

Integrating Investigation and Prevention: Managing the Transformation of the Queensland Criminal Justice Commission

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The British scientist Lord Kelvin once asserted that if something can be measured, it can be understood. To the extent that this is true, social scientists who want to understand political corruption or police misconduct would seem to be in big trouble, for some fairly obvious reasons. Corruption and misconduct by their nature usually involve prohibited actions committed by consenting adults in private, the offenders sometimes occupy positions of considerable power, any victim is often as compromised as the offenders or (especially in the case of an organisation) is unaware of being victimised, and whistleblowers historically have got such a raw deal from their departments and from the authorities that only the most heroic have persevered with their claims. No doubt its covert nature and reach into the upper echelons of power are reasons why there is still debate about how much corruption there really was in Queensland prior to the Fitzgerald Inquiry, and why there is continuing controversy about whether the Criminal Justice Commission (CJC), set up in late 1989 to continue the work of the Inquiry, has been a success or a failure.

This paper has three primary goals. The first is to use some of the controversies of 1996 and 1997 to illustrate briefly some of the major functions of the CJC. It is argued that the main reason the organisation has generated such intense controversy is its independence from executive government combined with its power to investigate two groups that have historically been largely free from external controls: police and politicians.

The second goal is to argue that the price paid by the CJC for these investigative functions is too high at the present time — especially when politicians are the target — because the investigate model cannot, on its own, deliver the expected reductions in misconduct. This is partly because the powerful 'bite back' in an attempt (usually successful) to maintain their traditional freedom from regulation, partly because considerations of natural justice and legal standards of proof make it difficult to achieve a deterrent effect, but mainly because the investigative model

presupposes a 'rotten apple' theory of corruption, rather than seeing it as a quality control problem inherent in any organisation that as an inevitable byproduct of its routine activities regularly brings a likely offender and an opportunity for misconduct into alignment, in the absence of a capable guardian (Felson, 1994; Sherman, 1974).

The third, and most important, goal of the paper is to outline a policy direction for the CJC, the essence of which has had the support of present and past Chairmen and Commissioners but whose implementation has been continually frustrated by external crises and resource constraints. It is argued that what the CJC needs to do at the present time is engage in an intensified effort to build on existing links between Divisions to create an organisational strategy and mindset that puts the investigative approach in its proper place as one vital but limited component of a Commission-wide prevention model that incorporates a range of deterrent, educational and opportunity-reduction strategies. The form that such a model could take is illustrated by reference to the concept of an 'enforcement pyramid' (Ayres & Braithewaite, 1992) applied to police misconduct. A critical, although difficult, requirement of any such model is the construction of quantitative indicators of misconduct. Prevention really does depend on measurement.

The Functions of the CJC in Political Context

Prasser (1992) contends that if Queensland had been as corrupt as its critics contend in the 1980s, economic performance would have been poorer and the public sector less efficient. He also implies that certain forms of corruption do not necessarily lead to inefficiency in government, and that in some respects 'honest graft' makes the system work better. ('Honest graft,' a term used by George Washington Plunkitt of Tammany Hall, is not used by Prasser, but it fits the drift of his argument [Anechiarico & Jacobs, 1996:3].) Many police mirror in their comments these two arguments: they assert that the Inquiry overstated levels of corruption and the extent to which the 'police code' was entrenched, and they maintain that the currently fashionable obsession with accountability inhibits police in their fight against crime (CJC, 1997d).

However, Hede (1992) speaks for the majority of commentators when he refers to the 'continual forces of cronyism and corruption which act like dormant but virulent diseases in modern democracies,' and asserts that in the case of Queensland's governmental system in 1989 these viruses had emerged 'as a full-blown disease' eating away 'at the very framework of democratic government' (p. 31). Coaldrake (1989) also refers to 'the seething corruption which has flourished in Queensland' (p. 162), while providing a detailed analysis of the political and institutional 'dry rot' in parliament, the public service, police force and judiciary under the National government of the late 1980s. Even Prasser (1992:18) concedes the corruption and incompetence of the police pre-Fitzgerald, although recent CJC research confirms the considerable difficulties involved in quantifying this and assessing progress (CJC, 1997d).

Although written eight years ago, Coaldrake's book is remarkably relevant to contemporary concerns. Not only are some of the individuals he names as involved

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in scandals still appearing in the press in similar contexts, the institutional problems he documents seem still to be with us, or at least hovering at the edges. These include the intense executive dominance of politics with the consequent systematic elimination of all countervailing points of power; the blurring of the lines separating the government, the parliament and the party; the 'go slow' on implementation of the Public Sector Ethics Act 1994; and, of special importance to this paper, the 'communication pipeline' (p. 82) between elements of the police force and the government. Although, as Landa and Lewis (1996) observe, police in all parts of Australia have historically been free from being held accountable for their actions, it seems that in Queensland more than anywhere else the police regarded themselves as being above the law and also as being 'an active political agent to enforce government policy' (Coaldrake, 1989: 81).

The ferocity of the attacks on the CJC by the Premier and other ministers since the Coalition came to power in January 1996 can only be understood in the light of the long history in Queensland (under National, Coalition and Labor governments) of the largely unrestrained exercise of power by the executive. A major battle in the ongoing and seemingly unavoidable war between the government and the CJC was the Supreme Court case over bias in the Connolly-Ryan Inquiry, on August 5, 1997. This case, the Connolly-Ryan Inquiry it abolished, and the Carruthers Inquiry that was destroyed by the Connolly-Ryan Inquiry nine months earlier, illustrate several important points about the CJC and its role.

One key point is that the CJC is in the public eye and in reality an investigative organisation. This follows necessarily from the structure and provisions of the *Criminal Justice Act 1989*, which ensures that the CJC carries on the kinds of investigative tasks begun by the Fitzgerald Inquiry. The Official Misconduct Division consumes about half of the total budget, much of which goes into investigation of complaints against police (these comprise 70.4 per cent of all standard complaints, which exclude breach of discipline matters (CJC, 1997c)). By July 31, 1997, 16,532 standard complaints had been finalised, involving 35,373 allegations, but it is very important to note that only 7.9 per cent of finalised allegations involved a 'significant outcome;' that is, misconduct or criminal charges, disciplinary action, or recommendations or referrals for counselling. The great majority of allegations were either not investigated (28.6 per cent), were 'not substantiated' (30.5 per cent), or were referred to the police service for investigation (16.4 per cent).

Despite the fact that the CJC is in essence an investigative organisation, it is not the case, in contrast to perceptions in some quarters, that it is a 'super police force' spending more and more time on combatting organised crime (O'Gorman, 1995). Indeed, only 15 per cent of the OMD budget, or 7.5 per cent of the overall CJC budget, is devoted to this area (CJC, 1997a: 170), and this percentage has declined in recent years as the number of complaints has increased. There has also been a conscious policy by the Commission to concentrate on forms of organised crime that appear to involve public sector corruption, thus moving the organised crime function closer to the core concerns of the organisation.

There have been relatively few investigations of alleged official misconduct by state politicians, but of course when they do occur these are typically very controversial and can consume vast sums of money. A good example is the Carruthers Inquiry, which was triggered by the now famous Memorandum of

Understanding between the police union and Police Minister Cooper and Premier Borbidge. The MOU was signed in secret while these gentlemen were still in opposition and were trying to win a crucial by-election in the north Queensland seat of Mundingburra in January 1996. The focus of the Inquiry was intended to be the behaviour of the police, who in return for electoral support appeared to have extracted quite significant concessions from the politicians concerning the role of the union in the management of the police service (including a role in the appointment of the Commissioner of Police and Assistant Commissioners). This focus on police was quite deliberate, given the apparent recrudescence of the 'communication pipeline' between the police union and the government that went well beyond the industrial matters approved by Fitzgerald (1989: 280), and given that the reform of the police service, with the consequent minimisation of the level of police misconduct, is an absolutely central function of the CJC.

However, the CJC resolution that established the inquiry, with retired NSW Supreme Court judge the Honourable Kenneth Carruthers QC as the independent investigator, also allowed for the possibility that 'any other person' could have been guilty of misconduct. Since 'any other person' was interpreted (by politicians) as referring to the politicians who signed the MOU, it was assumed that the CJC was embarking on an anti-government 'witch hunt' in establishing the inquiry. The Connolly-Ryan Inquiry into the CJC was established by the government in October 1996, and is widely believed to have been designed to torpedo the Carruthers Inquiry. Whether this belief is correct or not, it is nevertheless the case that the proper method under the legislation for establishing an inquiry into the CJC is through the bipartisan Parliamentary Criminal Justice Committee. It is also certainly the case that Mr Carruthers resigned on October 29, citing as a reason actual interference by the Connolly-Ryan Inquiry in his work. In his Supreme Court judgement that closed down Connolly-Ryan on the grounds of bias, Mr Justice Thomas stated that the demands made on Mr Carruthers were 'oppressive and unfair... In my opinion they were outrageous' (Carruthers/CJC & others v Connolly & others, Unreported Supreme Court of Queensland, Nos 4924 & 5236 of 1997 per Thomas J at p. 12).

These events illustrate that despite being set up under an Act of Parliament that makes it independent of executive government, and despite being accountable to a bipartisan Parliamentary committee rather than to a Minister, the CJC is, by virtue of its power to investigate politicians, unavoidably enmeshed in intense political controversy, becoming the target of bitter political attack. As Colleen Lewis points out in her paper in this volume, this requirement to be in the political game, but necessarily not part of it, may be the fatal weakness of the CJC model.

There is however a further, less visible, consequence of the demise of the Carruthers Inquiry that bears directly on another crucial function of the CJC: to educate the public with a view to promoting criminal justice, and particularly police service, reform. In his report, Carruthers would not only have made findings concerning official misconduct or other kinds of charges, he would almost certainly have discussed the ethics of the MOU and its implications for the administration of the police service and for the proper relationship between the police service and the government. Such a report could have had considerable educative and reform value, and would certainly have advanced more effectively than the political hysteria

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that surrounded the various inquiries the prime objective of the CJC 'to advise on the administration of the criminal justice system in Queensland with a view to ensuring its efficiency and impartiality' (*Criminal Justice Act 1989 s. 2(a)(i)*).

In summary, the CJC is, *par excellence*, an investigative organisation, but one which in the Queensland context has been required to 'go boldly where no man has been before.' Neither politicians nor police are at all used to the kind of independent scrutiny and control exercised by the CJC, and the reaction from the politicians in particular (from both sides of the fence) may yet be sufficient to destroy or neutralise the organisation. But has Queensland benefited from the strife through lower levels of misconduct or unethical behaviour?

As has already been indicated, the answer is that we don't really know. The police are the only group for which any kind of systematic data are available, and the evidence in their case, discussed below, is equivocal. Public sector officials at state and local government levels may or may not be less corrupt than they were pre-Fitzgerald; the data that might have helped to answer this question simply haven't been collected. Analysis of the political scene, not only since the Coalition came to power but in Labor days as well, would suggest that many of the lessons that Fitzgerald attempted to teach politicians, police and public servants not only have not been learned but were thrown out the schoolroom window unread. Whether the miseries endured by the CJC will yet have a longer term benefit for the people of Queensland is unclear.

A Commission-Wide Strategy for the Prevention of Police Misconduct

The educative, preventive, and reform functions of the CJC are primarily the domain of the Research and Coordination, Corruption Prevention, and Intelligence Divisions, although the major complaints investigations also sometimes involve considerable research and result in recommendations for organisational reform (e.g., CJC, 1994). Indeed, the Corruption Prevention Division was created in 1993 to meet a perceived need by the Official Misconduct Division for a unit that could analyse and deal with many of the systemic problems that cause corruption. However, the Division is very small, consuming about two per cent of the total budget, and until 1996 did very little with respect to the prevention of police misconduct. More work along these lines has been done by the Research Division, which is now devoting about 75 per cent of its resources to police-related issues, and also by the Intelligence Division, which has a major role in reform and oversight of the police intelligence system and in developing strategic intelligence that can inform in-depth and proactive investigations of police corruption.

Examples of recent police-related work by the Research Division include a study of complaints of assault committed by the police (Brereton & Burgess, 1997; CJC, 1997b), a survey of defendants' perceptions of the investigation and arrest process (CJC, 1996), a study of police ethical decision making (Brereton & Ede, 1996; CJC, 1995), and a comprehensive analysis of the impact of the reform of the police complaints and discipline procedures (CJC, 1997d). These papers and reports indicate some of the kinds of data that are available to monitor police misconduct and to evaluate the impact of prevention measures. Quantitative indicators related

to misconduct can be constructed from: decisions made by survey respondents in response to 'ethical scenarios;' perceptions by samples of arrestees of police behaviour; attitudes expressed by police in interviews; surveys of the general public; and the CJC complaints data base. It is not difficult to devise several other kinds of indicators, such as self-reports of certain kinds of misconduct in confidential surveys, perceptions of the certainty and severity of punishment for whistleblowing, and compliance rates in randomised integrity tests, although the practical difficulties entailed in implementing such data collection systems are greater than for those already developed. Nevertheless, the successful use of very similar data collection methods in allied fields (such as delinquency research) suggests that the problem of monitoring trends in police misconduct (and in other kinds of public sector misconduct) is not as insurmountable as it might first appear.

As Brereton and Ede (1996) demonstrate in an analysis of several of the data sources listed above, there are some signs that the police code of silence has less of a hold over the rank and file than pre-Fitzgerald. For example, around one third of police against police complaints made to the CJC now originate from information provided by officers below the rank of sergeant. On the other hand, many officers still express a reluctance to report misconduct by their peers, partly because of fear of ostracism. Overall, while no one doubts that many aspects of police culture improved as a direct result of the Fitzgerald Inquiry, there is little evidence for a marked reduction in misconduct in the past few years. This conclusion, if correct, constitutes a significant challenge for the CJC, and highlights the urgent need for improved prevention strategies.

Recent research by Brereton and Burgess (1997) on complaints against police for assault illustrates the potential of research-based prevention techniques while also illustrating the limits of the investigative approach that has been the dominant strategy to date. Assaults are the single most common category of complaints against the police (15.5 per cent of all allegations against police, excluding breach of discipline matters), but are the most difficult to investigate and prove to the necessary legal standard. Substantiation rates are below the average, with only 0.35 per cent of allegations resulting in criminal charges as a result of a CJC investigation and a further 2.9 per cent resulting in disciplinary action or the resignation of the officer. Given that not all charges result in a conviction and that many disciplinary sanctions are 'suspended' by the police service, on top of the fact that only about one in ten alleged police assaults are reported in the first place, it is clear that any officer who engages in this kind of misconduct has a vanishingly small probability of punishment. It is difficult therefore to see how the complaints investigation mechanism can have much deterrent impact, although deterrence is one of the stated goals of the process.

The very low substantiation rates in assault cases are, in the words of Brereton and Burgess (1997), 'primarily a function of the constraints imposed by legal and evidentiary requirements, the context in which complaints arise, and the characteristics of the persons who make them' (p. 1). In most cases there are no independent witnesses prepared to give evidence, the complainants themselves sometimes physically resist police and are charged with assault, and they often have a criminal history (sometimes involving violence). It is true that some other classes of allegations have a higher substantiation rate, including most committed

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by public servants other than police (Homel, Clarke & Macintyre, 1995), but it is equally true that many of the most serious types of police corruption, such as involvement in drug dealing, are rarely the subject of complaints in the first place.

In summary, the investigative model (unless linked to organisational reform) has very limited preventive value because it is predominantly reactive, relying on third parties to lodge a complaint; it has an individualistic, 'bad apple' focus that makes it difficult to attend to systemic issues; it seeks culpability rather than explanation and must negotiate formidable legal, evidentiary, and procedural hurdles; it invokes the notion of deterrence while delivering rates of detection and punishment that are generally below the threshold of effectiveness; and it is resource intensive (Brereton, 1997).

Of course, as Brereton (1997) emphasises, the research model also has limitations. It is not suited to determining culpability, so cannot ever replace investigations of complaints; it is constrained by data availability, with some questions not being amenable to research; and research is often inconclusive or incomplete, frustrating the development of effective policy and organisational reform. However, in combination with a complaints investigation system that incorporates a comprehensive data base, research can suggest practical prevention strategies for many forms of police misconduct. In the case of assaults, these include, amongst many strategies discussed by Brereton and Burgess (1997) (see also CJC, 1997b): improved rostering and supervision so that inexperienced officers are paired with more experienced colleagues on high-risk shifts; improved communication skills so that conflicts are resolved without violence; greater use of female police; less reliance on arrest for minor offences; enhanced monitoring of police activity, particularly through strategically placed video cameras and the mandatory use of tape recorders in the field; and better identification and management of 'at risk' officers. Many of these strategies would also reduce other forms of police misconduct and corruption (Marx, 1992; Palmer, 1992).

What these strategies have in common is that they attempt to limit in various ways the convergence in time and space of likely (police) offenders with suitable targets or opportunities, in the absence of at least one capable guardian. For example, cameras enhance surveillance of police activities, thus providing more effective guardianship; the greater use of female officers reduces the supply of police 'primed' to react aggressively; and less reliance on arrest for minor offences reduces the number of potentially conflictual encounters. Thus the prevention of assaults by police may be seen in systemic terms through the lens of *routine activity theory* (Felson, 1994). This theoretical perspective draws attention to those aspects of the task environment and of police organisation that could be expected, on a routine basis, to generate misconduct, and so leads naturally to considerations of prevention.

But how are prevention strategies to be implemented? It is one thing to propose alterations in rostering practices, or the introduction of video cameras in watchhouses, but quite another to have these ideas put into practice in a meaningful fashion. The CJC has the power under its Act to give *directions* to the Commissioner of Police, and so could in principle write the recipe and then force the police to do the cooking. Significantly, in its six year history the CJC has never issued such a direction, instead pointing to the constructive working relations that have been developed with the police service (CJC, 1997a). This is perhaps as well, since as

Chan (1997: 236) points out, externally imposed changes are often resisted by the police, 'so that change either remains at the damage-control level or is simply a paper exercise.' This is entirely consistent with the larger literature on regulatory control. As Ayres and Braithwaite (1992:20) point out, strategies based mostly on control and punishment foster a subculture of resistance, leading to 'a game of regulatory cat-and-mouse' whereby the spirit of the law is subverted despite more and more specific rules to cover loopholes.

The opposite stance to control and punishment is persuasion and self-regulation. Perhaps the best long term strategy for police reform is to do research, make recommendations, provide expert assistance when requested, even conduct regular reviews like that of Bingham (1996), but essentially leave it to the police to set their own house in order. As Chan (199:237) observes, 'change is traumatic, it has to be directed and continuous, people must be willing to change, and, finally, planned change is difficult to achieve, especially when it is imposed by one group upon another.' She cites Commissioner Avery's anti-corruption reforms of the 1980s in New South Wales as an example of a relatively successful attempt by police to self-regulate, in response to community concern. Her analysis also suggests, however, that independent external agencies of various kinds are essential to change the 'field,' that is, the structural conditions of policing. This would seem to be especially the case when there are close links, as in Queensland, between policing and politics.

Perhaps the key distinction is between external *pressure* to change and externally *imposed* change. The analysis of Ayres and Braithwaite (1992) provides a very useful framework for exploring this tension and for reconceptualising the role of a powerful external agency in preventing police misconduct. Two of their most useful concepts are *tit-for-tat enforcement*, which entails regulation that is 'contingently provokable and forgiving' (p. 21), and *enforced self-regulation*, under which the police write their own corporate rules that are publicly ratified, and when there is a failure of private enforcement of these privately written but publicly ratified rules, the rules are publicly enforced (p. 102).

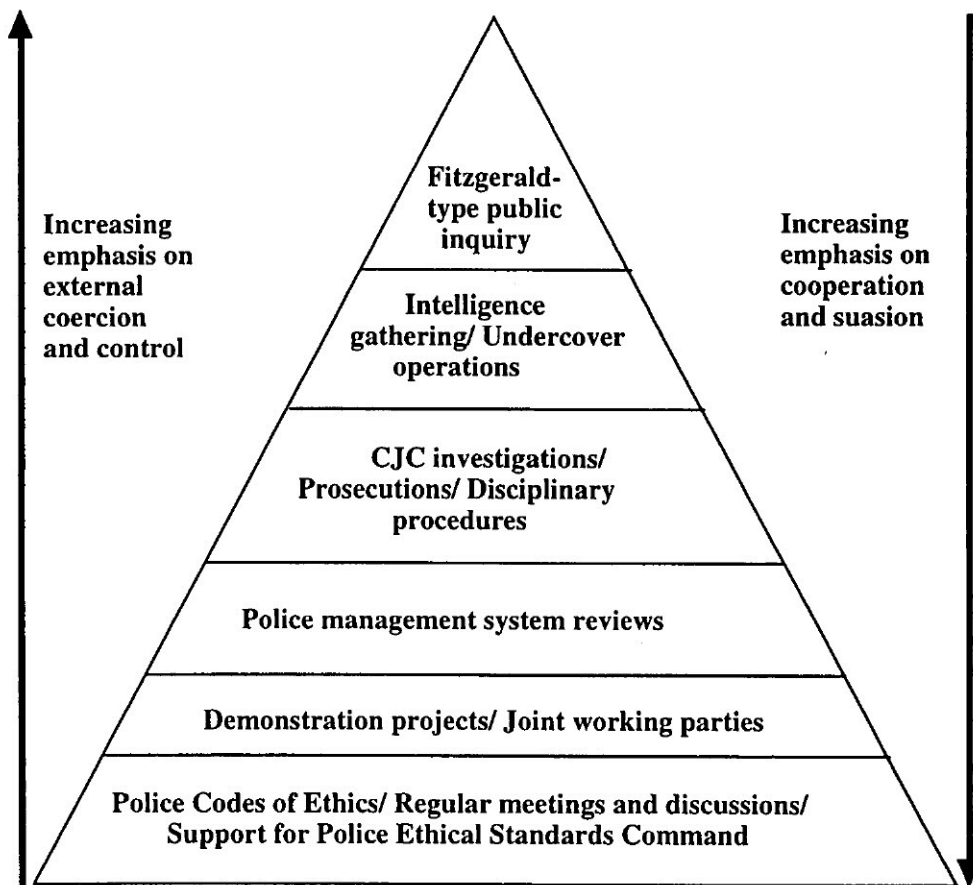
A further concept, that of the *enforcement or regulatory pyramid*, helps to tie some of these ideas together and facilitates the development of a concrete, comprehensive strategy for the prevention of police misconduct. The essence of a pyramid is a hierarchy of sanctions or responses. The emphasis of the regulator is normally on achieving voluntary compliance through persuasion, demonstration, negotiation, education, and warnings when things appear to be not quite right. However, when the organisation (in this case, the police) exploits the cooperative stance of the regulator and cheats on compliance, the regulator shifts to a deterrent response. The more powerful the sanctions at the disposal of the regulator, the less often will they be used, since the mere threat of an extreme response (provided it is politically feasible) will be sufficient to guarantee voluntary compliance most of the time.

The form that an enforcement pyramid could take in the case of the police is illustrated in Figure 1. This is a simplified version of a detailed pyramid that I have constructed to guide development of a CJC strategic plan for the prevention of police misconduct. Despite being a simplification, Figure 1 has sufficient detail to demonstrate how the 'punish or persuade' dilemma might be resolved, how systemic

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features of police corruption might be addressed, and how all Divisions within the CJC are essential to reduce police misconduct. Many elements of this model are already in place, but what is currently lacking is a Commission-wide strategic plan built around these concepts and linked to resource allocation. It should also be noted that the pyramid concept relates more to the degree of coercion employed than to the statistical frequency of a strategy: if frequency were the criterion, the pyramid would look more like a diamond, since investigations are the most common strategy.

Figure 1. An Enforcement Pyramid for the Prevention of Police Misconduct



Under the model, the CJC would spend a lot of its time encouraging the police to do a better job of regulating themselves. The CJC could carry out ethics training, for example, but it would be better if police continued to develop their own training, with oversight and input from the CJC based on its research and experience with complaints investigations. The proposed Police Ethical Standards Command could

become a vital element in the process of police self-regulation, since it is envisaged that in addition to ethics training it would include such functions as whistleblower support and risk management, and there is therefore no doubt that it will be actively supported and periodically reviewed by the CJC.

At an intermediate level in the pyramid, management system reviews conducted by the Corruption Prevention Division, especially if carried out after major investigations, or after a research project that has highlighted particular problems, could provide the kind of external audit and repair of systems that are necessary to reduce opportunities for misconduct. Another example (not shown) would be random audits of the extent of implementation of recommendations of the Official Misconduct Division.

When the whole apparatus of guided self-regulation fails, more coercive strategies must be employed. These include the traditional investigations of alleged misconduct, supported by proactive undercover operations and intelligence gathering of the type utilised by the current Carter Inquiry into drug-related corruption in the police. At the very top of the pyramid would be the type of fullscale public inquiry into police and politicians carried out by Fitzgerald. This is not quite the kind of 'benign big gun' discussed by Ayres and Braithwaite (1992), since there will probably be a need to wheel it out every few years (as with the Carter Inquiry), but nevertheless the threat of a major public inquiry should be sufficient to ensure that most regulatory activity takes place near the base of the pyramid. One would hope that as the full range of prevention strategies at the bottom of the pyramid is implemented, the need for the higher level punitive strategies will diminish, so that the frequency diamond will resemble more a frequency pyramid.

There are two important features of the model not shown in the figure: the relationship between levels, and indicators of performance at each level. The law of gravity should apply, since outcomes near the top of the pyramid should sink to the bottom, transforming into prevention strategies as they go. For example, video footage of police officers doing deals with drug pushers could translate into ethics training, improved supervision, random drug testing, and targeted integrity testing. The whole process should also be dynamic, depending on constant feedback on the efficiency and effectiveness of specific strategies. This requires a major commitment to research and to the development of quantitative indicators of the kind pioneered by the Research Division, refined and replicated over time. What is required for rational prevention planning is at least an indirect measure of the frequency and seriousness of every major form of police misconduct, linked to detailed assessments (both qualitative and quantitative) of the impact and cost of specific prevention strategies.

Conclusion

The deficiencies in the investigative model have long been appreciated by most parts of CJC management, and considerable thought has been devoted to ways of strengthening the organisation's effectiveness, particularly with respect to police reform, despite a budget allocation system that necessarily means that most resources must be used for reactive purposes. The key to improving effectiveness is to devise

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Commission-wide strategies that focus on specific kinds of misconduct, are built around quantitative measures of performance, and coordinate the activities of the Intelligence, Research, Corruption Prevention, and Official Misconduct Divisions. The enforcement pyramid is proposed as a tool that can contribute to the conceptualisation of such integrated prevention strategies.

In an integrated prevention model the fact that investigations are the central function of the Commission becomes not a weakness but a strength, provided it is possible to allocate sufficient resources to non-investigative activities. The capacity to conduct investigations, especially utilising the coercive powers, provides the enforcement pyramid with the steel required at the upper levels to encourage flexible and organic approaches at the lower levels. Moreover, investigations and inquiries generate a data base that is invaluable for intelligence on the most serious forms of corruption, for research and evaluation, and for initiating work by the Corruption Prevention Division. The information-generating capacity of the investigative function is in crucial respects the glue that holds an integrated prevention strategy together.

An integrated prevention strategy of the kind depicted in Figure 1 is critically dependent on the various bits of the CJC staying together. Should the research function be transferred to a government department, or the intelligence function be absorbed by a police agency, or corruption prevention become a separate organisation, it is doubtful that any progress at all could be made in reducing public sector, especially police, misconduct. An investigative capacity alone would doom the CJC to an endless cycle of non-reflective reactive activity, while the separation of investigations from the other divisions would, through loss of access to data and to the power of the 'big gun,' create a body that would be blind and feeble in its fight against misconduct.

Political realities do, however, cast their malign shadow over these grand plans. The great risk for Queensland is that the powerful post-Fitzgerald political backlash that is now sweeping the state will be sufficiently destructive in its impact on the CJC to make the realisation of an integrated, scientific, Commission-wide prevention strategy impossible. The irony of this is that simple preventive measures could greatly reduce the need for Carruthers-type inquiries, moving everyone — the politicians, the police, and the CJC — to the region of calm and cooperation depicted by the broad base of the enforcement pyramid.

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Disclaimer: The opinions expressed in this paper are those of the author alone. They do not necessarily reflect the views of other Commissioners or the current policies of the Criminal Justice Commission.

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