

Review Essay

From Service to Force? Policing New South Wales

Richard Basham and Tim Priest (2003) *To Protect and to Serve: The Untold Truth about the New South Wales Police Service*, New Holland Publishers, Sydney.

Deborah Locke (2003) *Watching the Detectives: When a Policewoman Turns Whistleblower*, ABC Books, Sydney.

Sue Williams (2002) *Peter Ryan: The Inside Story*, Viking, Camberwell, Vic.

Hay Group (2002) *Qualitative and Strategic Audit of the Reform Process of NSW Police: Report for Year 3, July 2001–June 2002*, available at: <www.pic.nsw.gov.au>.

To Protect and To Serve is an account of the controversies over policing in Cabramatta and the political fall-out, which included the ‘termination’ of Peter Ryan’s spell as NSW Police Commissioner. Basham (who describes himself as a ‘psychological anthropologist’) and Priest (an ex-police officer) were intimately involved. While no history may be entirely objective, this account is defined by its subjectivity and partiality. The book is written in the third person. While the style is decidedly odd, it means that there can be no embarrassment about identifying the heroes, who are the authors, Priest’s colleagues, and the radio ‘personality’ Alan Jones, about whom they are naïve and sycophantic.¹ Its style is that of the ‘true crime’ shelf-filler which swamps the reader with irrelevant ‘human’ detail: ‘After pausing briefly for Tim to have a last cigarette, the four rang the buzzer and went upstairs to join Alan’. The language is awkwardly vernacular: ‘by this time, the police service was so stuffed it no longer leaked. It spewed’. Unconvincing attempts are made to dramatize, for example it is claimed that their meetings with producers from *60 Minutes* had to be done covertly ‘at out-of-the way locations’ throughout Sydney to prevent ‘the police hierarchy’ scuttling the planned program on their informant ‘James’.

The book is of some interest in providing an insider’s view of disputes within Cabramatta police station in 1998–99. It is less so when attention shifts to a Legislative Council Committee’s investigation of what happened in Cabramatta more generally. The authors provide a selective rehashing of what is already known, with emphasis on defending Priest’s claims about gang activity in a local school and the reliability of ‘James’. The protracted account of the authors’ squabble with Clive Small (sometime head of Crime Agencies and Commander of the region which included Cabramatta) is tedious and spiteful. At times, the narrative is not clear: for example we are told that drug arrests halved between 1998 and 2000, but, six pages later, that drug arrests in the first half of 1999 put local crime statistics ‘through the roof’. Similarly, what happened to Priest between leaving Cabramatta and retiring (the period in which he was supposedly persecuted for speaking about Cabramatta) is not clear: there are mentions of him working at Campbelltown and City Central, but also on Asian Crime and at Crime Agencies.

1 They might at least acknowledge who is represented by the parrot on Michael Costa’s shoulder in the Sydney Morning Herald’s cartoons which they describe.

In its subtitle, the book promises to disclose 'The untold truth about the New South Wales Police Service'. In fact, there is very little here that has not been said at length elsewhere. In some ways, it is more interesting for what is left out than for what is included. Anyone who read reports of the dramatic allegations which the authors made at the hearings of the parliamentary committee will be disappointed. According to Basham, defamation lawyers cut some 75 pages.² (For their readers' sake, it's a shame Basham's and Priest's editors were less active.) There is an important issue of principle here: parliamentary privilege is provided to protect the democratic process, not for the irresponsible to make unsubstantiated allegations against other citizens. Their failure to repeat the allegations outside the protection of Parliament severely undercuts their credibility. They, predictably, mutter darkly about what they could say if only defamation law did not prevent disclosure of the truth.³

As an account of policing in Cabramatta, the book is thoroughly deficient.⁴ History apparently began in 1997, when Priest was posted to Cabramatta. The authors seem to be unaware of what happened before, or of the origins and intentions of the strategy underlying the subsequent displacement and quality of life initiatives. There is almost no mention of the role played by police from specialist agencies, so the impression that Operation Puccini's saturation policing was the only external police activity in the area is misleading. The authors suggest that Puccini was 'part of some hidden "harm minimisation" plan to quietly decriminalise heroin use'. This is so patently ridiculous that one has to wonder about the authors' grasp on reality.⁵ Most significantly, a reader who knew nothing about Cabramatta would not appreciate the change in the area since 2001. In large part, this was due to the heroin 'drought'. But the opportunity provided by the drought to crack down was taken by the police. Extra officers, resources, and police powers made a major difference (even if success was bought at a public health cost⁶). What sticks in the authors' throats is that their bitter enemy, Clive Small, was the commander responsible for these operations. Their acknowledgment of change comes in two sentences, and even here they claim responsibility: 'Cabramatta is a much better place to live in than it was before Tim and his fellow officers revolted against the police hierarchy. There is now visibly less drug use, much less violent crime, and less human wastage on the streets'.

Another gap is their vision of what policing should be like. The authors state that 'if they were going to criticise, they had an obligation to do what they could to offer workable solutions'. However, they have nothing useful to say about how drug policing should be done. All they have to offer is a version of the moth-eaten 'pyramid' strategy (arrest users and user-dealers, and use information from them to work your way up the market) which is ineffective as a way of getting at higher level dealers. This would be evident from a cursory reading of the research literature, but the authors apparently have an aversion to libraries. While they slash wildly at Ryan's policies and actions, they are hopelessly vague when talking about what they would prefer. They apparently want 'substance-based' policing, but no explanation is given of what the substance is to be. There is some vague talk about community policing. Elsewhere, Priest has called for the adoption of zero tolerance

2 Stateline, ABC TV, 8 August 2003

3 Ibid.

4 For a history, see Dixon, D & Maher L. (2003) 'Containment, quality of life and crime reduction', in Newburn, T & Sparks, R (eds) *Criminal Justice and Political Cultures*, Willan, Cullompton.

5 For an alternative view, see Maher, L et al (1998) *Running the Risks: Heroin, Health and Harm in South-West Sydney*, NDARC, Sydney.

6 Maher, L (2002) 'Don't leave us this way: ethnography and injecting drug use in the age of AIDS' *International Journal of Drug Policy*, vol 13, pp 311-25.

policing,⁷ but this is curiously absent here. They refer to 'intelligence-led' policing, but this seems to mean not the currently fashionable strategy, but rather a return to the good old days when detectives cultivated informants. 'It concerned Basham that the old Criminal Investigation Branch (CIB) had been disbanded and that with it had gone many of the police service's best Detectives'. The 'great Detectives' to whom they pay homage in the acknowledgements include some well-known figures, such as Brian Harding and Dennis Gilligan.

This nostalgia has a worrying implication. Was there a problem in the police service before Ryan set it off course? They comment that nothing much was found by the Wood Royal Commission. Yet they assert that the Royal Commission 'did not even scratch the surface of the endemic corruption that haunted the service' and 'sidestepped' many issues. It is not clear what this means, although they seem to be obsessed by the unfairness of the promotions process. They make much of a claim that Wood found no police corruption in Cabramatta. This misrepresents the Royal Commission's methodology, which was to be selective in the areas examined. In any case, they are rather let down by their prime source 'James' who alleges that corrupt police protected drug houses. They make no mention of the involvement of a senior police officer in Cabramatta's notorious Stardust Hotel.⁸

The authors' credibility is shaken by some bizarre and ill-informed statements. For example, they dutifully repeat James's claim that, when he was operating as a drug dealer, he did not cut or 'jump on' the heroin because police might pick up on 'the chemical smells'. This suggests that 'James', 'Richard' and 'Tim' know little about the preparation of heroin for sale.⁹ Another example is their claim that, during Operation Puccini:

One could drive along Cabramatta's main street almost any time of the day or night and find junkies queued up in front of windows, purchasing drugs as if they were buying fast food at a take-away. On Friday and Saturday nights there would be dozens of addicts to a queue. Sometimes these queues stretched down the footpaths as if ticket holders were waiting to enter a theatre.

This picture owes more to an overactive imagination than to observation of Cabramatta. A third example is their assertion, based on a very long, unattributed quotation from a British police officer, that a managerial performance culture in English policing has led to officers trawling prisons for admissions. In fact, 'secondary detections' were recognized as a problem in Britain long before the new managerialism, which has tried to discourage their abuse by making police distinguish them from primary detections in their reports. More generally, on the basis of unidentified informants, they claim that Ryan tried to import a policing model which had already failed in Britain. They display no significant knowledge of British policing. Finally, they blame the Wood Commission and Ryan's deputy Jeff Jarratt for interfering with undercover 'controlled operations', wondering darkly about corrupt manipulation of crime statistics. They are apparently unaware that the regulation of controlled operations was the result of an unexceptionable High Court decision that police officers could not authorise themselves to break the law.¹⁰

7 See evidence to Senate Standing Committee on Legal & Constitutional Affairs, 10 October 2002 LCA 340, pp 354-5.

8 See Police Integrity Commission (2000) *Report on Operation Algiers*, PIC, Sydney.

9 See Maher, L, Swift, W & Dawson, M (2001) 'Heroin purity and composition in Sydney, Australia', *Drug and Alcohol Review*, vol 20, pp 439-48.

10 *Ridgway* [1995] 129 ALR 41.

A further threat to their credibility is their faith in 'James', who presented himself as a significant player in the Cabramatta drug market. The reality is that 'James' was a heroin user who, like many others, supported his habit by selling. He was one of those whom Basham and Priest callously dismiss as 'scum'. Claims that he had any significant relationship with an Asian crime gang are not credible: the authors acknowledge scepticism about this by describing him as an 'associate' rather than a gang member. Even they acknowledge his unreliability when he began talking on television about drugs and guns in schools. Rather than focussing on the squabbles over the sad and exploited 'James', the issue more deserving of attention is the inadequacy of police intelligence about the drug market and of police contacts with the Cabramatta community. Quite simply, the veracity or otherwise of James's account could have been quickly settled by asking those with whom he was supposedly associated. They are neither invisible nor inaccessible. Moreover, if the police had adequate community contacts, such exposures would be unnecessary. It is an indictment of the lack of police contact with the community that James's allegations should cause such a furor. On the other hand, perhaps this is to be too rationalistic: 'truth' was hardly the prime value in the media's exploitation of 'James', and any challenge to his claims would have been dismissed, whatever its provenance.

Basham's and Priest's approach expresses the conspiratorial, antagonistic elements of NSW police culture. Hidden agendas, 'untold stories', secret informants, and jealousies abound. They are great haters. Having helped to get rid of Ryan, they focus here on Clive Small (and no doubt celebrated the recent decision not to renew his police contract). Their hatreds coalesce into conspiracy theories. Priest made much of this in his evidence to the parliamentary committee, claiming that a group (including this reviewer) were conspiring against Ryan's successor. He had no evidence of this conspiracy, for the simple reason that its alleged members had never met collectively nor, in many cases, individually, and had very different views on most matters. This approach means that valid points get swamped in vituperation. For example, they correctly point out problems in implementation of the Police Assistance Line, a means of reporting minor crimes by telephone. But these problems are unconvincingly blown up into a conspiracy to manipulate crime statistics and thereby to deceive the public about the reality of crime.

Despite their pretensions to comment generally on policing, Priest and Basham are blind to the broader significance of various significant issues. For example, they delight in the way Police Minister Michael Costa marginalised and belittled Ryan, but seem unaware of the implications that such a breach of the policy-operations divide may have for police-government relations. They are scathing and insulting about the duty officers introduced by Ryan, but do not acknowledge that their purpose was to provide a level of supervision which the Wood Commission showed was lamentably lacking. They argue that duty officers duplicate the work of sergeants: again, the implication is that the Wood Commission tried to fix something that was not broken.

Basham is, to use one of Priest's phrases, a curious academic. He bases his claim to be heard on his status as an academic researcher ('an anthropologist devoted to participant observation') and makes much of his qualifications and experience. But he publishes very little and scorns academic 'colleagues'. Apparently in response to questioning of his research record, here Basham presents his work on policing as 'public service'. (Another advantage of 'public service' over research is that it allows the charging of consultancy fees.) One wonders whether this would satisfy his university's human research ethics committee, and indeed whether Basham has sought the required ethical approval for his 'participant observation'. He apparently only stayed in Australia because his medical insurance is here. One wonders what his employers will make of his statement that 'the

many flaws ... in the way the university conducted its business had encouraged him to look beyond its walls for stimulation and mental escape'. If he thinks so poorly of academia, the honourable course would be to stop taking the university's wages. Basham tells us that he has 'far more in common with police than with academics', which may explain the authors' anecdote about two ex-students seeking career advice from Basham who are subjected to boorish profanity from Michael Costa. We are apparently supposed to find this funny.

The book cover's blurb tells us that NSW Police is 'on the verge of collapse'. Of course, this is empty hyperbole: NSW Police shares the ability of many other police departments to deflect criticism and sail through adversary. The harsh reality is that if 'the job's fucked' (as Priest and Basham insist in traditional dinosaur-speak), this is a long-term condition, not the result of anything Peter Ryan or Justice Wood did or did not do. In the long view, Ryan's demise — and more particularly the way it was engineered — will be seen as a brake on the reform of NSW Police. I have been publicly critical of Ryan's role in the reform process,¹¹ but its limitations are negligible set beside the excesses of Costa's (thankfully brief) regime as Police Minister. These included¹² abandoning the Operations and Crime Review process as a waste of time, appointing advisors whose main qualification was their antagonism to Ryan (including Priest as 'a special advisor on drugs and gang policy'), expressing blind faith in increased police numbers and uniform patrol, reintroducing squads, forcing through an organizational restructure, reducing the 'academic' elements of police training, and dropping the word 'Service' from the organisation's title. From this perspective, the Wood Commission may as well not have happened. Sue Williams (Peter Ryan's biographer) is acerbically dismissive of the 'vindictive' and conspiratorial Basham who, she says, inhabits a 'world of rumour, innuendo and "secret" unattributable information'. Like 'small boys who throw stones at speeding trucks' Basham and his supporters 'have caused an almighty crash and then seemed suddenly both surprised and frightened by the destruction they wrought'.

For those who share Basham's and Priest's nostalgia for 'effective' detective work in the pre-Wood, pre-Ryan era, Deborah Locke's *Watching the Detectives* should be prescribed reading. This is a raw, guileless autobiography by a woman whose battle against tragedy and hardship in her family could fill a book of its own. But of relevance here is her whistleblower's account of the corruption, idleness, and inefficiency of the police we are supposed to regret having lost.

Sue Williams is a good journalist, and her study, *Peter Ryan: The Inside Story*, is well-written. She began interviewing Ryan two years before his commissionership ended, so is able to include significant material from interviews during this final period. While sympathetic, the account includes some perceptive, unflattering criticism. Events, inevitably, are seen from Ryan's side of the fence, although Williams seeks balance. She is less successful at doing so (for practical reasons) in the early sections on his career in England. Relying heavily on her subject's account, Ryan is portrayed as the Forrest Gump of policing, turning up at (and being involved in) key events of the period, such as the arrest of the Birmingham Six, the Irish Troubles, the Toxteth Riot, the Harrods' bombing, and the Miners' Strike. Williams claims he was 'a well-known national figure', which is nonsense. Like Priest and Basham, Ryan is keen to establish his street credentials, so we get war-stories about facing down a pub full of villains and single-handedly arresting an armed robber. As a crime-fighter, he was able to 'actually smell a crook' and had a sixth sense which alerted him that the Harrods bomb was about to explode. After all this, it is a relief to get on to his Australian adventures.

11 See Dixon, D (ed) (1999) *A Culture of Corruption*. Federation, Sydney, ch 6.

12 For a fuller list, see Williams pp 318–19.

Williams provides some important insight into what went wrong in the NSW Police during Ryan's regime. He never knew whom he could really trust in a police service which is 'complex, pressured, political and high profile ... riddled with conflicting loyalties, networks and agendas'. Legal bureaucracy made industrial relations (both promotions and terminations) difficult, time-consuming and frustrating. Crucially, Williams explains Ryan's perception that the Wood Commission's reform agenda was too vague.¹³ He turned away from it and towards crime fighting as the basis for a reform agenda with which his officers could 'identify and want to be associated with'. (The international context of renewed police confidence about crime fighting was an important contributory factor, which is not acknowledged here.¹⁴) The Wood Commission had warned against building on crime-fighting as the foundation, but had not offered a developed alternative: it was understandable that Ryan thought his officers 'need targets to aim at, clear and unambiguous statements of intent to follow, and solid, basic values with which to identify'. The problem was that this turn to crime-fighting dragged Ryan into the dirty politics of criminal justice in New South Wales.

Williams discreetly indicates that Ryan's personality caused problems. She describes him as a distant, arrogant, authoritarian man with 'a healthy estimation of his own self-worth' and 'an inclination to self-importance'. While some might regard these as part of a police chief's job description, they meant that the considerable public support for Ryan was fragile. One of his least attractive characteristics was claiming credit for success and blaming others for failure. Ryan's deputies, Christine Nixon and Jeff Jarratt, have considerable grounds for resentment at their treatment by Ryan both when they were colleagues and in this book. Notably, Ryan repays Jarratt's loyalty by suggestions of treachery and incompetence which do him no credit.

It is certain — and very regrettable — that by far the most important of the works reviewed here will be the least read. The Hay Group's report on its Qualitative and Strategic Audit of the Reform Process (QSARP) was the product of an innovative and important attempt by the Wood Royal Commission to ensure that, unlike those of so many reform commissions, its recommendations would not slip away. The Hay Group was given the task of evaluating the Police Service's progress in the years following the Royal Commission. QSARP provides a detailed analysis of the implementation (or not) of the reform agenda, but also a forward-looking study of what a reformed police service would look like, discussing in detail what good policing should be, not just serving up negative criticism backed by vague references to 'substance' or 'intelligence'. In a dramatic example of the overpowering influence of socio-political context, the QSARP was dismissed as insignificant, unhelpful and marginal.

The conclusion to be drawn from these books is a depressing one. The Wood Royal Commission opened up a significant opportunity for fundamental change in policing in NSW. For a while, New South Wales attracted international attention for its innovative attempts to reform its police. Unfortunately, it was easier to slip back into comfortable, parochial inertia. While it would be naïve to deny that change has occurred, political superficiality, hypocrisy and cynicism have reasserted themselves.¹⁵ Winning an election was more important than carrying through the reform of the Police Service. Among those

13 See also Dixon, D (2001) "'A transformed organization'": The NSW Police Service since the Royal Commission', *Current Issues in Criminal Justice*, vol 13, pp 203–18.

14 Dixon D & Maher, L "'If you can make it in New York, you can make it anywhere': lessons for Australia from the New York Miracle', paper for *Fulbright Symposium*, Brisbane, July 2003.

who suffer are the many excellent NSW police officers who are committed to improving the organisation and its services. Ultimately, Ryan was judged not on his record — QSARP would have been basis for a very critical judgment — but according to the requirements of electoral expediency and media-driven criminal justice politics. Despite all the huffing and puffing, politicians seem incapable of taking crime or policing seriously.

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15 Perhaps the greatest hypocrisy was Premier Carr setting his pit-bull Costa onto Ryan, then expressing regret at his departure. Cynicism and superficiality seem to be nationwide problems, if the bizarre hearings on 'Crime in the Community' by the Senate Standing Committee on Legal & Constitutional Affairs are any indication.