRAs) in the Corporate Plan were explicitly concerned with customer service and satisfaction:

The community is our ‘customer’ and it is important that we approach our service delivery from this perspective, not by what we might want to offer (Victoria Police 1992b: 9).

This meant that police “success is dependent on the extent to which the community is satisfied” with services provided and how they are delivered (ibid). In order to achieve this objective, the focus was placed on developing means for “understanding of the community’s needs, wants, perceptions and satisfaction” to be achieved by developing and implementing “an effective system for monitoring and evaluating community needs for police service and satisfaction with service delivery” (ibid).

**Table 6.2: Customerisation in the Victoria Police Corporate Plan 1992-1997**

<table>
<thead>
<tr>
<th>Key Result Area</th>
<th>1992-3 Objective</th>
<th>Performance Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serving the Community</td>
<td>Systems for monitoring and evaluating community needs</td>
<td>No. &amp; type of community market research programs and initiatives</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Professionalism</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Developing customer service orientation</td>
<td>No. and type of customer service programs and initiatives</td>
<td>Changes in No. and type of complaints</td>
</tr>
</tbody>
</table>
Similarly, ‘Police Professionalism’ was to be achieved by increasing accountability of police through greater public knowledge of police work and willingness of the public to question police action. To enhance professionalism, traditional areas of discipline, training, and the more recent emphasis on a Code of Ethics were linked with “the manner in which we deliver police services”, captured in the short term 1992-93 objective to enhance community satisfaction through “developing a ‘customer service’ orientation to all our services” (ibid).

Having identified the 1992-93 objectives for ‘Serving the Community’ and ‘Police Professionalism’ the Corporate Plan lists the Performance Indicators that stress the need to develop knowledge of the customer (market research) and the delivery of customer service programs and initiatives (see Table 6.3). In this way, the planning process, itself a product of earlier managerial reforms coming specifically from the Neesham inquiry (1985) in Victoria (though informed by more general shifts in notions of managerial practices within the public sector), simultaneously embeds notions of customer service and community satisfaction, while at the same time prescriptively demanding further consumerisation through performance indicators that require new customer service programs.

While the broad objectives of the Corporate Plan were to guide professionalism through customer service, the Customer Service Strategy (CSS) sought to provide a structured framework for “managing customer service and measuring its effectiveness”, to deliver “best practice philosophies” to the Victoria Police and “bring about a culture change from one of being task oriented to one of service orientation” (Victorian Police Annual Report 1995-1996: 21).

In order to foster the cultural change to a service orientation, the Customer Service Strategy addressed the issue of ‘external’ and ‘internal’ customers. *External* customer service was to be
improved by enhancing the flexibility at the local level – Districts, Divisions and Stations in Victoria – “to develop their own service improvements” that in turn might lead to some variation in local police practices (Victoria Police 1995: 142). The same principles of customer service were also seen by the Victoria Police to apply to internal customers, which were identified as consisting of three ‘streams’: internal support units such as fingerprinting; work units such as detectives, traffic police etc; and finally line command. In a rather amusing circularity, in each instance these ‘streams’ must recognise that if they are “not serving a customer [they] must be serving someone who is” (ibid)! Similarly, customer service is viewed as “every member’s responsibility” where individuals need “to use their initiative, drive and creativity to improve the services they personally provide, whether it be to external or internal customers” (1995: 143). In order to achieve the ‘responsibilisation’ of police, workforce perceptions of ‘service gaps’ (what is often referred to as ‘gap analysis’) were conducted; an examination of the extent that measures of “the quality of customers services” are integrated into internal ‘performance assessment’ measures used by Victoria Police; and finally, “Benchmarking Victoria Police processes against national and international best practice in customer service” (VPAR 1995-1996: 22).

But customer service was not viewed as simply delivering what customers demanded, as “increasing levels of satisfaction” could occur either through “giving greater information to customers so their expectations are more ‘realistic’, or changing police service delivery to meet or exceed the known expectations of customers” (Victoria Police 1995: 142). In other words, while there is recognition of the need to make changes to service delivery, police also believed that some customers needed to be ‘educated’ on appropriate customer expectations.

Alongside the CSS, Victoria Police were also engaged in “re-engineering station and patrol operations” through Project Standard (1995) to “improve the overall efficiency of police service delivery” through improving administrative processes (VPAR 1995-1996: 1), the re-
training of all ‘operational’ police in use of force techniques and practices through Project Beacon (1995-6), and shaping ethical conduct through the Project Guardian (1996) review of “all aspects of promoting and managing ethical behaviour” (VPAR 1995-1996: 1, 18). Thus, as the Customer Service Strategy was undergoing implementation, a range of other ‘transformative’ projects were being developed which resulted in the CSS being integrated with another Business Process Re-engineering program to “align major change management programs … under the Service Improvement Program” (VPAR 1995-1996: 22).

A ‘Positive experience’: Service Improvement Program (1996)

Consumerisation was taken further in Victoria Police through the Service Improvement Program (SIP, 1996). The SIP was established to integrate and co-ordinate a range of ‘change projects’ (Severino 1997a) and enable a holistic approach [that] will allow sharing and combining of research data and synchronisation of timetables in the implementation phases, as well as delivering a total service improvement training package to members (VPAR 1995-1996: 22).

SIP was described in presentations to police members “as a typical BPR process” with a specific focus on internal and external customers (i.e. Business Process Re-engineering, Slide 9, Severino 1997c, see Hammer and Champy 1995). The SIP engaged with several key aspects of managerialism: the focus on customers and ‘stakeholders’; service excellence; change management; ‘continuous improvement’, and targeted priorities. Staffed by 30 full time personnel, or ‘core’ staff, and other ‘stakeholder teams’ as required, SIP was to strategically lead and manage major organisational and cultural changes as a means of producing ‘service excellence’ (Severino 1997b).

Having emerged largely out of the Customer Service Strategy, customers were central to SIP at a number of levels. First, customers are conceptualised as ‘the community’ (Severino 1997a: 10). This community is undifferentiated, a unitary and homogenous grouping known through such information gathering devices as customer surveys. Second, customers are also ‘internal’. The SIP prioritised 10 key issues drawn from a list of 80 issues “compiled from a survey of
members undertaken in late 1996” (Severino 1997: 9). To deliver these priority issues, the SIP aimed to put “the right people in the right place at the right time”. In all of this, change is to be viewed as a “positive experience” because “we live in an environment of change” as evidenced by various police inquiries. Furthermore, Assistant Commissioner Severino stated:

If we embrace change, provide input and manage it, then we can make change work for us. If we ignore the need to change, we won’t have as much control, if any, over the outcome. (Severino 1997a: 10)

Beyond the example of inquiries into police as a force of change, Severino explicitly notes the threat of ‘alternative’ policing forms to “statutory or state-run police forces”, leading to the exhortation, opening this section, for members to “maximise our performance … meet our customers’ needs … remain the best provider of policing [so that] …we can retain control of our own future.” (Severino 1997a: 10). SIP was described as addressing “the need to strike a balance between the human and environmental dimensions” of change (Severino 1997c).

By mid-1997, the Manager of SIP (Assistant Commissioner Bill Severino) was able to declare some satisfaction with the cultural change in the Victoria Police. He stated:

I now regularly hear reference to ‘our customers’. This is reassuring and indicates our personnel are conscious of the need to service our internal and external customers. (VPAR 1996-1997: 13).

However, in the unstable world of police organisational change, SIP interacted with another blueprint for organisational and cultural change – Future Directions.

**Future Directions (1997)**

*Future Directions* (Victoria Police 1997) attempted to integrate the “principles developed by Sir Robert Peel” with the need to engage in “properly managed change” by being “flexible” and worked along five central concepts:

- excellence;
- ethics and integrity;
resource management;
‘developing our people’;
information technology and infrastructure.

This was to be achieved through producing changes at the organisational, individual officer and customer levels. The organisational level involved the promotion of several key characteristics: being flexible, responsive, professional, ethical, having effective leadership, devolved authority and rewards for ‘good performance’. The officer level sought officers who were adaptable, responsive, empowered, accountable, ‘lateral thinkers’, and problem solvers. Finally, customers were to have their opinions listened to, police were to be responsiveness to their needs, and the community were encouraged to enter partnerships (Victorian Police 1997).

While Future Directions was more concerned with strategic direction than program development, it was soon followed by more explicit ‘business process re-engineering’ and program development the following year.

Local Priority Policing (1998 - ongoing)

Local Priority Policing (LPP) was introduced as a pilot program in 1998 and is still being refined. LPP is far more explicit in identifying the role of the community as ‘customers’ to be engaged in planning police activities. There are three key aspects to the LPP reforms – the Statewide Management Model; the Service Delivery Model; and the Community Consultation Model (Palmer and Cherney 2001).

The Statewide Management Model (SMM) consists of a dual process of regionalisation/centralisation. Though portrayed only in terms of regionalisation, it is clear that LPP also involves centralisation as the previous 17 Police Districts were amalgamated into five
police regions under the control of a Regional Commander (as of December 1 2002, the position of Regional Commander was changed to the rank of an Assistant Commissioner to enhance the status of this position). The management structure was also changed, flattening the hierarchy through the abolition of two ranks (Chief Inspector and Chief Superintendent) and placing greater responsibility on senior managers for policy and strategic development at the regional level to enhance regional performance. Central to LPP, District Inspectors were placed in control of managing police activities (line management) in Districts aligned to local government boundaries, operating as the public interface between police and local geographic communities. The SMM is infused with notions of empowerment for senior managers in the Regions, enhancing their capacity to ‘make decisions’, and to increase the efficiency of police resources by properly targeting police work to the needs of specific locations (districts)\(^1\).

The second aspect of LPP involved the introduction of a new Service Delivery Model (SDM). District Inspectors were given control over crime management, traffic and community programs and responsibility for developing partnerships with various groups and agencies, particularly through Local Safety Committees (see below). The SDM is concerned with attuning service delivery to customer needs; increasing service flexibility; and increasing the capacity of local managers to manage resources (Auditor General Victoria 2001: 33).

The third feature of LPP is the Community Consultation Model (CCM), which establishes ‘multi-agency partnerships’ through Local Safety Committees. We see here an important shift from ‘consultation’ to ‘partnerships’, a ‘joined up’, ‘whole-of-government’ approach to determining the community safety needs of local geographic communities shaped by the broader Safer Cities and Shires partnership approach to crime prevention. The responsibility for establishing the LSCs was allocated to the new local manager – the District Inspectors.

\(^1\) Note that Victoria Police structurally divides the police organisational hierarchy into Regions, Divisions and Districts. Queensland Police uses Regions, Districts and Divisions.
Guidelines for the formation and operation of LSCs were developed centrally, and included guidelines on the membership of the committee. A ‘preferred membership’ consists of local government; the Departments of Human Services, Employment Education and Training, and Infrastructure; a business community representative; and other emergency services. Furthermore, in place of having local representatives of community groups and those with a general interest in policing, LSCs seek a membership from agencies and organisations that can influence community safety … provide a tangible community safety service and, consequently, can directly influence resource allocation towards local safety issues. (Auditor General Victoria 2001: 41-2).

Thus, rather than the generic ‘community’ representatives, the LSCs focus on marshalling selective representatives viewed by police as having the requisite expertise and resources to contribute to crime prevention and community safety. Finally, the LSC is required to develop a Community Safety Plan, drawing upon a ‘community profile’ developed by the District Inspectors utilising police and other statistics. The LSC ‘validates’ the plan through the committee process and discussions with other community groups.

These three processes of organisational reform represent the attempt to govern police work through three ‘proximities’ (Wyvekins 1997 cited in Crawford 1999: 510). First, the Statewide Management Model represents a ‘territorial proximity’, devolving decision making to the local level operating “within and through communities” (Crawford 1999: 511), established along local government boundaries. Second, the Service Delivery Model seeks to enhance ‘temporal proximity’ by enhancing the capacity of local level police managers to respond quickly and flexibly to problems identified by the community. Finally, the Community Consultation Model represents ‘human proximity’, where it is local communities, through their representatives on Local Safety Committees that are viewed as best placed to understand the nature of problems and the appropriate responses rather than distant centralised bureaucracies and experts.
As Crawford argues, there is an underlying ideological assumption that ‘more community equals less crime’ despite long-standing criminological evidence that highly organised communities such as ‘football hooligans’, ‘deviant subcultures’ and organised crime networks can be highly criminogenic (1999: 514). Further, drawing on Hope (1995), Crawford argues that one of the key limitations to the focus on community is that too much emphasis has been placed on ‘horizontal’ relations, the forms of ‘collective efficacy’ that exists in a particular geographic place, with too little recognition of the importance of ‘vertical’ relations “that connect local institutions to sources of power and resources in the wider civil society” that provide ‘extracommunal resources’ (Hope 1995: 24 in Crawford 1999: 519).

These are important insights as they identify the need to imagine the ways to connect the more dominant institutional developments occurring across horizontal relations, such as community consultative committees, partnerships etc. to the vertical relations shaping the ‘proximities’ of governing. In Local Priority Policing ‘appeals to the community’ it is the police that are best able to move between the horizontal and vertical relations through the police organization, drawing on their broad mandate and the ‘extracommunal resources’ provided across the jurisdiction-wide organization. There are, however, two additional matters to be considered. On the one hand, recognising the vertical/horizontal dimensions points to the need to consider organizational constraints placed on police and others. As Fung (2001) and Thacher (2001) have identified, these vertical dimensions are important constraining influences as much as they might be pathways to ‘extracommunal resources’. For instance, engaging in consultation and partnerships challenges police self-perceptions of ‘real’ police work based on ‘crime fighting’, with the potential for those police engaged in such work to be ostracised. Second, it is not just police members that are subject to vertical relations as both resources and constraints, but so too are other participants, most particularly representatives from other agencies. Indeed, the Local Safety Committees in Victoria have at their core the desire to ensure key agency representation that draws upon the ‘extracommunal resources’ that other agency representatives can bring through the vertical relations of their ‘home’ organisations. For instance, agency representatives
are to be selected on the basis of their “capacity to influence community safety” through services or being able to influence ‘resource allocation’ (Auditor General Victoria 2001: 41-2).

We return to these issues in the concluding chapter. For the moment we can see how LSCs have moved significantly beyond the ‘soft’ consultation of the PCCCs. It is a highly structured approach imbricated in the changes to the management process of police, seeking to increase responsiveness to customers; increased flexibility of service provision and efficiency of resource allocation and use; and increasing the capacity for local managers to be ‘free’ to manage. In all of this targeted, prioritised and ‘validated’ service delivery (a term used often by middle managers in Victoria Police), Victoria Police has moved significantly from the welfare liberal model of police in which the citizen is the passive recipient of professional service delivery. Under welfare liberal – or Keynesian – community policing “the imagery of the community … was a local site for the delivery of expert-driven, state-centred ‘social’ services” (O’Malley and Palmer 1996: 140). Now the ‘local’ is to determine “the nature and content of service delivery” (O’Malley and Palmer 1996: 142), meeting, planning, validating and committing resources to address community safety issues.

Note too that LPP shifts from the language of ‘community’ to that of ‘partnerships’, a shift entailing a movement away from ‘bottom up’ communal participation to ‘top down’ neo-corporatist strategic planning (Hughes 1998: 76; Crawford 1994). Thus, the development of policing policy is ‘localised’ and managerialised, wherein the local managers – District Inspectors - are to be entrepreneurial, innovative and given greater autonomy in their new managerial roles to meet the needs of customers and develop a performance culture within their domains. Indeed, a recent survey of Inspectors (n=61) found three quarters of the Inspectors believed that “service delivery was now more attuned to customer needs” and even more believed that “there was greater flexibility in service delivery” and that “they were better able to manage resources” (80 and 82 per cent respectively, Auditor General 2001: 33).
Strategic Direction & Service Charter (2002-2004)

The final feature of the consumerisation of Victorian Police concerns the current development of a new Strategic Plan and Service Charter discussed in the previous chapter. Beyond raising questions about the ‘core functions’ of the Victorian Police, the Strategic Plan seeks to provide “an outline of opportunities and threats” and identify “the need to take advantage of new opportunities [and] new threats” (Victorian Police 2002: 21). Further, the Plan portrays Victoria Police as an organisation that “constantly looks for opportunities to do things better”, that values teamwork and encourages partnerships and the sharing of knowledge with other agencies and groups – the “Victoria Police is an organisation that listens and leads” (Victoria Police 2002: 2). Beyond these homilies on the changing world and how police will respond and lead the Victorian community, there are three key features in the development and content of the plan that shape the future consumerisation of the Victoria Police.

First, the Strategic Plan is based on knowledge of customers gained through state-wide focus groups, the use of the Internet and Intranet to receive comments on the draft, and an electronic feedback survey. In this way, customers are selectively sampled (focus groups) or self select (Internet and Intranet responses) to allow police management to claim knowledge of ‘internal’ and ‘external’ customer sentiment. Importantly, these techniques further legitimise other organisational changes – quality improvement, innovative strategies, and most recently ‘evidenced based policing’ - by drawing on knowledge of the customer (Clarke and Newman 1997: 116-7). These multiple methods of garnering knowledge of customer demands and desires enhance police management capacity to challenge the perspectives of ‘front-line’ or ‘coalface’ police personnel and similarly the claims of Government Ministers and bureaucrats to ‘know the customer’. More generally, knowing customer sentiments enhances the capacity of police managers to engage in further consumerisation (and more generally managerialisation) of police services by using knowledge of the customer in negotiations with both police staff (and particularly the Victoria Police Association) and governments.
Second, the Strategic Plan identifies seven strategic initiatives, the first being ‘Customising our Services to Meet Community Needs’. Under this heading, Victoria Police aims to be “accessible, customised, integrated and transparent” (my emphasis, Victoria Police 2002: 4). Accessibility embodies the ‘feel-good’ factors of making it easier to contact police and creating workplaces such as stations that are “more comfortable” (ibid). Customising the police is based on detailed knowledge gathered through surveys, academic research, statistical analysis of crime, traffic, and Australian Bureau of Statistics databases and community liaison to identify and “meet the differing needs and expectations” of an increasingly diverse society. A customised police will also be integrated by developing mechanisms that allow police to work more closely with other agencies and networks. Finally, the Victoria Police will be more transparent through a new Service Charter, a Community Report and new mechanisms for receiving comments and suggestions about policing. The Service Charter establishes the “standard and level of services’ customers can expect, with published data on such practices as response times and policing priorities. A new and publicised mechanism for receiving comments about policing services will operate in addition to the standard complaints processes. The annual Community Report will incorporate performance against the Service Charter, an overview of public comments, and “an outline for priorities for the following year” (Victoria Police 2002: 5).

Finally, in keeping with the shift to managerised ‘performance’, the Strategic Plan identifies how the police will know the success of these initiatives: accessibility will be measured by satisfaction surveys and changes in public use of police facilities and calls for service; customising will be identified through surveys of levels of community confidence in police, evaluations of police initiatives and changes in broader social indicators; integration will be identified by greater networking and interaction between police and other agencies and groups; and finally, transparency is measured through the level of accessibility to the Service Charter, the extent to which police meet and exceed service standards, and performance against the Community Report. (Victoria Police 2002: 5-6).
In all of this activity, there is an important shift in the manner in which knowledge of the customer is captured through largely quantitative data as distinct from the qualitative data and tacit knowledge generated by the professional street practitioner. Police managers seek to know the customer, and know their satisfaction with organisational services through collecting this data and evaluating performance against established standards. This ‘politics of information’ (Clarke and Newman 1997: 116-8) has deepened significantly what is to count as important: crime statistics and level of police complaints remain relevant to be sure, but they are now elements of a complex matrix of performance. Knowledge of the customer becomes a managerial tool that elevates responsiveness, partnerships and entrepreneurial policing as part of a ‘cultural crusade’ (du Gay 1996a) to reform policing practices at the ‘moment of truth’ (Comrie 1995; Carlzon 1987).

While not the fully developed ‘sovereign consumer’, the citizen is now an active, knowledgeable consumer no longer assumed to be the passive recipient of professionally determined priorities and practices. Along with the quality of entrepreneurial practice identified through merit-based assessment of personnel (chapter 4) and the use of simulated markets to establish comparative performance (chapter 3), responsiveness to customers forms part of the tools for disciplining professional autonomy within the Victoria Police. The workforce is to be surveyed about factors limiting their performance, how they understand police-customer practices, and on what issues they, as internal customers, seek to have addressed. Thus media profiles of Chief Commissioner Christine Nixon’s ‘new’ approach to managing Victoria Police (The Age, Insight, April 20, 2002: B1, 5; ABC Television, Australian Story, April 22, 2002; Weekend Australian Magazine, September 29-30, 2002) emphasise Nixon’s efforts to know workforce attitudes and perspectives across a range of issues.

However, despite the implicit concerns with establishing Nixon as a ‘charismatic leader’, there is far less ‘newness’ and far more continuity than the PR-inspired accounts of Nixon’s work
allow for. The press releases and media image of Nixon’s leadership and management practices dramatically overstate the newness of the use of managerial techniques to ‘know the workforce’ and once again identifies within police either the lack of historical knowledge or the desire to accentuate differences between the ‘old’ and the ‘new’ management by downplaying any continuity. As we have seen, various mechanisms for obtaining workforce perspectives had been used throughout the 1990s – and earlier – and were central to the activities of the Police Board and the surveying of the workforce under the Service Improvement Program (Severino 1997a: 9). Nonetheless, the current reforms seek to go further than previous efforts by linking the diverse sources of information into a more concerted managerial effort to actively seek out and know and respond to customer demands; to challenge ‘coalface’ claims to such knowledge; and to enhance the ‘self-management’ of individual police for their performance of police work. The clinical judgement of the police officer now works within a consumerised police organisation, where the ‘emotional labour’ of policing is no longer immune from consumer challenges to their professional autonomy (Hochschild 1983). But rather than having closed the circle of reform, the consumerisation of Victoria Police remains “‘unfinished business’ rather than ‘mission accomplished’” (Clarke et al. 1994: 230).

Queensland Police and the customer

While there have been a “proliferation of little regulatory instances” (Rose 1993: 298) through the consumerisation of the Victoria Police, the developments in the Queensland Police have been more circumspect, with less internal cultural change strategies and more operational program developments concerned with community consultation and responsiveness. Only as recently as July 2002 has the QPS introduced a ‘client service charter’ (QPS 2002). The Fitzgerald Inquiry placed significant emphasis on responsiveness to local communities, reflected in the Queensland Police shifting the very organisational name from ‘Force’ to ‘Service’. This shift in the organisational title has been the subject of debate for two decades in Australia and inevitably opens definitional debates about the police mandate and whether police
agencies are ‘forces’ or ‘services’ (see Avery 1981 for an early Australian example of this debate in relation to the New South Wales Police; Finnane 1999; and Stevens and Becker 1994 for a more detailed conceptual analysis). The symbolic importance of the shift in terminology relates to the contrast of characteristics each is seen to embody: a ‘force’ represents the old way of policing, symbolising reactive, task-oriented law enforcement practices of a Police Force in contradistinction to the ‘new’ proactive, customer service-oriented Police Service (see for instance NSW Police Commissioner Lauer’s typology in Wood 1997, though see Dixon 2003 indicating the recent removal of ‘service’ from the descriptions of the New South Wales Police).

The Fitzgerald Inquiry imagined the rise of the consumer in the politics of Queensland Police in a particular way. As indicated earlier, Fitzgerald had recommended that the police ‘return’ back to community policing. Central to this was the introduction of institutional mechanisms to ensure police and the community were partners - originally proposed as ‘community crime committees’ by the Fitzgerald Inquiry (1989: 381) though changed during their development to the less crime-focused ‘community consultative committees’ (QPS 1991 cited in CJC 1994: 55). By the mid-1990s community consultative committees (CCCs) had spread across the state, numbering 149. But as was the case in Victoria, consultative committees were not the only mechanisms designed to enhance the consumerisation of the Queensland Police Service.

Table 6.4 provides an outline of the range of programs developed by the Queensland Police and government to respond to and shape the consumerisation of police. The responsibilised consumer and customised police were embedded in a range of programs and institutional structures that criss-crossed the messy networks of policing, crime prevention and ‘the community’ with varying degrees of police control.
### TABLE 6.3: CONSUMERISATION PROGRAMS IN THE QUEENSLAND POLICE (1990-2004)

<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>TECHNIQUES</th>
<th>OBJECTIVES</th>
<th>OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer surveys (1990s)</td>
<td>Surveys of specific customer groups (eg. complainants and defendants)</td>
<td>Enhanced knowledge of customer attitudes and perspectives</td>
<td>Improve customer satisfaction</td>
</tr>
<tr>
<td>Community Consultative Committees (1990-8)</td>
<td>Consultation meetings</td>
<td>Enlisting community support</td>
<td>Restore public confidence</td>
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<td></td>
<td></td>
<td>Identifying local community concerns</td>
<td>Enhance local problem-solving</td>
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<td></td>
<td></td>
<td>Enhancing information given to police</td>
<td>Improve efficiency and effectiveness of police services</td>
</tr>
<tr>
<td>Local Community Networks, Beat and Liaison Policing (1992-2004)</td>
<td>Community network program</td>
<td>Improved communications with public</td>
<td>Increase knowledge of internal and external customer perspectives</td>
</tr>
<tr>
<td></td>
<td>Beat policing</td>
<td>Responsiveness to community expectations</td>
<td>Enhance community satisfaction with police and improve community perceptions of safety</td>
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<td></td>
<td>Liaison officers</td>
<td>Fostering community initiatives</td>
<td>Increase visibility and approachability of police</td>
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<td></td>
<td></td>
<td>Fostering communication between police and Aboriginal and Torres Strait Islander communities</td>
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<td></td>
<td>‘Whole of government’ approach to crime prevention</td>
<td>Efficient use of police resources</td>
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<td></td>
<td>Business fundraising</td>
<td>‘Tough on crime, tough on the causes of crime’</td>
<td>Attacking underlying causes of crime</td>
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<td>‘Model’ surveys on community attitudes</td>
<td>Strengthening communities</td>
<td></td>
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<td></td>
<td>State-level central board (chaired by Police Minister)</td>
<td>Crime reduction</td>
<td></td>
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<td></td>
<td>Social Development Coordinator</td>
<td>Dealing with offending</td>
<td></td>
</tr>
<tr>
<td>Building Safer Communities (1999)</td>
<td>State-level organisation and community survey</td>
<td>‘Partnerships’</td>
<td>‘Shared responsibility’ for crime prevention</td>
</tr>
<tr>
<td></td>
<td>State, regional and local institutions and representation</td>
<td></td>
<td>Coordinated ‘whole-of-government’ approach through centralised strategic framework</td>
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<tr>
<td></td>
<td>Use of ‘what works’, evidence-based knowledge</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Client Service Charter (2002)</td>
<td>Community and workforce focus groups and consultation</td>
<td>Treating clients with dignity and respect</td>
<td>Service excellence</td>
</tr>
<tr>
<td></td>
<td></td>
<td>‘Partnerships’</td>
<td>Creating a safer environment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rights and obligations</td>
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</table>
Surveying the customer and customer relations

Throughout the 1990s and beyond, a number of developments in the QPS sought to identify customer attitudes and perspectives across a broad range of issues. To enhance customer satisfaction, changes were made to the complaints system to allow for informal resolution (CJC 1994). Defendants were surveyed for the experiences and perceptions of the investigation and arrest procedures and practices (CJC 1996b) and attempts were made to utilise ‘calls for service’ data in ways that would both enhance the experience of police members and their responsiveness to community concerns, and at the same time free up resources to enabling more efficient targeting of other services (CJC 1996d). Further, internal management reforms such as ‘clustering’ (sharing of police resources across divisions) were evaluated in part for their perceived impact on community satisfaction (albeit limited to local government councillor perceptions of this, CJC 1998). While the richness of each of these developments warrants detailed analysis beyond the scope of this thesis, the simple point to be made is that the QPS, particularly through the research and evaluation conducted by the CJC, was engaged in a range of measures seeking to customise police services through enhanced knowledge of customer attitudes and perceptions. To explore this issue in greater detail, we will focus on five key initiatives to customise police in Queensland: Community Consultation Committees and community policing; Network, Beat and Liaison Policing; Crime Prevention Partnerships; Building Safer Communities; and the Client Service Charter.

Community Consultative Committees (CCCs) and community policing (1990-1998)

Community consultative committees were viewed by Fitzgerald as the cornerstone of the necessary shift of the QPS to community policing. Following the Fitzgerald Inquiry, the new Police Service Administration Act 1990 required the QPS ‘act in partnership with the community’. Several reviews of the QPS have addressed both the broad issue of partnerships, as well as the specific issue of the operation of the CCCs. Foremost we are interested in the way CCCs embodied the idea of a new relationship between police and communities. Though CCCs
continued to exist beyond 1998 (66 CCCs remained in place at June 2003, QPS AR 2002-03: 20), until that time they were the key institutional mechanism for the consumerisation of police through consultation and partnerships, since over-run by new institutional developments examined below.

Following the introduction of the new Act, the QPS introduced a Community Policing Support Branch, which developed the CCCs (as well as other initiatives such as Neighbourhood Watch). Community Consultative Committees were viewed as a key platform for developing “a new phase of community policing … characterised by the development of many small, specific problem-solving activities” that would restore public confidence in the QPS (QPS AR 1991-1992: 48). The CCCs were developed to better inform police of “the real law, order and safety concerns of their communities” to enhance effectiveness and resources allocation, and to provide information to communities about police priorities “so that they could better understand what the police were able to achieve” (ibid). Furthermore, they were seen as an institutional means to garner “leadership from within the community” with police support to achieve “the Service’s desire to solve problems of social dysfunction – not just the visible symptoms – so far as possible” (ibid). Thus CCCs were a QPS institution designed to enhance the flow of information and to educate the communities about the limits and priorities of policing, with the promise that police would be more attentive to local concerns. Through CCCs, police were able to know client concerns, bolstering professional claims to be able to represent the front line concerns of communities as ‘clients’.

Within three years of the Fitzgerald Inquiry, Commissioner Newnham was announcing that the task of establishing this ‘new culture’ of ‘community-oriented police work’ “is virtually complete” (QPS AR 1991-1992: 2). Commissioner Newnham claimed the success of the transformation of the QPS from the ‘old culture’ into the new ‘police culture’ of “community in policing”. According to Commissioner Newnham, the new culture involved two key features.
First, the QPS was efficient and corruption free, ensuring community ‘backing’. Second, “Crime prevention and detection is a joint operation. It is a combination of police skills and community assistance” (QPS AR 1991-1992: 2). For Newnham, the new culture of policing located the community as a source of assistance to professional police work, a community “much more involved in policing” (ibid, p.3).

While the QPS laid claim to fundamental shifts in the philosophy and practice of policing, such organisational claims concerning knowledge and responsiveness to clients or customers was troubled by the continual revisiting by various inquiries interested in the extent to which the QPS had really shifted from a police-centred decision-making structure. Such inquiries were concerned to identify whether the QPS had embraced community policing to the extent that client or customer needs (and knowledge) were not simply added to the mix of professional decision-making but actually directed decision-making. In 1993 problems were already apparent with both the manner in which community policing was understood and being developed, as well as with the operation of the CCCs.

The Public Sector Management Commission Review (PSMC 1993) of the QPS found that the concept and understanding of community policing was “the subject of confusion, apathy and alienation within the QPS” in large measure due to the specialisation of community policing into an isolated special unit detached from operational policing (1993: 128). The following year the QPS replaced the Community Policing Support Branch with the new Crime Prevention Unit located within Operations Support to enhance the linkage between community policing and operational policing (an earlier Crime Prevention Unit was established in October 1991 to implement the Home Security Advice Program aimed to enhance household security, QPS AR 1991-1992: 18).
This attempt at organisational change was again re-visited a year later by a Criminal Justice Commission examination of the progress of the QPS in addressing the recommendations of the Fitzgerald Inquiry (CJC 1994). Little had improved in terms of the police understanding of community policing and the relevance of the CCCs to operational policing practices. The CJC (1994) found that community policing remained poorly understood conceptually, and in practical terms was viewed “by many police as a public relations exercise rather than a strategy affecting the core business of policing” (CJC 1998: 3).

Three further reviews were conducted over the next four years, each questioning the capacity of the QPS to fully embrace community policing, CCCs and the more general role of the client/customer in shaping policing services. The shift to community policing and the more specific question of the place of CCCs were examined in the Bingham Review (1996), a CJC evaluation of CCCs (CJC 1997c) and a CJC report on ‘Policing and the community’ (CJC 1998). In each instance, the concerns about the role of CCCs in the development of community policing and the promotion of problem-oriented policing practices were criticised as having limited effectiveness. More directly, as summarised by the CJC (1998) the various efforts to transform policing in Queensland had failed as “few innovations had been made to the standard means of police service delivery” (CJC 1998: 3).

More generally, the picture that emerges is similar to the Victorian experience with PCCC's and accords with the international literature on similar committees elsewhere: the CCCs were not operating in all areas, attendance was poor, there were few concrete outcomes produced by the committees and they were poorly resourced (CJC 1997c, see Bull and Stratta 1995; Crawford 1994, 1997; Gilling 1993; Hughes 1994; Moir and Moir 1992; Palmer 1993). Indeed, the lack of police support for the broader aims of CCCs can be identified through a CJC (1998) survey in Brisbane of ‘Officers in Charge’ of police divisions or ‘clusters’. A ‘cluster is a form of ‘sub-regionalisation’, where single Divisions were replaced by multi-Division ‘clusters’ in the Metro
North Region in 1993 (the northern suburbs of metropolitan Brisbane). The introduction of multi-division clusters caused reflection on the need to strengthen ‘sub-cluster’ institutions such as CCCs (see Bingham 1996: 203-4). Despite the relatively low usage of CCCs in Brisbane, when asked questions about how to improve local policing to achieve policing goals and enhance community policing, these Officers placed lowest priority on ‘improving contact with community’ and greatest emphasis on ‘reducing crime and quality of service delivery’ (CJC 1998: 24). In other words, after almost a decade (1990-98) of policy and program development designed to enhance customising the QPS, senior police remained convinced that the best way to deliver services was to provide traditional crime reduction strategies (though respondents did also refer to the narrative of ‘quality of service’).

Thus, despite the substantial and ongoing organisational investment in CCCs (66 Community Consultative Committees operating in mid-2003, QPS AR 2002-03: 20) and the very early claims by Commissioner Newnham to have produced a cultural shift to community policing (QPS AR 1991-92: 2), the inquiries and reviews examined above found that the QPS struggled to fully implement community and problem-oriented policing, and that the specific institutional mechanism of CCCs were failing in their own terms through lack of outcomes and lack of participation. In particular, they rested on ‘thin’ bonds of obligation and trust and only a limited inclusiveness. However, further initiatives were developed with the dual intention of enhancing community responsibility for crime control and prevention, and breaching police professional resistance to the voice of the client/customer. The first – Beat Policing – occurred alongside the implementation of CCCs- whereas the second – crime prevention partnerships- represented a shift to customising policing outside the domain of the QPS.

Local Community Networks, Beat Policing and Liaison Officers

Alongside consultative committees and the diverse programs to survey customers mentioned above, more specific attempts were made to enhance customer satisfaction through embedding
police in local community networks. The concept of beat policing harks back to the very foundations of the modern police and was adopted in early colonial policing in Australia (Wilson 2003). More recent beat policing experiments were developed in the United States in the 1970s (Bloch and Ulberg 1975) and Canada in the 1980s (Hornick et al. n.d. cited in CMC 2003b). It was the latter that informed QPS reforms in the early 1990s (Crime and Misconduct Commission 2003b: 2). In this section we examine three recent initiatives in Queensland: a ‘community network’ pilot, the introduction of Beat Policing projects, and the use of Liaison officers.

Community networks

A three-year community network pilot project was formed in 1992 in response to underlying tensions between police and Aboriginal, Torres Strait Islander and Maori communities in Inala (outer south west Brisbane, see CJC 1991). The aim was to develop a mechanism that would link police to existing community networks, increase police visibility, provide referral services, link service providers and assist the community to develop local initiatives (CJC 1993:1). Described an “an innovative approach to community policing” (ibid), the network was a means both of promoting police service activities, and fostering the development of community initiatives and access to services. Staffing was a mix of police, administrative assistance and trained volunteers. Unlike the beat projects discussed below, the Inala network was more concerned with linking the network of service providers, including police, as a means of identifying and responding to customer needs. However, similar to the beats, an underlying concern was to enhance knowledge of customer needs, and to ‘empower’ customers to become responsible for the development of projects to enhance their safety and security.

Interviews were conducted with a range of groups to determine their knowledge of the project and levels of satisfaction. Most interviewees drawn from a sample of businesses (n=104) indicated that the Network had made the area safer, though there remained underlying concerns...
about the levels of security (CJC 1993: 13). Interviews with shoppers (n=120) indicated widespread awareness of the Network, but little use of the Network. Interviews with school representatives (n=13) again found widespread knowledge of the network but little use of its resources. In all cases, interviewees desired greater police presence than currently existed. Interviews with 19 police found widespread knowledge of and general support for the Network, with some concern about the increase in work caused by the Network.

In sum, there are three key issues arising from this brief description. First, the project represents an underlying concern with customising police through enhancing access and visibility and the capacity for local community members to develop local programs. Second, the CJC evaluation surveys customers for their knowledge and perspectives on the Network initiatives, embedding the centrality of the customer in the determination of success of service delivery. Third, the evaluation also surveys ‘internal’ customers to determine their experiences of the operation of the Network. While the language of the customer is not directly used, the Inala Network represents an attempt at customising police services and the development of techniques for knowing internal and external customer perspectives of the operation of the customising strategy. In the next two years two further experiments extended the notion of ‘network policing’ to the more specific aims of introducing beat policing. We now examine two beat policing pilot projects and a recent evaluation of beat policing and the use of liaison officers to identify the extent to which they indicate the consumerisation of the Queensland police.

**Beat policing**

The re-introduction of beat policing occurred in December 1992 as ‘shopfront beats’ were introduced as an ‘innovation’ (Schofield and Lake 1998) to provide a visible and effective police presence in major shopping centres (CMC 2003b: 4). In May 1993 a two-year neighbourhood beat policing pilot was introduced in Toowoomba (a regional city 100km west of Brisbane) to enhance community policing through the use of ‘long-term’ assignments of
police to a specific beat area (CJC 1995a). Shopfront beats concentrate ‘primarily’ on the relationship between police and “owners, managers and staff of commercial premises” with a more detached relationship with ‘shoppers’ (CMC 2003: 4). Neighbourhood beat policing is based on police officers working within a defined geographical area where they also reside, a more ambitious reform to police work than shopfront beats as they are seen to “bring the strength of ‘country policing’ – personal interaction, community involvement and proactive enforcement – to urban areas” (QPS 2001 cited in CMC 2003b: 2).

Toowoomba and West End Beats

The Toowoomba project was based on experiments in the United States and Canada in the late 1970s (CJC 1993: 7, see Police Foundation 1981; Trojanowicz 1985; Trojanowicz and Bucqueroux 1994). In the Toowoomba project beat officers lived in their assigned area, were to provide most police services in their designated beats, use foot patrols and engage in proactive policing strategies (CJC 1995a: ix). The beat officers also introduced negotiated response strategies, involving prioritising calls for service and negotiating with the customer on level or timing of response (CJC 1995a: 35).

A Criminal Justice Commission (1995) evaluation of beat policing found that though there was some ‘slippage’ in the use of beat officer time on traffic and criminal investigation work outside the beat area, the beat officers engaged in substantially more patrol work, more community contact and advice, far less reactive policing, but surprisingly more criminal investigation work (due to efforts to have beat police engage in investigation whereas general duties police normally pass such work to detectives, CJC 1995a: 35-6).

Two of the key evaluation criteria for the beat pilot project concerned ‘community satisfaction’ with the project (CJC 1995a: chapter 6) and the impact on community perceptions of safety
The CJC evaluation concluded that “there has been a significant increase in community satisfaction and confidence with the police in the beat areas” and the residents of the beat areas “were more likely to rate the quality of service provided by beat officers higher, and generally to assess police performance more positively than residents living in the comparison areas” (1995: 67). In terms of community perceptions of safety, the evaluation found little effect, in part due to locating the beat and comparison areas in locations with relatively low levels of perceived risk of victimisation and fear of crime and the impact of factors beyond beat officer control (such as local media coverage of crime and disorder, CJC 1995a: 84-5).

Following the Toowoomba Beat project, a further Police Beat project was established in December 1994 and became operational in February 1995 in inner Brisbane at the West End (located across the Brisbane river from the central business area of Brisbane). Unlike the relatively benign conditions of the Toowoomba pilot project, the West End Police Beat (WEPB) project was located in a busy inner-city location that had far greater ethnic diversity, a significant Aboriginal population and a history “at times underscored by tension” between police and these groups (CJC 1996c: 1). Indeed, prior to the beat being established (and one of the reasons for it being established) a young Aboriginal man, Daniel York, died in police custody after being arrested in the West End area. Aboriginal deaths in custody was the subject of several reports at the time, most notably the Royal Commission into Aboriginal Deaths in Custody (1991), and numerous recommendation had been made to change the way in which Aborigines were being policed (for the most detailed and insightful critical review of the issues and this literature see Cunneen 2001).

The WEPB was designed to increase the ‘visibility and approachability’ of police in the West End area and had four objectives: reducing crime; increasing police visibility through beat patrols, increasing the level of interaction between police and the local community, and
enhancing local police and community engagement in problem solving activities (CJC 1996c: 5). However, following the appointment of a committee to manage the evaluation process, new objectives were introduced that were much more concerned with the consumerisation of police services for both internal and external customers. The impact of the WEPB on enhancing community safety would now be measured by the following: increases to community satisfaction; police and community problem solving activities; beat officer satisfaction; and acceptance beat policing by other police (CJC 1996c: 7). This shift in performance indicators indicates a concern to develop more measurable and quantifiable data and an increasingly ‘internal’ orientation concerned with officer satisfaction and acceptance of this form of consumerisation with police officers generally. The evaluation report identifies the strategies for each of these objectives, though two of these are of most interest here.

First, increasing community satisfaction would be achieved by high visibility, being approachable, fostering good relations with community groups, and “promoting personalised service” (ibid). Second, increasing beat officer satisfaction would occur through enhancing the “autonomy and discretion” of the beat officers, and providing them “with the flexibility to design appropriate responses” (ibid). In this way, the WEPB brings together the desire to be responsive to customer concerns, the effort to integrate community-as-customers in developing local problem solving initiatives, and the re-design of organisational processes in ways that enhance officer autonomy, discretion and flexibility to enable innovative responses to customer demands. This latter point again highlights the limits in viewing consumerisation of policing only in terms of the limits it places on professional autonomy and discretion.

To measure the level of achievement against the objectives, the evaluation brings together several sources of information: community surveys, service user surveys, data drawn from calls for service, interviews and document analysis (CJC 1996c: 9). Thus, the evaluation process is
part of the means of producing knowledge about customers in order to foster further developments in the customising of police.

A ‘street survey’ and telephone survey were conducted almost eight months after the introduction of the WEPB. The results of these surveys are presented in Table 6.5. The results indicate that less than half of the respondents in both surveys were aware of the project. Further, about half of the respondents believed they could identify the beat officers (CJC 1996c: 26).

### Table 6.4: West End Police Beat Evaluation

<table>
<thead>
<tr>
<th></th>
<th>Street survey (n= 276)</th>
<th>Telephone survey (n= 99)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level of awareness of the WEPB project</td>
<td>46.7%</td>
<td>49.5%</td>
</tr>
<tr>
<td>Police are generally easy to talk to (% agreeing)*</td>
<td>84.4%</td>
<td>80.0%</td>
</tr>
<tr>
<td>Whether police you know are friendly*</td>
<td>77.6%</td>
<td>75.7%</td>
</tr>
<tr>
<td>Whether police in the West End are approachable*</td>
<td>69.4%</td>
<td>63.1%</td>
</tr>
</tbody>
</table>

* The responses were coded on a five point Likert scale. The figures presented here include responses that indicated ‘agree’ or ‘strongly agree’.

In order to assess the level of approachability of police, the surveys asked respondents to respond on a 5-point Likert scale the level of agreement with three questions. First, whether they find police in general easy to talk to; second whether police they know are friendly, and finally whether police in the West End area “are very approachable” (CJC 1996c: 27). The evaluation concludes that “Overall, the surveys found that beat area residents consider the police in the West End to be very approachable” (ibid.).

However, this conclusion overlooks an important slippage in the responses. In both surveys the respondents indicates higher agreement with the first two questions about policing in general,
than they do for the approachability of local police. More than 80% indicated they found police in general easy to talk to, and more than 75% indicated the police they knew are friendly. By the third question – approachability of police in the West End rather than police in general – the results decrease to 69.4% and 63.1% respectively. In other words, while we do not have access to ‘before and after’ data, and the terms used in the questions vary (most particularly ‘easy to talk to’ in question one, and ‘very approachable’ in question three) the results indicate that the West End police were viewed in a poorer way than police generally. One caveat to these results concerns the lack of knowledge of local police. The response of ‘don’t know or other’ increases from 10.4% and 7.6% for question one, to 21.4% and 32.2% for question three. In other words, a significant percentage of respondents simply didn’t know their local police in the West End despite increased ‘visibility’, ‘interaction’, and ‘engagement’ being three of the four initial objectives of the project (see Table 7, CJC 1996c: 27).

In terms of promoting a more personalised service, a “service users survey found little difference between beat officers and general duties police” across a range of measures of satisfaction (CJC 1996c: 31, see Table 8: 29). Finally, the objective of improving beat officer satisfaction through enhancing autonomy, discretion and flexibility produced mixed results. Interviews with beat officers found that ‘most’ beat police felt the level of satisfaction had increased though some gave a negative assessment of beat policing. In one of the negative assessments of the beat experience, an officer brings together questions of personal attributes and motivation, and concerns about customising police services. The officer indicated that:

… on the beat you’ve got to be self started, you’ve got to be self motivated … you’ve got to understand ‘[Who] are the public? What [do] they want? What do I want? How can I do it? (CJC 1996c: 40).

The officer concluded that current beat officers were simply not the kind of police officer suited to these ways of thinking about police work.
In sum, the ‘network policing’ experiment and the two police beat projects discussed above indicate the use of a particular approach to enhancing the consumerisation of the QPS. Both beats aimed to increase customer satisfaction through providing highly visible, patrol-oriented, problem-solving policing through officers dedicated to a specific geographical zone. In making these areas their ‘turf’, the officers would be able to enhance positive interaction between police and customers, engage customers in the identification and responses to local problems, and provide innovative policing responses based on local circumstances. Thus, the consumerisation of police services would be implemented in and through the community rather than determined by central planning and professional determination at a distance from the locality demanding particular policing responses. While the evaluation results were not as strong as hoped, the clear intention was to shift the QPS towards a more customised service provider, made more explicit in the WEPB where the attempt was made to change organisational processes so that the officer was given greater autonomy, discretion and flexibility to meet the demands of the consumer.

*Expanding the beats: neighbourhood and shopfront beats*

Following these experiments, Beat policing expanded in spite of the negative findings from the CJC evaluation, even more so after the adoption in July 1999 of problem-solving policing as the underlying philosophy of the QPS. By mid-2003 Neighbourhood Police Beats had increased to 33, and 45 Police Beat Shopfronts were in operation (QPS AR 2002-03: 19). Further, the beat programs had been refined to emphasise that the beat officer “must develop a sense of belonging and ownership over his or her defined area” and develop knowledge of the issues of concern in the beat area “to enable efficient and effective use of policing resources” and the capacity to “concentrate energy in the areas that require it most” (QPS Programs 2002). Thus, consumerisation techniques embrace the foundational Peelian police practices of detailed local knowledge (Finnane 1994; Wilson 2003) and are joined to the current managerial concerns with police efficiency, effectiveness and responsiveness to consumers.
In mid-2003, the Crime and Misconduct Commission released a further evaluation of the expanded beat policing programs in Queensland. The request for the evaluation from the Department of Premier and Cabinet through Crime Prevention Queensland (discussed below) reflected an important shift in the Queensland Government to an ‘evidence-based’ approach to policing and crime prevention, seeking to develop “innovative, evidence-based and targeted crime-prevention initiatives” (CMC 2003b: ix). It is with this shift in mind that we briefly examine the latest evaluation of beat policing.

The CMC evaluation was concerned with three specific questions:

1) Is beat policing effective?
2) Is beat policing cost-effective?
3) Are community members satisfied with, and do they support, beat policing? (CMC 2003b: xi).

In order to answer these questions, six police beats were chosen from across the state (regional and metropolitan neighbourhood and shopfront beats, the Toowoomba neighbourhood beat and an outer urban neighbourhood beat, CMC 2003b: 10). The evaluation used a ‘matched-pair design’ to compare beat policing with traditional policing in similar neighbourhoods (a comparison was not conducted for the outer urban beat). Data was collected and analysed for impact and process evaluation through a multiple method design combining quantitative and qualitative data. In general the evaluation represents a substantial and sophisticated attempt to evaluate beat policing and contribute to ‘evidence-based’ knowledge of policing (see CMC 2003b: 11-19).

Evaluation of beat effectiveness used rates of reported crime and community perceptions of crime and personal safety. Neighbourhood beats were found to lead to an overall reduction in crime, whereas shopfront beats did not. In terms of community perceptions of crime and safety, neither form of beat policing caused a decrease in levels of perceived crime or increases in perceptions of personal safety. In terms of cost-effectiveness, no significant cost savings were
Chapter 6: Consumer culture: the consumerisation of police

associated with police beats, with the exception of savings gained through the introduction of single officer patrols in neighbourhood beats. Finally, on the issue of community satisfaction, residents of neighbourhood beats supported the concept of beat policing and the practices of local beat officers, yet “there was no significant differences between residents in beat and non-beat areas in terms of their level of satisfaction with policing services” (CMC 2003b: xii). In addition, there was no increase in the level of shopper and retailer satisfaction with police services in the shopfront beat areas.

Despite these conclusions, and several ‘issues for further consideration’ in order to improve beat policing, the CMC concluded that beat policing “is likely to continue as an essential part of police service delivery” and therefore needs to be “comprehensively evaluated” (CMC 2003b: xiii). Yet the findings of this evaluation hardly provide a strong justification or evidence base for ongoing expansion of the current forms of beat policing. Shopfront beats did not experience a decrease in crime. Neighbourhood beats experienced reduced overall crime but not calls for service (with the possibility that this improves over a longer time). Neither form of police beat reduced perceptions of the level crime or improved perceptions of personal safety and both forms failed to increase overall satisfaction with police services. Cost savings for delivery of services are reported as being “for the most part” due to single-officer responses in the beats than the standard two-officer responses of general duty policing (CMC 2003b: 84). In addition, the costs associated with establishing, maintaining and staffing police beats are considerable (CMC 2003b: 67-9). Finally, despite the introduction of detailed operational procedures establishing the process and criteria for determining a police beat (December 2001 for neighbourhood beats and January 2002 for shopfront beats), several police interviewees indicated that beats were chosen for ‘political’ reasons rather than an ‘evidenced-based approach’ (CMC 2003b: 72-3). As one senior manager indicated:

I am concerned that the selection of the beat site is a politically driven process that has been taken out of the hands of the Service … Once established, police beats are near impossible to shut-down (CMC 2003b: 72-3).
On the other hand, several police managers expressed considerable support for beat policing, one likening it to a return to older-style country policing:

I know we need more of them [beats]. Every suburb would love one because they do such a fantastic job and it’s not all reactive policing. As I said before, it’s getting back to like the old country policing … I just can’t say enough about how well they work (CMC 2003b: 78).

We are therefore confronted with competing views on the experience of beat policing in Queensland. The latter view expressed in the quotation above sees beat policing as returning to the older style of locally embedded police working with communities. It is nostalgia for a different time and different policing practices, however much this ‘golden age’ contained various forms of malpractice and discriminatory policing (Reiner 2000). Other police express concern about the lack of rational, scientific planning in the introduction and expansion of police beats, a breach of the move towards the new police science of evidence-based policing (perhaps more concerned with cost savings, see Wilson 1990 for overview). Beyond these contradictory positions, we can see just how central the consumerisation of police has become. Police beats combine the desire for innovative and autonomous entrepreneurial police with enhanced responsiveness to ‘key clients’ and ‘key stakeholders’. The perceptions of clients and stakeholders are made central to managerial planning and police officer performance. However, at the same time, these clients and stakeholders are recipients of police-defined practices. It is the QPS that determines whether to establish a beat and how the police beat is managed. It is the beat officer that seeks to engage community members in problem-solving activities. Beat policing therefore represents an attempt to enhance responsiveness to clients and stakeholders while maintaining professional autonomy and control over what services are delivered to the community and the nature of how services are delivered. We now turn to the final example in this section before examining developments external to the QPS.

**Liaison officers**

In a related development, consumerisation has occurred through strategies to address the longstanding tension and conflict between police and Aboriginal communities (Royal
Three key developments have been the introduction of specific Indigenous Community Police Consultative Groups (21 by mid-2002); Police Liaison Officers (126 in mid-2003) mainly of Aboriginal and Torres Strait Island descent (QPS AR 2002-03: 22); and Queensland Aboriginal and Torres Straight Islander Police (QATSIP) to provide policing of Community By-Laws in three communities (15 personnel in 2003, QPS AR 2002-2003: 22). The Police Liaison Officers (PLOs) are appointed to ‘foster communications’ between police and customers, to coordinate the consultative groups and through these groups implement local problem solving initiatives. They have also been key participants in the introduction of the Elders Night Patrol, where PLOs and elders from specific cultural groups conduct patrols around Cairns (Far North Queensland). Further, Queensland and Torres Strait Island Police have been appointed under the Aboriginal and Torres Strait Island Councils to provide policing services in specific Aboriginal communities, with current proposals to incorporate these indigenous police under the QPS management structure (a trial was conducted in February 2000, evaluated in April 2000, with an additional evaluation in September 2002, QPS AR 2001-2002: 24).

The importance of customising programs for indigenous communities raises particular problems. On the one hand, as with other communities, some community members embrace the possibilities of active citizenship, such as by being members of the consultative groups or through the Elders Night Patrol. On the other hand, whereas the absence of local management structures has been the norm of Australian police, consumerisation strategies cut across the attempts to create an ‘Aboriginal domain’ of policing and ordering which is linked to the broader goal of empowering indigenous communities through self-determination (Rowse 1992 cited in Cunneen 2001: 15). As Cunneen argues, these programs are directed at solving problems for police and the concerns of the more politically powerful with problems of ‘order’. Further, indigenous community members are assimilated into an ‘indigenised’ form of police, without addressing the fundamental struggle over the right to self-determination. Indeed, Cunneen makes the particularly telling point that despite the funding for Aboriginal community Commission into Aboriginal Deaths in Custody 1991; Finnane 1994; Cunneen 2001).
police coming from the budgets of ATSIC, this form of police is made subservient to state
police management and control (albeit that the lack of management and supervision has been of
major concern). Current proposals to incorporate indigenous policing under the QPS only add to
these concerns. In addition, these patrol and liaison personnel are not given full police powers,
making a striking comparison with the limited introduction of women into policing almost a
century ago, wherein early women police were given patrol and ‘social service’ duties without
full constable status (see for instance Martin 1980; Woolley 1997; Brown and Heidensohn
2000).

Taken together, each of these programs – networks, beat policing, and liaison officers –
represent police efforts to develop programs that both respond to the broader features of
‘consumer culture’ and at the same time enhance the consumerisation of policing. However, as
the examination of beat policing and liaison officers highlights, consumerisation also entails
efforts to ‘capture’ the customer, and in the process potentially undermine the capacities for a
more general consumerisation of policing by corralling such developments within the mandate
and bureaucratic controls of the state police. Similarly, the example of beat policing indicates
police efforts to enhance responsiveness to clients and stakeholders while at the same time
maintaining professional autonomy over the determination of how policing services are to be
delivered. Alongside these ‘internal’ developments, two key crime prevention programs have
shaped the consumerisation of the QPS. We now examine these developments in the following
two sections.

**Crime Prevention Partnerships (CPPs, 1997)**

While beat and liaison policing continued to expand, and CCCs continued to operate, more
formalised community-based consultative and partnership crime prevention initiatives began to
materialise outside the QPS (Friedman 2001). In 1997 the Queensland government introduced
conducted almost one year after the CPPs were introduced (CJC 1999) and after the Government in Queensland had changed from a Coalition (National and Liberal Parties) to a Labor government. The importance of CPPs, and Building Safer Communities (examined below), is that these developments represent alternative institutional locations designed to ‘capture the customer’ within the field of policing and crime prevention, challenging police dominance in the representation of the customer, delivering new means for active citizenship and ‘responsibilization’ of communities, and the potential to shape the governing police through consumerisation.

The initial proposal to form Crime Prevention Partnerships characterised them as a part of the further development of community policing in Queensland. CPPs were proposed by the Coalition Minister for Police as ‘community policing partnerships’, part of a “radical change in our approach and commitment to community policing” (Cooper, QLA Hansard, No.6 27 May, 1997: 1,859, CJC 1999: 1). CPPs were explicitly directed at creating a “consultative process to ensure community ownership of crime prevention responses” (CJC 1999: vii) and were viewed as a direct government attack on the bureaucracy. As the Minister for Police indicated, “it is local communities, not the George Street bureaucrats or centralised government qangos” who know the problems and solution (QLA Hansard, No.13, p.4,897 cited in CJC 1999: 1). More specifically, CPPs were developed to produce three outcomes: promoting local community ownership of identifying problems and solutions; enhancing efficient use of police resources; and attacking the underlying causes of crime (CJC 1999: 1).

Using a model developed by a contracted ‘non-government’ body, the Australian Community Safety and Research Organisation (ACRO), CPPs were introduced as a 12-month pilot project in seven local government areas in 1997. Each project was allocated $50,000 to fund a coordinator and related administrative costs. In turn, the CPPs were to fund ACRO surveys on
community attitudes on crime and then use the survey results to develop responses to community concerns (two did not fund the $23,000 survey).

The CPP program was highly structured by the use of the ACRO model and associated working manuals and policy documents. This caused several problems in the operation of the CPPs, including:

- the limited nature of the membership, in particular limiting government agencies to local government and police (CJC 1999: 31);
- the emphasis on using the ACRO survey when other data and information was available from alternative sources (eg. police CJC 1999: 19);
- the ‘unrealistic’ need for the ‘business representative’ to generate funds for CPP initiatives (CJC 1999: 29); and
- ACROs desire to ensure the model remained unchanged during the pilot phase in order to allow completion of the ‘quasi-experimental’ evaluation (CJC 1999: 25).

Beyond the lack of ‘flexibility’ in the ACRO model, and problems over access to information, the CPPs also suffered as so many similar programs had in terms of the inconsistency of membership and fading interest inside the Committees and in the broader community. As one Chair of a Committee commented, “attendance by the community” at advertised workshops “was abysmal” (CJC 1999: 20) and in general attendance was uneven (CJC 1999: 22, see Appendix D: 58-9). Another Chair commented that the CPP had used the “workshops with the community to try and get them to take responsibility for crime prevention” (my emphasis, ibid). A local government representative indicated that having formed the CPP, “people didn’t volunteer, I had to physically go out and ask people if they would participate in this committee” (CJC 1999: 28). In other instances, the volunteering work was already done at institutional
location, such as the police-based Neighbourhood Watch and Community Consultative Committees. Thus, in the case of CPPs, responsibilisation strategies came up hard against the unwillingness of community representatives to participate. Despite the selective recruitment of community representatives, these were indeed ‘unmanageable consumers’ (Gabriel and Lang 1995). However, additional techniques were used to generate membership and community activities.

The ACRO model was to “utilise the human resources” of community consultative committee (CCCs) by involving them in sub-committees of the CPPs. As police were deemed the representatives of such groups it was their role to convene the relevant subcommittee. However, “most police representatives did not convene subcommittees”: they didn’t see any value in them (and the QPS already controlled these alternative consultation and partnership mechanisms independent of the CPP), they were concerned about the lack of communication between subcommittees, and wary of the potential for duplication of effort (CJC 1999: 32). In turn, this produced feelings of exclusion and tension and hostility between the CPPs and CCCs and Neighbourhood Watch, resulting in “some serious problems for the pilot” (CJC 1999: 36-7). As one police officer commented, this meant imposing the CPPs on these other partnerships, but that is “not the way to go in today’s environment. People want to have input, they want to have their participation” (ibid). In this case, the police officer was exhibiting a far greater commitment to the consumerisation of police and crime prevention services than other CPP members: it was the police who properly knew customer demands.

The CPPs were also criticised internally through a managerialist template of planning cycles and prioritised strategies. Reflecting the impact of managerialist language and techniques within police, one police officer commented, “we should have some kind of business plan … we should have had goals and objectives set” (CJC 1999: 21). Another police officer involved in a
CPP was asked about the selection of the pilot project locations. The officer suggested that work similar to that conducted by the police needed to occur:

… when we’re putting in a beat officer, or when we’re putting a shop front in, you have to identify a) is there a problem? … what has got to be done, in each individual area, there has to be an environmental scan done (CJC 1999: 27).

Similarly, the CJC report comments on the importance of local innovation: “the potential of local partnerships to generate innovative strategies appears to have been restricted” due to their narrow focus, ‘scant knowledge’ of strategies developed elsewhere, and the shortage of funds (my emphasis, CJC 1999: 21). Thus, the language of managerialism permeates the participant’s comments and the perceived limitations of the program, with police leading the criticisms of CPPs as having failed to fully develop managerial techniques of rational planning and performance (similar to police criticism of the expansion of beat policing), and inadequate scope for the delivery of innovative and entrepreneurial policing and crime prevention activities based on consumer demands.

One final feature of Crime Prevention Partnerships concerned the introduction of a state-level Central Board to negotiate with other government agencies. The ACRO model demanded that membership of the Board should reflect the membership of the CPP committees, with representatives from police, media, local government and academics, with the Police Minister as the chairman. Once again, the lack of representatives from other government departments undermined the principal of a ‘whole-of-government’ approach to crime prevention, further compounded by two related developments. First, the overall program remained within the portfolio of the Minister for Police than being transferred to the cross-government location within the Premier’s Department as was originally intended (CJC 1999: 35). Second, the Minister for Police created a new position not proposed in the ACRO model – the Social Development Coordinator - located in the QPS and thus strengthening the ‘networking’ position of the police within CPPs. Further, the broad nature of the Coordinator’s role – managing
Board-Committee relations, liaising with other government departments and being the administrative arm of the Board and ‘trouble-shooter’ for all manner of things – led to conflict with ACRO. Appointed in October 1997, the Coordinator “became the Minister’s advisor on crime prevention”, and when the new Office of Crime Prevention was introduced in May 1998 the “Coordinator was appointed Executive Director” (CJC 1999: 2, 36).

In sum, the efforts to transform community policing linked a range of institutional developments designed to focus crime prevention on community concerns (identified through the ACRO survey in particular), and to “ensure community ownership” of the responses to crime (CJC 1999: vii). However, while the ‘community’ had become the key site for the determination of ‘what is to be done’ about crime prevention, considerable bureaucratic effort was directed at determining the ‘proximal representatives’ of ‘the community’. Membership of the partnerships was tightly controlled and exclusionary, more inclusive subcommittees failed to materialise, and the ACRO model circumscribed the potential use of data from a range of sources. Further, the idea that a ‘business representative’ could raise $100,000 to fund local CPP initiatives was ‘unrealistic’ and failed. With these constraints, and the more general community antipathy found in similar committees, the exhortations for active citizenship and community responsibility met with the reality of communities unwilling to take on such responsibilities.

What is clearly evident though is the growing influence and control of central government through the introduction of the new Central Board and Social Development Coordinator, and more recently the introduction of the Office of Crime Prevention. The Police Minister’s desire to ensure local community ownership of the identification of problems and solutions rather than ‘George Street bureaucrats’ stood in sharp contrast to the growing centralised bureaucracy established under Crime Prevention Partnerships.
Nonetheless, police were key participants in the CPP program, and as part of CPP had to be more responsive to consumer demands. However, the evidence presented above indicates the need to be wary of overstating the success of these ‘responsibilisation’ strategies or the extent that the customer was able to determine police responses. Police had simply to participate and respond to the community as active citizens, but were not controlled through any shift in the power to determine policing practices. In a large measure, the CPPs relied on police good will and willingness to engage with CPPs.

In the end, the Minister’s promise that “Ultimately, our intention will be (sic) to formalise community policing partnerships through a legislative base” with strict outcome measures and to ensure recognition across the government of their importance, never translated into legislation as the Coalition Government lost the June 1998 election. A new Labor Government was determined to develop its’ own crime prevention and policing initiatives that would be ‘tough on crime and tough on the causes of crime’. Within this slogan, the narrative of responsible communities would continue, and the police would similarly have to engage with further institutional processes of ‘capturing the customer’.

**Building Safer Communities (1999 - 2004)**

The current Labor Government\(^2\) came into power with an electoral policy of being ‘tough on crime, tough on the causes of crime’ (Department of Premier and Cabinet (DPC) 1999; Friedman 2001). The Premier re-stated the importance of the government in the protection of sovereign crime control, indicating that the “first duty of any government is to ensure the safety of its citizens” (DPC 1999: 3). However, rather than devolving the techniques for gaining knowledge of the consumer to decentralised committees (as under Crime Prevention Partnerships), in early 1999 the government undertook a period of consultation with the broader

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\(^2\) Note than an election held in February 2004 returned the incumbent Labor Government.
community – ‘grassroots community input’ - to identify that “We need is a whole new attitude based on shared responsibility” (emphasis original, ibid). The community consultations gave the Government what it wanted to hear, “the clear message that the community wants to be involved in crime prevention” (DPC 1999: 5).

There are five goals and six principles for Building Safer Communities. The goals are:

- strengthening communities;
- supporting families, children and young people;
- reducing violence;
- enhancing public safety, and;
- dealing with offending (DPC 1999: 10-12).

An additional feature of the program is the embedding of the principles of ‘what works’ (DPC 1999: 10-14, cf. Sherman et al. 1997; Jordan 1998). Each goal discussed is supported by a brief list of findings from the literature on ‘what works’ for each area of activity, which then informs the Actions to be implemented. For instance, ‘what works’ in ‘strengthening communities’ is assisting the long-term unemployed, reducing social isolation and improving community infrastructure (see DPC 1999: 10-12). The Actions for ‘strengthening communities’ are directed at encouraging communities to be involved in building school facilities and increasing their use as a means of enhancing natural surveillance and protection, while sport and recreation are seen to be important means of breaking “the links between social exclusion, boredom and crime” (DPC 1999: 15).

While many of these activities under Goals and Actions appeal to ‘law and order common sense’ (Hogg and Brown 1998), no evidence is cited under the ‘Goals’ and ‘Actions’ to support the notion that these activities are based on the scientific appeal to ‘what works’. In one of the few instances where research evidence is cited - the links between ‘substance abuse’ and crime
Chapter 6: Consumer culture and the consumerisation of police

(DPC 1999: 6) - the document confuses causation with correlation, such as by citing research that a high percentage of prisoners use drugs and that a high percentage of people seeking drug treatment have been convicted of offences (DPC 1999: 6). Neither study indicates that drug use caused criminal behaviour, but rather that prisoners use drugs, and people on drug treatment program have criminal records. By the time we get to the ‘Actions’, the document simply states, “we know there are clear links between alcohol, drugs and crime” (DPC 1999: 15). In addition, there are many tensions between the BSC goals as they shift between the polar opposites of ‘underlying causes’ and individual incapacities and responsibility.

More central to this thesis, the introduction of ‘what works’ knowledge challenges police expertise, demanding evidence-based policing in combination with responsiveness to local communities. Regardless of the limitations of ‘what works’ knowledge (and there are many, see Hope 2002; Hughes, McLaughlin and Muncie 2002a; Dixon 2003) the use of such ideas and knowledge to inform policy and program developments de-stabilises police craft knowledge and blends the competing claims over expertise with the knowledge of consumer demands. Further, the key aspect of BSCs is that knowledge of the customer is located beyond the police, with government-level ‘grassroots’ consultations enabling the government to claim that the community wanted active involvement in crime prevention initiatives. However, the emphasis on police shopfronts and police beats in Building Safer Communities is indicative of an ongoing attempt to ensure that within the responsibilisation strategies being developed, police also are committed to ongoing consumerisation strategies.

Further additions were made to Building Safer Communities by the introduction of A Strategic Framework for Community Crime Prevention (DPC 2002). The Strategic Framework introduced a new form of multi-agency partnership, Building Safer Communities Action Teams (BSCATs). BSCATs are located at the local government level, based on ‘partnerships’ and “targeting local needs” through “community participation in the identification of local problems
and their solutions” (DPC: 2002: 6). Police are one of at least 14 identified agencies or groups involved in BSCATs (DPC 2002: 3). The role of BSCATs is to develop partnerships, provide a strategic direction, build strong alliances and networks, engage “community stakeholders” and provide a “mechanism for two-way consultation and communication between communities and governments on crime issues and their impact” (DPC 2002: 7).

In addition, BSC is replete with the language of customers and performance. Crime prevention activities are to be “innovative, evidence-based, targeted” (DPC AR 2000-2001: 55), with the new Strategic Framework to “provide more customised responses by government and others to meet the diverse circumstances of different communities” and foster the development of “innovative, integrated and sustainable crime prevention initiatives” (DPC 2002: 4, 7). Regional Crime Prevention Resources Officers are appointed under the Department of Premier and Cabinet to facilitate, advise and support BSCATs (DPC 2002: 3).

As indicated above, police maintain a role in BSCATs and crime prevention generally. However, knowledge of the customer is no longer limited to police knowledge generally, or knowledge emanating from street level operational police. Crime prevention policy and practice remains a contested domain, and it is clear that the Strategic Framework is based on non-police knowledge of the customer. Crime Prevention Partnerships was based on locally developed knowledge of the ‘proximal customer’, giving police an opportunity to ‘capture the customer’ at the local level, albeit shaped through the central controls of the Police Minister. Building Safer Communities is based on centrally developed surveys of customers and is under the strategic direction and control of the Department of Premier and Cabinet. The Community Engagement Division of the Department of Premier and Cabinet “is the lead agency”, with Crime Prevention Queensland organised as a unit within the Community Engagement Division (DPC 2002: 4). A range of organisational developments cement the centralised control over Building Safer Communities, such as the introduction of an inter-departmental executive group involving key
departments, a Regional Managers Forum involving representation from key departments, and regional networks (DPC 2002: 5). Finally, rather than wholesale adoption of community-based initiatives stemming from local partnerships based on locally-determined knowledge of the customer, Building Safer Communities explicitly identifies the need for “a mix of ‘top down’ (government) and ‘bottom up’ (community) approaches” (DPC 2002: 6). In this sense, ‘capturing the customer’ becomes a contested domain, involving central government, regional representatives of government agencies, BSCAT representatives, and the police.

In turn, the broader impact of consumerisation continues to shape the techniques for governing police, as the QPS remains committed to further consumerisation in order to meet the commitments to the customer focus of crime prevention policy, programs and initiatives. Alongside these developments external to police, the QPS moved to develop internal means to enhance the customer focus of the QPS.

The Client Service Charter (2002)
While the Department of Premier and Cabinet refined Building Safer Communities strategy with the new Strategic Framework, the QPS embarked on new internal techniques of consumerisation. The recent introduction of the QPS Client Service Charter (QPS 2002b) operates upon the more limited notion of ‘client’ rather than the broader concept of ‘customer’ used in Victoria. In simple terms, ‘clients’ receive services determined by the service provider, ‘citizens’ have rights and responsibilities, and ‘customers’ have their own demands and expectations which if not met can lead to ‘exit’ from the service provider (Clarke and Newman 1997: 127-8). However, the QPS Charter overlays notions of consumers and citizens with clients, with the expectations that can be held of QPS services looking like citizen-as-consumer entitlements, and the QPS expectations of clients being similar to citizen responsibilities.
In what is now standard operating practice for policy and program developments, the QPS claims that the Charter “was developed through extensive consultation and in partnership with the community”. Though no details of the consultation and partnership are provided in the Charter (QPS 2002b), the QPS Annual Report indicates that the information was gathered through “a series of surveys and focus groups with diverse members of the community” (QPS 2002a: 54). For the QPS clients are defined as all people in Queensland (residents and visitors), crime victims, anyone seeking QPS assistance and suspects. Furthermore, the Charter adds a category of ‘other stakeholders’, thus conflating clients and stakeholders without any explanation of the similarity or differences in what these terms mean to the QPS. These stakeholders are the Queensland Government, government agencies and “business, industry and community groups”.

The Charter outlines the standards clients can expect from the QPS and the responsibilities of various client groups (here stakeholders are not mentioned). The QPS will provide a “professional police service, dedicated to excellence and committed to working in partnership with the people of Queensland … All of the Service’s clients will be treated with dignity and respect…” Further, the QPS “is committed to a high standard of service delivery to the community … [and will] be sensitive to cultural diversity and any special needs; and work in partnership with you to create a safe environment”. In return clients have various expectations placed on them.

The first client group is referred to as the general community, who are expected to be law abiding, to “treat the Service’s employees with courtesy and respect” and to participate in partnerships. Further, in a surprising instance of detail, the community are directed to “use the ‘000’ phone number for emergency circumstances only”, indicative of a concern to limit customer demands on policing services.
The second client group, victims and witnesses, will have their complaints investigated, be kept informed during the investigation and prosecution phases, and have their privacy respected. In return, victims and witnesses are expected to “report the offence; and provide us with all available information … and keep us informed of any further information”.

The third group of clients – people seeking police assistance – will have their request acknowledged, provided with an appropriate response and if necessary and appropriate referred to another agency. In return, these clients must provide all relevant information, be “honest and reasonable when dealing with us; and if the situation is not urgent and demands for our services are high, be prepared to negotiate with us an appropriate response to resolve your request”. This suggests that in seeking to address the insatiable demand for police services, the QPS will determine if they are the right agency to respond, and if so will seek to provide variable response times and means of response. In this way, the Charter represents a means of seeking to shape ‘client’ behaviour and limit the expansion of client demands through ‘demarketing’ police services by the “purposive and systematic reduction of demand needs” (Clarke and Newman 1997: 113).

The final group of clients identified is suspects. For these clients, “we will advise you of your rights and obligations under the law”. Surprisingly, there are no explicit expectations placed on this group of clients, such as how they might be expected like the general community to treat police personnel with “courtesy and respect”.

The Charter addresses two additional issues. First, there is a statement concerning complaints against police. A person may complain if they believe a police officer “has behaved wrongly or inappropriately”. However, in the following sentence potential complainants are exhorted to “remember that police officers have to enforce the law; often people complain about police
officers when it is actually a particular law that they do not like.” Further, while the complainant will be given “assistance and advice” in making their complaint, they are also reminded that it “is an offence to make a false or vexatious complaint against a police officer.” Thus customer rights to professional treatment are linked to responsibilities that have a punitive edge. The second additional issue concerns ‘feedback’ on police performance. Here the QPS indicates that it “welcomes constructive feedback on the performance of our officers and staff” and that such information “is used to ensure that continual improvements are made to the levels of service” provided by the QPS.

Overall, while the Charter can be seen to embrace the language reflective of the rise of the consumer, and is itself a formal mechanism shaped by such changes, it is a very limited form of consumerisation - the stated ‘rights’ of the customer are no more than is legally required of the police; there is no requirement that the consultation and feedback provided will empower the customer to make demands and receive particular responses from police management; and, finally, there is no identified underlying requirement to comply with consumer demands (see Clarke and Newman 1997: 110). The Charter represents a retreat to older, less expansive notions of the customer, representative of an internally generated effort to control the ‘unmanageable customer’ (Gabriel and Lang 1995).

**Conclusion: the sovereign consumer or more of the same?**

In this period of substantial policy and program development there are no doubt ‘gaps’ between the rhetoric of change and the reality of implementation. First, we should not conflate the ever-present managerial efforts to ‘reinvent’ police organisations through cultural change programs with the effectiveness of these rationally planned programs. Not only is the relation between managerial intentions and organisational effects far more complex, but we have also seen that it is difficult to even monitor the details of the change programs. Furthermore, each new program
developed builds more or less on a previous initiative or program, not in some evolutionary trajectory but more as part of the constant adjustments and reflection on the directions of change. In these customer-oriented reforms we have identified how the desire to govern police practices through consumerisation is constantly reworked, linking with other sources of knowledge about the police organisation (for instance surveys of ‘internal’ and ‘external’ customers).

Second, through the examination of these programmatic developments in the consumerisation of police, as limited as evaluations of these programs have been in Victoria, we have already identified the concerns with the ‘stalling’ of police-community partnerships despite the centrality of consultation and partnerships in the determination of service delivery. This was found to be the case with regard to the practical implementation of ‘new philosophy’ of the QPS (CJC 1994) and the difficulties of other forms of partnerships in Queensland (CJC 1999) and Victoria (Auditor General Victoria 2001). Governing through ‘community’ is by no means a straightforward process.

As indicated in the introduction to this chapter, the figure of the ‘sovereign consumer’ is seen to be a central feature of ‘consumer culture’. The evidence presented above indicates that a more limited vision of the customer has taken hold within the Victorian and Queensland police. Victoria has developed institutional forms such as Local Safety Committees that more approximate the model of the sovereign consumer in corporatist form, providing a setting that allows customers-as-partners to enter and exit deliberation on local police planning. Yet it remains a police-centred process, whereby police seek to utilise the resources of selected community representatives in a forum where ‘police property’ (Cray 1972) or the ‘objects’ of police work are excluded (McLaughlin 1992: 485). In these forms of ‘nodal governance’, the ‘thickness’ of the trust and bonds of obligation are limited at best to corporate representatives, with many ‘exclusions’ from the deliberation on police work (Shearing and Wood 2003).
recently (September 2002) Victoria Police has developed a new Strategic Plan that outlines the strategies for ‘Customising our Services’ and foreshadows the introduction of a Service Charter, both a product of consumerisation and a managerial tool to foster further consumerisation (Victoria Police 2002).

In Queensland, the deliberate use of the more limited term ‘client’ in the recent Client Service Charter is indicative of a more constrained notion of this relationship. Furthermore, the QPS circumscribes the ‘sovereign consumer’ by overlaying ‘consumers’ (entitlements and expectations) with ‘citizens’ (rights and responsibilities) in the manner in which ‘clients’ are defined.

While Victoria and Queensland police cannot be said to have fully embraced the ‘sovereign consumer’, the various techniques of consumerisation have introduced new means for governing the police organisation and the police officer. In particular, the contests occurring over the administrative location of knowledge of the customer – between police and alternative institutional sites based on partnerships - represent the potential for the emergence of ‘sub political centres’ that fully empower the sovereign consumer. However, as we have identified above, in their current forms such an outcome may best be described as a possibility rather than the reality, shaped considerably by police efforts to constrain the ‘sovereign consumer’.

We might ask whether this adoption of the terminology and narratives of consumer culture is simply yet another rhetorical shift in the ongoing efforts of police to maintain their autonomy, discretionary authority and political legitimacy without any substantive change (Shearing 1995). We have seen in the analysis above that much of the efforts to change police in line with the ‘demands’ of consumer culture have been internally driven and focused, concerned with implementing managerially-driven programs of organisational and cultural change. In this way,
much of the power of consumerisation is limited. The breach of producer power has occurred in only limited ways and remains largely intact as police seek ways to contain the ‘unmanageable consumer’ (Gabriel and Lang 1995). The effective delivery of services to meet customer demands remains locked in a highly circumscribed notion of what constitutes ‘success’ (still largely dominated by crime fighting related data) and what ‘voices’ are seen to represent ‘the community’. The police continue to struggle to keep in place the bifurcation between ‘policy’ and ‘operations’ so that other agency resources and expertise are employed in the form of assistance to police strategies, and alternative ‘voices’ are marginalised or even silenced. Non-police expertise has to enter into the limited frame of management of crime risks in ways that produce measurable outcomes (again largely quantitative crime-related data). Finally, consumerisation has been infused and linked with responsibilisation so that customers are to be active citizens in their own security.

Yet we have also identified how in the struggle over the nature of customer-oriented police the grounds have been laid for more far-reaching incursions into the operation of police agencies. Police themselves use the language of markets and customers (Baker 1999; Reiner 2000), some welcoming the opportunity to re-think the ‘emotional labour’ (Hochschild 1983) involved in the interactions between police and community representatives. Further, police programs point to the capacity for further substantial change. For instance, the Victorian LPP program makes more explicit what earlier programs such as community consultation committees, the Customer Service Strategy and the Service Improvement Program had only began. Police services are to be planned locally by the LSC, involving a ‘freed up’ local police manager but also one required to be entrepreneurial in developing ‘innovative’ police strategies with other agencies who in turn must also commit their resources. Similarly, beat policing continues to expand in Queensland, promoting autonomy, innovative problem-solving and entrepreneurial policing. Such entrepreneurial activities must address both the internal police audience, as well as ‘proximal representatives’ of consumers.
More generally, the techniques of consumerisation conform to the managerial requirements that such strategies are to be documented and ‘validated’ in local plan objectives and outcome assessments, providing an auditable trail of activity and performance. This is doubly important as it offers not only an institutional site in which citizen/client/consumer demands can be expressed, albeit through ‘proxy representatives’, but also offers the potential for different forms of expertise to shape the governing of police policy work. This was found to be the case particularly in Queensland with the introduction of Building Safer Communities. In this initiative, claims to have knowledge of the customer occur across state, regional and local levels and are used to drive further changes to the institutional landscape of policing and crime prevention. What was once largely the domain of the police is now highly contested. Furthermore, the scientific appeal of ‘what works’ undercuts the claims of police craft knowledge at the local level.

The complexity involved in the practical techniques of consumerisation of governing police agencies undermines any simply reading of these developments as inherently positive in terms of empowering customers, citizens, or ‘denizens’, or alternatively as a fundamentally dystopian de-legitimation of police. The examination of how the broad features of ‘consumer culture’ and the consumerisation of police has been adopted and adapted in the Queensland and Victorian police indicates the benefit of grounding our analysis in specific contexts, as well as the merit of incorporating comparative analysis in this thesis.

We have seen that each police agency has travelled its own unique path in negotiating ‘consumer culture’. In the case of Victoria an iterative ‘rolling out’ of the techniques of consumerisation were developed from the late 1980s, starting with ‘community consultation’ and ‘community satisfaction’, developed into ‘customer service’ and more recently transformed into a hybrid model that integrates these earlier discourses with programs of cultural change through techniques of ‘consumerisation’. In Queensland it was as though the change in the
name of the police from ‘Force’ to ‘Service’ and devolution of management to a new regional structure was largely assumed to have embodied the necessary changes and that police practice would follow (in conjunction with market-like mechanisms). While early techniques of consumerisation such as police-based Community Consultative Committees and beat policing have operated under police control, from 1997 the institutional location of the consumerisation of the policing and crime prevention shifted outside the police to new locations – Crime Prevention Partnerships (1997) and Building Safer Communities (1999). Such developments enhanced the possibilities for the development of increased knowledge of police work, alternative claims to knowledge of the customer of police work, and increased potential for governing police through more fully empowered consumers. However, while the introduction in late 2002 of a specific Customer Service Strategy for the QPS took consumerisation beyond specific programs to a broader ethos governing police work, at the same time the Strategy circumscribed the consumerisation of police to ‘clients’ with rights and responsibilities.

Finally, the efforts to open up police organisations to empowered customers have been limited in terms of contributing to the enhancement of democratic governance. At the same time, the consumerisation of police in Victoria and Queensland is indicative of new techniques for governing police and police work. The attempt to develop local or regional institutions of partnerships and consultation represents in this context an effort to re-think the processes of ‘authorising’ state police (Bayley and Shearing 2001). Police now work within communities of ‘territorial proximity’, increasingly subject to the authorisation of committees beyond the control of police. While this is particularly the case in Queensland, even the Local Safety Committees in Victoria are open to such possibilities through shared membership ownership of Local Safety Plans. While on the one hand, police are to be innovative and entrepreneurial at the local level, they are also subject, more or less, to the deliberations of alternative voices and knowledge emanating from these ‘authorities’. This ‘pluralisation’ of ‘authorisation’ is examined further in the concluding chapter.
The significant program and policy work examined in this chapter points to the significance of the struggle to ‘capture the customer’ (Clarke and Newman 1997). Similarly, the various techniques of consumerisation open the ‘contexts of action’ of police work to a series of reflections on the objectives, priorities and nature of policing. To object that this is not fully realised misses the point that such changes are subtle and ongoing. Nor should we expect a quick ‘settlement’ to the institutional forms and procedures of the consumerisation of the police as this managerial process is not an end point or ‘terminus’ (McLaughlin and Murji 1997: 100). In other words, it is an ongoing process to be ‘better’, to seek perfection within an unstable notion of what being perfect means and to produce organisational and individual reflection on the demands of the consumer. Consumerisation of police can therefore be viewed as another dimension to the broader shift in governing police through techniques that operate at a distance from direct state intervention. It is a process like other aspects of the managerialisation of governing that police agencies cannot simply call to a halt, but instead must continue to negotiate ‘intra-organizationally’ and ‘extra-organizationally’ (Brogden 1982). In this way, ‘consumer culture’ is not a new cultural formation reducible to the dictates of the ‘sovereign consumer’ but rather a process to be negotiated. Within this process, police agencies increasingly emphasise their knowledge of the consumer and lay claims to their capacity to solve consumer problems through innovative police work. But increasingly police are not alone in claiming knowledge of the consumer. Though never fully realised, and subject to the limitations we have identified, the consumerisation of state police fosters the re-making of the entrepreneurial officer.
CONCLUSION: A NEW ‘POLITICS OF POLICE’: ENHANCING DELIBERATIVE POLICING

Introduction

The title of the conclusion to this thesis refers deliberately to the seminal work of Robert Reiner (1985). Reiner argued in *The Politics of The Police* for the need to recognise the inherently political nature of policing, not simply in a partisan sense (though there are many examples of this, see Egger and Findlay 1988; Fitzgerald 1989; Finnane 1994, 2002; Freckelton 1991), but rather how police work is imbued, fundamentally, with political choices in terms of the organisation and discretionary decision-making of police work. This thesis has used the framework of governmentality studies to provide a different lens and a different sense of the politics of police by examining key shifts in the politics of the ‘art of governing’ police. In turn, this allows us to begin to imagine how neo-liberal mentalities of rule and the managerialisation of governing police open up new contexts for considering the objectives and means of governing police in ways that address democratic and governance deficits.

We do this through the integration of governmentality studies and deliberative democracy (Dryzek 2000) to develop the concept of *deliberative policing* as a normative project concerned with ‘deepening democracy’ in the governing of police (Fung and Wright 2001). The term *policing* is used here to refer foremost to the practices of state police, though the principles of deliberative policing can be applied more generally to the plural forms of policing agencies that co-exist with state police (Loader 2000). Whilst it has already been recognised that policing is plural and fragmented, state police remain a central agency in policing networks. To recognise this does not mean that the analysis of policing should remain with state police first and foremost, and then other agencies and practices added to the mix. Instead, it is to suggest that ‘deepening democracy’ in the techniques for governing of state police remains a vital project of reform in its own right.
The conclusion argues for a new politics of police to shape the development of governing techniques that nurture institutional developments more inclusive of both police and policed in the processes of authorising police work (Bayley and Shearing 2001). Further, such reforms to governing police need to build upon current shifts towards locally developed problem identification and problem-solving partnerships but in ways that works through, rather than being dependent on police cultures (Goldsmith 1990; Chan 1997). Finally, a new politics of police needs to build upon the techniques of managerialisation, entrepreneurialism, and consumerisation of police as processes that open up new possibilities for ‘deepening democracy’. However, before elaborating on the content of deliberative policing, we will re-visit the main findings of each chapter and place them in the context of the concluding analysis.

Chapter review

The Introduction to this thesis identified a range of issues or problems confronting contemporary police in Australia and beyond. We briefly examined a range of governing problems, most particularly the always failing efforts to control and prevent police corruption. It was argued that while there has emerged in recent years a number of new organisational styles and practices, these are not ‘new paradigms of state policing’ but rather work upon the singular Peelian policing paradigm – state-centred policing as the basis for the control and prevention of crime and disorder (Gowrie 2003).

While various differences between the policing styles were noted (Brereton 1999; Tilley 2003), we identified how such changes use the flexibility of the Peelian model in the search for the pure or perfect police form. While never fully realised, the Peelian model is used to claim an ideological mandate that shapes what can be imagined as the pure or perfect police organisation and policing practices. Rather than assessing the extent that police reforms accord to an essentialised notion of Peelian policing – the control and prevention of crime – we posed a series of questions that demand an historically informed analysis of what factors, at any one place or time, shape the construction of ‘good’ policing. In other words, what constitutes ‘good’
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Policing is not to be found in ahistorical notions of what is proper or perfect but rather involves an examination of how different mentalities of rule pose different questions of what is good or proper in police organisation and police practices.

We also identified that while police are relatively closed institutions, they have in recent years become more ‘viewable’ (Mathieson 1997) in multiple ways: movement within police stations is increasingly subject to video surveillance; covert surveillance is increasingly used as an investigation technique against police; and police are increasingly placed in open offices such as shopfront and neighbourhood beats. This broader viewability of police helps constitute the many ‘little regulatory instances’ for governing police that operate beyond accountability to ‘the state’. In order to analyse these multiple ways in which police are governed, we briefly introduced governmentality studies as the theoretical basis of the thesis, examining the ‘art of government’ and different mentalities of rule that shape the techniques for governing police. It was argued that in recent years the art of governing police has been shaped by a new mentality of rule: neo-liberalism. Neo-liberalism has shaped and been shaped by the managerialisation, entrepreneurialism and consumerisation of governing police. Finally, the Introduction justified the analytical focus on state police rather than producing a ‘sociology of policing’ (Johnston 2000) and the importance of historical comparative study (as limited as it is to two locations) as a means of enhancing the ability to generalise research findings through historically informed research (Maguire and King 2004).

Chapter 1 provided a detailed account of governmentality studies. This chapter identified and critically evaluated the methodological tools of governmentality studies and the utility of governmentality studies for exploring the historical changes to the techniques for governing police. Further, it was argued that while governmentality differs from sovereign and disciplinary modes of governing, it is not a matter of governmentality displacing other modes of
governing. Each mode of governing operates simultaneously, with the precise configuration varying according to the specific context and problematisations of governing (Foucault 1991).

Chapter 2 expanded the key features of governmentality studies through an elaboration and application of the changing forms of the ‘art of government’ under the different types of liberal rule – early liberalism, welfare liberalism, and advanced or neo-liberalism. These different forms of liberal rule pose alternative ways of thinking about “what should be ruled, by whom and through what procedures” (Rose 1993: 283). It was argued that there is a need to recognise a process of ‘translation’ (Rose and Miller 1992; Shearing 1995) of these broader mentalities of rule into practical techniques for governing police, a process negotiated at particular sites (not simply as resistance to change) shaping the content and form of governing techniques.

Chapter 3 shifted our attention to the more substantive practices in the art of governing police in the two Australian jurisdictions under study – Queensland and Victoria. It was argued that a major shift occurred in the 1980s, as neo-liberalism (as a mentality of rule) re-shaped the techniques for governing police. Most particularly, this involved an increasing emphasis on the technologies of new managerialism, treated here as a complex and open-ended process of managerialisation. This chapter indicated the need for more detailed studies of the contexts of managerialisation in both specific political jurisdictions (Queensland and Victoria in this study) and particular agencies (state police).

The Queensland and Victoria police have both been subject to managerialisation of governing techniques, but the processes shaping the development of managerialisation, and the specific content of managerialisation differed significantly. Queensland experienced a more radical break from the ‘old’ to the ‘new’ public management than Victoria. However, in neither state was managerialisation reducible to party politics but rather concerned a broader normative
project associated with changes in the ways of thinking about how to govern the public sector generally, and police specifically.

Further, Chapter 3 identified that one of the key ‘tropes’ of managerialisation – the ‘freedom to manage’ – was ‘complex, uneven and contested’ (Clarke et al. 2000). This was the case in relation to freedom of the manager over the ‘right’ to ‘hire and fire’, the capacity for ministerial direction, and the emergence of national performance measures. It was argued that the form and extent of the freedom of the commissioner in relation to the power to ‘hire and fire’ and ministerial directions was shaped by the particular ways the problems of governing police were framed. In Queensland, the context of managerialisation involved a more radical transformation of governing due to the identification of systemic corruption both within the police and beyond (Fitzgerald 1989). This meant that the reforming process was more deliberately framed within the context of concern with the prevention of corruption. On the other hand, in Victoria the context of managerialisation of governing police involved the ‘slow politics’ of change identified by McLaughlin and Murji (1999), where the ad hoc inquiries into police corruption were, until recently, overshadowed by concerns to enhance police efficiency and effectiveness through techniques of managerialisation.

Chapter 3 also identified the importance of the recent introduction of national comparative performance measures for state police. While limited in many ways, the existence of this national project, and the iterative approach to the development of performance measures, indicated the open-ended nature of managerialisation, the ‘pluralisation’ of the techniques for governing and the capacity for performance measures to shape different forms of police practice and ‘account ability’ (Ericson 1995). In turn, such developments enable the institutionalisation of the increased ‘viewability’ of police (Mathieson 1997). We were left with the argument that these developments together had increased the ability to know some aspects of police work in ways not previously possible. Furthermore, the ‘audit explosion’ (Power 1994) that this has
entailed should not be seen as an end point, but rather part of an open ended, iterative process that allows new points of contestation to emerge through new forms of knowledge about police work, setting the scene for a re-shaping of the ‘politics of the police’ (Reiner 1985; 1992; 2000).

Chapter 4 examined the manner in which recent internal changes to police agencies have re-instated concerns with producing innovative, risk-taking, flexible, problem-solving policing that can be termed entrepreneurial. This has occurred within a larger political and cultural shift, as Australia was re-imagined as the Enterprising Nation (Karpin 1995). Specific to police, a longer process had been developing to attempt to unleash the officer from the bureaucratic constraints seen to produce mediocrity, enabling the move towards ‘creative risk taking’ in police work (Bayley and Shearing 1996). More generally, police were engaged in a reforming process involving ‘mastering innovation and change’ (Etter 1995), led at the front by “the development of entrepreneurial police leaders” (Munro 1989: 84). As the example of the introduction of merit-based selection and career advancement indicated, such change involves a struggle to construct the meaning of merit and its practicable operation. The negotiation over the meaning of merit and the attempts to shape police agencies as ‘meritocracies’ highlighted the need to avoid treating such tactics as ‘external’ to the development of governing techniques. Furthermore, the negotiation of the governmental techniques of entrepreneurialism indicated the need to ground our analysis in specific contexts in order to avoid abstract grand narratives of change, such as heralding the new cultural formation of ‘enterprise culture’.

Chapter 5 identified the various techniques of ‘boundary work’ seeking to include and exclude different forms of responsibility for policing work by elucidating the meaning of ‘core functions’ for state police. Once again, such activity was shown to have a much longer history than is often assumed. Re-defining organisational goals and responsibilities towards a stripped down version of core functions is neither solely the function of new managerialism, nor is it inherently impoverishing to police services. It was argued that managerialisation links up what
has been a foundational or longstanding concern with identifying the ‘proper’ police role and function with new questions over how to govern police.

In the current period, the processes for identifying ‘core functions’ has involved both the development of new forms of expertise on policing, and new institutional locations that allow for the possibilities for ongoing reflexive deliberation on police roles and functions. We found that the capacity to create spaces for deliberation continuously ‘fails’ to generate widespread enthusiasm, participation and ‘empowerment’: indeed, the recent developments in multi-agency partnerships are precisely concerned with selective membership of the ‘great and good’ that disenfranchises the majority, who are reduced to being subjects of questionnaires, surveys and focus groups rather than active agents in the policing framework. However, ‘failure’ does not lead to abandoning community committees or multi-agency partnerships and ‘linked up’ or ‘whole of government’ initiatives, but rather leads to re-doubling of efforts to find the elusive means of being able to lay claims to the capacity for reflexive deliberation and governing through ‘the community’. Finally, it was argued that reflexive deliberation on core roles and functions is bounded by other environmental changes, most notably problematising the relationship between professional service providers and responsiveness to clients and customers, the focus of chapter 6.

In the final substantive, Chapter 6, we examined the impact of ‘consumer culture’ on the state police. However, it was argued that ‘consumer culture’ involves a process of consumerisation rather than being viewed as an essentialised reality reducible to ‘consumer culture’ and the rise of the ‘sovereign consumer’. The chapter examined in detail the literature examining the impact of consumer culture on police, rejecting ‘dystopian’ accounts of consumerisation. It was argued that consumerisation opens the possibilities for ‘reflective dialogue’ (Wright 2000: 299) on police work and for the development of reflective practice within state police.
In Chapter 6 we identified that in the two state police agencies under study, consumerisation has been negotiated quite differently. The Victoria Police engaged in an iterative process consumerisation, much of it focused internally and representative of the struggle of different organisational levels to ‘capture the customer’ (Clarke and Newman 1997). In Queensland, the police focused on developing policing strategies that were more responsive to particular customers, largely defined spatially, through such techniques as ‘network’ policing, and neighbourhood and shopfront beat policing. However, in recent years the Queensland police had to compete with the emergence of relatively strong sites or institutions making alternative claims to knowledge of the customer, particularly the various types and changing forms crime prevention and safer community committees.

In both Victoria and Queensland there was not a wholesale shift to the ‘sovereign consumer’ that is seen to be central to ‘consumer culture’. In both instances various organisational efforts were made to constrain the emergence of the sovereign consumer, focusing more on gaining managerial leverage over workplace practices, either through claims from the centre to know the customer, or through police-determined policing strategies such as beat policing. It was found that while the practices of consumerisation have varied in both Victoria and Queensland, in both jurisdictions there are too many ‘exclusions’ of consumer voices and the ‘trust and obligation’ in these ‘nodal networks’ has been relatively ‘thin’ (Shearing and Wood 2003). While we may be now witnessing some pulling back of market-oriented governments, the consumerisation of police is an open-ended process that continues apace. State police increasingly have to negotiate with more or less empowered consumers, new sites for articulating consumer desires, and ongoing critical scrutiny of their claims to know and be responsive to the consumer. Indeed, we identified internal struggles over claims of knowledge of the customer, with the ‘tacit knowledge’ (Polanyi 1967) of the craft practitioner struggling against managerial claims to know the customer and how to organise police work in ways that enhance responsiveness to consumer sentiments.
Furthermore, state police enter an increasingly contested domain of crime prevention and community safety, where their status as ‘experts’ was previously assured. Crime prevention and community safety consultative committees, partnerships and multi-agency networks have opened the door to the newly empowered active citizen, demanding ever more innovative, problem-solving, entrepreneurial police work. Of course, these developments are never fully realised and raise many questions about ‘exclusions’ mentioned above. However, the intensity of programme development within and without the state police highlights how the consumerisation of state police is not simply a ‘minor irritant’. Governing police work increasingly occurs through techniques of consumerisation, shaping the re-making the entrepreneurial officer.

In sum, we have been witnessing a double move in the manner in which police are governed, which is inherently relational. On the one hand, there has been a broad shift in the techniques for governing, reflective of the broader changes in the mentalities of rule captured in governmentality studies. On the other hand, specific places and specific objects of governing - agencies and individuals - negotiate the actual content and impact of these changes. These two domains interacting construct each other relationally to produce the open-ended changes we have documented and analysed. Thus, far from the certainties often assumed to occur under ‘neo-liberalism’ and ‘new managerialism’, the trajectories of change involve processes that are far more uncertain, complex, contested, and by no means inevitable. Furthermore, sweeping claims to the inherently anti-democratic impetus (if not outcome) of new managerialism fails to consider its many guises and subtleties, wherein the techniques of managerialisation have a ‘layering effect’, producing some signs for more optimistic readings of their impact (such as enhancing the transparency or ‘visibility’ of police work), whilst simultaneously having the potential to produce their own negative effects on both professional practice and democratic and just outcomes.
In this process of change there is to be found much rhetorical posturing in the Queensland and Victorian police. But it would be wrong to say little has changed. What is most important is the emergence of a governmental project concerned with ‘making up’ the entrepreneurial officer through the managerialisation of governing police. The development of practical techniques of the ‘art of governing’ through managerialisation attempts to shift from almost 200 years of paramilitary management and governing techniques (as distinct from paramilitary policing tactics), or at least the symbolism of paramilitary command and control structures (Manning 1977), towards a ‘new accountability’ (Chan 1999). This thesis has documented and analysed key features of such changes and pointed at a future with very different techniques for governing state police. It is to what this future might look like, a normative project building on our analysis of contemporary reform, which closes this thesis.

**A new politics of police**

… there is a tension at the heart of neo-liberalism. While seeking to recast the traditional forms of social solidarity through a strategy of ‘autonomisation’ and ‘responsibilisation’ of society, it uncritically defends the constitutional and political forms of sovereign nation states … Yet this devolution of responsibility is not accompanied by any debate, let alone program, which questions the existing distribution of constitutional, political and legal powers, rights and freedoms …[S]uch a rethinking of our political structures is long overdue (Hogg and Brown 1998: 210).

Given how much discretionary power rests in executive agencies [such as police], it is everywhere a serious question whether we as citizens are subject to the kind of domination that consists in being vulnerable to the arbitrary power of others (Richardson 2002: 3).

The two quotations above bring together the concerns to be addressed in this final section. While Hogg and Brown treat neo-liberalism as a political philosophy rather than a mentality of rule, they properly identify the need to rethink ‘law and order’ politics through changing the political structures that shape the distribution of power and authority in contemporary Australia. A similar argument can be made specifically concerning the need to rethink the distribution of power and authority related to governing police. As Jones (2003: 603) has recently argued, issues concerning “police governance and accountability remain profoundly political and of
major significance” demanding no less than the kind of debate called for by Hogg and Brown. Thus, there is a need for a fundamental reinvestment of political imagination and will to shape a new politics of police (and policing) rather than the common mantra of ‘taking the politics out of policing’. Further, as the second quotation indicates, executive agencies such as police have considerable discretionary power (Wilson 1968) that must be recognised and addressed so as to protect against the arbitrariness of the exercise of such powers. But this requires more than further refinement to the legal regulation of police work (Chan 1997). Richardson’s analysis of ‘democratic autonomy’ highlights the need to infuse such decision making within a substantive and normative democratic process. In sum, the discretionary nature of police work, and the ‘profoundly political’ issues of police governance, point to the need to re-think the politics of police policy and practice – the need to engage in a ‘new politics of police’.

We have identified throughout this thesis the various techniques developed to shape the conduct of police work that extends accountability beyond ‘account ability’ (Ericson 1995). We now seek to develop a more explicit normative stance to locate the autonomy of police within the range of governing techniques discussed in previous chapters, towards the development of what I will call deliberative policing. Deliberative policing takes us beyond the structural arrangements for consultation, partnerships and ‘nodal networks’ by integrating recent developments in deliberative theory and practice with the increasing prevalence of the ‘new regulatory state’ (Braithwaite 1999, 2000). This requires constructing a new politics of police specific to the historical conditions that have shaped the techniques for governing contemporary state police in Australia. In doing so, we need to take seriously the managerialisation of governing as part of a normative account of both the constraints and possibilities of a new politics of police. As Richardson (2002) has recently argued in relation to ‘democratic autonomy’ and public policy, it is possible to enhance deliberative policing based on fostering critical reflective practice, enriching the democratic content of police policy and practice by shaping a new politics of police centred on ‘deepening democracy’ (Fung and Wright 2003).
The invocation of deliberative or discursive frameworks for governing police is by no means a completely novel idea (see for example Grimshaw and Jefferson 1994; Loader 1996, 2000; Fung 2001, 2003). Further, a deliberative framework has been raised in several recent inquiries into police. For instance it was a central if somewhat overlooked aspect of the Canadian Oppal Commission (1994) and an understated element in the New South Wales Wood Royal Commission (1997) and the Northern Ireland Patten Commission (1999). For instance, Oppal and Patten were both concerned with establishing new structures for the authorisation of police work, yet both were pre-occupied with the structures of authority rather than the substantive procedures of deliberation. Similarly, the post-Wood reforms in New South Wales were designed to strengthen cooperative deliberation between police and local communities through enhanced strategic consultation. However, the Qualitative and Strategic Audits (QSARP 2002: Section 4) found that much of the reference to community consultation was based on “aspirational statements” than actual programs (2002: 267) with “insufficient co-ordination and reporting of processes and outcomes” of consultation measures (2002: 268). Further, QSARP highlighted the “the ambiguous rhetoric and narrow definitions” of community policing and consultation, with the emphasis being placed instead “on crime statistics, police powers and high visibility policing … [with] no recorded debate or deliberation on local level community consultation” (my emphasis, 2002: 272). While the reforms promoted by Wood and reviewed by QSARP are an advance on the consultation models of the Fitzgerald (1989) inquiry in Queensland and Neesham (1985a) and Johnson (2000) in Victoria, the process remains under police control and has failed to address the nature of deliberation. In other words, the focus was on structure far more than on process and thus remains short of a broader deliberative framework that incorporates both structure and process.

There is a need to reinvigorate the politics of police in a way that challenges the idea that ‘democratic authenticity’ (Dryzek 2000) is to be found singularly in an ‘independent’ accountability authority or that such institutional forms represent ‘strong democracy’ compared to the ‘weak democracy’ of any other institutional form (Barber 1984). Governmentality studies
alerts us to the multiple ‘little theatres’ and techniques of governing that extend beyond the issue of ‘independent’ accountability mechanisms. What is needed is a means of re-organising current modes of police accountability and fostering the development of democratic policing that is deliberative (spaces for discussion and transparent decision-making) and relational (does not simply involve ‘partners’ but is based on an open process and trust that seeks to empower all relevant parties to participate equally). Deliberative policing is directed at opening the ‘contexts of action’ by building upon the capacities of managerialisation to ‘open up’ and shape reflective police practitioners and empowered consumers. In this way, reform of police practice is based on the integration of reforms internal and external to police. On the one hand, internal reforms that work upon police officer subjectivity to shape critical reflective practice must move beyond addressing the internal concerns of the occupation or profession towards being embedded in mechanisms that protect and enhance democratic practice and just outcomes. On the other hand, external reforms are concerned with addressing the broader political context of powers, rights and freedoms referred to by Hogg and Brown (1998).

In sum, it is argued below that deliberative policing offers the best hope for the development of a governing framework that enables police practices to be innovative or entrepreneurial-spirited, managerially effective and efficient, yet critically reflective, democratically based and oriented to just outcomes. Finally, enabling deliberative policing to develop cannot deny the ‘ethical paradoxes’ (Weber 1958) that are inherent in the vocation of policing, for these do not disappear with the instantiation of deliberative, democratic police governance. It is argued that there is a need to pluralise the power/knowledge dynamic beyond qualifying the previously disqualified ‘subjected knowledge’ (Foucault 1972). What is needed is a structure and process that creates an engaged reciprocity and ‘radical pluralism’ when we deliberate on police and policing (Laclau and Mouffe 1985).
In order to provide a more concrete basis for a new politics of policing centred on deliberative policing we need to address three issues. First, there is the need to briefly sketch the nature of deliberative theory. While we cannot capture the full depth of the various debates and nuances within this literature, we draw out key points to enhance our understanding of the relevance and importance of deliberative democracy to deliberative policing. Second, we apply this literature specifically to the practical techniques for governing police. Finally, the thesis suggests an institutional and procedural framework for the development of deliberative policing.

**Deliberative democracy**

The concerns with the ‘democratic’ (McLaughlin 1992) and ‘governance’ (Shearing and Wood 2003) deficits in police and policing have been long recognised in the literature and subject to detailed analysis (for a summaries see Jones et al. 1994, 1996; and see Marshall 1965, 1978; Lustgarten 1986; Jefferson and Grimshaw 1984; Mendes et al. 1999 and Amir and Einstein 2001, Einstein and Amir 2001; Goldsmith and Lewis 2000a; Johnston 2000; Stone and Ward 2000; Walker 2000; Jones 2003). The task here is to suggest a way forward for enhancing democratic principles (Jones et al. 1994; Jones 2003) through deliberative policing. We concentrate here on democracy as a deliberative process rather than an outcome (Marx 2001).

Democratic theory has engaged in a ‘deliberative turn’ (Dryzek 2000) involving both the theoretical development of democratic theory and the efforts to translate theory into practice or ‘working theory’ (Chambers 2003). Though there is a long history to deliberation as the basis of political decision making stretching back to Aristotle, ‘deliberative democracy’ is a more recent term developed to describe both the structure and processes of decision-making (Uhr 1998). A key feature of deliberative democratic theory is that accountability replaces consent as the basis of legitimacy for political structures. This reverses the long held view in relation to police that ‘policing by consent’ is the basis to police legitimacy. To gain legitimacy within deliberative democratic theory, state police need to publicly articulate and explain policies and practices.
Thus far the deliberative framework would appear to be a refinement of existing arrangements of police accountability: more transparent ‘account ability’ (Ericson 1995) and more enriched forums for articulating and explaining what police do. To this extent the deliberative framework is similar to the ‘explanatory and co-operative’ model of accountability identified by Marshall (1978, see Chan 1999: 252). Where deliberative democratic theory goes further is that it attaches such post hoc ‘account ability’ to a deliberative framework for citizen participation in deciding policy and practice, as well as in determining what is to be discussed, when and how. In other words, the very nature of what is to be deliberated upon is subject to a structured deliberative process. Furthermore, this is not to be a selective process of involving the ‘great and good’, but rather to be extended to the development of well-informed opinions from across the political, social and cultural spectrum, with a ‘reasonableness’ of thought and ‘willingness’ for reflexive thinking and acting. As Dryzek (2000: 1) argues, the “reflective aspect is critical, because preferences can be transformed in the process of deliberation.” Thus, it is not simply a matter of explaining actions but rather reflexively deliberating on the nature of proposed actions so that alternatives are weighed in a transparent, open-ended process.

This style of decision-making and reflexivity in thought and action builds upon the second traditional form of police accountability – control over police or a ‘subordinate and obedient’ model of accountability (Marshall 1978). However, as Chan argues, the distinctions between the two traditional forms of accountability (‘explanatory and cooperative’ or ‘subordinate and obedient’) are never so neatly compartmentalized. Further, any attempts at ‘prospective’ accountability through the ‘subordinate and obedient’ model needs to recognise that police “frame their activities in such a way as to provide accounts which are legally and culturally acceptable” in anticipation of prospective accountability measures (Chan 1999: 267, note 3). A distinctive advantage of framing such issues with a deliberative framework rather than essentialised notions of ‘cooperative’ or ‘control’ models of accountability is that deliberative democracy is not about control of one over the ‘other’, but rather control over a process for decision-making. This is deliberative policing as a democratic process than a fixed outcome.
As Chambers indicates, deliberative theory has multiple goals that inform decision-making:

- to enhance legitimacy through accountability and participation;
- to bring policy-making deliberation within a cooperative setting;
- to promote inclusion and mutual respect; and
- to enhance the quality of ‘outputs’ or decisions by enhancing the degree that such decisions are arrived at via informed and substantive debate (Chambers 2003: 316; Gutmann and Thompson 1997)

In this way, deliberative policing is goes beyond ‘explanation’ and ‘control’ to being based on participation, cooperation, inclusion and debate. We can be more prescriptive through Uhr’s (1998) analysis of deliberative democracy in relation to parliamentary practice, which establishes three ‘tests’ as minimal conditions to enhance decision-making in terms consistent with deliberative democracy - timing, publicity and debate.

**Timing** concerns the requirement for regular meetings at times and locations that enable affected and interested parties to participate, processes that guard against officials dominating the allocated time for debate, and constraints placed on key institutional participants to produce the information necessary for deliberation. Emphasis is on the quality of time made available rather than the quantity of time. This reflects Uhr’s practical orientation, whereby to make decisions requires something more structured and contained than rather idealistic open-ended time.

**Publicity** is concerned with ensuring that key decision makers as well as the broader affected parties are informed of the opportunity to participate in structured deliberation. Publicity requires deliberative processes that are open to the public in procedural (formally open) and substantive (practical) terms. This requires such practices as ensuring knowledge of the
deliberative process, maximising the capacity of interested parties to participate through awareness, and actively fostering the capacity for community associations to contribute to deliberation through invitations and/or through sponsoring awareness strategies or association-based research. Further, publicity needs to be subject to ongoing evaluation concerning the adequacy of the distribution of the records of deliberation.

Finally, debate concerns the opportunity to exchange ideas and justifications for particular positions. Here, Uhr distinguishes between collective decisions and collective agreements, arguing that it is unrealistic to require that all decisions are made on the basis of a consensus in the form of a collective agreement. Uhr indicates that the weighing “of options for action through debate over the merits of contending proposals” should seek to produce collective decisions rather than collective agreements (1998: 220). Further, there are five specific ‘tests’ applied to debate that we can apply to deliberative policing.

First, there is the need to ensure that the composition of participants is appropriate to the issue being discussed. This need not be fixed to an established membership but rather should be flexibly adjusted according to the needs of the situation or issue being addressed (Sampson 2004). Second, the control of the agenda needs to be more flexible than the widely recognised role of police in agenda setting. In order to overcome the problem of key agencies dominating deliberative policing processes, there is a need to develop a network of independent officers skilled in deliberative decision making procedures and knowledgeable on policing issues. They must be drawn from the locality, appointed under contractual conditions to ensure impartiality to any one agenda, and made accountable in this role through administrative review bodies. Third, rules of debate need to be formally adopted and these rules adhered to through the independent officers mentioned above having the authority to sanction members not adhering to the rules. Fourth, it is vital that the deliberative institution has the ability to test the “integrity of specialised information” (Uhr 1998: 230) such as that coming from police or other participants.
This would require the capacity for review of such information, as well as the ability to conduct research into any issue rather than being reliant on information coming from any one party. Finally, there is a need for the deliberative institution to have the capacity “to reward official cooperation and sanction official obstruction” (1998: 227).

In sum, each of the three general ‘tests’ can be augmented by a series of additions “depending on the level of ambition and depth of commitment to effective deliberation” (Uhr 1998: 221). Each test is used to assess the extent of deliberative decision-making rather than to audit levels of compliance. In this way Uhr’s three tests are ‘reflective tests’, allowing continual recourse to the guiding rules of the tests for procedural review. This helps overcome the structural focus identified above in earlier inquiries and proposals for reform, where deliberative structures are viewed as a momentary structural ‘fix’ or outcome at the point of introducing new deliberative institutions with too little attention given to ongoing deliberative procedures and evaluation mechanisms.

Adopting these tests to deliberative policing requires an ongoing role for the state as providing the legal machinery to protect rights generally, and protect against vigilantism or majoritarianism specifically. As Jordan and Arnold (1995) argue, ‘participatory pluralism’ in a deliberative process based on trust, inclusion and underlying civil, political and human rights protects against potential ‘populism’ underpinning vigilantism and majoritarianism based on groups defining themselves in opposition to others. Establishing the structure and providing financial resources (including resources for training, research and staffing), the state then recedes to an auditing and compliance role (for instance through a Police Board, see below) monitoring the ‘ambition’ and ‘depth’ of deliberative policing, leaving local-level deliberative settings to engage in solving local problems under a framework of ‘regulated autonomy’ (Cohen 2002). Such deliberative settings form new ‘bubbles of governance’ (Rigakos and Greener 2000), ‘nodal networks’ (Shearing 2001; Johnston and Shearing 2003; Shearing and
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Wood 2003) and deliberative mechanisms for the governance of the policing of ‘communal spaces’ (Kempa et al. forthcoming). However, rather than simply acknowledging these new institutional forms of governance, we need to imagine as Kempa et al. suggest how they can be structured so as to facilitate, rather than impede “the emergence of democratic forms of policing.” To achieve this, deliberative policing needs to develop the processes forming the deliberation that go beyond voting or ‘forcing’ consensus-based collective agreements on a proposed policy or idea in a collaborative forum. A set of structured and formal relationships need to be developed that enable deliberative decision-making to occur on what is placed on the agenda for discussion, and what issues are to be researched or analysed so that they might become subject to policy development. In this way, the agency-setting agenda outcomes of older forms of consultation and partnership are to be replaced with an open agenda informed by deliberation on what is to be an issue.

The processes of deliberative policing based on Uhr’s (1998) ‘tests’ opens up the capacity for reflexive entrepreneurial policing, while containing the freedom and autonomy of police within their capacity to justify, explain and argue the merits of policing practices. The officer is neither autonomous of deliberative accountability, nor constrained by the ever-expanding bureaucratic, supervisory and juridical controls that continue un-abated (Anechiarico and Jacobs 1996). They are subject to public regulation through deliberative structures and procedures that produce ‘regulated autonomy’.

This proposal is similar to the Patten Commission (1999) notions of ‘operational responsibility’. Patten argued that in order to change the manners of regulating policing and forms of accountability, there was a need to re-think the policy-operations divide and notions of the independence of the ‘office of constable’ in ways that keep officer responsibility for their operational actions, yet also protect the professional autonomy of police for operational decision-making. While operational decisions would be free from partisan direction, they would
be subject to detailed post hoc review by representative bodies, with such bodies being part of
the re-organization of policing accountability. However, Patten overly emphasises ex post
accountability, de-emphasising the need to ensure the deliberative structures address policing
issues ex ante, as Patten suggests with the planning procedures of the different policing boards

In sum, deliberative democracy offers a new framework for police accountability. It demands
new procedures for decision-making that take us considerably beyond consultation and
partnerships. Further, through the ‘tests’ developed by Uhr (1998) we have a means for
assessing the extent that deliberative policing is developed. We now need to apply this
framework more directly to contemporary police accountability.

**Deliberative policing and democratic autonomy**

There are two key accounts of ‘discursive policing’ (Loader 1996, chapter 7; Loader 1994,
2000; Grimshaw and Jefferson 1994) and ‘deliberative’ policing (Fung 2001, 2003; Thacher
2001, 2004) that serve as loose ‘models’ for considering the possibilities for deliberative
policing. We address each in turn before concluding with an imagined framework for
deliberative policing.

In Loader’s account of police-youth relations in Scotland, discursive policing is defined as a
process where “police policies and practices … are formulated, implemented and evaluated on
the basis of public deliberation among all affected parties” occurring within proceedings guided
by the “common good” (Loader 1996: 158). While arguing that discursive policing would be
‘no panacea’ to the underlying causes of the problematic nature of police-youth relations
(unemployment, poverty, treating young people as a policing problem, and the limitations of
police responsiveness to the problems experienced by young people) he suggests that discursive
policing “entails creating institutions capable of providing the doctrine of policing by consent
with some meaningful substance” (Loader 1996: 161). Drawing upon the earlier work of Grimshaw and Jefferson (1994), Loader argues that the key institutional form would be elected ‘police commissions’ acting as forms of continuous public enquiry “formulating, implementing and evaluating public policies for law enforcement” (1996: 162).

Loader argues for the need to have elected police commissions (he later expands this to policing commissions to take account of the pluralisation of policing, 2000) mirroring the different levels of the organisation of police work, so that there would be national, regional and local commissions acting semi-autonomously yet overlapping with different responsibilities and guided by rules of interaction. These ideas relate somewhat to ‘structural contingency theory’, which seeks to establish structures of accountability (vertical accountability) that follow the strategic issues to be addressed (horizontal accountability, Considine 2002: 27). As Considine argues, a key problem with this approach to accountability is that problems or issues can easily drift beyond the responsibilities of particular agencies or actors, with differing goals or interests related to the various problems being addressed complicating “the purpose of any action itself” (2002: 27). Furthermore, the very contingency of issues or problems with ‘networks’, ‘partnerships’ and ‘joined-up service provision’ demands a corresponding contingency in accountability mechanisms. To an extent, Loader addresses this problem through mechanisms of procedural and substantive justice, though he does so through a concern with ‘exclusions’ and ‘majoritarianism’ rather than with concerns with the problems of accountability and responsibility of police actors.

In recognition of the possibility of electoral politics as potentially reproducing exclusions and a ‘tyranny of the majority’, Loader suggests a blend of strong procedural and minimal substantive justice. Strong procedural justice would be concerned with implementing the ‘principle of non-exclusion’ (Thompson 1990 cited in Loader 1996: 170) by developing processes for incorporating the views of all affected parties in decision-making, including non-elected
advisors or representatives and/or specified representation of particular groups. *Minimal substantive justice* would ensure decisions made do not prejudice the rights of any group or individual or are disproportionately detrimental to them, and would require research, public comment, and open meetings designed to inform the commission decisions (Loader 1996: 170-3). This would include police officer “opinions [being] sought and taken seriously”, without allowing such views to dominate proceedings (1996: 176). For Loader, such developments represent a “better way forward for the police than the neo-Taylorist prescriptions of managerialism” (1996: 176).

There is much merit in these proposals to move ‘towards discursive policing’, and to some extent the Patten commission recommendations represent a working model. However, there are good reasons to incorporate the techniques of the managerialisation of governing within this model. Indeed, in his more recent analysis of ‘plural policing’, Loader recognises the importance of “managerialist tools” as one aspect of “the different registers of accountability (legal/democratic/organizational/managerialist)” (2000: 326). As has been argued throughout this thesis, managerialisation is more ‘open-textured’ than Loader allows, particularly in his earlier work. The managerialisation of governing police reflects a certain ‘sensibility’ (Braithwaite 2000: 231) or ‘mentality of rule’ which we must ‘strategically’ negotiate (Shearing 1995: 83) to shape a ‘culture of responsibility’ (Considine 2002: 23) within police. Furthermore, taking police opinions ‘seriously’ does not address police responsibilities and performance for vertical accountability (organisational accountability) and the mechanisms for developing reflective practice amongst police practitioners. While commissions based on discursive institutions might contribute to reflective practice and horizontal accountability, more needs to be done to enhance deliberative, reflective practice within the mechanisms of vertical accountability. Focusing on ‘non-exclusion’ as the basis of procedural justice limits the deliberative aspect of decision-making to the opportunity of being able to state one’s case, rather than being part of a deliberative process through which fully included participants are
reflective upon their viewpoints and those of others in a more open-ended manner (Chambers 2003: 316).

In sum, if we exclusively follow Loader’s institutional prescriptions for ‘police commissions’ we are left with a model of ‘policing by consent’ that is certainly more robust than is normally the case, but remains external to police by failing to address the internal hierarchical (vertical) demands on police actions. In other words, achieving consensual police practices is seen as a possible means of enhancing the democratic element of police without addressing the potential conflicts that confront police officers (Fung 2001). This leaves out of the equation the opportunities for developing a deliberative framework that shapes reflective practice in the ‘contexts of action’ of police work. Thus, such reforms re-assemble the competing pressures faced by police officers, emphasising the ‘voice’ of the targets of police work and de-emphasising other pressures such as internal constraints, popular demands, political policies and legal duties.

More recently, Fung (2001, 2003) and Thacher (2001, 2004) have provided accounts that can be used to address the democratic and governance deficits in contemporary policing and security through deliberative democracy. Fung has developed the concept of ‘accountable autonomy’ within a framework for ‘deepening democracy’ (Fung 2001; Fung and Wright 2001, 2003), while Thacher addresses the techniques for governing ‘inchoate hierarchies’. Both authors ground their analysis in concrete attempts to re-organise police accountabilities and enhance democratic policing. We will address each of these accounts in turn, before concluding on the possibilities for a new politics of police based on deliberative policing.

Fung has recently analysed reforms that occurred in the 1990s to the Chicago Public Schools system and the Chicago Police Department. In the reforms to Chicago police it was “presumed that problem-solving efforts would work with deep citizen involvement” as citizens “can better identify and act upon critical problems” (2001: 74). Further, there was a belief that increased
citizen involvement “would enable them to better monitor police activities and hold them accountable for doing their jobs” (ibid.). The key feature of the changes was the introduction of neighbourhood beats, introduced as a pilot in 1993 and then extended across the entire city in 1995. Each beat held monthly beat meetings open to the public to allow local police and “residents to jointly engage in problem identification and resolution efforts” (2001: 78).

Fung describes these developments as producing a ‘deep structure’ of ‘accountable autonomy’ (2001: 75). The beats were held accountable to the police department (vertical accountability), while at the same time being able to autonomously determine local priorities (horizontal accountability). However, rather than simply devolving authority through decentralization of decision-making, there was an attempt to “reach beyond the simple antithesis between centralization and decentralization” (2001: 101). This occurred through linking the horizontal problem solving directed at local issues, to the vertical relations of institutional accountability. Further, accountability to the centre shifted from direction to organisational support and accountability for deliberation and the outcomes of practice (2001: 87).

Fung argues that these efforts to devolve decision-making authority represent “three central planks of participatory local autonomy” (2001: 78) that coincide with Uhr’s (1998) deliberative ‘tests’. First, the beat meetings allowed citizens to become directly involved in determining local police priorities through continuous rather than ‘one off’ meetings (timing). This sustained involvement increased participant knowledge of each other and the deliberative processes (publicity) and enhanced the ability of local residents to hold police accountable. Second, the beat meetings were subject to ‘deliberative decision procedures’ where participants would identify and then prioritise key problems and identify strategies and the division of responsibilities. Third, Fung describes the beat meetings as a form of ‘empowerment’, where participation and deliberation “directly affect public action and its results” (debate, 2001: 79).
Here we need to distinguish between *devolution*, which concerns the transfer of decision-making power to lower levels of the organisational hierarchy, from *decentralization*, which is concerned with having units of an organisation established ‘locally’ but with decision-making authority maintained from the centre (O’Faircheallaigh et al. 1999: 88). Fung argues that while ‘accountable autonomy’ requires devolution of authority, this needs to occur within two structural requirements: capacity building from, and accountability to, the centre. *Capacity building* refers to providing training, the ‘mobilization’ of deliberation through awareness campaigns, and the provision of an appropriate “legal, political, and administrative environment more conducive to local deliberative problem solving” (2001: 82). *Accountability* involves monitoring beat action plans, ensuring compliance with deliberative procedures and reporting requirements, inspection and ‘performance evaluation’ for outputs (2001: 85).

In his evaluation of these developments in ‘accountable autonomy’, Fung identifies several ‘failures’, though the first of these passes without comment. A key difference between the reforms to the school system and the police was that the former introduced mechanisms that delivered *formal* authority to local residents in the form of elected local school councils. These councils had the power to select and dismiss school principals, develop strategic plans, and monitor the operation of all aspects of the school. In turn, the school councils were accountable to the central Board of Education that provided support and monitored performance, with the ability to intervene. In the case of police, the community beat meetings had no formal authority and therefore relied significantly on the willingness of the Chicago Police Department to engage in deliberative decision making as part of the broader shift to community policing.

Fung does not discuss why police were or should be treated differently from schools, simply indicating that the beat structure and meetings was better than the “attenuated, less-regular, and in all likelihood less-effective methods of influence” over police that existed prior to the reforms (2001: 79). While this might be so, there is no reason why local police boards cannot be
introduced formally as for instance occurred following the Patten Commission in Northern Ireland (District Policing Boards), the Police Board of Victoria (1992-99) or the ‘empowered’ Police Board that existed in New South Wales (1983-97).

While the Victorian Board was limited to providing advice on referrals from the Minister or Chief Commissioner, the New South Wales Board had substantial decision making authority in such areas as training and education, organisational structure and deciding senior appointments (Superintendents and above, Jackson 1988). This is not to argue that either Police Board was a ‘perfect’ model, particularly in relation to enhancing deliberative policing, but rather that having Police Boards as institutions of governance is not something alien to police in Australia (Lusher 1981; Jackson 1988, 1991; Palmer 1997a), Canada (Oppal 1994: section B) or indeed the United States (Walker 2001). Oppal for instance (1994: B1-91) provides a detailed analysis of the history of various forms of police boards and community committees in British Columbia, including elected membership, and their importance for deliberation on police policy and practice.

Other problems more adequately identified by Fung concern the continued reliance on traditional measures of performance such as crime rates; the absence of formal mechanisms for citizen complaints concerning breakdowns in deliberative decision making; and the potential for ‘wealthy and educated’ participants to dominate deliberation. However, on this last issue there are three important caveats. First, this domination only lasted while meetings were unplanned and chaired by a person not trained in deliberative decision making procedures. The introduction of a chairperson versed in deliberative decision making significantly enhanced deliberative processes, allowing previously silenced voices to significantly shape deliberative outcomes and collective decisions. This is vital as it indicates the case that, contra the Habermasian critiques (Habermas 1987), such bureaucratisation of deliberative mechanisms can be fundamentally empowering. Second, contrary to other research on community participation,
beat meetings have maintained the level of community involvement over the four years of the study (with some seasonal variation). Finally and most surprising, whereas the general findings from the literature on partnerships and consultative committees indicates they enjoy greater ‘success’ in terms of participation in areas of least need (high community resources, low crime etc.) it was low income neighbourhoods and those with higher crime rates that enjoyed higher levels of participation (Fung 2001: 89).

As Fung (2001:98-101) concludes, in the absence of a controlled experiment comparing areas subject to deliberative decision making with other forms of policing (police centred problem oriented policing, a Compstat process and managerialisation, or even private policing) the best that can be said about the traditional performance measure of crime is that the areas under study achieved a decrease in crime comparable to areas under different interventions. Second, and of more direct concern to this conclusion is that the ‘experiment’ in deliberative policing experienced sustained participation and significantly increased power for local communities to shape policing practices, subject to ongoing tensions and constraints. For instance, some police administrators limited beat meetings, and local government administration undermined deliberative decision-making. As Fung and Wright argue (2001, 2003) such practical examples of deliberative democracy press “the values of participation, deliberation, and empowerment” in ways that inject “a bit of realism” to the possibilities for deliberative democracy (2001: 7) by working upon and through “ordinary reporting, evaluation, and management routines” (2001: 10). In this way, Fung (2001) and Fung and Wright (2001, 2003) seek to build pragmatic reforms for ‘deepening democracy’ through deliberative decision-making, mirroring Uhr’s (1998) pragmatic evaluation template. However, as identified above, the lack of formal authority for members within the deliberative setting (in contrast to schools) makes the beat meeting process more vulnerable to police and local government interventions that limit their deliberative content. A more structured and formal approach to the institutional arrangements for deliberative decision-making (for instance the Oppal commission 1994) could address these problems.
Yet even in relatively less formalized policing ‘partnerships’, deliberative decision-making can be routinised. Thacher (2001, 2004) has examined interorganisational partnerships in community safety in East New York and Seattle as ‘organisations in development’ emergent in the spaces between the police agency and other agencies and geographic communities. Rather than the loose and informal ‘rulelessness’ of the ‘networks approach’ to understanding interorganisational partnerships, Thacher argues that these ‘new organisations’ develop their own “distinctive routines, role definitions, norms, and values” (2001: 95). These emerge from the ‘practice worries’ (Rein 1983 cited in Thacher 2001: 97) or the problems perceived or sensed by participants that something that needs to be addressed. These ‘practice worries’ become important by focusing attention on how, and the extent that the participants in the partnerships engage in deliberative decision-making. Thacher identifies four distinct practice problems that are important for developing an understanding of the possibilities and constraints in deliberative policing.

The first issue concerned conflicts inside the partner organizations, whereby members of interorganizational partnerships became ‘guerrillas in the bureaucracy’: using renegade methods and developing a sense of siege (Needleman and Needleman 1974 cited in Thacher 2001: 102). Both police and other agency representatives had to negotiate the mix of supervisor ‘indifference or belligerence’. Police participants were viewed by other police as being too sympathetic to community concerns, making it difficult to attract policing resources to the partnership. Other agency members were treated as being too close to police and were similarly marginalised. The responses to these ‘practice problems’ involved a mixture of developing support networks outside their home organisations, and avoiding activities that required direct supervisor approval and support (Thacher 2001: 104).

The second practice problem concerned conflicts inside the partnerships over strategies to be pursued. The response to these problems involved a dual process of the use of ‘gag rules’ that
took “the most contentious issues off the partnership’s agenda” (2001: 107), and the use ‘procedural rules’ involving clarification of the rules governing the partnership, greater honesty or the expression of ‘true beliefs’ concerning positions taken, and the use of mediators where conflict threatened to seriously undermine the partnerships (2001: 108-9).

A third practice problem concerned ‘transitions’, which refers to the common problem of staff turnover. The main response to this problem was to develop a ‘transition plan’ where a departing member of the partnership would pass on relevant information and meetings would be held with new members to provide information on the activities of the partnership.

The final practice problem concerned ‘accountability’. As the partnerships had no formal authority over the people involved there was increasing concern that there was too little follow up to the tasks allocated to the partners, limited capacity to know what activities had occurred, the lack of “clear and substantial commitments” from partners (2001: 113), and more generally the lack of a “management information and control” system (2001: 112). The key response developed to problems of accountability was to make the partnership coordinator the locus of accountability, documenting the identified problems and commitments made by partners, and then monitoring the activities that followed.

Taken together, these practice problems and the responses to them highlight the way that the partnerships developed “new organizational routines, roles, norms, and relationships” that are “familiar aspects of formal organizations” (Thacher 2001: 116). As Thacher argues, these features of interorganizational partnerships may mean that they are “less free, democratic, and flexible … but they may also be more durable, equitable, and autonomous” (2001: 122). Central to Thacher’s analysis is the need to recognize both horizontal and vertical relationships and pressures on police and other participants in deliberative processes. As we discussed above and
Conclusion

In chapter 6, Hope (1995) and Crawford (1999) argue that one of the key limitations to ‘governing through the community’ is that too much emphasis has been placed on ‘horizontal’ relations, the forms of ‘collective efficacy’ that exists in a particular geographic place, with too little recognition of the importance of ‘vertical’ relations “that connect local institutions to sources of power and resources in the wider civil society” that provide ‘extracommunal resources’ (Hope 1995: 24 in Crawford 1999: 519).

Recognising the vertical/horizontal dimensions points to the need to consider organizational constraints placed on police and others. As Fung (2001) and Thacher (2001) have identified, these vertical dimensions are important constraining influences as much as they might be pathways to ‘extracommunal resources’. For instance, engaging in consultation and partnerships challenges police self-perceptions of ‘real’ police work based on ‘crime fighting’, with the potential for those police engaged in community-based partnerships to be ostracised. Second, it is not just police members that are subject to vertical relations as both resources and constraints, but so too are other participants, most particularly representatives from other agencies. Indeed, the Local Safety Committees in Victoria have at their core the desire to ensure key agency representation that draws upon the ‘extracommunal resources’ that other agency representatives can bring through the vertical relations of their ‘home’ organisations. Agency representatives are selected on the basis of their “capacity to influence community safety” through services or being able to influence ‘resource allocation’ (Auditor General Victoria 2001: 41-2).

In sum, the analyses of Fung and Thacher highlight the ‘practice problems’ of deliberative policing, injecting a ‘bit of realism’ (Fung and Wright 2001: 7) into the possibilities for rethinking how deliberative policing might operate. There are four key conclusions to be drawn from their analyses. First, they highlight the potential for the development of a deliberative policing framework that takes account of both the horizontal and vertical dimensions operating as resources and constraints on participants. Second, both indicate the need to address how
these ‘bubbles of governance’ or ‘nodal networks’ develop their own ‘distinctive routines’ that are shaped by the structural and procedural dimensions of the deliberative framework. Third, they highlight the need for devolution of decision-making rather than decentralization. Fourth, their accounts indicate the limits of such reforms when the broader political and legal context is not addressed. For instance, Fung’s silence on the lack of structural change in Chicago police compared to the introduction of locally elected school councils to manage Chicago schools, and Thacher’s focus on ‘practice problems’ as the pathway to developing organisational routines both avoid the kind of structural changes examined to varying degrees by Oppal (1994), Wood (1997) and Patten (1999). In other words, their concern with ‘pragmatism’ or ‘realism’ suffers from the same fate as the broader ‘left realist’ school of though in criminology: the demonisation of what are seen to be idealist tendencies aimed at more fundamental macro social and economic change and reform to the structures of political authority (Hogg and Brown 1998).

The deliberative framework imagined

We have examined above the theoretical content of deliberative democracy and the practical examples of deliberative policing. However, we need finally to be more specific in relation to imagining the issues to be addressed in a new politics of policing centred on deliberative policing. We finish with a brief discussion of potential developments in deliberative policing.

First, there is the need to address the content of the ‘performance framework’ of police governance. Rather than dismissing the quantitative focus of much of the performance indicators currently in place at state and national levels, we need to identify how to enrich these frameworks. To be sure, there remain significant limitations to these frameworks. For instance, Denise Martin has highlighted the new emphasis in England on assessing police performance in terms of public fears about “burglary, vehicle crime and violent crime” (2003: 174). As Fung argues, “traditional metrics” of outcome measures, such as crime statistics “may enjoy favour because they are familiar and seem objective” and that any shift to new performance measures
“would require new administrative machinery and probably spark intense political conflict” (Fung 2001: 85). There are two responses to these problems. First, we have already identified in chapter 3 the introduction of national comparative performance measures that do indeed introduce ‘new metrics’ of police performance. It is currently not a question of whether there are alternatives to the longstanding metrics of crime statistics, but rather when and how they are deployed and their relation to crime statistics. Second, while the national data remains limited, it need not be so narrow. Here I draw on the recent work of Moore and Braga (2003).

Moore and Braga argue that the move to community and problem-oriented policing meant that the “traditional measures of police performance” became outdated (2003: 439). In particular, they argue the need to ensure that police need to be “made externally accountable for addressing community concerns” (ibid.) Further, it is only by focusing on this type of accountability that police managers will be able to develop “high levels of performance” in police organisations (2003: 440). To achieve accountability to community concerns there is a need for “a powerful, persistent constituency” that demands performance. To achieve this, police managers

have to help external constituencies who want these things to become articulate and powerful, to embrace accountability to these constituencies, and to construct measurement systems that measure the extent to which they are meeting these demands (Moore and Braga 2003: 441).

Thus, it is only by having powerful external ‘drivers’ of change that police performance will properly be improved. However, when assessing the implementation of Compstat across six US cities Moore and Braga examined the extent that the police agencies “negotiated performance measures with their authorizers” (2003: 449). Only one agency of the six studied entered into such negotiations, indicating “the extent to which the police still feel entitled to operate autonomously” of political overseers (ibid.).

There are two issues of importance here. First, as we identified in chapter 3, in recent years police autonomy has been undercut by the techniques of managerialisation. Police are required
to deliver ‘contractually’ agreed performance outputs and outcomes. Thus the freedom or autonomy of police from ‘authorizers’ is more circumscribed in Australia than is the case in the six police agencies studied by Moore and Braga (2003). What remains absent is the broader role of the community engaged in deliberative processes for authorizing police policy and practices. Second, and more important, what is left out of this analysis are the mechanisms for the development of ‘powerful and persistent constituencies’ beyond ‘political overseers’.

It is at this point that deliberative policing provides an alternative to their emphasis on Compstat management procedures. The problem with the ‘powerful constituency’ within the Compstat model is that it is internal to the police: it is police managers that hold each other to account. Moore and Braga recognise that the ‘potential weaknesses’ of Compstat is that it “is not capturing all the relevant valued dimensions” (2003: 448). They identify the absences as including levels of fear in the community; perceptions of quality of service; the cost/benefit of police interventions; the police role in ‘non-crime’ matters; and the ‘quality of engagement’ between police and the public (ibid.). These are important limits but are not insurmountable to gathering further data through both quantitative and qualitative research and analysis. Indeed, we have already identified that many of these measures are already developed in Australia through the Productivity Commission. For instance, while there are data ‘gaps’, there have been efforts to identify levels of public fear and public perceptions of police, and to a lesser extent the cost/benefit of police interventions.

This point overlaps with the recent critique of ‘models of police oversight’ by Prenzler and Ronkin (2001). They properly suggest that it is not a matter of displacing existing quantitative measures such as the number of complaints, substantiation rates, and penalties but rather that they be “augmented with more creative assessments of agency effectiveness” (2001: 156). These include measures of such things as “complainant satisfaction, public confidence levels,
public awareness of their rights in relation to police behaviour, and independent auditing of agency procedures …” (ibid.)

In sum, Moore and Braga place too much emphasis on enlightened police managers. Similarly, Fung and Thacher leave too much emphasis on the informal and internal development of partnerships at the cost of more formal and bureaucratically organising structures for deliberation. As Hogg and Brown (1998) argue, there is a need to engage more with ‘re-thinking the political structures’ that create the space for deliberative policing by challenging the processes for authorizing deliberative structures and procedures. This leaves the task of briefly mapping “what kind of institutional constellation might best effect” (Loader 2000: 335) the development of deliberative policing.

To address this more fundamental issue identified by Hogg and Brown we can combine the structural dimensions of Loader’s account of discursive policing (police and policing commissions), Uhr’s ‘tests’ of deliberative decision-making, and the practical lessons drawn from the subsequent research by Fung (2001), Thacher (2001, 2004) and Moore and Braga (2003).

First, there is a need to address the structure of authorizing police work (Bayley and Shearing 2001). Moore and Braga rightly point to the need for police reform based on ‘powerful constituencies’ external to police, but leave the process for fostering these constituencies to the police themselves. To overcome this, a model of police (and policing) commissions is necessary to provide a basic structure for deliberative policing (Loader 1996, 2000). These commissions would have a legislative basis to formalise their roles and functions in order to overcome the problems with informal deliberative mechanisms identified by Fung (2001, 2003) and the ‘practice problems’ identified by Thacher (2001, 2004). The commissions would operate in a framework of ‘accountable autonomy’ (Fung 2001). First, capacity building would be provided by the state through the provisions of resources (see below). Second, accountability would
move upwards from the local level to the state, and at the state and national levels from the commissions to the parliaments. As indicated above, a key attraction of such commissions or board is that they are not new to police in Australia, and they already operate in comparable countries (Oppal 1994; Patten 1999). These commissions or boards should operate across the political structure, tied to local, state and commonwealth government. Each commission would have a core group of elected representatives responsible for ensuring deliberation on police policy and practice, with additional participation open to other participants on a voluntary or invited basis. However, Uhr’s (1998) tests demand ongoing scrutiny of the extent that deliberation forms part of the decision-making, so measures would need to be developed to evaluate the strength and quality of deliberation.

The electoral dimension is essential to ensuring the connection between deliberative policing and broader democratic politics and legitimacy of police. As Walker (2000) has recently argued, we need to be ‘less ambivalent’ about the virtues of local democracy (cited in Jones 2003: 623). At local government level, this would consist of local councillors and elected members of the broader community, reflecting the need to include wider participation at the local level where much of the concerns about police, crime and disorder are generated. At the state and commonwealth levels the membership would consist of parliamentarians drawn from across the political parties. In addition, each commission would have allocated to it the necessary resources to appoint support staff for administration and funding for internal and external research and training. The lack of resources available to existing forms of consultation and partnerships has been a major weakness to their operation and the same fate would befall a police commission that did not have appropriate resources. Having appropriately resourced commissions also helps overcome Jones’ concern that “too much information, or information of the wrong sort, is unhelpful to a system of democratic governance” (2003: 622). Commission staff and/or external researchers would draw together information from local, state and national sources and apply this to issues under deliberation at the different levels of commissions and use such information in the development of local police performance and priority plans.
Second, police commissions need to be based on the principles of democratic policing identified by Jones et al. (1994, 1996) and Jones (2003). This would require the commissions to assess *equity* (the fair distribution of police resources); *service delivery* (efficiency and effectiveness); *responsiveness* of police to commission decisions; *distribution of power* (the extent that power and influence over police policy and practice is distributed across social groups and agencies); *information* (the availability and adequacy of information); *redress* (the capacity to seek redress against inappropriate behaviour by police and by members of the commissions); and *participation* (not only the extent of diversity in participation, but also the deliberative quality of that participation). Such activities build upon Uhr’s deliberative ‘tests’ and seek to formalise the informal elements of deliberative policing examined by Fung (2001) and Thacher (2001, 2004). Further, in conducting this work, commissions would necessarily have to address the performance framework for assessing police work in order to assess these ‘democratic criteria’. This would involve shaping state and national performance frameworks as well as local government commissions developing locally specific performance measures and processes attuned to local issues. Having the legitimacy of democratically elected representation offers greater potential to reform the narrower and technical dimensions to performance measures. As has been argued throughout this thesis, the performance framework shaped by the managerialisation of governing police is far more ‘open-textured’ than is often assumed, and police commissions could contribute to the ‘politics of police’ performance frameworks.

Finally, establishing police commissions based on deliberative democracy offers the greatest potential to increase the ‘thickness’ of trust and bonds (Shearing and Wood 2003) between police and local communities, particularly through local commissions vertically integrated with state and national commissions. First, their electoral basis overcomes the highly selective police-based processes for establishing membership to existing committees and partnerships. Second, local level commissions engaged in local problem identification and problem solving would help re-shape the consumerisation of police in directions that foster enhanced police
responsiveness to local communities, greater understanding of the ‘emotional labour’ (Hochschild 1983) of police work, and local determination of police functions, “priorities, styles and methods” (Jones 2003: 621). However, such determinations would be based on a deliberative process that incorporates both the vertical and horizontal dimensions of accountability. Precisely how this is done needs to be shaped by the deliberative processes. However, the practical examples discussed above indicate the need to address these ‘practice problems’ in ways that take seriously the mechanisms of vertical accountability as a resource and constraint for police and other actors.

While these three features of proposed reforms to the authorisation of police work at best represent an outline for new institutional and procedural developments, they are suggestive of key issues that can inform a new politics of police. They are based on practical examples while at the same time seeking to rise beyond law and order politics to a broader concern with the “existing distribution of constitutional, political and legal powers, rights and freedoms” (Hogg and Brown 1998: 210).

**Concluding remarks**

This thesis has argued that the ‘art of government’ in relation to governing the police is a ‘congenitally failing’ (Miller and Rose 1990) enterprise but one that has never been far from the concerns of political authorities. Further, it has been argued that in the recent past, neo-liberal mentalities of rule have shaped the managerialisation of governing within specific conditions that vary considerably between the two jurisdictions studied. This highlights the advantages of grounding governmentality studies and managerialisation in specific contexts – both jurisdictionally and in terms of specific agencies. It also is suggestive of the benefits of comparative research, as limited as this was to two agencies in states within the one country.
The empirical details pointed to the complex and contested processes of managerialisation and the very real practical limits, historically informed, on the ‘freedom to manage’, the attempts to ‘make up’ (Du Gay 1996) innovative, risk-taking entrepreneurial policing and the consumerisation of the state police. We also challenged the idea that the attempts to delineate between ‘core’ and ‘non-core’ police responsibilities are not simply the product of ‘new managerialism’. Rather, it was argued that both the ‘freedom to manage’ and the attempts to determine ‘core functions’ have both a longer history and particular manifestations in the current period. Taken together, recent changes in these two areas point to the need to think how things could be different in the development of techniques for governing police.

The current forms of ‘problematising’ governing police represents the possibilities for a new ‘politics of police’, one that needs to engage in a relational project that does not accept unproblematically police-centred accounts concerning ‘operational independence’ and the pre-eminence of craft knowledge, itself currently being made ‘scientific’ through the move to ‘evidence-based policing’. Nor should we leave the police out of consideration in the efforts to impose further structural constraints on police practice. This new politics of police must be inherently deliberative, engaging those within and without the police so that the techniques for governing police work engage simultaneously the ‘constituencies’ (or ‘publics’), decisions (or ‘practices’) and conditions’ of police work (Grimshaw and Jefferson 1987: 21). It is through deeply embedded deliberative practices that a new politics of policing can develop in ways that overcome the democratic and governance ‘deficits’ related to police work, foster critical reflective practice within practitioners, and generate the capacity to think how things could indeed be different. As Gordon (1991: 46) indicates, ‘everything is dangerous’ but this should not deter us from considering alternative ways of governing police. What is now needed is a new politics of police starting with “democratic debate and deliberation” (Chambers 2003: 317) on the changing state of state police and the procedural mechanisms necessary to shape the entrepreneurial officer through deliberative policing.
Whether the current crisis in the governing of the Victoria Police, or the move to Operational Performance Reviews in the Queensland Police provide fertile ground for a broader rethinking of the ‘authorization’ of police practices and the techniques for governing police remains to be seen. However, rather than dismiss the managerialisation of governing we need to engage with these developments as points of leverage in the struggle to enhance democratic policing in ways that neither valorises the ‘old’ forms of accountability, nor acquiesces to impoverished notions of performance, efficiency and effectiveness. That state police are currently in a state of change offers the possibility for an emergent new politics of police where such issues can be pushed to the fore to foster the creativity, innovation, and improved police practices of the entrepreneurial officer, and deeply embedded accountability of police in ‘thick’ bonds of deliberative decision-making. Re-constituting the legitimacy and trust of police in this way offers far greater potential for fair, equitable and just policing practices than any discernable alternative. This thesis has contributed to problematising the ‘new accountability’ and sought to contribute to a new politics of police directed at imagining how ‘things can be different’ through the development of deliberative policing.
APPENDIX A: GENERAL PERFORMANCE INDICATORS FOR POLICE 1995-2004

Figure 7.2: Preliminary framework of indicators for police 1995

Key for indicators
- Provided on a national basis for this report
- Information not complete, or not strictly comparable
- These indicators have yet to be developed
- These indicators require a national community perception survey to provide consistent State and Territory data.

**CRIME PREVENTION**
- Minimise Crime
- Involvement in partnerships
- Police Integrity & Professionalism
- Property Security
- Personal Safety
- Safe Roads

**LAW ENFORCEMENT**
- Management of detainees
- Resolution of criminal incidents
- Compliance with laws - survey

**EFFECTIVENESS**
- Client Satisfaction
- Community perceptions of safety
- Minimise impact of crime

**INDICATORS**
- General satisfaction
- Contact with police
- Police Response
- Reporting rates
- Public places + Home
- Concern about crime
- Value of confiscated assets
- Attitudes about police impact on road safety
- Crash rates - serious injury & fatal
- Police response times
- Search & rescue
- % Stolen property recovered
- % Motor vehicles recovered
- Community Perceptions of integrity
- Complaints
- % Drunk driving
- % Speeding
- % Seat belts
- Deaths in custody
- Offender identification
- Bringing offenders before court
- Satisfaction with police prosecution services
- Unit cost
- Other

SCRCSSP 1995:371
Appendix A: Efficiency and effectiveness measures 1995-2004

Figure 11.3: Framework of indicators for police services 1997

INDICATORS
- Reporting rates
- Complaints
- Deaths in custody
- General satisfaction/service satisfaction
- Perception of safety in public places
- Perception of crime problem
- Perception of police integrity
- Reported crimes
- Crime victimisation
- Stolen vehicle recovery
- Reported crimes
- Crime victimisation
- Crashes/hospitalisation
- Seat belt use
- Driving under influence
- Speeding
- Per crime by offender/victim
- Major crash & registered vehicle
- Per person
- Operational/total FTE
- Available FTE

Key to indicators
- Provided on a comparable basis for this Report
- Information not complete or not strictly comparable
- Yet to be developed or not collected for this Report

SCRCSSP 1997:662
Figure 5.4: Performance indicators for the police services sector 1998

INDICATORS

- Reporting rates
- Complaints
- Deaths in custody
- Satisfaction with police services
- Perception of safety in public places
- Perception of crime problem
- Perception of police integrity
- Access and equity
- Reported crimes
- Crime victimisation
- Outcome of investigations
- Reported crimes
- Crime victimisation
- Outcome of investigations
- Stolen vehicle recovery
- Crashes/hospitalisation
- Seat belt use
- Driving under influence
- Speeding
- Cost per crime by offender/victim
- Cost per unit of road safety
- Cost per response to major crash
- Cost per person
- Proportion of operational staffing
- Proportion of available staff

Key to indicators
- Provided on a comparable basis for this Report
- Incomplete or not strictly comparable
- Yet to be developed or not collected for this Report
- New indicator

SCRCSSP 1998:262
Figure 6.5 Performance indicators for the police services sector 1999

Key to indicators
- Provided on a comparable basis for this Report
- Incomplete or not strictly comparable
- Yet to be developed or not collected for this Report

* New indicator
Figure 7.8  General performance framework for the police services sector

PERFORMANCE

Efficiency

Effectiveness

- Community safety and support
- Crime investigation
- Road safety and traffic management
- Services to the judicial process

COMMUNITY SAFETY AND SUPPORT

CRIME INVESTIGATION

ROAD SAFETY AND TRAFFIC MANAGEMENT

SERVICES TO THE JUDICIAL PROCESS

SCRCSSP 2000:531
Figure 7.9  Performance indicators for community safety and support 2000

Key to indicators

- Provided on a comparable basis for this Report
- Incomplete or not strictly comparable
- Yet to be developed or not collected for this Report
- New indicator

* This measure may be revised for future Reports.

SCRCSSP 2000:533
Figure 7.25 Performance indicators for crime investigation 2000

Key to indicators
- Provided on a comparable basis for this Report
- Incomplete or not strictly comparable
- Yet to be developed or not collected for this Report
* New indicator

*a This measure may be revised for future Reports.

SCRCSSP 2000:550
Figure 7.27 Performance indicators for road safety and traffic management

Key to indicators

- Provided on a comparable basis for this Report
- Incomplete or not strictly comparable
- Yet to be developed or not collected for this Report
* New indicator

a This measure may be revised for future Reports.
Appendix: Efficiency and effectiveness measures 1995-2004

Figure 7.33 Performance indicators for services to the judicial process 2000

INDICATORS
- Cleared in custody
- Proportion of lower court cases resulting in guilty plea
- Proportion of higher court cases resulting in guilty finding
- Proportion of diversions (juvenile and adult)
- Indigenous contacts in custody
- $ per person for judicial services
- $ per person for custodial care
- Costs awarded against the police: criminal actions

Key to indicators
- Provided on a comparable basis for this Report
- Incomplete or not strictly comparable
- Yet to be developed or not collected for this Report
- New indicator

* This measure may be revised for future Reports.

SCRCSSP 2000:560
Appendix A: Efficiency and effectiveness measures 1995-2004

Figure 8.13  Performance indicators for community safety and support

PERFORMANCE

Effectiveness

Outcomes

Access and equity

To be developed

Efficiency

Inputs

Cost

INDICATORS

Perceptions of safety

Perceptions of crime problem

Reported crimes

Crime victimisation

Reporting rates

Dollars per person

Key to indicators

Text: Provided on a comparable basis for this Report

Text: Information not complete or not strictly comparable

Text: Yet to be developed or not collected for this Report

SCRCSSP 2001:351
Figure 8.23 Performance indicators for crime investigation

INDICATORS
- Outcomes of investigations — personal crimes
- Outcomes of investigations — property crimes
- Stolen vehicle recovery
- To be developed

PERFORMANCE

Efficiency
Inputs
Cost

Key to indicators
- Text: Provided on a comparable basis for this Report
- Text: Information not complete or not strictly comparable
- Text: Yet to be developed or not collected for this Report

SCRCSSP 2001:360
Figure 8.25 Performance indicators for road safety and traffic management

Key to indicators:
- Text: Provided on a comparable basis for this report
- Text: Information not complete or not strictly comparable
- Text: Yet to be developed or not collected for this report

Efficiency

Inputs

Cost

Performance

Effectiveness

Outcomes

Access and equity

2001

INDICATORS
- Use of seat belts
- Driving under the influence
- Degree of speeding
- Road deaths
- Road hospitalisations
- Perceptions of road safety problems
- To be developed

Dollars per person

Drivers per registered vehicle

SCRCSSP 2001:366
Figure 8.31  Performance indicators for services to the judicial process

INTEGRITY

Deaths in custody
Proportion of lower court cases resulting in guilty plea
Proportion of higher court cases resulting in guilty finding
Proportion of diversions (juvenile)
Indigenous deaths in custody

Access and equity
Outcomes

PERFORMANCE

Efficiency
Inputs
Cost

Figure 8.32  Number of deaths in police custody related operations

Key to indicators
- Text: Provided on a comparable basis for this Report
- Incomplete: Information not complete or not strictly comparable
- Text: Yet to be developed or not collected for this Report

SCRCSSP 2001:374
Appendix A: Efficiency and effectiveness measures 1995-2004

Figure 8.17 Performance indicators for community safety and support 2002

INDICATORS
- Perceptions of safety
- Perceptions of crime problem
- Reported crimes
- Crime victimisation
- Reporting rates

Key to indicators
- Provided on a comparable basis for this Report
- Information not complete or not strictly comparable
- Yet to be developed or not collected for this Report

SCRCSSP 2002:402
Figure 8.27  Performance indicators for crime investigation

INDICATORS
- Outcomes of investigations — personal crimes
- Outcomes of investigations — property crimes
- Stolen vehicle recovery
- To be developed

Key to indicators
- Text: Provided on a comparable basis for this Report
- Text: Information not complete or not strictly comparable
- Text: Yet to be developed or not collected for this Report

SCRCSSP 2002:413
Figure 8.29  Performance indicators for road safety and traffic management

Key to indicators

- Provided on a comparable basis for this Report
- Information not complete or not strictly comparable
- Yet to be developed or not collected for this Report

SCRCSSP 2002:419
Figure 8.35 Performance indicators for services to the judicial process 2002

INDICATORS
- Deaths in custody
- Proportion of lower court cases resulting in guilty plea
- Proportion of higher court cases resulting in guilty finding
- Proportion of diversions (juvenile)
- Indigenous deaths in custody

Key to Indicators
- Text Provided on a comparable basis for this Report
- Text Information not complete or not strictly comparable
- Text Yet to be developed or not collected for this Report

SCRCSSP 2002:426
Figure 5.20 Performance indicators for community safety and support 2003

Key to indicators
- Text: Provided on a comparable basis for this Report
- Text: Information not complete or not strictly comparable
- Text: Yet to be developed or not collected for this Report

INDICATORS
- Perceptions of safety
- Perceptions of crime problem
- Reported crimes
- Crime victimisation
- Reporting rates
- Access and equity
- To be developed
- Efficiency
- Inputs
- Cost
- Dollars per person

Appendix A: Efficiency and effectiveness measures 1995-2004

SCRCSSP 2003:5.27
Figure 5.31 Performance indicators for crime investigation 2003

Key to indicators
- Text: Provided on a comparable basis for this Report
- Text: Information not complete or not strictly comparable
- Text: Yet to be developed or not collected for this Report

Appendix: Efficiency and effectiveness measures 1995-2004

SCRCSSP 2003:5.28
Figure 5.35 Performance indicators for road safety and traffic management

INDICATORS
- Use of seat belts
- Driving under the influence
- Degree of speeding
- Road deaths
- Land transport hospitalisations
- Perceptions of road safety problems
- To be developed

Key to indicators:
- Text: Provided on a comparable basis for this Report
- Text: Information not complete or not strictly comparable
- Text: Yet to be developed or not collected for this Report

SCRCSSP 2003:5.43
Figure 5.44 Performance indicators for services to the judicial process

Key to Indicators
- Text: Provided on a comparable basis for this Report
- Text: Information not complete or not strictly comparable
- Text: Yet to be developed or not collected for this Report

SCRCSSP 2003:5.51
Figure 5.23 Performance indicators for community safety and support

Key to indicators
- Text: Provided on a comparable basis for this Report
- Text: Information not complete or not strictly comparable
- Text: Yet to be developed or not collected for this Report

SCRGS 2004:5.29
Figure 5.34 Performance indicators for crime investigation

2004

INDICATORS

- Outcomes of investigations — personal crimes
- Outcomes of investigations — property crimes
- To be developed

PERFORMANCE

Effectiveness

Efficiency

Inputs

Cost

Dollars per person

Key to indicators:
- Text: Provided on a comparable basis for this Report
- Text: Information not complete or not strictly comparable
- Text: Yet to be developed or not collected for this Report

SCRGS 2004:5.43
Figure 5.48 Performance indicators for services to the judicial process

Key to indicators:
- Text: Provided on a comparable basis for this Report
- Text: Information not complete or not strictly comparable
- Text: Yet to be developed or not collected for this Report
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