

## *Book Reviews*

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Skolnick, J H and Fyfe, J J, *Above the Law: Police and the Excessive Use of Force*, New York: The Free Press, 1993.

On the front cover of this book there is a blurred picture of a number of men standing around or leaning over a prone body. The picture itself is indistinct and there is little to indicate who the men are or what they are doing. Despite this the scene is immediately recognisable. The men standing are police and the man lying on the ground is Rodney King.

The beating of Rodney King, a black American, by four Los Angeles police officers, the video of that beating, the trial and acquittal of the police officers and the rioting that followed made headlines world wide.

The opening chapter of the book contextualises police brutality by addressing the issues raised by the police beating of Rodney King. Any notion that the beating was an aberration is quickly put to rest. "More than twenty LAPD officers witnessed King's beating which continued for nearly two minutes. Those who administered the beating assumed that their fellow officers would not report the misconduct and were prepared to lie on their behalf. In this respect, police brutality is like police corruption — there may be some rotten apples, but usually the barrel itself is rotten. Two cops can go berserk but twenty cops embody a subculture of policing.

The book is organised to address three basic questions: What are the occasions for police brutality? How can they be explained? How can they be remedied?

Part one looks at the occasions of police violence and covers vigilante justice, the interrogation of suspects and public order policing. The chapters on vigilante justice and public order policing are two of the best in the book. "Vigilante justice" describes the long tradition of private violence by groups such as the Ku Klux Klan and police indulgence or participation in such violence. The part police traditionally played in this violence is linked to present day policing. "Evidence from historical sources, observational studies of police our own and others — and legal materials shows that contemporary police brutality is both historically and sociologically related to lynching and related vigilante activities." The chapter titled "The Third Degree" looks at the practice of brutalising suspects in order to obtain confessions and describes how interrogations are no longer regular occasions for police violence. The authors describe the reduction of police violence in this area as a "success story". This conclusion may be a little premature. Commentators in Australia have noted that as fabricating or obtaining confessions by force has become more difficult because of legal restrictions police have adopted a new tactic of putting pressure on third parties to give sworn evidence that the accused confessed to them. This process has been called the privatisation of the verbal. Persuading third parties to give evidence against their acquaintances, friends or families is a new occasion for police violence. Violence by

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police in these circumstances will usually be well hidden. If American police are as resourceful as their Australian counterparts, and no doubt they are, it is likely that the brutality traditionally accompanying the third degree has not disappeared but simply shifted target. The chapter on public order policing looks at political protest and riots, noting that riots are sometimes a form of political protest. The chapter also examines police riots and describes how police are deeply implicated in the tensions that lead to riots in the inner cities. The Civil Disorder Commission conducted 1,200 interviews to ascertain the concerns of those involved in riots and found that "police practices" ranked number one of the dozens of grievances listed.

Part two sets out to explain police brutality and is divided into chapters on police culture, cops as soldiers and issues related to accountability. The chapter on culture covers little new ground and the cultural norms discussed, such as the code of silence, will be familiar to many readers. The chapter "Cops as Soldiers" argues that the lexicon of law and order that draws on military metaphors and declares "crime wars" encourages police violence. While the argument is convincing the discussion does not deal sufficiently with the police influence in creating and promoting the idea of a war on crime in order to pressure politicians into granting police greater powers and resources to fight the war. In the final chapter in this part the authors argue that "messages from the top" promote particular mentalities in police forces and demonstrate this by following the careers of particular police chiefs who encouraged brutality. During the eight years while Frank Rizzo was Philadelphia's hard-line Police Commissioner and Mayor police shootings increased about 20 per cent annually. The chapter also looks at the way mentalities can develop in particular squads. The LAPD Special Investigation Section, an elite group that deals with robbers, has killed dozens of suspects with almost total impunity despite strong evidence that they executed the suspects.

Part three focuses on what can be done about police violence. The first three chapters of this section look at administrative reform of police, the courts and their role in making police accountable and how accountability can be enhanced by a vigilant press, civilian review boards and internal management. In these chapters there are a number of success stories described. When a new police chief in the New York Police Department instituted and enforced discretionary guidelines on the use of deadly force police shootings were cut in half. A violence reduction project in Dade County that involved police in conflict resolution training resulted in the use of less force by officers, fewer injuries of officers and citizens and fewer complaints against police.

The final chapter of the book, titled "Renewing the Police", is disappointing. What the authors describe as a vision for the future is little more than an endorsement of current directions in policing. The authors almost uncritically accept "community policing" as a model that will improve relations between the police and the community and thus create an environment that will reduce tension and police violence. Other commentators have pointed out that community policing's concern with image is likely to result in public relations responses to problematic events that may actually lead to the proliferation of police brutality by assisting in a cover up of police abuses. The authors argue that police should be more involved in making policy decisions and assert that "the voice of the police rarely is heard by the people who make laws and formulate public opinion". In fact

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American police, like their Australian counterparts, wield considerable political clout in determining who is elected and thus have considerable influence over politicians anxious about election results. Police have on many occasions successfully lobbied to destroy liberal policies. In the final pages of the book the authors use a military analogy to make a point about the need to have people with police experience involved in policy making. A former undercover narcotics detective is quoted as saying “When I heard General Schwarzkopf say that we had won in Kuwait because the army had gotten rid of the ‘militant fairies’ who had lost in Vietnam by trying to fight the war without leaving the Pentagon, I roared. He set a light off in my head. That’s why we’re losing all these wars on drugs and crime, too. They’re being run by a bunch of ‘law enforcement fairies’, who have never been out in the trenches. All they know about drug wars is what they’ve read”. I was shocked to find, in a book devoted to understanding and reducing violence, the authors uncritically accepting a military definition of success. The killing of thousands of Iraqi civilians and tens of thousands of Iraqi conscripts, many of whom were “shot in the back” as they retreated, was a moral defeat. The quote, intended by the authors to convince the reader of the need for more police influence in policy making, only served to remind me of the danger of having people with mentalities evidenced by the quote in positions of power.

The authors deal well with the issues of race and class as explanations for police violence but fail to deal with gender and sexuality. Just as police brutality against minorities will almost inevitably include racist violence police violence against women will almost inevitably include sexual violence. The book’s failure to deal with this issue is a serious omission. Police violence directed against homosexuals, and gay men in particular, is long standing and serious and should be dealt with in a book devoted to police brutality. The authors’ assertion that police brutality has decreased should be taken with a grain of salt. In fact much of the material in the book undermines this conclusion. The mere fact that there are now many more police on the streets increases the potential for police brutality. In addition police now have at their disposal a greater range of equipment with which to inflict pain.

The book is well written and organised and maintains the reader’s interest with frequent reference to the details of particular incidents or events in police forces around America. The authors’ combined 60 years experience with policing is evident throughout the book. Even for the reader well versed in police practices the book is full of surprises. I was astonished to read that some American police departments have been training and using nunchakus, a martial arts weapon, since the mid 1980s. In the late 1980s the LAPD used nunchakus against nonviolent participants in a peaceful demonstration, breaking bones and causing other serious injuries. The book’s focus on police violence makes a valuable contribution to the literature on policing and is well worth a read for those interested in this topic.

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