

# COPS AND CONSULTATION

## Police Accountability Community Teams in New South Wales

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Police Accountability Community Teams (PACTs) are 'a forum for the community to express its view about police visibility, police deployment and crime generally'.<sup>1</sup> After an initial trial period, New South Wales Deputy Police Commissioner Madden approved the statewide implementation of PACTs in 2002. In theory, PACTs are made up of representatives of local residents, community groups and business operators. According to the police the purpose of PACTs is to:

- ensure Local Area Commanders are accountable to their local communities
- encourage community partnerships to reduce crime and the fear of crime
- develop local solutions to local crime in partnership with local stakeholders
- improve public safety and reduce the fear of crime at a local level
- raise understanding of the relationship between policing and crime reduction
- ensure Commanders take into account local community views on police visibility, police deployment and crime hotspots when deciding police tasking and deployment.<sup>2</sup>

PACT members are a point of contact for the community to express its concerns about the service provided by local police. PACTs also enable 'local communities to hold Police Commanders accountable for crime reduction'.<sup>3</sup> Each PACT meeting is governed by an agenda setting out what will be discussed at the meeting. After a meeting is concluded a report is prepared and published showing what was discussed, by whom, and the police response.

PACTs are an attempt 'to create an effective mechanism for broad-based community consultation ...'<sup>4</sup> In this article I suggest that, two years on from the implementation of the PACTs initiative, there is little evidence of improvement in community consultation or police accountability within New South Wales.

### Community participation: striking the right balance

The police have argued that it is important that communities have a 'genuine opportunity to contribute in respect of issues of services, integrity, visibility and the like ...'<sup>5</sup> This helps to redress the imbalance of power between the police service and the community involving local policing initiatives. Communities have lacked a mechanism for ensuring they have input into

decisions made by the police on local policing. Without some redress in this balance of power, communities will continue to feel alienated from police services around New South Wales.

Law enforcement is often controversial. Public frustration, unease, hostility and resistance may inhibit police from effectively carrying out important functions. Events last year in Redfern where a young boy (Thomas 'T J' Hickey) was killed when allegedly being chased by police, leading to rioting and attacks on local police demonstrate the need for open lines of communication between police and local communities. The alienation of the community in certain areas can lead to conflict and poor relations between police and community.

The prudent use of discretion by the police and achieving balance between various obligations is also important. Ill judged decisions are more likely to occur when services lose touch with the community's needs and desires. Such needs and desires should be viewed against a background understanding of what a 'community' is. This can perhaps be defined as a group of people who hold a common interest of 'togetherness'. Within these groups of individuals will be smaller groups bound together by similar interests or characteristics. This means that although the community will share some common interests there will be different beliefs, attitudes and opinions within its sphere. While the community may consist of differing cultures, as a whole it will often hold a sense of cultural unity. This will often lead the community to feel unified as a group and to also feel a sense of protectionism in order to maintain the order and continuation of the community.<sup>6</sup> However, police must also be careful in upholding certain types of community beliefs.<sup>7</sup>

The obligations of the police mentioned above must be balanced differently in different communities depending on their different needs. For example, conflicts between the duties of the police to prevent crime and facilitate public order by enforcing the law may arise where the police pay more attention to creating public order than they do to enforcing the strict letter of the law (or vice versa). Over oppressive policing in certain areas in order to obtain public order may antagonise members of the public leading to disquiet and/or lack of cooperation with the police, or worse, rioting. In 1981 Lord Scarman, in the context of commenting on the situation in London that produced the Brixton disorders, suggested that the successful solution in such conflicts is to balance the desire for law enforcement and public order with the use of police discretion.<sup>8</sup>

#### REFERENCES

1. See NSW Police website <[www.police.nsw.gov.au/community\\_issues/pact](http://www.police.nsw.gov.au/community_issues/pact)> at 1 June 2005.
2. Ibid.
3. Ibid.
4. New South Wales, Royal Commission into the New South Wales Police Service, *Final Report* (1997) vol 2, 362.
5. See NSW Police website <[www.police.nsw.gov.au/community\\_issues/pact](http://www.police.nsw.gov.au/community_issues/pact)> at 1 June 2005.
6. An in-depth analysis of the philosophical and theoretical notion of the community and community policing is beyond the scope of this article. For a detailed analysis of community policing and the meaning of community see papers presented at the Australian Institute of Criminology Conference on The Police and the Community, Canberra, 23–25 October 1990 <[www.aic.gov.au/publications/proceedings/05/index.html#warning](http://www.aic.gov.au/publications/proceedings/05/index.html#warning)> at 1 June 2005.
7. For example, wealthy middle class communities may wish to keep only wealthy professionals living in their community. The police, in taking community views into account, should certainly not restrict other people from differing cultural backgrounds from moving into a community.

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For this balance to be accomplished, police must assess the *needs* of their local community and act accordingly, paying attention to local attitudes and sentiments.<sup>9</sup> This in turn builds the good reputation of the police. Such a reputation will be established when the police exercise this sound judgment thereby avoiding excessive force.<sup>10</sup> Notwithstanding this, the police themselves must be subject to the law and must therefore act within it. In reality this is not always the case. This has been seen in prolific cases where the police have abused their powers or acted outside prescribed rules.<sup>11</sup>

Lord Scarman also suggested that for some special operations against crime the police should carry out specific consultation with local communities: 'Consultation and accountability are the mechanisms — in part administrative, and in part legal — upon which we rely to ensure that the police in their policies and operations keep in touch with and are responsible to the community they police'.<sup>12</sup>

## Reform

Since the Lusher Royal Commission in 1981 in New South Wales,<sup>13</sup> the police service has undergone a variety of reforms including commitments to police training, decentralisation and community policing. For a period of time during the 1990s, New South Wales enjoyed some international recognition for its innovative and accountable police service.<sup>14</sup> In 1994, however, a Royal Commission was set up into the New South Wales police service. The Royal Commission was headed by the Hon J R T Wood, who over a period of three years produced two interim reports<sup>15</sup> and a four volume final report on corruption and reform (known as the Wood Commission/Report).<sup>16</sup>

One of the final reports by the Wood Commission<sup>17</sup> suggested the implementation of a two-stage structure for community consultation at a local and managerial level. In developing a suitable model for community consultation the Wood Commission suggested that certain 'key features' be included. These were: openness, recognition of social diversity, clearly articulated purposes, recognition of the need for different consultation mechanisms to meet different aims in different localities, and evaluation of the process.<sup>18</sup> Further, the proposed model set down by the Wood Commission stated:

- there should be an audit/review of consultative arrangements

- each patrol should identify for itself the problems and outcomes specific to each area
- there should be mechanisms for meeting its needs and aims
- efforts should be made to involve local groups such as chambers of commerce and local government positions
- there should be regular review of the regional commander
- the Commissioner should be informed of the outcomes of consultation.<sup>19</sup>

The report by the Wood Commission also made an in-depth analysis and summation of the deficiencies incurred in similar attempts already made in the United Kingdom. However, as Dixon points out, instead of using these examples of inefficiencies as processes to avoid, ironically the Wood Commission went on to propose a system based on the very flaws it had identified.<sup>20</sup> One notable flaw in the community consultation initiatives in the United Kingdom was that communities lacked autonomy over proceedings and their outcomes. While consultation proceedings allowed for a platform from which community representatives could voice their opinions and grievances, ultimately the police were under no obligation to even consider changing policy or practice.

The imbalance of power seen in the United Kingdom has unfortunately been mirrored in the PACTs in New South Wales. The Local Area Commanders (LACs) in New South Wales set the agenda of each meeting and report on the outcome. With no agenda-setting from the community, it is difficult for community members to influence the outcomes of meetings.<sup>21</sup> In effect, their input is limited to what the police allow them to have. Dixon notes that, 'community consultation which proceeds without any distribution of power is likely to be frustrating and ultimately unproductive'.<sup>22</sup> A closer look at the PACTs' agendas, the reporting levels of meetings, meeting representation, and report outcomes (from information supplied by the New South Wales police website)<sup>23</sup> affirms the very predictions Dixon made in 1999.

## PACTs: recorded meetings and agendas

There are 80 LACs in New South Wales. Analysis of all LACs' recorded agendas and meeting reports showed that in the period 2002–2004 only 52% had set agendas for meetings. Furthermore, 70% had meeting reports but only 58% of the total had reported on a meeting in

8. Lord Scarman, *The Brixton Disorders 10–12 April 1981*, Cmnd 8427 (1981).

9. Indeed this can be observed in relation to theories of civil society and restorative justice. See Heather Strang and John Braithwaite (eds), *Restorative Justice and Civil Society* (2001).

10. Above n 8.

11. See New South Wales, Royal Commission into the New South Wales Police Service, *Interim Report* (1996a).

12. Above n 8, 20.

13. New South Wales, Royal Commission to Inquire into New South Wales Police Administration, *Report of the Commission to Inquire into New South Wales Police Administration* (1981).

14. See New South Wales Police, Australian Quality Award Application (1994); David Dixon (ed), *A Culture of Corruption* (1999), Ch 1.

15. New South Wales, Royal Commission into the New South Wales Police Service, *Interim Report* (1996a); New South Wales, Royal Commission into the New South Wales Police Service, *Interim Report* (1996b).

16. New South Wales, Royal Commission into the New South Wales Police Service, *Final Report* (1997) vol 1; New South Wales, Royal Commission into the New South Wales Police Service, *Final Report* (1997) vol 2; New South Wales, Royal Commission into the New South Wales Police Service, *Final Report* (1997) vol 3; New South Wales, Royal Commission into the New South Wales Police Service, *Final Report* (1997) vol 4.

17. New South Wales, Royal Commission into the New South Wales Police Service, *Final Report* (1997) vol 2.

18. *Ibid* [5.53].

19. *Ibid* [5.58].

20. Dixon, above n 14, 155–6.

2004. More damaging to the program was that a mere 43% had both set agendas and reported on meetings. When divided into different regions the results appeared as follows:

**Table 1**

	Greater metropolitan	Inner metropolitan	Northern	Southern	Western
Recorded LACs	23	23	12	11	11
Set agendas	45%	59%	42%	45%	82%
Meeting reports	50%	73%	92%	73%	91%
Reports 2004	32%	50%	92%	73%	41%
Both agendas and reports	32%	45%	42%	45%	73%

At October 2004

From these results it can be seen that LACs in the greater metropolitan region are the least likely to have agendas and, more importantly, hold the fewest meetings with only 59% carrying out reports since 2002. The best performer is the northern region where 92% of LACs had meeting reports; this is similar for the western region where 91% of LACs had meeting reports. However, while the percentage of reports in 2004 for the northern region stayed constant at 92%, the western region dropped to 41%. This was evidence of a downward trend in the use of PACTs among many LACs. Both the inner and southern regions were consistent with both areas having a 73% rate of meeting reports. Above all, reports remained scarce throughout most regions. Among those who had carried out numerous meetings were: Burwood, Surry Hills, Barrier, Chifley, New England and Kings Cross. Among the many recorded as having never attempted to set agendas or hold meetings were: Bankstown, Cabramatta, Campbelltown, Fairfield, Flemington, Kuring-Gai, Liverpool, Mount Druitt, Botany Bay, Leichardt, Brisbane Water, Cootamundra, Lake Illawarra, and Monaro. Many other LACs have also been reluctant in implementing PACTs, some with just one recorded meeting within two years or some with set agendas but no meeting reports.

### Limitations on the effectiveness of meetings

Examination of the PACT meeting reports uncovered the true ineffectiveness of PACTs. Many reports contain limited information on the outcome of meetings and/or the response made by the police.

Furthermore, PACTs showed a lack of community representation: meetings in Rosehill, for example, were limited to representatives from the police and chamber of commerce. This shows a deficiency in community representation, perhaps through difficulties

in attracting community members other than those in organisations. It illustrates a lack of effort by LACs in coordinating meetings and/or setting agendas. This is an issue of prioritisation of resources and/or a lack of advertising for interested individuals to come forward and take

part in the PACTs. The issue of advertising is essential in generating community involvement in such schemes. PACT is an unfamiliar term to most and without its promotion many in the community will continue to remain ignorant of its existence. In order for community members to become interested in attending PACT meetings or for them to become involved with membership they must be informed of their LAC's PACT presence and its aims and objectives.

Further, while the PACT meeting reports indicated that discussions revolved around community issues, police responses seemed limited to explaining what they were already doing in the relevant area or denying that the issues were relevant to them. It appeared (from reviewing online data of the New South Wales police website) that more effective meetings were held in Burwood, Kings Cross and Surry Hills, where community representatives included people from councils, a high school, neighbourhood centres, as well as chamber of commerce. It seems that these areas had fewer problems attracting representatives from the community. Meetings in Kings Cross also showed a healthy number of local resident attendees.<sup>24</sup> In these areas, meeting reports recorded documentation of on-going community issues along with possible plans for addressing them.

The most recent Kings Cross meeting report (March 2005) showed a variety of current issues that the community was concerned with. The main issues that arose concerned drug/alcohol related crime in the local area, and the possible use of CCTV to combat crime. The police response to the first issue was positive and

21. This will differ between LACs. For example, Mike Salon of Surry Hills Neighbourhood Centre and community representative to the Surry Hills PACT, was adamant that agendas were closely linked to the discussions raised by representatives in the previous meeting. He also stressed that much was done by way of giving recourse to matters that had arisen (for example, what the police were doing to deal with grievances raised by community representatives). However, this will surely depend on the LAC who chairs the meeting, for it is up to them to give recourse only if they wish to do so. The community is, in essence, powerless to force this. Interview with Mike Salon (telephone interview, 28 October 2004).

22. Dixon, above n 14, 156.

23. Information from this website is assumed to be accurate. The website is advertised as a primary means of communication and therefore should provide consistent information. All information placed on the police website is the same as their internal intranet. Interview with NSW Police, Public Affairs Department (telephone interview, 29 April 2005).

24. However, a decision was made between the meeting held in December 2004 and the meeting in March 2005 that residents were no longer allowed to attend. A recent decision was also made by the LAC of Surry Hills that meetings would become private. These decisions are not documented in the PACT meeting reports but they become apparent in future discussions documented about residents no longer being allowed to attend.

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action had been taken to obtain statistics on drug/alcohol related crime. However, there was no recorded response to the idea of CCTV. This shows that while police may choose to action a particular concern they may also, if they wish, just ignore it.

The last meeting report in Surry Hills was in September 2004. Again, the local community seemed concerned with drugs. Other issues that arose concerned increased patrolling of licensed areas, increased visibility of police officers, and street lighting. The police responses found in the Surry Hills report were encouraging. Almost every concern raised was 'actioned', meaning that the police had responded to the concern. Actions included extra police patrols, selected times throughout the day for police to patrol licensed areas, and a policing strategy on the visibility of crime to be undertaken by the Crime Management Unit. Surry Hills, in particular, shows PACTs in a more positive light. Meeting reports here prove that community consultation can have an impact on local policing.

An imperative issue was raised recently in Kings Cross (March 2005) by Clover Moore (Lord Mayor/Local Council member). Moore was concerned that a decision had been made to exclude other members of the community from meetings and that this was a 'backward decision' to having PACTs. This was followed by other members who had concerns that their neighbours had relied on the meetings to be informed of, and to feel assured about, police action in their local area. This was a discernible point. The PACTs were proclaimed by the New South Wales police, among other things, to 'raise understanding of the relationship between policing and crime reduction' and to 'ensure Commanders take into account local community views'.<sup>25</sup> Yet the police response to both Moore's concern and other members of the PACT was that they 'were never intended to be open forums'. However, with PACTs closed to the public, how can the local community understand the relationship between policing and crime? Further, how can they ensure the LAC's accountability when they are not allowed into the consultation process? Indeed, PACTs who turn local residents away from meetings will become less community-orientated, defeating some of their main aims and objectives.

Although some PACT meeting reports documented positive results, many other LACs appear not to take meetings seriously at all. It is difficult to expect communities to do so when they have little control or

influence over the outcome of meetings, the setting of agendas or do not receive feedback from the police on the local issues that arise. Control lies solely in the hands of the police who choose how much or how little influence the meetings will have on community policing. Some LACs have chosen to incorporate PACTs more seriously by encouraging representatives to play primary roles in the outcomes of meetings. For example, Kings Cross which had previously recorded high local resident attendance and meeting reports showing consultation was discussed at length and police representatives reported back the next week on specific issues identified by the team. However, this appears to be the exception not the rule. The inconsistency here, coupled with the imbalance of power between the parties in meetings, demonstrates that overall PACT members lack any real autonomy to generate or influence change.

### Conclusion

It seems that far from being a successful part of police accountability within the community, PACTs have played simple lip service to the call for greater integration between police services and local communities. The faults seen in the United Kingdom provided New South Wales with a chance to implement programs that would create a balance between the community and police activity, yet they failed to do this.

In order for community initiatives to work they must be implemented properly. LACs or other senior police members must recognise community concerns. Communities must work together with LACs to produce agendas and report on meetings. Once a meeting is reported on, active recourse to the report must be made by the police, perhaps by another report showing how the outcomes of meetings have or have not affected local police initiatives. This will show that the police service is influenced by the meetings and that community participation can affect community policing. For example, at the end of each meeting a new agenda could be devised by the team as a whole, drawing on certain issues that have arisen in the meeting and other issues that concern members that have not yet been discussed. Those issues that have arisen within the meeting should be actioned and reported back on by the police by the following meeting (if it is a reasonable enough time to do so). Issues such as 'police visibility' or 'street lighting' could be resolved or improved as a result of police knowing that some action is expected

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25. See NSW Police website <[www.police.nsw.gov.au/community\\_issues/pact](http://www.police.nsw.gov.au/community_issues/pact)> at 1 June 2005.