The Pursuit of Police Integrity: Leadership and Governance Dimensions[*]

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> I did not participate in the obtaining of shutters without going through D24 but knew that it happened as it had been going on since I had joined the Police Force eight years earlier and was part of the police culture. I did not have any discussion with any supervisor in relation to the scheme but believed it was general knowledge to every person from trainee constable to Force Command [Police interviewee Operation BART investigation Victoria 1998:40].

> Employees tend to respond to the value systems transmitted in the daily actions of the hierarchy rather than to written policy [Bouza *The Police Mystique* 1990:49].

Introduction

Police integrity has been pursued with increasing vigour in recent years. Various inquiries (e.g. Fitzgerald 1989; Wood 1997; Mollen 1994) and academics (e.g. Goldsmith 1990; Chan 1997) have loudly proclaimed the death of the 'rotten apple' theory of police misconduct. It is no longer enough to analyse or tackle police wrongdoing solely by reference to the shortcomings of individual officers implicated in wrongdoing. 'Police culture' is invoked to explain the systemic, entrenched nature of much police misconduct within police organizations. This has caused a re-focusing of analytical attention and reform effort upon the on-the-job socialization aspects of police work (e.g. Goldsmith 1991; Chan 1997). It has led to recommendations for changes to recruitment, training, and ethical standards of police officers in patrol and investigation work (e.g. Fitzgerald 1989; Chan 1997). A recent additional dimension of cultural analysis has been the role of supervisory arrangements in the field (e.g. Wood 1997; Victoria 1998) in aiding or preventing misconduct. Where evidence of corruption or brutality has pointed to ongoing or widespread problems, it has begged an obvious question: what has happened to the formal internal controls within police forces to permit such practices to exist? Why have senior constables, sergeants and inspectors, in particular, permitted various kinds of misconduct to continue right under their noses (Wood 1997; Victoria 1997; Victoria 1998; Four Corners 2001)?

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Recognition of the importance of effective supervision in the field for achieving police integrity has also fitted neatly with changes in police management thinking. Decentralization of command responsibility for integrity as well as other matters has become a key plank of police management planning and implementation in Australia in the past decade (Wood 1997; Davids & Hancock 1998). Considerable reliance has been placed upon local area commands for ensuring the quality of service delivery (Wood 1997; Hay Group 2000). Of note here has been the apparently seamless integration of the analytical approaches of recent corruption probes with the corporate police governance approach now visible at senior police command level. As David Dixon observed, 'If the [Wood] Commission's volume on reform has a dominant discourse, it is that of managerialism' (1999:140). A manifestation of this conjunction has been the development and introduction of more sophisticated employee performance management systems to enable regional commanders and field supervisors to better monitor and regulate the activities of police at the local level (Wood 1997; Hay Group 2000). Though typically with less fanfare or public discussion than has occurred in NSW, police managerialism has tended to follow a similar path in other Australian states.

In all of these changes, relatively little attention has fallen on those at the very top of Australian police forces. Those disciplined or forced out in the aftermath of corruption exposures have mainly been the 'small fish' within the organizational hierarchy.[2] The explanation in large part relates to the relative power and position of senior police officers under current governance structures (Victoria 1998: HMIC 1999). It is difficult to show actual awareness of serious problems in many instances; also, subordinates are often reluctant to provide evidence against senior officers. It is probably also no coincidence that there have been very few studies of police executive management by comparison with those of rank and file police. However, the paucity of analytical insight into police 'management culture' has been obscured or overtaken by the frenetic growth of managerialism within police administration (Reuss-Ianni & Ianni 1983). The result, I suggest has been an abundance of management and a shortfall of *conspicuously ethical leadership* and *democratic governance.* Her Majesty's Inspector of Constabulary noted recently, '[t]he most important factor in bringing about the necessary improvements in all aspects of integrity is the quality of leadership provided *by all police managers*' [my emphasis] (1999:6; also ICAC 2000). The pursuit of police integrity requires more than disciplinary action against some front-line officers or their immediate supervisors, the expansion of *integrity technologies* (integrity testing, asset checks, undercover operations, etc.), or the introduction of externally validated auditing arrangements (e.g. Hay Group 2000). Each of these measures is important. However, aside from improved leadership, means are also needed whereby the most senior police officers are held accountable on a range of matters, including integrity matters.

In the next section, I examine a recent significant 'police integrity event' in the state of Victoria as a way of problematizing police leadership and governance structures in their current form. It serves as a case-study of the importance of *symbolism* as well as *systems* in the advancement of police integrity. The discussion moves on to examine in greater detail the kind of leadership I argue is consistent with police integrity as well as the limitations of a purely management approach with respect to a public good such as policing. Then, in the final section, I consider the kind of *democratic* rather than *bureaucratic* governance structures needed to promote accountability within the command-level of large police forces.

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2   The jailing of former Queensland Police Commissioner Terry Lewis is remarkable precisely for its rarity value.

Operation BART: Corruption and Reform in Victoria

In March 1995, a probationary constable in the Victoria Police, Karl Konrad, contacted the Victorian Ombudsman. He was concerned about kick-back payments being received by police officers for assigning repairs following break-ins to particular glazing companies, in breach of force procedures relating to assignment of such repair work. After reporting the matter to his supervisor, he suffered a variety of forms of harassment over a significant period of time, including abusive telephone calls, death threats, and vandalism to his car whilst parked in the police station car park where he worked (Victoria 1998:2; Shiel 2001). On stress leave, Konrad refused to return to work despite being ordered to do so due to fears for his safety in the workplace, and in August 1996, Victoria Police sacked him. Since then he has contested his dismissal, and following a victory in the Full Federal Court in 2000, his application for unfair dismissal is due to be reheard later in 2001 (Shiel 2001).

What is especially significant about this case is the impact that Konrad's whistle-blowing had on the subsequent careers of hundreds of Victorian police officers and the internal reform process, measured against the personal consequences for Konrad. According to the Victorian Ombudsman's Final Report (Victoria 1998), the Operation BART investigation that ensued after Konrad's disclosure led to some 550 members of the Victorian police being charged with a total of 1,290 disciplinary offences. A small number of police officers were charged criminally; at the time of the publication of the report (May 1998), only one had faced court and been convicted. Many others resigned during the course of the inquiry, eighteen officers while under active investigation. The scale of the investigation was enormous. Eighty-nine police stations and 1548 police officers were investigated by the BART team (Victoria 1998:23). Evidence was found of widespread involvement in the kick-back scheme, and disturbingly, the Ombudsman found 'the majority who admitted receiving payments did not view their actions as wrong at the time' (Victoria 1998:37). Equally worrying was the finding that while the investigation found police officers 'shocked to have been offered money', 'very few, if any, police members apart from Constable Konrad have apparently thought to report such offers to their supervisor' (Victoria 1998:40).

The Ombudsman also reported that 'some supervisors have colluded with or pressured subordinates to make statements which minimise the supervisor's involvement' (Victoria 1998:41). The Ombudman's report focuses at some length on the shortcomings of field supervisors for the misconduct revealed in Operation BART. He notes his frustration that some of this group (inspectors, senior sergeants, sergeants, and senior constables) continued to escape responsibility despite the BART findings. In short, he noted:

> Many of these supervisors have lacked commitment, some have been corrupt and, in most cases, they have demonstrated laziness and mediocrity. In the summary of my interim report, I referred to these issues as being 'by far the most disturbing problem indicated by the BART investigation' (Victoria 1998:45).

Dr Perry's analysis suggests broader responsibility may lie for the situation. This is to be found in comments such as 'most of the ills of poor policing can be traced back to poor management and supervision' (Victoria 1998:43), and 'the root cause of the unethical behaviour disclosed in Operation BART has been the creation of a working environment for police where breaking the rules has become acceptable' (Victoria 1998:45).

More particularly, he addresses the question of command level responsibility for what occurred by stating:

> Officers must also share responsibility for many of the problems disclosed in the
> investigation. In my interim report I commented that many officers (in this context, I mean
> members of the rank of inspector and above) have had little or no idea of what has been
> occurring in their districts. I made the same observation in my report of November 1997 on
> 'The Maryborough Police Investigations' (Victoria 1998:53).

The criticism of police command does not elaborate how they should be held
accountable for what happened. However, there are various recommendations made for
improving field supervisory practices, which the report sees as key to effecting change. It
also commends 'the very positive and timely response by Police Command when the
dimensions of Operation BART became apparent' (1998:56). The Ombudsman described
the formation by Victoria Police of the Ethical Standards Department as 'the most
significant achievement of Operation BART' (1998:3). The Ombudsman's analysis does
not explicitly address the question of police command responsibility for supervisory failure,
except to urge the need in future for adequate numbers of supervisors and for a performance
appraisal scheme for field supervisors. In respect of police command then, the report has
little to say about retrospective accountability and the responsibility of police command for
the failures described in the report.

Karl Konrad's contribution to the clean-up of Victoria Police is acknowledged in Dr
Perry's report. He states that 'if there is one thing to be learnt from Operation BART, it is
that the price of a truly professional and ethical Police Force is eternal vigilance and *the
need on occasions to heed the messenger'* [emphasis added](1998:1). The difficulties
Konrad had initially in raising his concerns within the organization are of central relevance
here, though no specific party within the organization is singled out for blame. A criticism
frequently levelled against whistleblowers, that their complaints are unfounded or without
substance, is expressly rejected in Dr. Perry's report. He adds that 'I believe it would be
remiss of me ...not to observe that a significant number of Mr Konrad's allegations were
found to be substantiated.' There is no suggestion of any personal vindictiveness by Konrad
to explain his actions. The fullest endorsement for Konrad's actions comes in the later
comments:

> I must give credit to Constable Konrad who brought to my attention the shutter services
> scam. It was this action on the part of Constable Konrad which directly led to Operation
> BART and indirectly to changes to policing in Victoria (1998:4).

Despite this powerful vindication by the Victorian Ombudsman, the employment dispute
between Konrad and Victoria Police continues (Shiel 2001). It seems that the Victorian
Labor Government has decided not to intervene in the case, though it has committed itself
to the improvement of protections for whistleblowers through new legislation (Shiel
2001).[3]

The public record of Konrad's contribution to the police reform process in Victoria and
of his personal sacrifice stands in marked contrast as an account of recent events in
Victorian policing to that provided in a recent essay by the Chief Commissioner of Police
during this period (Comrie 1999). In an essay entitled 'Problem solving in the Victoria
Police Force', Neil Comrie looks at three specific reform programs, one of which is Project
Guardian, the internal reform program that emerged in the wake of Operation BART.
Comrie refers to 'three recent examples of how the Victoria Police Force confronted major
problems that, if left unchecked, would have substantially threatened the reputation of the
organization.' In giving an account of the background that preceded the Guardian process,
very little is revealed that might indicate management failures resulting in the widespread

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3   The *Whistleblowers Protection Act 2001* received Assent on 19 June 2001.

practice of petty corruption. Nor is the importance to the reform process of whistleblowers such as Konrad acknowledged. The account is completely silent on the contribution of Konrad. This whole unedifying chapter of Victoria Police history, to the point that the internal reform process began, is dealt with in the following manner:

> The community has always expressed strong support for Victoria Police. However, during the period from 1994 to 1996, this support was tested through adverse media attention centred on:
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> •Police shootings
> •The unethical actions of a group of Victoria Police involved in receiving commissions from window shutter companies; and
> •Negative commentary emerging from use of force issues, such as the Tasty Night Club raid.
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> At the time, the revelations of the Fitzgerald Inquiry into the Queensland Police ... and the Mollen Commission of Inquiry into the New York Police Department were still recently fresh. The public's perception of police ethics was being further eroded by the statements emerging from the Wood Royal Commission into the New South Wales Police Service, which was regular front-page news throughout 1995 and 1996. These factors caused Victoria Police to establish Project Guardian (Comrie 1999:217).

There is no sense of embarrassment whatsoever in this account about what occurred or acknowledgment of responsibility evident by Victoria's highest-ranking police officer at the relevant time. The morally neutral account of events, including the absence of any admission of command responsibility for what occurred, needs to be viewed alongside the evident antagonism he reveals towards those 'lobbyists [who] have long voiced concerns over the potential for corruption within the Police Force' (Comrie 1999:219). Proudly, Comrie claims in his conclusion on this aspect of reform that 'the Force continues to enjoy the confidence of the Victorian government [then, the Kennett Liberal government] and the community, despite concerted opposition from vested interest groups; and second, other policing agencies around the world are adopting the Victoria Police model' (1999:221-222).

This account is breathtaking for a number of reasons. Not the least is the complete omission of any reference to Konrad, in stark contrast to the Ombudsman's report. Public accounts are frequently interesting for what they omit as for what they include – however, omissions as well as express statements send signals to an audience. The failure by police command to publicly acknowledge the contribution of a whistleblower signals to other members of the police force that whistleblowers can expect no positive recognition from police command, let alone any form of commendation, promotion or even job security. Implicitly, it reinforces the blue 'wall of silence' that obstructs the exposure and remedy of police misconduct, by reminding other officers that the organization does not reward candour or courage of this kind (Goldsmith 2000b).

Another curious feature is the invocation of 1989 Fitzgerald (Queensland) and the 1994 Mollen commissions of inquiry (New York) to explain public concerns in Victoria about police ethics in the late 1990s. These are mentioned almost as if the Victorian public had little reason to feel concerned about police matters in their own state, notwithstanding a spate of police shootings, a heavy-handed raid on a Melbourne nightclub, and the unfolding spectacle of literally many hundreds of Victorian police being investigated for corruption. While the Fitzgerald findings undoubtedly achieved national notoriety, the Konrad disclosures came to public attention some six or seven years after the release of the Fitzgerald report, long enough for other events to overtake public recollections of events in another state. Moreover, it invites incredulity to suggest that the 1994 findings of a New York judge twelve thousand miles away exerted much pressure for police reform within

Victoria several years later. While the events in New South Wales were certainly more or less contemporaneous with the window shutter affair and Operation BART, as indicated, there were plenty of reasons for Victorians to be concerned about the integrity of their own police force. Comrie's account of this period goes further than simply finding a silver lining in the grey clouds hanging over Victoria Police. One would scarcely know there had been any clouds, let alone storms, in the Victorian skies. Why the senior command's 'weather-eye' for the impending inundation was so faulty is not answered by reading Comrie's chapter. Moreover, the explanation provided raises an unanswered irony. If indeed Fitzgerald (1989), Mollen (1994) and Wood (1997) were so much to the forefront of people's thinking in Victoria at this time, why was it that Victoria Police did not anticipate the need to conduct a review of its operations and ethical procedures earlier than it did? Why did it not do so at its own instigation, as a precautionary step, rather than waiting for some time *after* Konrad's disclosures? Are we to conclude that the command of Victoria Police was less aware of these things than the public or the so-called 'vested interests' mentioned by Comrie?

The answer to this question presumably must be 'no', but we remain no wiser as to the reason for the failure by command to take action earlier than it did. That failure however may well explain the response and treatment received by Konrad as a whistleblower. While it does them no credit, organizations of all kinds are typically embarrassed by whistleblowers from within their ranks (de Maria 1999; Alford 2001). The entire episode begs a lot of questions about the adequacy of internal communications, preventive measures, and supervisory practices within the Victoria Police at that time, as the Ombudsman's report confirms (Victoria 1998). It also begs the question as to how well the public interest is being served by police management's response to Konrad's disclosures. The subsequent, public failure by Victoria Police to affirm Konrad's contribution to restoring police integrity represents a missed opportunity by Victoria Police management to publicly endorse the value attached to police integrity within the organization. In addition, the sight of a large, taxpayer-funded organization fighting a publicly vindicated whistleblower through the courts is hardly edifying as a public spectacle nor reassuring to potential whistleblowers. It is also costly to the public purse. Overall, the response suggests a vindictive, rather than generous or merciful, response to Konrad's contribution and subsequent circumstances by police management. It calls into question, I shall suggest later, the adequacy of current governance arrangements for dealing with important policy issues that cases such as Konrad's raise.

Integrity and 'conspicuously ethical leadership'

In order to define the desirable qualities of police leadership for the promotion of police integrity, one must ascertain the range of behaviours that should form the focus of leadership attention within the police setting. 'Corruption' itself is widely considered now to embrace more than 'law enforcement behaviour that results in private gain at public expense' (ALRC 1996:54). Wood (1997) successfully promoted the concept of 'process corruption' - forms of police misconduct arising in the manner of the execution of police duties that may, but often do not, offer the individual officer a personal benefit or advantage. An advantage of the term 'integrity' is that it is able to deal with a wider variety of behaviours than 'corruption' or even 'misconduct'. Someone who lacks integrity in their professional work need not also be committing a disciplinary or criminal offence - the traditional thresholds for police misconduct. Acting in a morally unprincipled way may include activities such as failing to accord respect to a distressed citizen, or to respond promptly to a call for assistance. This breadth is reflected in the HM Inspectorate of Constabulary's definition:

[I]ntegrity in its broadest sense... encompasses fairness, behaviour, probity and equal treatment, as well as a range of operational and management issues. It is not about corruption in a narrow sense but how public confidence is secured and maintained. In policing, integrity means exercising powers and using discretion to the highest standards of competence, fairness and honesty.... in practical terms integrity can be described as the minimum standards the public has a right to expect (HM Inspectorate of Constabulary 1999:7-8).

However, the difficulty analytically is that the term conceivably is too broad to be very useful, in the sense that police officers may lack integrity in this broad sense without necessarily engaging in egregiously corrupt or brutal behaviour. Devising practical solutions for such diverse behaviours in many cases may not be well-served by this generality of meaning.

However, the problem is overcome for present purposes by seeing integrity not mainly as a reference to a set of specific behavioural outcomes within police work, or as the results of the application of particular 'integrity technologies', but rather as a *morally-oriented process*. As I shall argue, a commitment to police integrity by police leaders connotes a particular disposition and engagement, including a commitment to the promotion of honesty, transparency, compassion, and courage within the police organization. I take the notion of *integrity as process* from Stephen Carter (1997), who describes it as 'a journey rather than a destination, an effort to live according to one's sense of duty rather than a sinlessness reserved for a handful of saints - and precious few of them' (1997:20). Carter explains the elements of the process in the following way:

Integrity, as I will use the term, requires three steps: (1) discerning what is right and what is wrong; (2) acting on what you have discerned, even at personal cost; (3) saying openly that you are acting on your understanding of right from wrong (1997:7).

The importance of organizational change being underlined through conspicuous individual management example is widely accepted in the management and organizational behaviour literature (e.g. Griffin et al 1987; ICAC 2000). However, what might this mean in terms of institutionalizing integrity through changes in police management style? Setting an example of consistency between expressed belief and actual conduct can be difficult, but is essential in ethical leadership. Ethical leaders must be seen to, and in fact, 'walk the talk' of the self-proclaimed ethical police organization - there must be 'embodiment'[4] of ethical leadership (Gardner 1999) in the living example and public gestures of senior police leaders. Carter's citation of forthrightness is essential to ethical leadership. However that forthrightness and candour must be accompanied by courage, publicly displayed on occasion, in the face of opposition from within and outside the police ranks.

In a recent review of police corruption literature, Newburn (1999:31) refers to Punch's concept of 'positive symbolic leadership.' According to this idea, senior police officers explicitly and openly commit themselves to principles such as: the ends never justify the means; they are running a 'clean' organization even at the price of weakening their ostensible effectiveness; a willingness to be open about internal deviance and to cooperate with external agencies; a willingness to personally serve as role models for integrity. Punch asserts that the key point of positive leadership is that 'it sends an unambivalent message to

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4   Gardner (1999) suggests that effective leaders tell good stories. Hence, '[o]ne of the most powerful weapons in the possession of leader-storytellers is the lives that they lead. To the extent that leaders embody the stories that they tell, the leaders' examples will increase in power. So to speak, the stories will be reinforced by the lives of the tellers. In contrast, stories are eventually weakened and ultimately undermined if they are contradicted by the attitudes and behaviors of the leader-storytellers' [pp1010-11].

the rest of the organization and to those outside the organization' (quoted 1999:31). Clearly, my notion of 'conspicuously ethical leadership' is not far removed from Punch's notion. I would not disagree with any of the elements specified by Punch. But I would go further, or at least, I want to make a more concrete case of how this might be achieved and demonstrated publicly, through the example of the handling of police whistleblowers. In terms of publicly signalling a commitment to integrity, the greatest public ethical challenge (or *litmus test*, I suggest) a police leader can face is the response made to whistleblowing. I shall return to this notion shortly, after some further comments on leadership.

Conspicuous leadership, if it is also to be ethical, is about acting justly and with compassion. Justice requires that a leader must be prepared to listen impartially to different sides of an argument, to weigh the evidence, and to consider the likely consequences of making a range of decisions in response to a particular issue or dispute. Acting justly and ethically implies a responsibility to account publicly for one's major decisions, and a willingness to modify one's decisions in the light of subsequent information or evaluation of the consequences of one's initial decision. A just leader is prepared to make unpopular decisions from time to time, resisting pragmatic solutions and easy ways out. Just leaders should also be humble, so as to both promote mutual appreciation with those they lead as well as to allow them to admit and rectify mistakes.

A capacity for compassion also allows an ethical leader to temper their otherwise just decisions with *mercy*. The quality of mercy allows the just leader to soften otherwise technically correct decisions, having regard to individual circumstances of those affected by their decisions (Fox 1999), and with consideration to the non-technical (often symbolic) dimensions. Dealing generously with bona fide, even if technically vulnerable, whistleblowers, would be an example of this in practice. The ability to act compassionately is a form of emotional intelligence (George 2000). Doing the right thing in a particular issue, and being publicly regarded as doing so, can often require being attuned to personal and public feelings. As Ashforth and Humphrey note, 'the success of symbolic management is largely dependent on the evocation of emotion' (quoted in George 2000:1046).

Ethical leaders must also be prepared to act with a longer-term view of their role and the organizations in their charge. Ethical leadership will not always ensure the most effective or least embarrassing outcome, measured at least in the short-term. Police command officers' contracts will end, and others will take their place. However the ethical reputation of the police force as a whole is a fragile thing, though the organization usually endures, with or without a positive reputation. An ethical leader must remain mindful of the longer-term impact of his or her actions, not least as measured in the perceptions of the members of the organization and of the public at large. The natural tendency of bureaucratic bosses to obscure episodes of misconduct or to blame lower level functionaries for misdeeds (Brown & Jones 2000; Alford 2001), once exposed to public gaze, does nothing to repair reputational damage, and indeed is likely to promote cynicism. As I shall argue later, scape-goating is less likely to work where oversight arrangements and media interest in policing issues can ensure adequate transparency of senior command decisions and organizational performance.

The manner in which an organization deals with its whistleblowers provides an important *litmus test* of the senior police executive's commitment to the pursuit of integrity, both symbolically and in practical terms. Pursuing integrity within the police ranks is not simply a matter of punitive control after the event nor of concerted prevention measures through anticipatory and deterrent measures. It is also a matter of effective awareness within the organization so as to activate an appropriate response (Ayres & Braithwaite

1992; Haines 1997). Once poor performance is revealed or detected, how police organizations respond publicly is crucial to assessments of commitment to integrity. In its handling of whistleblowers, police organizations are presented with a clear choice. They can effectively pursue a response of 'status degradation' (Garfinkel 1962) by isolating, discrediting and punishing the informer. Alternatively, they can pursue one of 'status elevation', whereby the whistleblower is publicly supported for coming forward, acknowledged for their contribution to the organization as a whole, and provided with satisfying career opportunities (Glazer 1992). The correct choice for police leaders ought to be clear. The right choice in the circumstances for the police organization and the public at large is identical.

Rewarding the genuine whistleblower bestows a practical as well as symbolic benefit. The blue 'curtain of silence' has proved a notorious obstacle to awareness of improprieties by those in supervisory or command positions (Fitzgerald 1989; Wood 1997; Mollen 1994; Goldsmith 2000b). While the 'curtain' may not exclude as much light as previously (Punch 1986; Chan 1997), it continues to challenge integrity investigations, as the Victorian Ombudsman found (Victoria 1998). Integrity must be encouraged through rewarding as well as protecting whistleblowers in appropriate cases. The price of whistleblowing has almost always been a high one for the individual concerned (Glazer 1992; de Maria 1999; Alford 2001), so that material as well as status generosity, publicly bestowed, remains important if not crucial. I am unaware of any comprehensive studies of the outcomes, personal and professional, for police whistleblowers (cf Glazer 1992; Dempster 1998; Alford 2001). This area warrants research. However, the overall picture for whistleblowers, as noted, has hardly been a positive one. Conspicuously ethical leadership implies a commitment to change this picture.

More management or better leadership?

Executive responsibility for poor organizational performance is a pressing public issue in the present climate, and one not limited to the police.[5] Poor performance can readily be linked to the issue of leadership As management writer David Uren (2001) recently commented, 'All organisations commit blunders – how they respond is a mark of their leadership.' While Uren was writing in relation to the Ansett Airlines dispute with the Civil Air Safety Authority in early 2001, his general point applies to public sector organizations such as the police:

> When a disaster strikes, a manager may find gross breaches of procedure, and they may justify subordinates being dismissed. However they do not absolve the chief executive of responsibility for issues that go to the heart of [a] company's operating mission. Clear accountabilities help everybody in an organisation know the boundaries of the permissible [sic] (2001:52).

Intensification of management through more procedures and audits, though useful for promoting greater accountability, is not particularly distinctive of conspicuously ethical leadership. The latter is more readily recognisable in the courage to avoid scapegoating subordinates, instead linking responsibility to formal roles and the ability to exercise organizational power (Fisse & Braithwaite 1993). By implication, this means on occasions being prepared to accept responsibility oneself for the failings of one's subordinates. Chief executive officers too frequently scape-goat subordinates for poor organizational performance whilst preserving their own positions (Boeker 1992). As the Her Majesty's

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5   The HIH and One.Tel collapses in early 2001, as well as the more recent Ansett collapse, spring to mind.

[HM] Inspectorate of Constabulary recently commented in relation to senior police officers in England and Wales, 'It appears to be common simply to leave it to junior supervisors and believe that they will carry the blame when things go awry' (1999:53). HM Inspector also found that 'many were not prepared to accept they should take responsibility when things within their sphere of influence went wrong, preferring instead to blame those lower down the command chain – power without responsibility' (1999:63). Accusations of a similar kind have recently been made against the Commissioner of the New South Wales Police, Peter Ryan, in relation to the handling of the crime situation in the Sydney suburb of Cabramatta (*Sydney Morning Herald* 2001; Lagan 2001).

While senior police officers must also know how to manage, leadership is particularly important given the public interest dimension present in public policing that has no ready equivalent in the private sector. Here, a number of points can be made. Firstly, in policing, despite much cant to the contrary, there is no precise equivalent to the 'customer' in private enterprise or the 'client' in a professional relationship (Goldsmith 1999). As 'citizens,' members of the public do not have a right to vote on corporate strategy like shareholders, nor a right to insist upon a primary obligation of loyalty from the police, as a lawyer's client or doctor's patient can, for example. Under legislation as well as in principle, policing is far more driven by rights, equity and fairness considerations than many private sector activities. Assessments of 'good performance' therefore can be less determined by profit than in the world of commerce (Loader 1997). In short, duties to the Rule of Law require that senior police leaders be more than merely good private-sector style managers.

Secondly, there is a particular need for good police managers, as well as leaders, to be able to model and demonstrate the kinds of practices they seek to put in place. Those they lead are mainly 'doers' who, in terms of pursuing change, will often not readily respond simply to written directives from the upper echelons of the force. A raft of policies and procedures will not suffice for a real commitment to instituting meaningful police reform (Hay Group 2000). In his review of police integrity in England, Wales and Northern Ireland, HM Inspector of Constabulary found a shortage of 'management by example':

> There are many plans and policies, much chasing of targets and publishing of statistics, but the leadership of staff and management of day-to-day operations seems increasingly to be neglected. There is evidence of a strong desire amongst service deliverers for clearer guidelines and more positive leadership. As a constable succinctly expressed, 'It's all very well telling me what you want me to do but it's no use unless you tell me how to do it' (1999:61).

This absence of leadership, in the form of modelling, and the propensity to shift blame downwards, inevitably has a negative influence upon the impact of reforms as well as upon rank and file confidence in, and perceptions of, police senior management (e.g. Hay Group 2000; NSW 2001).

Thirdly, unlike private sector reforms, the police reform process lacks the discipline of market competition. Proper ethical and competent leadership and management are therefore even more important. This fact is underlined all the more by the reality that police reform processes, inevitably, largely devolve to the police organizations themselves. While oversight can continue to play a monitoring role, a real commitment to reform must exist within the organization. Here it is crucial that those who lead the police ensure the longer-term view of reform takes precedence over shorter-term objectives such as crime reduction (see Hay Group 2000), and that disproportionate emphasis is not placed upon controlling subordinates at the expense of ensuring upper-level accountability (e.g. Goldsmith 2000b; Chemerinsky 2000).

Choosing and preparing the right kinds of police leaders is therefore of paramount importance to the future of police organizations as ethical environments. The law may also play an adjunct role by establishing grounds of liability for police managers and by assisting whistleblowers. Civil liability of police in the common law of torts, in particular for negligence, is an increasingly promising form of legal accountability (McCulloch 2001). Going to the question of ethical leadership, the recent House of Lords decision in *Waters v Commissioner of Police for the Metropolis*[6] leaves the door open on public policy grounds for a police commissioner (or chief constable) to be found liable at common law for failing to take sufficient action to protect employees who have reported wrongdoing within the organization from harassment and other prejudice. Whistleblower protection legislation is now quite common. Some Australian states (e.g. South Australia & Victoria) have provided a statutory basis for civil action against those taking retaliatory measures against them for 'blowing the whistle.'[7] However, it is probably mistaken to place too much faith in legislative schemes of this kind. According to a recent large-scale study of different whistleblower protection regimes in the US, the level of *real* protection offered to whistleblowers under these schemes was often very limited or non-existent (Meithe 1999).

Integrity and the role of civil society

Police integrity cannot depend solely upon the quality of police leaders and the internal controls they put in place. The difficulty of leading a large law enforcement organization, and the necessary community-wide ramifications of any police organizational style, point to the important role for governance mechanisms broadly based in civil society. Many findings of poor police performance are made in circumstances in which the existence or effectiveness of civilian police governance mechanisms is missing or inadequate. Police brutality and corruption revelations commonly indicate a state of pathological police-community relations. The Christopher Commission (1991) noted in the aftermath of the Rodney King beating, as has Chemerinsky (2000) in relation to the Ramparts scandal, the lack of external influence over the strategies and tactics of the Los Angeles Police Department. Jones and Newburn (2001), in a Home Office study of police relations with 'hard to reach groups', noted the strong demand from within those groups for 'effective community involvement in police governance' (2001:66). Police governance needs to be (re-)connected to civil society if police integrity is to be enhanced.

The public interest dimension in public policing demands a different approach to external governance from that in the private sector. John Kay's suggested model for public service delivery organizations is suggestive for how Australian police forces might change:

> The governance of the public service corporation must itself entrench pluralism. The supervisory board should be representative of a range of interests. But it should act as a board, rather than as representatives of these interests. And it should be incapable of being captured by any one of these interests – whether by local politicians or business people, the people who work in that business, or those who manage it. And that board, like politicians themselves, must stay out of operational decisions. Its job is to appoint managers, and to back them or to sack them. Reviewing strategy is fine, so long as it does not relieve executive management of responsibility – which is the reality, if not the legal fiction, of how big private businesses are run. In the provision of public services, democracy should be about accountability for decisions, not the decisions themselves (2000:12).

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6   [2000] *Weekly Law Reports* 1607. The facts of this case deal with a female police officer who alleged she was subjected to various forms of harassment and employment prejudice following her report of being sexually assaulted on police premises by another police officer.

7   *Whistleblowers Protection Act 1984* (SA), s.9; *Whistleblowers Protection Act 2001* (Vic), s.19.

Since the abolition of police boards in New South Wales and Victoria, police governance in Australia has not had even a pretence of the kind of arrangements described by Kay. Despite various police integrity inquiries (e.g. Wood 1997) forming the view that Australian police need to improve their relationships with citizens, permitting the police to take sole responsibility for implementing improvements of this kind has not proven satisfactory (Hay Group 2000:78). Police too often don't take sufficient steps to set up mechanisms for community consultation, and where they do, they tend to dominate the membership appointment and agenda setting processes. These shortcomings, however, are compounded by an absence of significant civilian governance structures for police forces, in rather stark contrast to police governance arrangements in the United Kingdom (Leishman et al 2000), Canada (Stenning 1981), and the USA. In these jurisdictions, police authorities and commissions of various kinds play a governance role on behalf of the community that has no equivalent in contemporary Australia, albeit their role is one frequently criticized as being too weak and insufficiently representative (e.g. Leishman et al 2000).

The Kay model provides a response to one of the problems previously identified by inquiries into Australian police forces - an excessive concentration of authority at the top of the police force (NSW 2001:172; Lusher 1981:96). In the last two decades, despite many commissions of inquiry and reform programs, little has changed to break the managerial stranglehold on authority over policing matters (see NSW 2001). Strengthened external police governance arrangements can assist the pursuit of integrity in a variety of ways. At present, senior police officers at Commissioner level do not have to account to a broadly constituted oversight body for policies and programs on such issues as use of force, drug enforcement, and paramilitary-style training. These are matters vital to police integrity and to relationships with the community, yet how the public can express its opinion on such matters is far from obvious. Nor do they have to account on a regular basis to such a body for their handling of emerging or established problems within the police organization. The decision to prolong litigation involving a whistleblower at public expense, for example, is a matter of considerable symbolic as well as financial importance where a board's involvement would be useful to counteract the tendencies noted within police bureaucracies to deflect blame and scape-goat. In other words, by sharing police authority between a Commissioner and a board, the public interest in police integrity issues is better protected.

Such a board could also play a role with respect to executive appointments and performance reviews of the senior echelon of the police force. One of the much touted gains of recent police reformism has been the move to senior officer employment contracts, linked to performance reviews (e.g. Wood 1997; Hay Group 2000). The precise nature and adequacy of performance reviews for police commissioners in relation to integrity or other matters however remain largely unknown. How executive performance is evaluated against these documents is crucial to knowing how well these new managerial tools work as accountability measures. Prenzler (2000) is critical of the process undertaken in Queensland in 1996, in which 'all incumbents had their appointments renewed without competition, including the Commissioner.' In this case, the Criminal Justice Commission 'failed to exercise its powers in seeking proper review of the contracts (2000:671).' A recent audit of the New South Wales Police has also raised a variety of questions concerning the effectiveness of senior police contracts as vehicles for reform and organizational improvement (Hay Group 2000). We need to know much more about their content and the review process before we can place much faith in the efficacy of such arrangements.[8]

Without external, transparent review procedures of the kind a civilian-constituted board could offer, there is little basis at present for confidence in these measures.[9] The advantage of a more broadly constituted board than say the CJC provides in Queensland is that the problems of inadequate performance reviews and agency capture (Prenzler 2000) can be substantially reduced.

The mandate of such external governance bodies is important. It should not simply be focused on accountability issues, narrowly defined to discipline and citizen complaints, though these could well form a part. There should be a wider focus on governance issues, including integrity in the sense outlined earlier. A power at least to direct that the Police Commissioner consult on questions of policy, and a requirement that he or she explain publicly why recommendations of the oversight agency have not been adopted, would constitute significant improvements on existing practice. In order to avoid politicization of the board's functions, a power to direct the Commissioner should probably be avoided, and matters of direction if needed be left to the appropriate political authority.[10] What is being proposed here is not a substitute for police operational autonomy or line responsibility, or intended as a substantial derogation of police management prerogatives. Empowering oversight mechanisms to this extent may cause considerable internal resistance. However, it would serve as an enhanced form of democracy.

It is worth noting here that police boards of the kind being proposed have not had their equivalent in Australia previously (Palmer 1997; Jackson 1991). In contrast to earlier models tried in NSW (Jackson 1991) and Victoria (Palmer 1997), they are intended to be democratic supplements, rather than managerial extensions, to the existing system. The model requires that police command accept the sharing of police governance with a board constituted by civilians from different backgrounds rather than one made up by management experts. Members should not be part of the organizational hierarchy and ought not to come with pre-existing commitments to, or irrational hostilities towards, the police. The size, composition, and functions of the police board are important issues to be determined. However effected, the composition should be broad enough to suggest ownership by a wide sector of the public. Adequate training and compensation of members are important if boards are to be effective independent oversight bodies (cf. Boeker 1992).[11] Elsewhere, the significance of such boards has been effectively neutered by having inadequately compensated part-time members only (Chemerinsky 2000; Wood 1997).

8   Bernard Lane addresses issues of Australian university governance. He quotes a senior university administrator as saying 'I have a suspicion that a number of so-called performance agreements are probably written on the back of an envelope' (2001:29).
9   In South Australia, the government's Contract Disclosure Policy has recently [July 2001] permitted public access to senior police employment contracts The agreement between the Premier and the present Commissioner lists specific duties of the Commissioner (Schedule 1) and the performance standards (Schedule 3). Under subclause 6.3, the Commissioner's performance must be reviewed at least annually by the Police Minister. Under subclause 6.4, the manner of the performance review is at the determination of the minister 'in consultation with the Commissioner.' The performance standards themselves are made public, as pursuant to section 13 (2) of the *Police Act 1998* and the agreement itself [subclause 6.2], they are to be laid before each House of Parliament.
10 This power exists under the *Police Act 1952* (SA). Under section 21, directions of the Governor to the Commissioner of Police must be tabled by the relevant minister before Parliament within 6 days of being issued, and published in the Gazette. In this way, directions become a matter of public record and ones open to discussion.
11 Senior executive accountability ultimately depends on who controls the succession of executives. Boeker, in the context of his private sector study, noted that '[t]o the extent that board and ownership interests are aligned with those of the chief executive, the chief executive is likely to remain in place even when organizational performance is poor' (1992 :419).

Empowering boards to perform their functions properly implies the availability of separate sources of information on the functioning of the police. In the past, board members have complained of being dependent on the information given them by the police chief officer (HMIC 1999:67; Wood 1997). For any board or agency involved in monitoring police organizational performance, an independent capacity for scrutiny of police actions is vital to the effective governance and oversight of police operations (Goldsmith & Lewis 2000).

Finally, my argument finds support in the recent work of Anechiarico and Jacobs (1996). They have criticized what they call the 'anti-corruption project' in New York city government and elsewhere. Traditional bureaucratic responses to corruption such as new layers of oversight, they argue, make government even more heavy-handed, self-interested, and unresponsive towards the public. The way to reform the 'anticorruption project,' they suggest, is to link service provision to citizen participation:

> Once power is firmly in the hands of those most interested in the outcome - those receiving the services - we can expect the kind of citizen involvement and vigilance that will prevent corruption. Only when citizens see a direct connection between their involvement and the quality of public services will they take an active interest in protecting the resources available to improve...the safety of their neighborhood (Anechiarico & Jacobs 1996:206).

In the case of the police, improved points of connection between the police and the public might be achieved in a variety of ways. 'Community policing' certainly implies *the potential* for considerable enrichment of police-citizen contacts and thereby the redefinition of police authority (Bayley 1994). However, the practice of community policing has been variable in this respect (Loveday 2000; Waddington 1999). Real input from ordinary citizens has tended to be in short supply. Citizen participation in shaping police practice should require more from police than simply providing largely self-selected citizens with a talking-shop, as Neighbourhood Watch has tended to do (Bayley 1994). Past experience informs us that without the introduction of an appropriately empowered external governance mechanism, police bureaucracies have too often tended to cover up evidence of misconduct and failed to take seriously the concerns and complaints of citizens, especially from more vulnerable members of the community (Goldsmith 1991). A broadly constituted police board's role, in part, would be to ensure that these tendencies were kept under control and review.

Conclusion

> We must create an atmosphere where the crooked cop fears the honest cop, and not the other way around. We need good role models, and they have to start at the top (Frank Serpico, CNN 1997).

Police command cannot expect police integrity unless they first act consistently and openly with its achievement at all levels of the police organization. This means in part setting in place 'best practice' integrity-testing systems and the development of ethical policies in areas of particular organizational vulnerability such as specialist crime squads, informant-handling, and whistleblower protection programs. But technical improvements of this kind are not enough. Police forces must become more transparently ethical at all levels as well as democratically accountable, so as to ensure a broad representation of interests in police decisions on matters affecting the integrity of the police organization. Police command must play a more active role in ethical leadership through the promotion and demonstration of a culture of integrity. If police leaders are to have a salutary effect on organizational culture (Chan 1997:237), police integrity must be 'embodied' for all to see.

I have argued that more 'embodiment' is needed. The findings of the NSW Parliamentary Inquiry into policing in Cabramatta serve as yet another reminder of the difficulty members of the police executive management have in dealing positively with whistleblowers (2001:65). Australian police managers must work harder in order to display conspicuously ethical leadership (Hay Report 2000). Being seen to reject favours that come their way in the course of their office is one such visible signal to other police officers of ethical commitment (see HM Inspectorate of Constabulary 1999). Avoiding fraternising with known criminals is another.[12] However these are pretty obvious. More challenging for police leadership is learning to take a more positive response towards the police organization's critics, whether they exist inside the organization or are external (NSW 2001; cf Comrie 1999). Police leaders must do more than simply 'protect' genuine whistleblowers. Often, generosity and compassion will be appropriate, given the costs typically borne by whistleblowers in reporting misconduct (Alford 2001). Ultimately, the right signals must be sent out to other potential whistleblowers. As HM Inspectorate of Constabulary observed, 'Above all it is most important to foster a culture that internal witnesses [whistleblowers] are not people "snitching" on colleagues but are those with real moral courage, who care about the integrity of the Service and wish to protect it' (1999:56). For many whistleblower cases, 'status elevation ceremonies' need to be devised.

Police boards can strengthen the resolve of police bureaucracies to pursue integrity in their own organizations. Boards offer a means whereby police executive performance can be checked and evaluated, in addition to providing a community voice on policing matters in a structured, responsible setting. They can also ensure that the police organization is responsive to the changing environment of public expectations and legal accountability (e.g. Waters 2000). To date in Australia, we lack a strong history of Police Commissioners willing to act publicly and courageously in support of whistleblowers, to publicly acknowledge organizational failures, or to share authority for policing with the public on an ongoing basis.[13] It is time we started developing one in the interests of pursuing police integrity.

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12 Suspicion of impropriety often arises from public revelations of fraternising between senior police and known or strongly suspected criminal elements. The trials and tribulations of John Stalker, one-time Deputy Chief Constable of Greater Manchester Police (UK), in part stemmed from allegations of this nature. See Taylor (1987).

13 However, we do have a tradition of Police Commissioners prepared to stand up to state premiers and governments on certain issues, rightly or wrongly. In relatively recent memory, the cases of Ray Whitrod (Queensland) and Harold Salisbury (SA) provide examples of demonstrations of police executive autonomy from government. One Police Commissioner who was prepared to publicly admit police organizational failure, and who was also keen to promote closer police-community relations, was John Avery (NSW).

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