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**POLICE CULTURE AND THE HANDLING OF
DOMESTIC VIOLENCE:
AN URBAN/RURAL COMPARISON**

Joan N. Knowles

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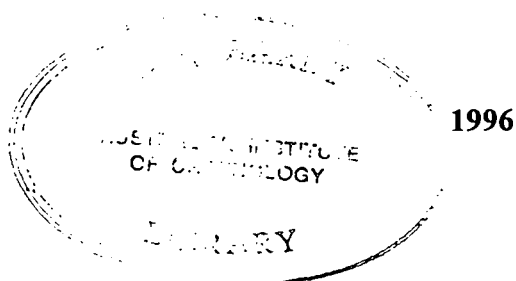
POLICE CULTURE AND THE HANDLING OF DOMESTIC VIOLENCE: AN URBAN/RURAL COMPARISON

Prepared for

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"We're coppers and everybody hates our guts. ... We spend our lives turning over dirty underwear and sniffing rotten teeth. We go up dark stairways to get a gun punk with a skinful of hop and sometimes we don't get all the way up, and our wives wait dinner that night and all the other nights. ... So we lie awake in the dark in a cheap house on a cheap street and listen to the drunks down the block having fun. And just about the time we drop off the phone rings and we get up and start all over again. Nothing we do is right, not ever. Not once. If we get a confession, we beat it out of the guy, they say, and some shyster calls us Gestapo in courts and sneers at us when we muddle our grammar. If we make a mistake they put us back in uniform on Skid Row and we spend the nice cool summer evenings picking drunks out of the gutter and being yelled at by whores and taking knives away from grease-balls...."

Raymond Chandler 1955 *The Little Sister*, Harmondsworth: Penguin Books, pp. 209-210.

EXECUTIVE SUMMARY

Police Culture, Domestic Violence, and the Services

The current report describes the culture of uniformed police in Tasmania. It is based on five month's fieldwork with the police in southern Tasmania, from June to November in 1994. The report examines the influence of police culture on the handling of domestic violence. For this reason the report focuses on officers in the uniformed branch, the police who are first called to incidents of domestic violence.

Comparisons between policing practices in urban and rural areas are rare. The report compares Tasmanian urban and rural policing styles, and discusses how these affect the policing of domestic violence. A comparison between urban and rural policing also highlights the differences between these two police sub-cultures.

The police, based on their experiences as officers, classify people into types. The three key classes of people defined by the uniformed police are 'crooks', 'scumbags' and 'real people'. The classification of people derives from the activities of each group, as experienced by the police. These types structure the police view of the world and their work.

For the police, real work is chasing and catching crooks. Surveillance of crooks is central to this process. It is through surveillance that officers gain a sense of continuity about the activities of crooks. The police know who the crooks are in their area and have an intimate knowledge of their actions as a result of watching them. Crooks usually commit crimes against real people. With crooks there is no ambiguity about who is guilty and who is innocent.

The successful interception and prosecution of a crook usually removes the criminal from the public domain, if only temporarily. The activities of crooks transgress the boundaries between the world of the criminals and the world of good citizens. Crooks pollute society: through their actions they upset the accepted social norms of behaviour. When a crook is sent to jail the polluting element is removed from the public domain. For uniformed police this is a successful outcome: it means one less crook is on the streets committing crimes.

By contrast the police describe another group of cases as belonging to "the three D's": dogs, drunks and domestics. These cases are social work jobs. They are incidents where the victim is rarely clear-cut and they involve people who have difficulty managing their lives. The police find calls to social work jobs unsatisfying. They are unlikely to lead to easy convictions in court and the outcome may not deter future disruptive behaviour by the parties involved in an incident. Classic examples of social work jobs are drunken brawls and disputes between neighbours. Domestics also fall into this category of jobs for the police.

Social work jobs provide little sense of satisfaction for the police because they are ambiguous and rarely succeed in court. The time spent by the police on preparing these cases for the courts is therefore seen as wasted. The disorderly behaviour of those involved is a form of pointless pollution: prosecution does not necessarily lead to

the protagonists being incarcerated for their activities, or in a discontinuation of the behaviour. Instead, the police find they get repeatedly called back to the scene to intervene between the parties involved. The messy nature of these cases, and the inability of those involved to control their behaviour, classifies them as scumbags.

Real people are rarely encountered during police work, especially in the city. These people are good citizens and only have contact with the police when they are the victims of criminal activity. Unlike crooks and scumbags, real people act civilly and appreciate the work of the police.

For the police, domestics are often messy cases where it is difficult to distinguish between who is guilty and who is innocent. The scene at a domestic can be abusive, confrontational, noisy, and potentially dangerous. It can involve more than the main protagonists and children are often present as spectators. The police arrive at a scene that is unpredictable and fraught with tension. Out of this state of chaos the police are expected to establish some sense of order. Making decisions about guilt and innocence, in order to take a case to court, is not always easy. It is this experience of domestic violence that moulds the police view.

The report discusses the way in which the police make decisions about how they handle domestic violence incidents. Because of the messy nature of the majority of domestics that the police attend, and the difficulty in defining the roles of victim and perpetrator, the police have to make decisions about guilt and innocence if they are to proceed with charges. This usually involves a process of negotiation about the status of those present at the scene. The police use a model of what sort of person constitutes a good citizen in distinguishing between guilt and innocence and this may alter through time for each case. Markers the police use to assess whether a person is innocent are honesty, polite behaviour, signs of economic responsibility and caring about the welfare of the children. These factors are not necessarily gender based. For the police, each of these markers suggests an individual is a real person and, by implication, the innocent party. Assessing people in this way may enable the police to proceed with charges where it was otherwise not possible.

The court is the crucial element in a ritual process that transforms suspects: it decides whether a person is guilty and, if so, the penalty the person will pay for that guilt. With the change of status from civilian to criminal a person may be placed in jail and removed from the public domain. For the police this means one less person for their concern. In theory the legal changes regarding domestic violence should lead to perpetrators being treated as criminals and to their removal from the public domain. The police find, however, that the courts often do not treat domestic violence cases seriously. For example, most police will not pursue charges based on verbal abuse because they believe the courts will not take these cases seriously.

An important element of the management of domestics for the police is the amount of paperwork involved in processing a case. Compiling a file for court is time consuming. The report shows that proceeding with charges in the case of a domestic takes several hours, while providing advice need only take a short time. Officers are constantly frustrated by the time cases can take when they could be involved in other jobs. This is a particular problem when an officer is working alone, as is often the case for country police.

When cases do not succeed in court because the victim seeks to have the charges withdrawn, or the court does not accept the evidence, the police generalise this result and act as though most prosecutions are pointless. Even when a case succeeds in court and a restraint order is in place, the frequency with which offenders ignore the court order and re-offend militates against the police treating restraint orders as a useful piece of legislation. The sense of frustration for the police is added to when they get inadequate assistance from the support services. In some cases the police find the services are not available when they contact them. Often they find that support services, such as the Domestic Violence Crisis Service (DVCS) and some of the shelters, do not appreciate the limitations under which the police work. This lack of understanding leads to tension and discourages the police from calling upon the agencies for assistance.

The Rural Police

Rural police work under a different set of constraints to suburban officers. Rural police often work in isolation and they can only effectively police an area with the co-operation of the local residents. Major incidents like car accidents and pub brawls can often be contained only with the assistance of the public. For this approach to work rural police need to maintain a good relationship with all community members, regardless of their standing in the community. As a result rural police handle domestic violence in a different way to their suburban counterparts.

Rural police act to keep situations under control. They often do not seek, as a first option, a legal solution to a problem. Low numbers of officers, lack of back-up, and the greater amount of time it will take officers to process a case all militate against legal solutions to cases. This is as true for domestics as for other cases. Instead, rural police treat all potentially volatile situations as cases for surveillance. In this way they hope to contain a situation before it gets out of control.

Country police know the people in the communities where they work and aim to anticipate situations that will require their attention. This applies as much to the activities of the local scumbags, as to the activities of the local crooks. This means both real crime and social work jobs get treated in a similar fashion. Through surveillance rural officers hope to prevent a crime or offence before it occurs. Officers make the public aware of their presence by using 'the police gaze' as a preventive measure against crime. Here it is a type of activity, rather than a sort of person, that comes under the police gaze.

In many country areas the public still treat the police as respected members of the community. Where the police are treated as figures of authority they continue to play the role of counsellor and advisor to community members. This occurs in the absence of other support services that could fulfil this role. The report concludes that rural policing has a subcultural style that is distinct to that of the suburbs.

Policy Implications

The impetus for changes in the legal handling of domestic violence has tended to come from feminists. They have argued that we live in a patriarchal society where men have power over women, especially in the privacy of their homes. In order to highlight the serious nature of domestic violence, feminists have fought for legal changes that focus

public attention on the criminal nature of domestic violence. The result is a series of legal changes that make it easier for the police to prosecute perpetrators of domestic violence. Most important of these changes has been the ability to prosecute for assault on the basis of 'reasonable doubt' and the introduction of restraint orders.

Legal changes to the handling of domestic violence have been designed to benefit the police by reducing the workload. This has been done on the assumption that it will encourage the police to take cases to court. But there remains much criticism of the way the police handle domestic violence.

A number of recommendations are made in the report regarding improving the handling of domestic violence. At the operational level the relationship between the police and the other agencies dealing with domestic violence is poor. Uniformed police officers feel they get inadequate support from both the agencies directly involved in dealing with domestic violence and also the other agencies, such as the Child Protection Unit (CPU), whom they may have to call upon for assistance. This is unfortunate when an integrated approach to domestic violence would be the most desirable way of handling it. In order to change the relationship between the support services and the police, and to improve the overall handling of domestic violence cases, the main recommendations made in this report can be summarised as follows:

- that an integrated domestic violence awareness programme be introduced involving members of all relevant agencies. This would improve relationships between the various agencies, allow the various groups to understand the constraints of the other organisations and so build up a sense of co-operation.
- that a domestic violence co-ordination unit be established. This unit would be contained within the police force and would collate information on domestic violence. The unit would not replace uniformed police in dealing with domestic violence cases. Rather it would provide information for uniformed officers when it was requested. It would also act as the main co-ordinating unit for interdepartmental negotiations on domestic violence policy and would play a role in educating those dealing with domestic violence. In addition it would collect and collate reliable statistical data on domestic violence.
- that a community based approach to handling domestic violence be adopted in the rural areas. Such a scheme would involve respected, non-violent members of the community in developing an integrated system of support on domestic violence, in association with the police and any other appropriate services that are available.
- that governments commit adequate funds to programmes relating to domestic violence in order to provide good services.
- that an appropriate programme be introduced for perpetrators of domestic violence as part of an integrated approach.
- that the provision of services by those agencies peripherally involved with domestic violence be reviewed.

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ACRONYMS AND ABBREVIATIONS USED IN THIS REPORT

ABH	Actual Bodily Harm
ATSIC	Aboriginal and Torres Strait Islander Commission
CIB	Criminal Investigations Branch (Tasmania Police)
CID	Criminal Investigations Department (Newcastle-upon-Tyne, U.K.)
CPU	Child Protection Unit (DCHS, Tasmania)
CIU	Crisis Intervention Unit (now DVCS)
COMO	Criminal Offence and Modus Operandi
DCHS	Department of Community and Health Services (Tasmania)
DVAG	Domestic Violence Action Group Inc. (Tasmania)
DVCS	Domestic Violence Crisis Service (Tasmania)
DVIR	Domestic Violence Incident Report (previously Domestic Crisis Incident Report)
GBH	Grievous Bodily Harm
JP	Justice of the Peace
MOVE	Men Overcoming Violence (Tasmania)
RDO	Rostered Days Off
RSL	Returned Servicemen's League
SAAP	Supported Accommodation Assistance Programme
SASS	Sexual Assault Support Service (Tasmania)
SHE	Support, Help and Empowerment, Inc. (Tasmania)
SOG	Special Operations Group (Tasmania)
SWPDVLM	State Wide Police Domestic Violence Liaison Meeting (Tasmania)
TAB	Totaliser Agency Board
TAFVIP	Tasmanian Aboriginal Family Violence Intervention Programme
TDVAC	Tasmanian Domestic Violence Advisory Committee
TIB	Tasmanian Information Bureau
WESP	Women's Emergency Service Program

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I liaised with Inspector Steve Williams while undertaking the research. He supported the project from the beginning and was always available to provide assistance. He introduced me to other members of the police force and provided advice as the research progressed. His enthusiasm for the project made undertaking the research much easier than it might otherwise have been.

I cannot name those with whom I worked for reasons of confidentiality. However, I would like to thank them all for their co-operation and ready acceptance of my presence while they carried out their duties as police officers. While there was the occasional individual who obviously felt uncomfortable about having an 'outsider' on the 'inside', these feelings usually disappeared after a few days. In general, I found the police with whom I worked very willing to talk about their work and to share their experiences. Many were also interested in the outcomes of the research and felt it important for the police to have independent researchers look at their actions. Without this openness the project could not have been successfully undertaken; I was always conscious of how easily the process could be subverted.

A number of other people contributed to the final report through my discussions and consultations with them about domestic violence. These people work in the services which provide support for victims of domestic violence. Names cannot be given for reasons of confidentiality. I am grateful to these people for sparing their valuable time to talk about their work and in helping me understand how domestic violence can better be handled in Tasmania. One person who should be mentioned by name is Antonia Dunne of the Domestic Violence Crisis Service in Hobart. Antonia willingly read and commented on draft versions of the relevant recommendations and provided other useful information. Other people whom I wish to thank for providing support and assistance during the course of the research are: Jane Mugford of the Institute of Criminology in Canberra; Darcy Erwin, the librarian at the Police Academy; and Inspector Gary Leonard of the police prosecution's section. I am also grateful to Constable John Lennox and Lillian Haines for commenting on the draft report. In addition I wish to thank Topsy Evans for reading the section on the history of domestic violence in Tasmania and for making several useful suggestions.

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Last, but not least, I should thank Malcolm Young who introduced me to the culture of the British Police Force while I studied anthropology at the University of Durham. He is one of the best story tellers I have ever met (a prerequisite of being a good

copper). His stories had a profound affect on me: they were not only entertaining, but also living proof that anthropology does not have to be pursued in exotic locations in far distant lands. If this report were to be dedicated to anyone, then it should be to Malcolm, as his inspirational analysis of the British Police suggested the idea to me for the current piece of research. I hope the result in some small way does his own work credit.

1.1 *Aims of the Research*

Previous research has identified a number of issues that affect the policing of domestic violence. However, these studies have not related the issues to police culture. This research aims to analyse police culture and how it relates to the handling of domestic violence. It therefore goes without saying that I present my interpretation of the police experience in those parts of the report where I discuss the police.

Comparisons between policing practices in urban and rural areas are rare. There are some studies on rural police, but these do not compare urban and rural practices (Coorey 1988; O'Connor 1986; Young 1993). The second aim of the research is to compare urban and rural police work, and how this affects the practices pertaining to policing domestic violence. This comparison highlights existing differences between the style of urban and rural policing.

1.2 *Literature Review*

There is a vast, and ever-expanding literature on domestic violence (see Easteal 1988; Lapsley 1991; and Smith 1989 for an overview of the literature). This literature has focused on a number of issues. In terms of the current study, two areas of the research are relevant: the work on the experiences of those involved in domestic violence, and the work on police handling of domestic violence.

Much of the literature on domestic violence is written from a feminist perspective and has investigated the phenomenon as a social issue (e.g. Horsfall 1991; Schechter 1981; Scutt 1983; Stanko 1985). This approach, based on the idea that power relationships are unequal between women and men, is broadly accepted as an explanation for domestic violence (Dobash & Dobash 1979, 1992; Gelles & Straus 1988; Stets 1988; Victory 1993; Walker 1984).

The experiences of the women at a refuge in London formed the first major publication on domestic violence (Pizzey 1974). It gave examples of women's personal experiences, a tradition of writing that has continued through to the present (e.g. Busch 1993; Kerry 1988; Rathus 1986; Women's Coalition Against Family Violence 1994).

The experience of the victim has often been used as a data source for analyses of the quality of service provisions (e.g. Coorey 1988; Edwards 1989; Hatty 1987; Kennedy and Homant 1983; McKinlay 1991; Queensland Domestic Violence Task Force 1988; Tasmanian Domestic Violence Advisory Committee 1994). Using questionnaires or interviews is the usual way of collecting data. The resulting literature is critical of the service provisions available for female victims, regardless of country (e.g. Hanmer and Maynard 1987; Hanmer, Radford and Stanko 1989; Pahl 1985; Walker and McNicol 1993; Woman's National Commission 1985).

In Australia there is also an extensive literature on the services for victims (e.g. Hatty 1986; MacGregor and Hopkins 1991; N.S.W. Domestic Violence Committee 1991a,

1991b, 1991c, 1991d, 1991e, 1992; Queensland Domestic Violence Task Force 1988; Stewart 1990). In these studies, the legal system and the police have often been the focus of criticism (e.g. Hatty 1986, 1988; Hopcroft 1983; McKinlay 1991; Mugford, Eastal and Edwards 1993; N.S.W. Domestic Violence Committee 1991a, 1991e, 1992; Queensland Domestic Violence Task Force 1988; Scutt 1982; Seddon 1989; Stewart 1990; Wearing 1992). The overseas literature has also often attacked the attitudes of the police and the law (e.g. Berk and Loseke 1980-81; Buzawa and Buzawa 1990; Edwards 1986, 1989; Ford 1986, [1992]; Goolkasian 1987; Green 1980; Hanmer, Radford and Stanko 1989; London Strategic Policy Unit 1986). Many researchers say, despite legislative changes regarding domestic violence, the police remain unresponsive to change (e.g. Hatty 1988; Rathus 1989; Scutt 1986; Stewart 1990; Sutton and Hatty 1984).

The police are criticised for their handling of domestic violence, both in Australia and overseas, on several grounds. The major criticisms are that the police:

- under prosecute (e.g. Chatterton 1983; Edwards 1989; Hatty 1988; McKinlay 1991; Stewart 1990);
- under report offences (e.g. Bell 1984; Edwards 1989; Ford 1986);
- refer few victims to other agencies (e.g. Bell 1984; Brown 1984; MacGregor and Hopkins 1991; Mugford, Eastal and Edwards 1993; Oppenlander 1982);
- treat domestic violence as a private affair (Edwards 1989; Freeman 1977; Hatty 1988; Samyia-Coorey 1987; Scutt 1983; Sheptycki 1993; Sutton and Hatty 1988; Young 1995b);
- do not see domestic violence as being 'real' police work (Cannings 1984; Hatty 1988; Hunt 1984, 1985; Reiner 1985; Sutton and Hatty 1988; Young 1991a);
- identify with the perpetrator (e.g. Hatty 1988);
- make moral judgements about the behaviour of the women (Banton 1964; Edwards 1989; Hatty 1988; Smith & Gray 1983; Woman's National Commission 1985); and
- believe the victim will withdraw the case or return to the perpetrator (Edwards 1989; Faragher 1985; Scutt 1983).

Some police forces in Australia have not ignored these criticisms. Several have reacted by introducing a range of reforms. Among the strategies being used are: the additional training of officers in domestic violence; the establishment of specialist units; the appointment of domestic violence liaison officers; and the employment of feminists to look at the police's handling of domestic violence (MacGregor and Hopkins 1991; N.S.W. Domestic Violence Committee 1991a; Poerio 1991; Sanders 1993; Victory 1993).

A common feature of studies focusing on police handling of domestic violence is the positioning of the researcher 'outside' the police. The emphasis has been on the use of written material (e.g. domestic violence report forms, log books and communications records), questionnaires and interviews as the data source on the police view (e.g. Edwards 1989; Faragher 1985; Hatty 1988; Mugford, Eastal and Edwards 1993; Sheptycki 1993). In Australia, little of this research has relied on qualitative methods, although some authors have used participant observation as a secondary source of data collection (e.g. Coorey 1988; Hatty 1988; Wearing 1992). More recently there has been a recognition that qualitative research would reveal aspects of police attitudes and practices that are not otherwise accessible (e.g. Coorey 1988; Hatty 1988). As a result, some have suggested that qualitative research would provide a better understanding of the policing of domestic violence (e.g. Mugford, Eastal and Edwards 1993).

The other area of research relevant to the present study is that undertaken on police culture. Culture is a term widely used by social scientists. Its definition is also widely debated (e.g. Geertz 1975; Goodenough 1964, 1971; Keesing 1981; Kroeber and Kluckhohn 1952; Leach 1976). For the purposes of the present study I will define culture as "the symbolic-expressive aspect of human behaviour" (Wuthnow, Hunter, Bergesen and Kurzweil 1984: 3). This definition encompasses activities that have a distinctive meaning for a group of people and which form part of a shared system of beliefs and practices. It is therefore an appropriate definition to use when studying the culture of an organisation.

There has been a long tradition, especially in America, of looking at how the police work (e.g. Black 1980; Brown 1981; Hunt and Magenau 1993; Miller and Braswell 1983; Radelet 1973; Wilson 1968). There have also been several publications on British police forces (e.g. Banton 1964; Hobbs 1988; Holdaway 1983; Reiner 1985; Smith and Gray 1983; Young 1991a, 1993). However there has been little work done on police forces in Australia (Avery 1981).

Researchers have used a variety of techniques when undertaking research on police culture. In America it has long been acceptable for researchers to ride with police while they are on patrol (e.g. Ferraro 1989a, 1989b; Smith and Klein 1984) and one researcher even underwent training with police recruits in order to undertake participant observation (Hunt 1984, 1985). This has not been the case in Britain (e.g. Young 1979, 1991a). In Australia participant observation with the police is even less common (see above).

The other main source of literature on the police has been publications written by members of the force (e.g. Avery 1981; Holdaway 1979, 1983; Young 1991a, 1993). However police officers are often marginalised by their peers when they do this (Young 1993).

Police culture in Australia has been largely ignored as an area worthy of study. Members of the police have usually written the few existing studies on police culture (e.g. Etter 1993; Nixon 1987). When outside researchers have worked with the police they have concentrated on particular aspects of policing, rather than police culture (e.g. Coorey 1988; Hatty 1988).

Much of the work on the police has recognised the distinctions drawn by the police between work relating to the capture of criminals and their peace-keeping role (e.g. Ferraro 1989a 1989b; Reiner 1985; Sheptycki 1993; Young 1991a, 1991b, 1995a). It is this distinction that underlies the difficulties the police have with handling domestic violence. However, while some writers have considered police culture, there is little written relating this work to the handling of domestic violence (Young 1991a, 1995b).

Most of the research on the police, both in Australia and elsewhere, has focused on policing in urban areas. One major ethnography has been published on a rural force in Britain (Young 1993). In Australia there is one publication on domestic violence and the police in a rural area (Coorey 1988). But no attempt has been made in Australian studies to compare the 'culture' of rural and urban policing.

While the culture of Australian police forces remains largely unexplored, in recent years the police have begun to discuss their role in the policing of domestic violence (e.g. Comley 1986; Cornish 1986; Jacobs 1986; Mugford and Mugford 1992; Nicks

1992; Nixon, C. 1992a, 1992b; Nixon, E.R. 1987; Rosier and Jeans 1993; Wareham 1993). This literature has largely considered the effect of legislative changes and training in the handling of domestic violence. While there have been some changes, many writers still feel the police can make further progress (e.g. Comley 1986; Cornish 1986; Nixon 1992a, 1992b). This conclusion closely agrees with the views of those working in the services (e.g. MacGregor and Hopkins 1991; McKinlay 1991; N.S.W. Domestic Violence Committee 1991a, 1991e; Queensland Domestic Violence Task Force 1988).

A large amount of the work on how the police can improve their handling of domestic violence has concentrated on training. This is true of both overseas and Australian studies. Two approaches have been adopted to police training. Earlier work concentrated on training the police in counselling skills (e.g. Bard 1970; Bard et al. 1975; Bard and Berkowitz 1967; Levens and Dutton 1980; and also Victorian Women's Policy Co-ordination Unit 1985). This approach arose at a time when the law did not support the police in this work. More recently there has been a reaction against this approach. In Australia, all states now have powerful legislation to support the police in their handling of domestic violence (cf. Edwards 1989; Sheptycki 1993). The current belief is that the police role is to arrest domestic violence perpetrators, and support services should undertake counselling (e.g. Adams and Spicer 1982; Dobash and Dobash 1981; Maidment 1983; Oppenlander 1982; Sutton and Hatty 1988). However, any form of additional police training on domestic violence appears to improve the police response to it regardless of the approach adopted in the training (Breci 1989; Buchanan and Perry 1985; Poerio 1991).

The literature on domestic violence and the literature on police culture share little in common. Feminist concerns with the treatment of women in our society have motivated the domestic violence literature and address police involvement in domestic violence from this perspective. As a result the literature is critical and rarely attempts to understand the police perspective. The positioning of most researchers outside the police force encourages the perpetuation of this attitude. On the other hand, literature on police culture largely focuses on police practice in relation to the law. Some more recent studies are ethnographic but give only passing mention to domestic violence. Research is therefore lacking on the connection between police culture and the way they deal with domestic violence. It is this gap that the current research aims to fill.

1.3

History of Domestic Violence in Tasmania

Public attention to domestic violence in Tasmania arose, as elsewhere in the western world, through pressure from feminist groups to get women's refuges established. The first refuge in Tasmania was opened in December of 1974, located in North Hobart, and accommodated five women and their children (*The Mercury*, 18 December 1974, p. 32; *The Sunday Examiner Express*, 28 December 1974, p. 5). Early in 1975 another shelter was opened in Sandy Bay that housed six women and their children (*The Sunday Examiner Express*, 4 January 1975, p. 2). The impetus for these shelters came from the Women's Electoral Lobby. The Hobart City Council supplied the initial buildings, six months rent free. The organisation running the first shelter was the Women's Shelter Incorporated, which set up a committee of management and relied entirely on voluntary staff (*The Mercury*, 2 March 1976, p. 5). This later became the Hobart Women's Shelter. In Launceston, the Launceston Women's Shelter opened in 1976.

This first Tasmanian shelter opened in the same year as the first refuge in Sydney (MacGregor and Hopkins 1991) and three years after the first refuge in the United Kingdom (Pizzey 1974). However Tasmania was one of the last states in Australia to have a shelter, with N.S.W., Victoria, Western Australia and South Australia preceding it (*The Sunday Examiner Express*, 14 September 1974, p. 5).

Other shelters in the Hobart area opened in: 1978 (Annie Kenney Young Women's Refuge), 1983 (Jireh House and Caroline House), and 1988 (McCombe House). Annie Kenney originally opened as a shelter for young, single women who were not accepted by the Hobart Women's Shelter, principally because they did not have dependent children (*The Mercury*, 25 May 1979, p. 10). It now takes older women, but still does not provide accommodation for children. Many of its clients are from minority groups and it has a policy of employing workers with expertise in this area.

Both McCombe House and Caroline House have some space dedicated to victims of domestic violence, but they also accommodate women with mental disorders and other problems. Caroline House specifically takes women whose lives have been affected by alcohol abuse. Some shelters are run by charities and others by women's co-operatives.

The number of beds in the Hobart area currently dedicated to women coming from domestic violence is approximately 30, with an additional 70 beds for children. Some of the shelters have established half-way houses for women. As with all the support services, the shelters are under-resourced and poorly financed. Often they have insufficient beds and accommodate women in motels, which lack the security arrangements and anonymity of the shelters (*The Mercury*, 16 February 1991, p. 2). This situation has constantly plagued the shelters since their inception (*The Mercury*, 13 September 1977, p. 7; *The Mercury*, 25 March 1986, p. 18; *The Mercury*, 17 May 1988, p. 4), although, in 1981, Kim Boyer, advisor on women's affairs to the Tasmanian government, suggested that the Tasmanian government was a leader in the funding of women's shelters (*Saturday Evening Mercury*, 1 August 1981, p. 8).

Funding for the shelters originally came from the federal government, under a scheme established in 1975 (*The Mercury*, 13 September 1977, p. 7). Initially the federal government paid all the capital and running costs of the shelters, but cut back their contribution in subsequent years. In 1977 they paid 75% of running costs and 50% of capital costs. The state government bridged the gap but shelters still ran on a shoestring. The shelters also criticised the local councils for taking no responsibility and "causing nothing but trouble" (*The Mercury*, 13 September 1977, p. 7).

In 1984 the federal government introduced a new system of funding under the title of the National Women's Emergency Service Program (WESP). This provided funds to refuges, shelters and half-way houses across the country (*The Mercury*, 19 May 1984, p. 15). In 1985 this system was replaced by the Supported Accommodation Assistance Programme (SAAP) which continues through to the present (MacGregor and Hopkins 1991). SAAP rationalised the government system of support in housing to cover, not only accommodation for women, but also youth and Aboriginal housing. The federal government allocates the funding and hands it to the state governments for distribution to the shelters. This is added to by state funds.

Over the years, the two Hobart shelters run by co-operatives have been criticised in the press. They have been accused of being run by "deviants" who are "whores and lesbians" (*The Mercury*, 27 November 1979, p. 10).

One dispute involved the Hobart Women's Shelter. Accusations were made in Parliament that the shelter displayed photographs of semi-naked women (*The Mercury*, 8 September 1977, pp. 1 & 3). An enquiry cleared the shelter of this accusation (*The Mercury*, 9 September 1977, p. 1). However a member of the House of Representatives in Canberra took the matter to the Federal Minister of Health (*The Mercury*, 15 September 1977, p. 1), and threats were made to close the shelter as a result (*The Mercury*, 19 September 1977, p. 2). Subsequent threats to cut funds to the shelter arose after the publication of what was described as a "discriminatory advertisement" for a worker at the shelter (*The Mercury*, 5 April 1979, p. 6, *The Mercury*, 11 May 1979, p. 10). Two years later some workers at the Hobart Women's Shelter took out writs for defamation of character following accusations made by a member of Parliament and an ABC announcer (*The Mercury*, 25 June 1981, p. 3).

Both the Hobart Women's Shelter and Annie Kenney have perpetually had to fight against a negative public image. The stereotype of shelters being run by lesbians remains to the present and is indiscriminately applied to all shelters, no matter what their gender politics. Much of this reaction is unfounded. It appears to arise from a government fear of losing control over resources they fund; or from simple ignorance; and possibly from male partners of residents who feel the workers are influencing their female partners into a different way of thinking.

After the establishment of the Hobart Women's Shelter in 1974, domestic violence received little further publicity in the 1970s. However, in 1977, the Minister for Community Welfare, Mr. Polley, announced an enquiry into the matter (*The Mercury*, 15 September 1977, p. 7). Mr. Polley was a young member of parliament who abhorred any form of violence and took a personal interest in the issue. As a child, he lived in a rural Tasmanian town. While his own childhood was unmarred by domestic violence, he knew of it through other families in the community (M. Polley, pers. comm.).

As a result, a committee was established late in 1977, involving social workers, shelter workers, the police, a doctor and a representative of the legal profession (*The Mercury*, 25 June 1981, p. 3). The committee's brief was to advise the government on policy with regard to domestic violence. However, it was disbanded when the Liberal government came to power in 1982 (*The Mercury*, 22 March 1984, p. 8).

The approach in the 1970s was to react to domestic violence, rather than seeking long-term solutions. For example, the emphasis was on shelter accommodation, defence classes for women and the idea of "flying squads" of social workers and police to deal with domestic violence (*The Mercury*, 6 July 1978, p. 7). It was not until the early 1980s that the impetus for law reform, and the acceptance of domestic assault as a crime, developed as a local debate (*The Mercury*, 6 March 1980, p. 12; *The Mercury*, 19 August 1982, p. 22; *The Mercury*, 20 August 1984, p. 3).

What has become known as "*The Hopcroft Report*" (Hopcroft 1983) was commissioned in 1981 by the Department of Community Welfare and funded by the Law Foundation. However, the consultancy was not proceeded with until 1983 (*The Examiner*, 1 March 1984, pp. 1 & 2; *The Examiner*, 22 March 1984, p. 8). When *The*

Hopcroft Report was first available in early 1983 the government recalled copies because they named a victim, Maureen Thompson, and contained her case history (*The Examiner*, 1 March 1984, pp. 1 & 2). Maureen Thompson was separated from her husband, Rory Jack Thompson, but was killed by him in September of 1983.

Until the trial of Rory Jack Thompson was complete the report could not be released and acted upon (*The Examiner*, 1 March 1984, pp. 1 & 2). At the end of February 1984, a criminal court jury found Thompson to be insane when he killed Maureen (*The Examiner*, 1 March 1984, pp. 1 & 2). Following the trial, public pressure was brought to bear on the government to release the report (*The Examiner*, 22 March 1984, p. 8). The government finally released an amended form of the report in April of 1984. Initially they called for submissions on its findings (*The Mercury*, 23 March 1984, pp. 1 & 2). *The Mercury*, in an editorial on the matter, suggested that the government should stop wasting time on further enquiries, and "act urgently" upon the recommendations in the report tabled before Parliament (*The Mercury*, 21 March 1984, p. 8). When nothing happened following these submissions, women's groups protested in June about the lack of action (*The Mercury*, 26 June 1984, p. 14). The opposition also accused the government of undermining initiatives that the previous Labor government had introduced.

The Liberal government continued to pontificate over the issue. Late in 1984, the opposition threatened to introduce their own bill on law reform, based loosely on the findings of *The Hopcroft Report* and said that Victoria and Tasmania were the only states without legislation (*The Mercury*, 18 August 1984, p. 3). Robyn Hopcroft was asked to respond to this move and described it as "stop-gap" legislation (*The Mercury*, 13 September 1984, p. 3).

Debate following the death of Maureen Thompson, and the release of the report, focused on the police handling of domestic violence. Suggestions were made for increasing police powers through legal reform (*The Examiner*, 2 March 1984, pp. 1 & 2). This was not new as Hopcroft (1983) had suggested wide-ranging changes in the law and police powers.

The first piece of legislation introduced which impacted on taking cases to court was a 1986 amendment to the Evidence Act (1910) which made spouses compellable witnesses. This removed the underlying assumption, previously contained in the Act, that those who are in a close relationship cannot give evidence against each other, a principle that came out of British common law. This change meant that a woman who was assaulted by her husband, where there was no other witness, could be called to give evidence. It was the first step towards changing the legal view of marriage as a sacrosanct institution.

This was followed in 1988 by changes, which had previously been recommended by Hopcroft, to the Justices Act (1959). These changes gave: the police the power to enter a property without a warrant if they thought a person was in danger; and the right to search for, and remove, potentially dangerous objects. The other major piece of legislation introduced in 1988 was the introduction of restraint orders. This legislation was important because it acted in an anticipatory manner and allowed an individual to seek legal protection from further assault. Grounds for making an application were based "on the balance of probabilities" that a person or property was, or was about to be, damaged or that a person was threatened (*Justices Amendment Act, No. 8, 1988, Part XA*). Courts could issue restraint orders and an individual or

the police could apply for them. The application could also be made in the absence of the respondent.

Subsequent changes to the Justices Act (1992) impacted on the handling of domestic violence by allowing the police to make an arrest without a warrant. They also provided for *ex parte* restraint orders being issued by the courts. The first change meant that the police could arrest an offender at the scene of the offence, which saved police time, and the second change meant that the offender did not have to be present in court for a restraint order to be issued. Both measures strengthened the law regarding the immediate 'control' of a perpetrator and reduced the chance of an offender being able to avoid the law by disappearing.

Other major changes made to the law in 1992, which affected domestic violence, related to the Criminal Code Act (1924), where assault and aggravated assault were added to the list of "crimes for which an offender may be arrested without a warrant" (*Justices Legislation Amendment [Domestic Violence] Act, No. 21, 1992, Part 2*). In addition, the Police Offences Act (1935) was amended so that police could arrest, without a warrant, a person believed, on "reasonable grounds" to have committed an assault or for the purposes of applying for a restraint order (*Justices Legislation Amendment [Domestic Violence] Act, No. 21, 1992, Part 4*). In addition, police in 1995 were provided with the power to impose bail conditions for people they arrested to facilitate the issuing of a restraint order. Breaches of those conditions result in the arrest of the offender and the revocation of that person's bail (*Bail Act 1994; Justice Legislation Amendment [Restraint Orders] Act 1994*).

In 1993 and 1994 further efforts were made to streamline the process of applying for, and serving, a restraint order on an offender and to simplify and clarify the legislation (*Statutory Rules 1993, No. 166; Justices Amendment Rules [Domestic Violence] 1993; Justices Amendment Act, No. 64, 1994*). This process continued with the introduction and passing by parliament in 1995 of laws prohibiting stalking (*Criminal Code Amendment [Stalking] Act 1995, No. 65, 1995; Justices Amendment, [No. 2] 1995, No. 66, 1995*) and provision for the issuing of telephone restraint orders (*Justices Amendment, [No. 2] 1995, No. 66, 1995*).

Despite legislative changes the police continue to be criticised for their handling of domestic violence. The death of Maureen Thompson highlighted this issue. Maureen Thompson had made a submission to the Department of Community Welfare regarding the refusal of a police officer to accept her lodging of a restraint order at a police station. The officer told Maureen that keeping a copy on her person was sufficient protection (*The Examiner*, 1 March 1984, pp. 1 & 2). At the time of the debate, one individual from the services sympathised with the police view and said that the police could not take preventative action as the law stood (*The Examiner*, 2 March 1984, pp. 1 & 2). The nature of the case, which reached the national press, horrified the community to such a degree that those who were involved, and who appeared to have behaved inappropriately, had their actions questioned.

Further comments were made on police behaviour regarding a case brought to the attention of Parliament. In this case the police refused a woman an immediate restraint order following her being beaten and threatened with a gun by her partner (*The Mercury*, 7 May 1988, p. 3). Accusations against the police were unfounded as it was the magistrate who refused to grant the order. While one shelter worker commented that the police role was often a frustrating one, especially if women withdrew charges,

she felt if the police arrested offenders more often then this would give women more confidence to proceed with cases (*The Mercury*, 12 July 1988, p. 3).

Two Tasmanian studies done in the early 1990s also criticised the police. Both authors blamed the police for not taking law enforcement of domestic violence cases seriously and suggested better legislation, and better training for the police (McKinlay 1991; Stewart 1990). Both reports remain inaccessible to the general public.

The mood throughout this public debate regarding the police has viewed the police as unwilling to act, despite legislative reforms. The common assumption is that officer attitudes have not changed to bring about the better policing of domestic violence. However, after becoming the Commissioner of the Tasmania Police in 1991, Commissioner Johnson told the press the police would be taking a harder line on domestic violence, thus suggesting a change in attitude, at least at the level of top management (*The Mercury*, 30 September 1992, p. 1).

In July 1984 the joint independent committee established by the government in response to *The Hopcroft Report* recommended the introduction of a 24 hour crisis service. Late in 1984 the government announced the establishment of the service, called the Crisis Intervention Unit (CIU), which began in June 1985 (*The Sunday Tasmanian*, 2 July 1985, p. 3). In 1993 it became the Domestic Violence Crisis Service (DVCS). However the government rejected the recommendation that it be a 24 hour service. Initially the government proposed the unit should have five staff, but increased this to seven staff, following condemnation in the press (*The Mercury*, 13 September 1984, p. 3; *The Advocate*, 19 February 1985, p. 3). At the present time the DVCS employs 12 crisis workers in three locations around the state: Hobart, Launceston and Burnie. The service is still not available 24 hours a day: it is available from 9.00am until midnight weekdays, and 6.00pm until midnight at weekends. Attempts to convince government that it should be a proper emergency service have to date failed.

In the early 1980s two male counsellors established a programme for perpetrators of domestic violence. This initially ran as a voluntarily service, but later became more organised. A committee was established and the organisation, called Men Overcoming Violence (MOVE), received some financial support from the government in 1986. However there were criticisms from the feminist lobby about the way MOVE counselled offenders and pressure on the government to allocate more funds to resources for women. As a result, and following a confidential report by Stewart in 1991, government cut funding to the programme and it closed down shortly afterwards (*The Mercury*, 11 January 1991, p. 5; *The Mercury*, 16 February 1991, p. 2). Currently, the only programmes running for perpetrators of domestic violence in Tasmania are under the auspices of Centacare at which attendance is voluntary. Centacare gets no financial assistance from the government.

A Tasmanian initiative to establish a long-term counselling service for women, both in and from abusive relationships, began in Hobart in 1989. This service, Support, Help and Empowerment Inc. (SHE), was a voluntary service. It gained government recognition and funding in 1991. A similar service, Survivors, was then established in Launceston and also receives government funding. Both services aim to provide information and support to women so they do not feel forced to remain in, or return to, violent relationships. These are not crisis services but will refer women to other services for appropriate assistance. As with all services in this field, the funding

allocated is barely sufficient. An additional service trialed in 1994 was the domestic violence court assistance scheme. This was established to provide support for women attending the court of petty sessions regarding domestic violence offences. The scheme was run voluntarily and helped women with housing matters and court procedures. The scheme has been evaluated in a report by Paula Baron (1995).

The other initiative taken on domestic violence has been the establishment of the Tasmania Domestic Violence Advisory Committee (TDVAC) in 1992 (*The Mercury*, 7 August 1992, p. 5). Its brief has been to: advise government on domestic violence issues and policy; monitor and co-ordinate domestic violence policy and programmes; promote high standards of service and training; and to raise community awareness of the criminal nature of domestic assault (Anonymous 1996). In 1993 it commissioned consultants to analyse the cost of domestic violence in Tasmania (Tasmania Domestic Violence Advisory Committee 1994). The report conservatively estimated the cost of domestic violence at 17.67 million dollars per year for the state of Tasmania.

Early in 1994, with funding from the Aboriginal and Torres Strait Islander Commission (ATSIC), an Aboriginal family violence unit was established. This is similar to other units initiated by ATSIC around Australia, and is called the Tasmanian Aboriginal Family Violence Intervention Programme (TAFVIP).

In reviewing developments in Tasmania with regard to domestic violence the impression one gets is that the process has invariably been either *ad hoc* or a reflex reaction to events (e.g. following Maureen Thompson's death). This is still largely the approach. Community apathy has combined with political conservatism in a process of mutual reinforcement. For example, the political reaction to the Hobart Women's Shelter in 1977 suggests an intolerance at the political level that then translated into the public arena, a situation that continues today regarding legislative reform in the laws pertaining to homosexuality. Such conservatism makes it very difficult for any organisation to bring about change in the administrative system, no matter how determined those are who seek it. Despite lack of interest from official quarters, some of the organisations are actively pursuing attempts to provide a more integrated system of service. As a result a number of informal forums exist for improving the services to domestic violence victims.

The government has taken little action in educating the community about domestic violence. To fill this gap, a community group, the Domestic Violence Action Group (DVAG) was set up in 1984. Since then the group has organised seminars and workshops on domestic violence throughout the state. Involved in these events have been lawyers, doctors, social workers and other service providers. DVAG has also produced a series of pamphlets on domestic violence which are readily available at police stations, community services offices and other locations. They include such titles as: "If Your Partner is abusive or violent", "Do's and Don'ts in Helping Survivors of Domestic Violence" and "Leaving Violent Partners". In 1996, for the first time, government has funded a community education programme on domestic violence, aimed specifically at adolescent understanding and behaviour.

1.4

Methods

This report is based on qualitative research, involving participant observation, with the Tasmanian Police. The research was undertaken at seven different stations, over a six

month period between May and November 1994. It should be noted that since doing the research changes have occurred to the law that alter the way the police handle domestic violence (see section 1.3). Consequently events described in some of the Case Studies may currently be handled differently. In the recommendations (Chapter 8) I discuss recent changes that affect the recommendations that would have been made on the basis of the fieldwork in 1994.

In recent years the Tasmania Police has undergone major structural changes. This process is a continuing one. I present here a brief outline of the organisational structure, as it stood at the time of the fieldwork, in order to provide some background to the research.

The Tasmania police are geographically divided into districts and divisions. Across the state, there are four districts (see Fig. 1). These are:

- Southern, covering the area south of the Derwent River. This includes the City of Hobart and the Municipalities of Kingborough and the Huon Valley.
- Eastern, which is north of the Derwent River. It extends as far north on the east coast as Bicheno and as far west as New Norfolk, Bothwell and Bushy Park.
- Northern, which encompasses Launceston, the north east and as far west as Deloraine. Flinders Island and Cape Barren Island are also in the Northern District.
- Western, which includes the cities of Burnie and Devonport, and the western settlements of Queenstown, Zeehan and Strahan. King Island is in this district.

Each district has a district headquarters and is divided into several divisions. For example, the Northern District has its headquarters in Launceston, and is divided into the geographical divisions of Launceston, Georgetown and Deloraine. At each district headquarters, except for Eastern, there is a watch house. These stations are commonly referred to as being "the watch". When recruits leave the Academy they usually go on the watch for a period of 12 months or more before transferring to other stations. On the watch senior officers give closer supervision to the neophytes' activities than they receive when they transfer to other stations (see Chapter 3).

District headquarters also house specialist divisions. Some specialist divisions are centralised for the whole state in Hobart, such as recruitment and training and internal investigations. But other specialist areas of policing, such as the marine police and the police prosecutions' section, have units at the headquarters of the Southern, Northern and Western districts.

Police stations vary in size from one-man stations¹ in remote rural areas, such as Savage River or Dover, to stations of 50 to 100 staff, with many suburban stations having 20 to 30 staff. The units found in the suburban stations and larger country stations usually consist of uniformed police and the Criminal Investigations Branch (CIB), but some, like Bellerive, also have a traffic unit.

¹ For ease of expression I have called these stations 'one-man stations' although there are moves to have them known as 'single officer stations'. I have retained the older term because this is how most police officers refer to them and all such stations are currently staffed by men.

A map of King Island 18, showing the Burnie Division and a grassy area.

A map of the Launceston Division. It shows Flinders Island, White Mark, and Cape Barren Island. The number 10 is also present on the map.



The management structure of the force consists of a Commissioner, a Deputy Commissioner, two Assistant Commissioners and then Superintendents and Inspectors for each district, and each of the major support services (Parliament of Tasmania 1993).

On the first of July 1994 the ranking system within the force was simplified. The ranks of constable, first class constable and senior constable were combined as constable, and sergeant and senior sergeant became sergeant. I undertook all the research with uniformed police of either constable or sergeant rank, although I spent some time with officers from other divisions, or ranks.

The police stations at which the research was undertaken were all located within a 100 kilometre radius of Hobart and in the Southern and Eastern Districts. I worked at seven stations ranging in size from a one-man station to a large suburban station. I chose this area because of the ease of access, the limitations on time for the fieldwork and the close proximity of support services to the area, such as the DVCS and the shelters. This provided a good basis for assessing the relationships between the police and other services.

Many police commented during the course of the research that they were disappointed I was not going to the north of the state where, they said, "the police do things differently". To what degree this is true I cannot say, but my feeling is that any differences in the police culture by area, especially amongst the uniformed police, is cosmetic rather than structural, and therefore superficial (see Chapter 4).

I used participant observation to collect data on police culture. Young (1979; 1991a) has described how easily the police are able to subvert attempts by outsiders to gain access to information about police activities when researchers use questionnaires and written records. This has been the technique most frequently used in Australia, although Coorey (1988), Hatty (1988) and Wearing (1992) did some participant observation. However all three authors only collected data relating to the investigation of domestic violence. Hatty (1988), for example, had research assistants located in police stations who rode with the police to domestic violence cases, but not to other police jobs (1988: 57). This compares with research done in America where it is much more common for researchers to go on patrol with the police, regardless of the job they are attending (e.g. Hunt 1984, 1985; Ferraro 1989b). The limitation of only going to domestics lies in that the researcher gets no sense of the totality of the police experience, and therefore only a limited insight into the organisation's culture.

Young (1979: 98-99), for example, describes how a sociologist was happy with his findings when he left the police, but the police felt they had successfully subverted the process. They congratulated themselves for having managed to keep from the sociologist any knowledge of the negotiations that go on regarding, for example, the bailing and summoning of offenders. It is these negotiations and the use of discretionary powers that show the difference between the theory and practice of policing (Kemp, Norris and Fielding 1992).

This lack of insider knowledge can have a major impact on the interpretation given by the researcher. For example, what Sheptycki (1993: 51-52) describes as "twisted logic" seems quite logical from inside the system. He describes a case where a sergeant in the British police decided to go for a charge of GBH (grievous bodily

harm), rather than ABH (actual bodily harm), a lesser offence. The reasoning was that even though the injuries fitted more appropriately into the category of ABH, the charge of GBH gave the police manoeuvrability. It provided the opportunity to get a guilty plea from the offender for the lesser charge before the case went to court. This would be a more satisfactory outcome for the police because it would ensure a conviction, thus giving 'a result', and reducing the amount of police time spent on the case (see Chapter 3). The validity of some sections of the report were questioned by people outside uniformed police work. In each case where this occurred I rechecked with uniformed officers and found they agreed with what I said. As one officer put it: "This is what it is really like being a uniformed police officer."

It is only by using a qualitative approach to data collection that these nuances of police practice can be revealed. It is also the only way in which the handling of domestic violence can be fitted into the broader context of police work and related to police culture.

I carried out participant observation for a six month period at stations of various sizes. The time spent at each station varied according to the number of uniformed staff, with the shortest time being spent at the smallest station and the longest time being spent at the largest suburban station. After a trial period at the first station I decided the most profitable times to be on duty with the police were from Thursday through to Monday inclusive, on the afternoon shift. The afternoon shift varied from station to station (with some stations having ten-hour shifts), but was usually from 18.00 to 2.00 the following morning, Thursday through to Saturday, and 16.00 until midnight on Sunday and Monday.

After several weeks, I reduced the five days to four days by discontinuing working on Mondays. There were two reasons for this: very little tended to happen on a Monday night, and I required more time for compiling notes following each shift. As the rosters at most stations also changed on a Monday this meant that the rapport I built up with a group of staff over a weekend was unaffected by not attending on Monday nights. The four-day field period each week worked well and I maintained it for the rest of the research. I worked with the police for a total of 650 hours.

At two of the country stations there was only one officer on duty for the period I stayed with them. Here I spent the whole weekend with the same individual. However, because many of the rural stations are now working an integrated roster system I spent at least some of the time in the company of officers from neighbouring stations.

The main aim of the research was to gain what I felt was a reasonable understanding and feeling for the functioning of each station and how this varied from one station to another. To this end, the time committed to each station remained open until I was satisfied this aim was achieved.

A breakdown of the number of officers I worked with during the course of the research is given in Table 1.

I worked with more than half the uniformed police at each station, with a bias towards constables. This bias relates to the policy of having only one sergeant on duty for a shift, compared with several constables. At the rural stations no sergeants were on

duty on the weekends I worked. Thus a weekend would often be spent with two constables, rather than a sergeant and a constable.

	Total number of officers worked with		Potential number of officers	
	Number	%	Total number	%
Acting sergeants and sergeants	10	52.6	19	100
Constables	45	70.3	64	100
TOTAL	55	66.3	83	100
Female officers	5	71.4	7	100
Male officers	50	65.8	76	100
TOTAL	55	66.3	83	100

Table 1: Numbers and types of officers worked with during the research.

The numbers of police women in the sample are small. While there are increasing numbers of female recruits at the Academy, this had not yet affected numbers in the stations. At the time of undertaking the research many police women were still located on the watch. Because female recruitment levels have been low until recent years, it will be some time before the disparity in numbers at the stations alters.

Usually I spent each shift with a particular officer or officers. At some stations I changed who I worked with at midnight when there was a change of shift. Often a Thursday night was quiet and would allow us to get to know each other, before things got busy over the weekend. In this time we talked about a wide range of issues relating to police work. As a result, I abandoned my initial intention of using unstructured interviews to supplement the participant observation. I found being on patrol provided an informal environment in which officers felt they could be honest in a way that could not have been achieved using interviews.

Despite the comments of other researchers (e.g. Edwards 1989, Young 1991a) I found the officers receptive to the idea of having a researcher with them. Some individuals were concerned about my safety and one or two obviously felt uncomfortable about my presence when I first arrived, but this usually disappeared with time. Generally I found the police to be interested in the research, open about their ideas and actively seeking comment on how they worked. For example, I was often asked by the officers for my opinion on the way they handled cases. To ignore such requests would reduce the trust between the researcher and the police and therefore the sense of rapport (Hunt 1984).

Participant observation is often considered to be more observation than participation. It is difficult, however, to be a detached observer when the police ask the researcher for comments on how they work. One example of the 'participatory' role that I sometimes assumed is illustrated by Case Study 27. As a detached observer I would not have told Marlene about the DVCS. This was a job the police officers should have done. But I found myself informing Marlene in case she asked the police to withdraw the charges.

In other instances the police would actively incorporate me into their dealings with the public, sometimes as a test of my own sincerity. One officer told me in a drunken conversation early one morning that he had not been happy about my presence at the station but I had turned out all right. However he criticised my unwillingness to attend a car accident earlier that evening. He felt that, like other researchers, I was trying to avoid the grisly side of police work. I had gone to a domestic before this event occurred. I chose to follow the case through because it spanned two divisions and provided useful insights to the difficulties the 'geographical boundaries' can create for the police. For the police officer my absence from the car accident suggested a break in the confidence he had bestowed upon me. Events like this can lead to a breakdown of trust between the researcher and the police. For example, Hunt (1984) found the basis of her rapport with the Metro City police lay in her willingness to do everything the police did. My own experience would suggest that qualitative research needs to be funded for sufficient time to ensure researchers need not make choices about which jobs they attend.

After the period of participant observation with the police I spent time with crisis workers at the DVCS. I also attended the classes on domestic violence at the Academy for new recruits and officers on an inspectors' course.

While writing the report I have consulted widely with individuals from the service organisations who deal with domestic violence. I did not envisage this as part of the original research. However, it became clear during the research this was necessary in order to understand the totality. While the police have become the focus of attention with regard to domestic violence, clearly their role is only a small, but crucial, part of the process. No effective means of dealing with the violence is possible without an integrated, co-operative system of services. I therefore spent time talking to individuals from the shelters, the DVCS, the Department of Community and Health Services, specialist units of the police, the legal services and other interested parties. I undertook the consultations to brief people about the research and to give people an opportunity to comment on the findings that related to their own area of expertise.

On completing the draft report I sent it to interested organisations and all the police stations where I had worked. Following comment from these bodies the report has been submitted to the Criminology Research Council. While many people have contributed to the content of the report, through my sharing their experiences, observations and comments, the opinions and ideas presented remain the sole responsibility of the author.

1.5 Conventions

Our society much underrates story telling as a method of conveying knowledge. Cultures without a written language rely on the oral transfer of information to impart to their members a sense of history and to establish a cultural context. But the phenomenon is also widespread in our own culture. Informal social gatherings, such as barbecues and drinks after work, are occasions when the relaxed atmosphere is conducive to story telling. People use such occasions to relate past events and interpret them in the light of current happenings. These occasions provide a framework of common experience for those who participate. While the story telling is often casual, it plays an important role in creating a sense of group identity.

Story telling plays a central role in the creation of police culture. Stories provide an avenue for gaining knowledge of events and techniques for handling them. They therefore act as a means for transferring knowledge from one generation of officers to the next. Story telling may also be competitive, with officers trying to tell better anecdotes than the previous story teller. These competitive events are important in developing and sustaining a sense of police morality and a sense of what constitutes 'good' police work. Young (1993: 83) encapsulates all these elements of the significance of story telling when he refers to the "tales of the great days of policing".

Recently, the writing of anthropology has been presented in a similar light (Clifford and Marcus 1986). Some anthropologists now argue story telling is a legitimate component of ethnographic interpretation. I concur with the idea that telling stories is part of ethnographic analysis. It can also be a useful means of presenting ethnographic data. One of the techniques I use to analyse data is to present Case Studies. These are accounts of events I either attended, or was told about, while doing the fieldwork. All the Case Studies of events I attended could just as readily be accounts exchanged between police officers in the crib room at the end of a shift.

With each retelling of events story tellers embellish some elements, ignore others and build up a sense of anticipation for their audience. This involves the use of evocative language that helps the listener identify with the places and people in a story. In this way an audience is better able to appreciate and comprehend the views of the players. The Case Studies I present partially follow such a tradition. Some of the titles given to cases are reminiscent of titles for detective stories. I have intentionally used this ploy in order to better immerse the reader in the police culture.

In order to protect both members of the police force and the public, fictitious names have been used throughout the report where reference is made to material collected during the fieldwork. I randomly chose and scrambled Christian names and surnames published in *The Australian* of the weekend of 18-19th February 1995, through to the 30th of March 1995 for the pseudonyms used in the report. To further confound the possibility of identifying individuals by name, new names are used for each Case Study. I have adopted a convention of using the names of large towns in the United States of America for towns referred to in the report. This provides anonymity for both the places where, and the people with whom, the research was undertaken.

In general, I have used the term police officer, rather than police woman or policeman, in order to avoid gender distinctions. However, in the Case Studies the gender of each individual is distinguished in the name given. I also indicate gender where the distinction is significant to the argument being presented.

Terms commonly used by the police for those aspects of policing discussed in this report are maintained. For example, the term 'crook' rather than 'criminal' is used, because in police discourse crook is more common. While the law distinguishes between a crime and an offence, they are not always clearly distinguished in the report. This is because the police indiscriminately interchange the terms 'crook' and 'criminal' in their social discourse. While someone is more likely to be called a 'scumbag' or a 'ratbag' if they have come to the attention of the police through the committing of offences rather than crimes, the distinction is blurred. It is also not possible to see all criminals or crooks as being people who have committed a crime. Often whether a person is classed as a criminal or not depends on the perceptions of the individual officer, rather than a legal framework based on the crimes or offences for which an

individual has been prosecuted. Thus, I have used such terms as 'criminal world', 'crime' and 'criminal acts' in the generic sense, rather than the legalistic sense.

The terms 'watch' and 'watch house' also require some explanation. The watch house is a city station where there is a lock-up and where recruits first go on leaving the Academy. These stations are commonly known as 'the watch', although technically the watch is a shift rather than a location. Police officers use the term 'watch house' specifically for the lock-up at these stations. In this report I use these terms in the way commonly applied by the police.

Likewise, the term 'domestic' has been used because police most commonly use this term to describe domestic violence (cf. the reaction to this term by the feminist lobby as discussed, for example, by Hatty 1988). For the same reason, I use the term 'victim' rather than 'survivor'.

I have adopted the following convention regarding quotation marks. I use double quotation marks for direct quotes from speech and publications, and single quotation marks to indicate words or phrases used in a way that does not necessarily coincide with a dictionary definition. Examples are the use of 'social work' to describe a category of jobs the police attend involving interpersonal disputes which they view as unresolvable, and the use of the term 'kinship' to describe fictive links of association, rather than affinal or agnatic links.

PART ONE: POLICE CULTURE

2 CULTURAL DIVISIONS: THE WORLD OF THE POLICE

In this chapter I investigate the way in which the police classify people. I suggest they use their experience as police officers to divide people into types. A similar propensity to classify and stereotype people has been reported amongst the police in both the United Kingdom (Young 1991a) and the United States of America (Ferraro 1989a, 1989b). The uniformed Tasmanian police divide people into three key classes. These are: "crooks", "scumbags" and "real people".

For the police, real work is chasing and catching crooks, a point previously made by several other authors (Edwards 1989; Hatty 1988; Hunt 1984, 1985; Reiner 1985; Young 1991a). My experience with uniformed Tasmanian police suggests that surveillance is an essential part of the job of catching crooks. I suggest that surveillance of crooks provides continuity in uniformed police work. It also establishes a close, though normally antagonistic, relationship between crooks and the police.

The relationship between the police and crooks contrasts with the dealings the police have with what they call "the three D's": dogs, drunks and domestics. These are the calls police make to places where they are expected to intervene in events like drunken brawls, disputes between neighbours and dog bites. This distinction has been described for the American police (Smith and Klein 1984); has been noted as a conceptual distinction in the work of the British police (Edwards 1989, Young 1991a); and also appears to exist in the N.S.W. police (Hatty 1988). Researchers have variously labelled the 'social' aspect of policing as peace keeping (Banton 1964; Bittner 1967; Wilson 1968), service work (Edwards 1989), interpersonal dispute settlement (Smith and Klein 1984), or social service policing (Kemp, Norris and Fielding 1992). I shall simply refer to this aspect of police work as 'social work', an expression used by one officer after we attended a particularly unsatisfactory family dispute. An officer in the N.S.W police has used a similar description (Hatty 1988: 106). "Scumbags" are usually the source of this work.

I explore and contrast the police's experience of social work calls with their experience of catching crooks. I then discuss why the police maintain the distinction between these two aspects of police work.

The final category I will examine is "real people". These are the people who are normally the victims of criminal activity. Unlike crooks and scumbags, real people appreciate the work done by the police.

2.1 *Real Police Work*

Starting work at a new police station was always a worrying time. I had to establish a rapport with previously unknown officers. The week I started work at the Chicago police station, I received a telephone call from Damien Collins telling me I would be working with him that night. I explained I was taking a couple of nights off, and would only be starting on Thursday. Damien said, "That's good. I'll be able to go out catching crooks tonight."

I responded by saying I hoped he would be able to catch crooks when I was with him. He replied, "I won't be catching crooks on Thursday."

Damien knew I was researching the policing of domestic violence. His statement that it was good he would be able to chase crooks for a few more days, and the implication that it was bad he would not be able to do this when I was present, suggests he sees catching crooks as his real job. Other officers confirmed this interpretation. When I asked a young officer what he found most satisfying in his work he said it was catching a real crook.

The young policeman's reference to a 'real crook' suggests that, for the police, criminals are not simply individuals who break the law. The way the police use their discretion when dealing with suspects supports this interpretation. For example, when Herman attended a shoplifting case, he persuaded the store manager not to proceed with criminal charges, even though the shoplifter had been caught red-handed. Herman felt that by being caught the offender had the "fear of God" put into him. Herman recognised he had contravened the Criminal Code by not charging the offender but felt the offender was repentant and would not shoplift again.

There are shoplifting cases where the police feel charges should not be laid, but where the security companies insist on prosecution. After we investigated one particular shoplifting offence, Ollie described the security woman as one of those people who "sees everything in black and white, ... there are no grey areas". The people who are not criminals, but commit an offence or crime as part of a juvenile dare or through force of circumstances, inhabit the grey areas. For example, several police commented that shoplifters are often poor old people who may only be stealing some food to eat. They feel sorry for these people and get upset when security companies insist on prosecution.

Police use of discretion is difficult to disagree with in many shoplifting cases. Sometimes the theft may involve no more than a packet of biscuits or an ornament. As a result the person will have a criminal record. Many offenders are unaware of the impact this will have on their lives: once a person has a criminal record they may find it difficult to find employment.

The distinction between crooks and people who commit crimes is important in police work. I now explore this distinction using a case study.

CASE STUDY 1: Real Police Work

I was out with two officers, Alan and Faye. We were returning to the station when Alan saw an unusual car coming out of a side street. The car was modified. It had moulded wings on the side and a band of lights on the back. The lights ranged from red through to yellow and they blinked on in succession when the driver applied the brakes. Inside the car were three men.

Alan stopped at the side of the road and waited for the car to pass. He knew the driver of the car, Lian Colbert, as a local drug dealer. He followed the car and stopped it outside the Portland store. When the car stopped, the driver got out while the other two men remained in the car. Once the car stopped the police recognised Lian's companions. All three men were suspects in a number of armed robberies in the area, including a recent armed robbery of the Portland store.

Alan asked the driver for his licence, but Lian could not produce it. Lian said the police had pulled him up a few days earlier and asked him for his licence. He

explained that he had a provisional driver's licence: he had sent sixty dollars to transport but they had not yet sent him his full licence.

Faye used the radio to check his driver's licence. The transport computer indicated he only had a learner's licence. Lian was indignant and said it was unfair. He added, "As if I would be driving this thing around if I didn't have a licence. It's like driving a Christmas tree."

Lian wanted to argue but Alan gave him the benefit of the doubt. He told him to go to transport on Monday and then bring the papers into Alan at the police station on Wednesday. If everything was in order then Alan would not proceed any further with it, otherwise he would charge him. Alan added that he could be no fairer than that and Faye added it was not the police's fault about his licence because they did not make the rules. (This is a common comment made by the police when confronted with an indignant member of the public.)

Alan checked the name of another occupant of the car, John Smith. Alan and Faye thought John had gone into the shop to buy something. The radio room asked for further details, because they had 11 individuals with this name on their computer. Alan went over to the car to get more information about John Smith. He then learnt that John had disappeared while Alan had been talking to the radio room.

Alan and Faye were unhappy about developments and wondered why John had disappeared. By this stage the radio room had checked all the John Smiths they had on their screen and found there were no outstanding charges or warrants for any of them.

As we left the area Alan said that this was police work. He said he liked work that related to crooks, the catching of them, and the hassling of them until something happened and the police could arrest them. He compared this with an earlier job.

We had gone to see a man who claimed his neighbour had stolen some wire mesh and rope from his property six months before. He said he knew it was the neighbour because he had just seen the rope being used in the neighbour's backyard. He wanted the police to charge his neighbour with theft. This case had annoyed Alan. He said it was not real police work and was a waste of police time.

Later in the evening I asked both Faye and Alan why they had joined the police force. Alan said he joined because he hates crooks, and being a police officer is about catching crooks. Faye said she did other things before joining the police. She became a police officer in order to protect society from the bad things. Alan added that he was against violence in any form and could not see why people had to resort to it. He would like the world to be a good place without violence.

Alan's perception of the two jobs illustrates the conceptual distinction between real crooks and other people. In the first case Alan and Faye stopped a car. Whilst the car was highly visible, and conformed to the stereotype of a crook's car, the driver had not committed a traffic offence. Lian might have been charged for driving without displaying L-plates but Alan gave him the benefit of the doubt. The only really suspicious action was the disappearance of John Smith, although there were no warrants out in his name and no obvious reason for the police to be concerned.

In the second case the person reported a theft and appeared to have supporting evidence. Whilst the police decided not to go ahead with the case it appeared to be a criminal offence that ought to be investigated, however tenuous the evidence.

In the case of the theft the complainant and the offender are unknown to the police. In the first case no apparent offence has been committed but Alan stops the car because it contains known crooks. Here it is not 'observed' actions but prior knowledge that

defines the crook: the police put under surveillance those they know while those who are unknown remain anonymous entities.

2.2

Surveillance

Surveillance is a key aspect of catching crooks and all officers undertake it to a greater or lesser degree. I commented to one officer that, when nothing was happening, I found the time on shift boring. He said this was not the case. He learnt all sorts of things on patrol and managed to keep in touch with what was going on. While out the same night he and his fellow officer compared notes on developments in the area. One had been away on a course for a month; the other had been away on long service leave. During the shift they shared information on events that had occurred during their absence, thus pooling their knowledge.

One night, at another station, Joe pointed out a house to Shane and told him a convict, who was about to be released, would be living there. He said the man's girlfriend had got the house from the housing department. He obtained this information from the housing inspector. Joe thought Shane might find the information useful, especially as Joe was about to move to a new post.

The police spend much of their time on patrol checking the houses, cars and known haunts of crooks to see what they are doing. Cleveland police regularly drove passed the house of one crook, who was proving difficult to catch, to see if he was at home. Officers checked his local pub most evenings to see if his car was there. On one occasion an officer thought it was suspicious that his car had remained overnight in the same parking spot at the pub. He checked all the likely places where the crook might be committing a "burg-steal"¹ because he thought the car's presence at the pub was to mislead the police.

Surveillance provides the police with information on the relationships between crooks. This information is potentially useful. One of the Cleveland crooks was suspected of being involved in a number of armed robberies and major burglaries. The police suspected he planned these robberies but did not take part in them. By keeping him under surveillance they were trying to establish who his co-conspirators might be.

Many crimes and offences remain unsolved even when the police have knowledge of who committed them. One of the difficulties is proving in court that the suspect committed the crime. The police feel that lack of resources and, in particular, the low number of police prevents them from keeping their "finger on the pulse". The following case study illustrates the use of surveillance in the normal duties of uniformed officers.

CASE STUDY 2: Checking Car Registrations

I was out with Teresa and Gus. Teresa had only recently moved to the area. We drove passed the houses of known criminals and checked the cars in their driveways to see who was at home.

¹ "Burg-steal" is the term used by the police for a burglary and stealing, involving both a break in to private property and the stealing of physical possessions. This compares with, for example, shoplifting which constitutes stealing and no burglary because the public have free access to the property (shop) where the stealing takes place.

Gus was building up a dossier. At one house in Salt Lake City there was a parked car that he did not know. Gus asked Teresa to take its number and find out from the radio room who owned it. Teresa added these numbers and names to Gus's list of the people who had been visiting that house over the last few weeks.

We then drove to the Blue Lagoon which Gus had also been targeting. Located amongst the light industrial buildings in Buffalo, the Blue Lagoon is a place where the bikies congregate. The officers told me it is a place where drugs and stolen goods are sold. Gus said it is impossible to raid the Blue Lagoon, even for the CIB, because the locks are so strong and the doors so well reinforced that it takes them about 20 minutes to get in. When they do get in, the place is clean.

Gus had therefore come up with an alternative way of hassling those going to and from the Blue Lagoon. He stopped and checked cars as they left the premises. He had arrested four people the previous week. Someone Teresa knew told her the people at the Blue Lagoon had decided to lie low for a week or two because of Gus's activities. Gus said this was fine and he would leave it for a week or two and then start up again.

Gus had no illusions about the impact of his work and recognised that it acted as only a minor irritant for the bikies and their cronies. But he also obviously enjoyed doing things like this and saw it as important.

Another technique is to check those areas where crimes are most likely to be committed. This consists of patrolling the wealthier suburbs, or sites that are known targets of the crooks. Industrial complexes and shopping areas, where burg-steals have previously been committed, are also patrolled.

The police do not confine surveillance to the places occupied by victims and perpetrators. Officers consciously include particular roads known as getaway routes. The police watch pubs where stolen goods are fenced to see if the cars of known crooks are outside them. The homes of "fences", or those who buy stolen goods, are also checked, especially after a burg-steal.

The enthusiastic police officer is one who looks out for, and investigates, anything suspicious. Wally described how he had picked up a man carrying a rucksack late at night. The man had just stolen a fax machine from a nearby office. The other officer with Wally thought he was silly to stop the man. Wally explained that the man looked suspicious and it was a strange time of night to be walking around with a rucksack. He therefore stopped and asked what was inside the rucksack. Wally saw the arrest as a good outcome to the night's patrolling. In another instance an officer in an unmarked car pulled up a vehicle which was being driven erratically. He searched the car and found several thousand dollars' worth of antique jewellery which the driver had just stolen. This discovery was commented on admiringly by other officers and rapidly became common knowledge at neighbouring stations.

The surveillance of crooks focuses on the places where each phase of criminal activity takes place: the crooks' houses and pubs where criminal activities may be planned; the wealthy areas and industrial estates where the crimes are committed; particular roads that are used as escape routes; and the pubs and houses where stolen goods are sold. But the most important surveillance takes place outside the houses and pubs frequented by the crooks. It is at these locations that the police identify who the crooks are.

Repeated contacts with the same individuals provide a social basis for the practice of surveillance. People become the objects of surveillance if they belong to a family or group known to the police. Although individuals may disappear from the police gaze, because they move or are in prison, the police are aware that this is often temporary. This is illustrated by the next Case Study.

CASE STUDY 3: The Drunken Boy

We saw a young boy, Dennis, on a bike. He was riding down the middle of a dark street with no lights and wearing no helmet, so we stopped him. Myles, one of the officers, went to talk to him. He smelt alcohol on the boy's breath. Dennis was fourteen and his mates had sent him to get cigarettes from the shop. Myles said we could not leave Dennis there. The officers decided to take him back to his friends' unit.

We put the bike in the boot of the car and drove Dennis to where his friends lived. There was a drunken party at the unit. Several semi-naked men were leaning over a bar and a couple of women were in the background. One of the men recognised Sean, the other police officer, and said, "Oh no, not you!"

Sean knew the group and later told us they were scumbags. He said they used to live in the area and had caused trouble. They moved away two years before but had since moved back.

One of the group spoke aggressively to Dennis because he had not bought the cigarettes. He said he knew he should have gone himself. He became less aggressive as time went on. The police were appalled that the group had got Dennis drunk and then sent him to buy cigarettes. Myles assessed the situation and said, "We are not leaving the kid here for the night with all these drunks around."

The officers returned to the car while they discussed what should be done. Two of the group followed the police and took the bike out of the boot of the car. They asked the police if it was all right for Dennis to get out of the car but the police said no.

Some of the group leant on the car and talked to Dennis through the window. Sean told them to get off the car. They did so reluctantly. Dennis told me he had left home because his mother was being bashed by her boyfriend. He did not want to be beaten up too. He had nowhere to go and rode his brother's bike to the unit. He said the people at the unit were friends he had met the previous week. When I told Myles this he said they had no option but to take Dennis home because he could not stay with these drunks.

Myles was waiting to leave. Sean had gone back to the unit because the group had been baiting him. They started taunting him near the car but as he walked towards them they retreated back into the unit. Sean approached them, put his foot in the door, and stood there talking to them. Myles was becoming impatient because it was getting close to midnight. His shift finished at midnight and he was due back on duty 8.00am the next morning. Myles called out to Sean to hurry up. As Sean left the unit, he said, "You'll be seeing more of me."

We drove to Lippey Street where Dennis lived with his mother above a shop. As we drove Dennis kept telling us he did not want to go back. He also started apologising for being a nuisance. He was very drunk and kept repeating the same comment over and over again. The police told him it was all right and not to worry about it. He asked several times whether the police would charge him, to which the officers replied they would not. Dennis said he did not want to go home because his mother would be mad with him and her boyfriend might beat him. Sean asked Dennis if he knew the name of the guy with curly hair back at the unit. This was the man who had not been happy to see Sean. Dennis said he did not know the man's name.

Dennis's brothers and sister were home when we got to the flat, and one of them answered the door. His mother came to the door. She was drunk. Her boyfriend appeared to have left. When one of the brother's smelt the alcohol on Dennis's breath he said, in an admiring tone of voice, "You cunt."

The mother started to berate Dennis for being drunk but the brother, who called Dennis a cunt, said she could not talk because she was as drunk as a lord herself.

After we got in the car, Sean and Myles discussed where they knew the woman from. They also thought they had seen one or two of the older sons before but could not place them.

We drove back to the station because it was the end of the shift for Myles and Sean. Sean, however, was still preoccupied by the scumbag who had recognised him back at the unit. During the time we dealt with Dennis, Sean seemed more concerned about forgetting the curly haired man's name than the welfare of Dennis. Sean could still not remember it.

One of the officers on the new shift remembered the name of the curly haired man. Sean then worked out who some of the others were in the group. While they checked the computer for details of recent activities by these people, Sean told me they were druggies and petty thieves. He said he was going to get the men at the unit. He would keep a close eye on them. It was with great delight that Sean found there was a warrant out for the man with curly hair. He said that when he was next on shift he would find the warrant and execute it. It meant his threat to return was not an idle one.

Having a warrant to execute allowed Sean to revisit the group. It also marked the beginning of a process of surveillance. For the uniformed police watching crooks is not a covert activity: they let the crooks know they are being scrutinised. Having reason to visit them is a particularly powerful 'signifier' of this overt surveillance.

Individuals who reform their ways or move interstate are of no concern. Their absence automatically removes them from the social world of the police. If they re-appear the police soon remember them and, like those who continue in their 'profession', they once again are subject to surveillance. This process of observation and investigation provides a strong sense of continuity for the police in their work.

During the time I worked with the police the same people kept re-appearing. While I was working at one station a young woman and her niece were arrested as suspected shoplifters. Several months later, while working at another station, I saw the same woman as a victim of domestic violence.

I first encountered another woman when a local shop owner in the suburbs threatened her. I met her again several weeks later when she was in a rural area, where she was well-known and liked by the local policeman. He was sympathetic towards her because she had a difficult life. She was married to an ex-Vietnam veteran who frequently assaulted her, but this was not public knowledge.

In another example at a rural station, I met a young man and his family who had recently moved to the area to farm. During our conversation he said he had previously lived next-door to one of the drug dealers in the city. This was a house I had visited only a few weeks before.

Thus even as an 'outsider' working with the police for a limited length of time one begins to build up a sense of continuity regarding the people with whom the police

deal. For the police there is an even stronger sense of continuity. Criminal suspects are interviewed, charged, bailed and appear in court. Throughout this process the suspect is the centre of considerable police attention. Officers pass on information about suspects in the muster room, where they discuss the day's duties in court, the people they have interviewed, and those who have signed the bail book.

The exchange of information between officers is part of the process of becoming 'street-wise'. For example, one officer who had recently moved from the country to a suburban station used an A4-sized book to record information on crooks. In the back of this book he had written the names, in full, of the known criminals in the area, their date of birth and a brief description of each of them. He took this book with him wherever he went.

Information on well-known crooks spreads beyond the police station in the area where the crooks live. At one country police station I was told that a well-known crook from the suburbs had recently started taking speed. I asked how they knew, and was told the crook had probably done a few jobs in the area. They added that he rarely travelled to the rural town because there was only one escape route back to the suburbs.

While working at this station, we stopped a car doing a wheelie as it did a U-turn. We discovered it contained a well-known drug dealer from the suburbs. The officer who booked him was able to tell me where he lived, whom he had probably come to see, and why.

Surveillance establishes a social relationship between the police and crooks. The police constantly talk about crooks and the histories of the best known crooks are common knowledge to the officers working in an area. These histories extend beyond the individual. One officer recently posted to a city area, after twenty years in the north west, could tell me about some of the current crooks. He knew them because he had dealt with their parents when he had last worked in the suburb. Whilst looking at some photographs, he said they had aged. He identified the photographs of four brothers from one family and then looked for a fifth half-brother, who had a different name. Some crooks he classified according to their 'occupation': they were poachers, burg-stealers, or druggies.

The police often talk about criminal families. A senior officer told me about one crook's family where the mother had 14 children whom she sent out to do jobs. If the children were caught she would proclaim her innocence. She would help the police with their investigations and with obtaining statements from the offenders, as long as the children did not implicate her. Now these children are adults and live in Chicago, one of the well-known "crooks' villages"². They have families of their own who are involved in crime. The same officer told me he had recently arrested the grandson of a

² Generally, "crooks' villages" are those areas in the metropolitan area which are named euphemistically by the media and government departments as "broad acre developments". These are suburbs dominated by housing department properties. They are geographically separated from the suburban area by intervening fields and farms (and hence the term "broad acre developments"). They house the poorest sector of society, have youth unemployment levels of up to 50%, and are poorly provided for by government services. One particularly infamous place is also known by the police as "the veggie patch", but the general term "crooks' villages" has been used throughout this report for the sake of simplicity.

man he knew. He added that he had arrested the man's grandfather some years ago. This is a criminal family covering five generations.

Personal experience and the use of criminal records allow the police to identify crook families. Watching these families and observing who associates with them enables the police to identify the social relationships between real crooks.

The practice of the police is similar to anthropologists working in exotic cultures. They identify genealogies containing both 'agnates', the crook families, and 'affines', the people who associate with these families. The police establish a social relationship with those they observe, by developing an understanding of the kinship system of the crooks. Even when officers have not 'formally' met a crook, they can converse with them about their activities, their relatives and their associates.

The relationship between the police and crooks is usually antagonistic, but it is sometimes almost affectionate. Whilst on patrol we passed a crook's house. He was outside and we stopped to ask him about his health. He had recently been released from "The Pink Palace" (Risdon Prison). He had a tumour on his forehead and the officer asked why he did not have it removed. When we left, the officer told me that the crook's sister has cancer and is very ill. He said that the crook lives with his sister but sadly, she is unable to control him.

Another well-known crook in the area had recently taken to using speed. He was a big man, and had been physically fit before beginning to use drugs. Many of the police felt that since using speed he had become a shadow of his former self. He no longer fought the police when they attempted to arrest him. The decline of his aggression towards the police, and his unwillingness to fight them, was almost a source of regret.

The genealogical and personal knowledge the police have of the crooks and their families form the basis for catching crooks. Officers believe that the more they know about these people the better their chances of controlling them. Foucault (1977) has argued that surveillance is the technique of control used in the prison system. The continuous surveillance of crooks by the police indicates this technique is used more generally in controlling people who are threatening. Letting crooks know they are under observation is part of the controlling technique.

The crooks in their turn develop techniques that enable them to disappear from sight. These techniques are based on a knowledge of police procedures (Young 1990). Distracting the attention of the police by leaving decoy vehicles is one way in which the authoritarian gaze can be subverted. Another technique is the use of innocuous hire cars when doing a job. Crooks are also aware of the movements of the police and may schedule burglaries for times when there is least likelihood of detection. The interactive process of police surveillance and crooks avoiding the authoritarian gaze is another part of the relationship between criminals and the police.

Even if police surveillance is successful and a crook is apprehended, charged, and convicted, the police may see the sentence or fine as too lenient. In a case described to me, the courts gave a crook a \$100 fine. As the crook left the court he passed a police officer. The officer commented that the crook would have no drinking money that night. The crook replied, "I'll just go and do a job to make up the difference."

If the police think the justice system is serving the crooks they will try to catch them for any misdemeanours they may commit. For example, one new officer at a station drove past a pub several times a night to see if a particular car was parked there. If the car was there she waited outside at closing time. She was hoping a well-known crook, who was the subject of a frustrating investigation, would drive home from his local pub drunk. She would then be able to charge him with drink driving.

A commonly used technique is to stop crooks in their cars and to look for faults, so they can be issued with a defect notice. In one case an officer picked up a crook for having a bald tyre. The officer was congratulated by his fellow officers when they found out. He described it as not being a big thing, but the little things added up in those cases where the courts were lenient on crooks. He added, "At the very least it hassles them and causes them some irritation."

Crooks usually drive cars that are easily recognisable and in a poor state of repair. Despite frequent swapping and borrowing of cars from one crook to another, the police often know who is driving which car. One night on patrol an officer pointed out two cars previously owned by well-known crooks. As we passed them the officer in the passenger seat checked to see who was driving them and compared notes with the other officer. This provides the police with a sense of the 'social life' (Appadurai 1986) of cars, based on who has owned them and who is seen driving them. The fact that many crooks treat cars as an extension of themselves means the police find them easy to identify. Cars therefore present a visible and easily identifiable manifestation of the activities of crooks. The life of cars is thus linked to the 'kinship' of the crooks.

The police see traffic offences as a sure way of getting results against crooks. They believe the courts are unlikely to treat these offences leniently. A conversation on a quiet night illustrates this point.

CASE STUDY 4: Traffic Tickets for Burglary?

Whilst waiting for someone to recover a stolen vehicle, Bonnie started talking about someone who had just finished a six-month prison sentence. When I asked why this person had been inside she said he had been driving when disqualified. She added it was often easier to get someone imprisoned for driving offences than for stealing because the courts did not seem to treat crime against property as being serious or significant. She explained that while the police may know who was responsible for a number of burglaries they would often find it difficult to convict them without solid evidence. When this occurred the police used traffic infringements, like driving without a licence, to get the person put in prison.

Cars are not only important in establishing 'kinship' links between crooks, but also in 'catching crooks'. The use of traffic offences to 'catch crooks' is different from the practice of some British police. Young (1991a: 277) describes how the Newcastle police denigrated traffic offences as unworthy of consideration by real police. The emphasis in the Newcastle police on detecting 'real' crime is illustrated by Young's (1991a: 96) ordering of drug convictions in the three years when he was head of the squad. These were: first, burglary at chemists; secondly, forgery of prescriptions; and thirdly, the new offences of unlawful possession. Although uniformed Tasmanian police focus on crooks and their crimes against property, they will use traffic offences to catch them. By contrast, the Newcastle police appear more concerned with convicting people for particular classes of crime (Young 1991a). The emphasis on

catching crooks in all contexts of Tasmanian police work is illustrated by the following case.

CASE STUDY 5: A Kidnapped Baby or a Burglary?

It was a Saturday evening when we were told to investigate the case of a kidnapped baby. We went to a house in Jacksonville where we met Rebecca.

Rebecca and her *de facto*, Carl, had visited the house of Henry King in Detroit for the evening. Henry, Carl and some other male friends had been drinking heavily. Rebecca told us that when they were drunk Carl and his friends decided to go stealing. They wanted her to go too. She would not go and they had forced her out of the house without her baby. The baby was 14 weeks old and called Carina. Rebecca then walked from Detroit to her Uncle's house in Jacksonville to get help.

On our arrival, the Uncle apologised for involving the police. He said he rang child welfare but there was nothing they could do. They told him to ring the police.

One of the officers, Ewin, decided to ring the radio room to obtain more details. We agreed to take Rebecca back to Henry King's house, and get the baby. The Uncle would then take Rebecca home. The Uncle also told us it was not the first time Carl had kicked Rebecca out of their house. On a previous occasion Carl ejected Rebecca and the baby from the house late at night.

The radio room told Ewin that a unit from the neighbouring station at Pittsburgh had been to Henry King's house while we were at Rebecca's Uncle's home. Henry called the Pittsburgh unit and told them Rebecca had abandoned the child. This is a common ploy used by petty criminals in their dealings with authority - to present an alternative point of view in advance of accusations being made against them. The radio room said Henry agreed that Rebecca could collect the child.

We took Rebecca back to Henry's house. On the way she told us about Carl and his criminal associates. She knew one of the big crook families in the area, called the Lanes. One of the Lanes is a friend of Henry King. He goes out to do jobs with two of his sons who are minors. While they do the burglary and stealing he lies low. If someone appears he leaves the children to take the blame. They are underage and will not be sent to jail.

While we were in the car Ewin asked Rebecca about the stealing the group had planned for that night. She told us they had decided to go and burgle the golf club shed at Fort Worth. This golf club had been broken into four times in the previous three months. The trouble with the baby started when she refused to go with them. She wanted to leave but they would not let her take the baby.

She said that, over the last few weeks, they had "knocked off" sheds in the area. They gave the stolen goods to Warren Grant who has a truck and keeps some of the stolen property at his place. She said Henry was awaiting payment for some poaching he had done.

Rebecca gave Ewin a description of each of the men's cars and their number plates. She told us Henry King had recently moved to Detroit from Chicago, a crooks' village. He had been doing jobs in the area for about three weeks. They had tried to burgle the golf club a few nights earlier but the police were in the area. Rebecca described Henry as a "real crook" and told us how he had even nicked rose plants to put in the garden when he moved to Detroit.

When we arrived at the house Rebecca went in to get the baby. While she was gone Henry came out to talk to the police. Colleen, the second police officer, wound down the window and the smell of alcohol on Henry's breath hit us. He was very drunk. He said to Ewin: "How could we let her take the baby when she had thrown it across the room?"

Henry modified this story as time went on. Later he referred to Rebecca as having thrown the baby at Carl. Henry said he was not going to let the police on his property and returned to the house.

It looked as if things could get difficult. Rebecca had not re-appeared with the baby. Ewin and Colleen followed Henry to the front door, which Henry had closed. Ewin knocked on the door, Henry opened it and said Rebecca and Carl were talking. Ewin put his foot in the door and said they would wait in the passageway, which they did.

The drinking session had developed into a party with loud music blaring out of the lounge room and everyone yelling at each other. There was a strong smell of alcohol and stale food in the air. There were several children running around and they asked who the visitors were. Henry said to them, in an aggressive tone of voice, "Don't talk to them, they're fucking pigs."

Henry disappeared into the lounge and left the police in the passageway. When the children again asked who it was, one of Henry's mates said very loudly, "They're arseholes."

This was said aggressively. When I commented on the language and abuse hurled at the police Ewin said that you learn to turn off and not to hear what people say.

Rebecca was in a bedroom screaming at Carl. We could hear her yelling at Carl, asking where "the fucking \$50 was". Back in the car she said she had \$90 when she had arrived at the house, but Carl had given Henry \$50 to let Rebecca take the baby away.

The police waited until Rebecca came along the passageway. She told us she was collecting her things and would then be ready to go. When she collected her things Carl came to the door and said he was driving her home. The police commented that if he drove Rebecca and the baby home he would get picked up for drink driving. Carl asked whether the police had a breathalyser and suggested they test him. Henry reappeared at the door to see what was going on. He muttered a few additional obscenities at the police as we left.

Carl took the baby's things to the police car. Carl had a 0.12 blood alcohol level when the police tested him. He said he would stay at the house to sober up. In the car, Rebecca commented that Carl would stay and drink more, and then go and do the burglary with his mates, as they had originally planned.

On the way back to the Uncle Rebecca told us they had warned her against saying anything to the police. They had said if she "squealed" she would pay for it. But, she said, they did not frighten her. They thought they were very tough but they were not. Ewin made sympathetic noises. Rebecca did not seem concerned about informing the police of their activities, even though Henry and Carl were mates.

After returning Rebecca and Carina to her Uncle's house we returned to the station. Ewin rang the radio room with the information Rebecca had given us. Colleen checked on the computer for each of the people we had talked about to see if there were any outstanding warrants for their arrest. The police often do this when first contact is made with crooks who move into an area (see Case Study 3). Ewin and Colleen intended to go to the Fort Worth Golf Club and look out for Henry and his mates. But events overtook us and we never got to the golf club that night.

In this case, when the police were first called it appeared to be a family dispute. Whilst dealing with the case the police were told that some of the people involved in the dispute were crooks. Although the police 'resolved' the family dispute they were more interested in the information about the crooks. The police immediately followed up this information by checking to see if there were warrants out for Henry, Carl and their

associates. They also informed the radio room about the proposed burg-steal so the golf club shed could be kept under observation.

Whilst it is possible to use statements by the police to create a binary opposition between 'cops' and 'robbers', such a simplistic schema does not adequately describe the way the police socially construct reality (Berger and Luckman 1971; Leach 1976). Although the police often portray their work as catching real crooks, one officer described police work as dealing with "the scum of the earth". Uniformed officers recognise that real crooks are only a subset of the broader category of scumbags. The distinction between crooks and scumbags probably has historical depth and occurs throughout Australia. This is captured in the phrase, "*Crooks, Chooks and Bloody Ratbags*", used as the title of a humorous book of reminiscences about life in a Victorian country police station during the 1950s (Cue 1983). In the next section I describe the broader encompassing category of scumbags, and the police experience of disorder associated in dealing with these people.

2.4

Scumbags

The police portray scumbags as living in housing department homes or in the rougher suburbs. The police recognise scumbags by their poorly maintained, untidy, dirty and smelly homes. Scumbags and their children are antagonistic to the police. Both adults and children call the police names and swear at them. The parents are often unkempt and may be drunk at any time of day. Scumbags will not do what police ask without an argument. They are equivalent to the people living in the "African villages" of Newcastle-upon-Tyne (Young 1991a: 151), and to the "low lifes" of Phoenix (Ferraro 1989b: 67).

The police immediately recognise when they are dealing with scumbags. An officer with whom I worked had his own file of photographs from a scumbag house where he had investigated a fire. The photographs showed the floors inside the house covered with rubbish to a depth of several inches. There were bags of rubbish spread across the passageway and through the rooms of the house. Dirty cutlery and crockery were left on beds, tables and the floor. Nowhere was there a clean or uncluttered surface. The officer told me he could not avoid stepping on things as he walked through the house. In the report on the fire, the officer noted seeing a rat run across a room. Outside the house the grass was waist high and there was rubbish strewn about the yard.

Encountering dirt and disorder is not an uncommon experience for the police. I have described in my notes how one house, where we went to intervene in a neighbourhood dispute, looked as if the people had just moved in. There were boxes of things everywhere. It looked as though it would be impossible to locate something that was needed. In addition, sauce bottles and dirty plates were strewn over the kitchen and the lounge room floor, as though the occupants had eaten a rushed meal while they were in the process of unpacking. I later found out that the people had been in the house for several months and this was how the house always looked.

A disordered house is not the only identifier of a scumbag. Being disorderly in public places is another. One of my early introductions to scumbags was a call to a brawl at a pub. The police arrested a drunk who resisted being put in the police car. The policeman controlled the drunk by sitting on him while the officers took him to the

lock-up. All the way to the lock-up he yelled, "I'll get yuz all. I'm not going in no pig car. You fucking cunts."

This is one of many instances I experienced where the police were verbally abused (e.g. Case Study 5 above). The police see this type of abuse as one of the defining characteristics of scumbags. The verbal abuse is an indicator of an inability to negotiate personal relationships. Scumbags can convert almost any encounter with people into an aggressive confrontation. This inability to negotiate relationships makes it difficult for the police, or anyone else, to resolve disputes between scumbags. The absence of a clear victim or offender, and the inability of the protagonists to see any other point of view, means that each party gives a truncated and biased version of the crisis and the events leading up to it. Often, because of the highly charged emotional atmosphere, the behaviour and attitudes of the participants seem irrational, trivial and spiteful to the police.

Neighbourhood disputes are particularly revealing. For example, I was told about two rural cases that dragged on for several months. One case involved a person's chickens eating the neighbour's plants, while another involved a person's dog that barked at night keeping the neighbours awake. Both escalated into violent confrontations that the police were called in to resolve.

The following case shows how time consuming these disputes can be for the police.

CASE STUDY 6: Harassing the New Neighbours

Saturday night

Following a phone call to the station about a neighbourhood dispute, we went to the Marshall's house in Detroit. When we got there Barry Marshall, the son, let us into the house. Sam, the police officer, asked Barry where his mother was. Barry said she had gone to a wedding and he was looking after the house. Barry was in his late twenties.

Sam had been to the house the previous night after Barry reported finding a purse on a bus. While there, Sam heard loud music coming from next-door. It was so loud that he could not talk over it. He asked the neighbours to turn the music down, even though Barry's mother, Mrs. Marshall, did not want him to. Mrs. Marshall had recently moved to Detroit from the north of the state and did not want to cause any problems with her new neighbours.

When Sam went to see the neighbours, the father, Mr. Jenkins, was not very helpful. He said the music was not loud and because it was day time no one could complain about it. The Jenkins denied any responsibility for the noise and claimed that Mrs. Marshall had sent Sam over to tell them to keep quiet. Sam said he came because he could not talk to the Marshalls over the noise. He added that their behaviour was antisocial and if nothing happened then he would do something about it. They begrudgingly turned the music down.

When we arrived on Saturday Sam talked to Barry. We found there had been two calls to the radio room, the first call coming from the Jenkins about an assault. Barry told us that his brother, Flatjack, had been visiting earlier in the day. He had gone to the Jenkins complaining about the music. The son plays his music in a shed located on the boundary between the two properties. When Mr. Jenkins said he was not interested in what Flatjack had to say, Flatjack pushed both him and his son. Flatjack then took his mother to the wedding. Barry told us that Flatjack pushed the Jenkins because he was provoked. Sam said provocation was no justification for pushing people. Barry told us the Jenkins had then thrown stones on the house. Sam said he could do nothing about it.

Russell, Sam's partner, was at the station when we returned. Sam briefed Russell on the matter and asked him to go and see the Jenkins so that Sam's presence would not aggravate matters. Russell agreed to do this.

Russell visited Mr. Jenkins and asked if he wanted to lay charges of assault against Flatjack. Mr. Jenkins said yes. Russell explained that it would be hard to get the case to stand up in court. He said the Marshalls would claim they had not done what was alleged and there were no signs of physical damage to Mr. Jenkins, his son, or their property to prove otherwise. Russell said he would take a statement but Mr. Jenkins would need a doctor's examination to provide physical evidence for the case. Mr. Jenkins began to waver in his resolution to proceed with the case. Russell suggested a better approach to the problem would be for Mr. Jenkins to go and see Mrs. Marshall, to explain that Flatjack was a problem and to suggest he be less volatile when he visited her.

In a whining voice, Mr. Jenkins said he had lived in the house for 16 years and had never had any trouble with neighbours before. The Marshalls had only moved in a couple of months before and now there was a problem. While Mr. Jenkins was not completely convinced by Russell's argument he agreed not to proceed with charges. We were there from 19.30-20.00pm

The next Thursday evening

The radio room gave us a call. The Marshalls had rung to say some pot plants had been knocked over while they were out. Shane, the police officer on duty, and I went to investigate. When we arrived at the Marshall's house Shane looked at the buibs tipped out of their polystyrene boxes and said there was nothing he could do. There were no witnesses, as the Marshalls had been out, and it was impossible to prove it was the Jenkins. He suggested Barry put them back in the boxes for his mother and they forget what had happened. As we left, Mrs. Marshall said she was not very happy the police could do nothing, but said she would accept it.

The following Saturday night

The station got a call from the radio room to say that both the Jenkins and the Marshalls had been on the phone, hurling accusations at each other, and could we please attend. Evan, a different police officer to those of the previous week, went to the house of the Marshalls where Flatjack was standing outside. The Jenkins' sons were standing on their back porch, within view of the Marshall's garden. As we arrived both sides were abusing each other over the fence.

Flatjack was visiting his mother and had thrown a brick through the window of the shed, where Jeremy Jenkins played his music. Earlier in the afternoon the Jenkins had complained about Flatjack parking his van on the nature strip out the front of the houses. The Jenkins, especially Mrs. Jenkins, claimed that this was their land.

Evan asked the Jenkins' boys to go into the house and to wait for him. They moaned about Evan visiting the Marshalls first and said they were the ones who had rung the police. Evan told them there had been two phone calls to the police and he was responding to the first call first. A daughter (about 14 years old) came onto the porch and started abusing Flatjack. Evan asked her to go into the house and she said he could not make her do this. Evan (a usually very even-tempered policeman) was upset by this comment and told her again to go into the house. She eventually went into the house begrudgingly.

Flatjack explained about parking his van on the nature strip and how this had upset the Jenkins. We then spent some time looking down the line of the fence to ascertain where the boundary was between the two properties.

Flatjack insistently told Evan if something did not happen to resolve the problem his mother was having with the Jenkins then he was quite happily to go to jail over the matter. He said that while he knew he should not assault them it seemed to be the

only thing they understood. He added that it did not worry him to go to jail because he had been there before.

Evan knew Flatjack. He told me later that Flatjack had gone to jail over a warrant for the non-payment of a fine. Flatjack had chosen to go to jail rather than leave his wife with insufficient money to feed the children.

Evan explained to Flatjack that the dispute was a civil matter and the police would only get involved if a restraint order was issued. He said the police could arrest Mr. Jenkins if there was a breach of the order.

Evan tried to talk Flatjack out of physical action. He explained it would only exacerbate matters and make his mother more upset. Flatjack did not think a restraint order would sort things out. He did not see why his mother should have to move again, after moving there three months before from the north. He said that it had been a major achievement for the family to get her to Detroit so the family could be together. He said he was not going to give the achievement up lightly.

Evan gave two pieces of advice. The first was to go to the housing department the following Monday and to tell them what was happening. The second was to go to a solicitor and take out a restraint order. He tried to explain to Flatjack that a restraint order would enable the police to prosecute the neighbours for a breach of the order. Flatjack wanted Evan to tell his mother but Evan said it should come from Flatjack because she would listen to him more than to Evan. (Mrs. Marshall did not seem very enamoured with the police.)

We then went to the Jenkins. One of the daughters answered the door and when we went in the lounge room Mrs. Jenkins asked why we had gone to the Marshall's house first. She said that she was the one who had rung the police. Evan said he had got the message to go to the Marshall's house first.

Mr. Jenkins had to be called from the bedroom and claimed he had been in bed when Flatjack threw the brick. He said he knew nothing about the events of the evening and we would have to talk to his wife. Mrs. Jenkins' manner was like that of a spoilt child. In a whining tone of voice she said the Marshalls must get their car off the Jenkins' land.

Evan told the Jenkins exactly the same thing he had told the Marshalls: to go to the housing department and find out where the boundary lies between the two properties; and, if they continued to have trouble, to take out a restraint order. Evan commented on their daughter's behaviour when she was on the porch earlier. He told the parents her disobedience was not good and they should learn to control their children. They did not apologise for her behaviour and seemed unperturbed by Evan's comments.

Mrs. Jenkins also complained about the broken window. She asked whether Flatjack would pay for it to be fixed. Evan said Flatjack had agreed to pay for it and Mrs. Jenkins then became somewhat quieter.

We went outside with Mr. Jenkins to look at the boundary. When Mr. Jenkins looked down the boundary line he realised that Flatjack's van was probably parked on the Marshall's nature strip, rather than the Jenkins. He backed down at this point and said they would go and see the housing department on Monday. He complained that if the Marshalls were right, and it was their nature strip, then it meant the Jenkins had no front yard. Evan said there were lots of things one could not understand about how the housing department worked. Mrs. Jenkins also came outside and told Evan he should get Flatjack for driving an unregistered car. Evan ignored the comment and we left.

When we left Evan told me he had been to the Jenkins' house before. He said his previous visits had also been over neighbours and that there seemed to always be

someone in the area giving the Jenkins "a hard time". On one occasion it was the house behind them: the children had thrown stones on the roof. On another occasion it was the family living opposite. He said some people are always in trouble with the neighbours. He compared the Jenkins case to that of a man who lived down the street from them, who is married to a Filipino woman. He also gets harassed by the locals. Evan seemed philosophical about it and shrugged his shoulders over the whole affair.

Later the same evening

We again got a call from the radio room to attend the Marshalls. When we got to the Marshalls all was quiet. Evan reported this and was told it had only been a cautionary call from the Marshalls because there had been threats from the Jenkins to have the van towed away. When we attended it looked as if people might finally have gone to bed.

The situation remained calm for the rest of the shift. I transferred to another station the following weekend so have no idea whether things remained calm, or whether they blew up again.

Time

While I was at the station, two to three hours of police time was spent on this case. In this time, the problem had not been resolved to anybody's satisfaction.

This is a fairly simple case of a week in the course of a neighbourhood dispute. During this period four different police officers were involved, and it took two to three hours of police time. When disputes continue for months, many more hours of police time are involved. One rural case I heard of dragged on for years, until one of the parties decided to move. In that time the police had weeks when they were called out nearly every night. It would then be quiet for a couple of months before blowing up again.

In another example, a member of the police prosecutions' section had traced the feud between two families back to 1949 (a period of 45 years). One of the fathers of those currently feuding had 'stolen' the girlfriend of the other father. Although the woman had married neither man, the two families have been fighting ever since. The feud may go back even further. The person in the police prosecutions' section knew the case well because members of the two families were often assaulting, or stealing, from each other and constantly appearing in court.

In the police experience, the chaos they deal with is usually associated with individuals who appear to be the least capable of controlling their lives. When the lack of control spills into the public domain, the police intervene and impose temporary order. The police variously describe disorderly people as "mongrels", "scumbags", "ratbags", or by such terms as "the dregs of society". Creating order out of chaos for this sector of society is viewed as an impossible task. One officer commented that he preferred crooks to mongrels. When asked why, he stated that crooks do not aggravate other people unnecessarily while scumbags do. His fellow officer agreed with this statement.

Opinions varied between officers as to what constitutes a scumbag. The exact definition appears to depend on which aspects of policing an officer least enjoys. Many younger officers see scumbags as individuals who harass others and cause problems for the police. Other officers think perpetrators of domestic violence are scumbags because these individuals do not control their aggressive tendencies. The common theme in these descriptions is that scumbags are unable to control themselves. They are the type of people who involve the police in "social work" cases.

The reaction of the police to social work jobs is best typified by the expression "the three D's". This stands for "dogs, drunks and domestics". It is a term which all police are familiar with and often use. One officer gave the three D's to me in the wrong order. A fellow officer listening to the conversation instantly corrected him.

I had only worked with the police for a few weeks when an officer volunteered that he disliked being called to incidents where a dog has bitten someone. This answer surprised me and I asked why this was the case. He said the problem with dog bites is that the owners often treat their dogs as if they are members of the family, or extensions of themselves. They therefore do not like the police telling them what will happen to the animal. When the police are called in they often have to tell owners that their dogs will have to be put down. This usually provokes a strong emotional reaction. The officer described such cases as "untidy".

At a rural station an officer told me about the trouble they had with dogs killing livestock. He talked about one case where two dogs owned by hippies had killed sheep. The police could not act because they had not caught the dogs in the act. A new dog catcher arrived in the area who was enthusiastic and who managed to prove the dogs were killing the livestock. When the dog catcher and the police went to take the dogs away their owner created "a real scene". She would not believe they had killed the sheep. She put her arms around each of the dogs in a great display of emotion before they were taken away.

The police also find sudden deaths unpleasant. One night, after a serious accident in the area, an officer said he had never attended a fatal car accident in his five years with the police force. He was pleased he had avoided this work. He disliked the idea of going to an accident to find that someone he knew was dead. He felt it would be difficult not to become emotionally involved.

Earlier in the same week two other officers commented that they disliked infant deaths because everybody was so emotional. They added that if it was an older person then people handled it better. With an older person the family and relatives normally felt the person had lived a full life

Hit and run accidents are similar to infant deaths. Officers compared their feelings when they returned to the muster room after one hit and run accident. No one knew who had caused the accident and they saw it as the waste of a life. There was a feeling of uneasiness about what had happened. The police also categorise hangings and suicides in the same way.

All of these cases are messy for the police. They produce strong emotional reactions among those affected. These reactions make it difficult for the police to deal with the incidents in a detached manner. They also add to the sense of disorder that unexpected deaths create. Whilst the police can cope with the mechanical aspects of sorting out the bodies, it is more difficult for them to cope with the reactions of a grieving family. Sudden deaths are however dealt with by the police in a relatively predictable way.

When the police compare car accidents and domestics a distinction in police work emerges. One police officer said the police preferred to go to a car crash than to a domestic. He explained it is clear what the police have to do at a car accident. They

have a well-defined role to fulfil and they get on with the job. However at domestics anything can happen. The other officer in the car commented that the public like to see the police at car accidents. He went on to say that at car accidents the police present a positive image, but at domestics they just get abuse and no credit for what they do.

The discussion of car accidents suggests the police find some social work calls fulfilling. While on patrol with one officer, we located a family's lost dog. The children were delighted to be reunited with their itinerant pet. They thanked the officer profusely. This experience put the policeman in a good mood for the rest of the shift. When I asked another officer what sort of work he liked doing, he referred to a child custody case of earlier that day. He said he liked this case because he had resolved it to the satisfaction of both parties. In this instance, the officer had acted as a mediator while the two parties worked out a compromise solution.

Thus it is not social work that frustrates the police, but those cases where order cannot be created out of the chaos. They recognise that their intervention in cases involving scumbags will at best establish a short truce between the protagonists. These cases are messy, and normally occur in a highly charged emotional atmosphere, which makes 'maintaining the peace' difficult for the police.

For most police officers dealing with scumbags who are not crooks is not real police work. They believe scumbags should not rely on the police to solve their problems. They also feel that minor issues become major problems when scumbags are involved. This contrasts with their experience of real people. Real people do not unnecessarily call the police, and they attempt to solve their own problems.

2.6 *'Real People'*

The distinction the police make between the sections of society they usually encounter - crooks and scumbags - and the rest of the community is most apparent when the police interact with normal citizens, or "real people", as they sometimes call them.

CASE STUDY 7: A Child Custody Order

Lindsay was called to a house to serve a child custody order. A man, called Terry, had rung the station saying that sole custody of the children would be in his wife's hands. Terry had asked the police to serve it on his wife's ex-husband to avoid any violence.

Terry and his wife, Maureen lived in a neat house in a respectable suburb. Terry invited us in and explained to Lindsay why they had rung the radio room earlier in the day. They wanted the police to collect the child custody papers and serve them on Maureen's ex-husband. The police had arrived later than expected, and Maureen's ex-husband had the children until the following morning. They felt it would be inappropriate to serve the papers now. It was decided to leave it until the following day to serve the papers, by which time the children would have been safely returned to their mother.

Maureen commented that her ex-husband's behaviour towards the children was becoming an issue and he could not be trusted with them. In order to prevent him continuing to harass the children, Maureen and Terry had wanted a quick resolution to the problem and used their own solicitor for the case.

Lindsay said he would tell the duty sergeant on the next day's shift about the need to collect the papers and serve them on Maureen's ex-husband. Maureen and Terry

thanked Lindsay profusely and said they were sorry to have troubled him. They added that if there had been another way of doing this then they would have used it. Lindsay said it was no problem and part and parcel of police work.

As we left Lindsay said to me it was nice to deal with real people on occasions. When I asked him what he meant by this he answered by saying that for most of the time the police do not deal with normal, sensible people, who respect what the police do.

The police portray real people as being those who respect the police's role in society. Real people live in nice houses that are looked after and clean inside. They dress in clean clothes and have polite children. They do not call the police names. They also show respect for what the police do and appreciate their assistance when they have a problem.

Real people may write and thank the police for their assistance. After dealing with the case of a missing girl, Trent came on duty to find that her parents had written and thanked him for his assistance. He was so impressed that he photocopied it and asked Karen, who had also attended the case, if she wanted a copy. He suggested she should have one because this did not happen very often.

At one domestic we attended, an officer noted as we left how the reactions of those involved showed the difference between the socio-economic classes. He said that in places like Detroit, a well-known crooks' village, they are always pleased to see the police when they come to a domestic. But in places like Atlanta, a well-to-do suburb, they are embarrassed because people see the police arrive and assume the family has problems with the law. By implication, those in the crooks' villages expect the police to play a role in sorting out their problems for them, while real people believe in sorting out their personal problems in private.

The distinction made by the police between "scumbags", "crooks" and "real people" is most apparent when they deal with people who live ordered lives. Contact between the police and real people is normally confined to instances where the real people are victims. They are therefore only rarely, or peripherally, the focus of police attention.

2.7

Pollution

Our society expects the police force to maintain law and order. Police act on behalf of law-abiding citizens to control those who break the law. Law breakers are people who transgress boundaries: they participate in socially unacceptable activities such as burglary and stealing. Crooks are the main group of people who break the law. Police officers therefore concentrate their efforts on 'catching crooks'. The aim of observing, chasing and capturing crooks is to have them prosecuted and sent to jail. In this way the police act to separate off the unsavoury sectors of society and remove them from the public domain.

Anthropologists have talked about the way in which people categorise things and how these categories are perceived as being inflexible and intransigent (Douglas 1966; Leach 1976). It is by categorising things that we rationalise our world and impose a sense of order upon it. When items do not fit into these neat categories then they contravene the boundaries between the categories we formulate, thus becoming "matter out of place", or "dirt" (Douglas 1966: 35). Matter out of place creates problems for our conceptual framework because it is anomalous. Matter out of place

has been described as "dangerous" and "polluting" (Douglas 1966: 94-113). It brings disorder into the system. One of two consequences arises out of this: we either try to ignore it or we try to remove it.

When we try to ignore or eliminate marginal elements we provide them with a potency they would not otherwise have (Leach 1976: 62). Despite our attempts to create boundaries and maintain them, the world we live in does not fit into the neat categories we create for it. But because we emphasise the need for order, the disorderly is threatening: it has the potential to overtake or subsume the structural basis of our systems of categorisation. Consequently the grey areas between categories are like charged atmospheres and are a source of power. Their potency arises out of their ability to confound our neat categories.

Power can be either controlled or uncontrolled (Douglas 1966: 98). For example, power can be exerted on behalf of a social system, in which case it is controlled; or it can be exerted without society's approval, in which case it is uncontrolled. The former protects society while the latter threatens society (Douglas 1966: 99). Controlled, or positive power comes out of a structured, hierarchical system that entrusts a group with the authority to act on its behalf (Douglas 1966: 102). Political power in a democracy is a good example of controlled power. On the other hand, uncontrolled, or negative power comes out of the unstructured elements of a system which act outside the socially accepted norms. Witchcraft is a good example of this latter source of power (Douglas 1966: 103). The exercise of the former is therefore predictable while the exercise of the latter is unpredictable. It is the latter source of power that is polluting to society because it can act capriciously. When it is ignored it will spread and destroy the system it preys on. In this framework the police represent the power to protect society from the capricious, and hence threatening, power of the crooks and scumbags.

Crooks and scumbags act in socially unacceptable ways. Society expects the police to control this behaviour. But this in itself places the police between categories. They are neither the innocent law-abiding citizens that the crooks or scumbags attack, nor are they the crooks or scumbags who offend. They are betwixt and between the two. Because they spend their time dealing with those sectors of society that real people find distasteful they are themselves potentially polluting. This pollution is noticeable in two ways. First, the police become hardened and cynical about the 'dirt' they deal with. Secondly, because they deal with the polluting sectors of society, the presence of the police in the realms of real people may indicate that the real people are themselves acting outside the accepted social norms. Thus, by 'association' with the police, a real person may be implicated as being polluted. The pollution of the police is therefore potentially contagious to real people, just as the pollution of the crooks and scumbags is potentially contagious to both the police and real people.

The police are fully conscious of this image. On my first night out with the police Brendan commented to me that police were not the sort of people I would want to take home to meet my mother. He said my mother would be horrified if she knew about some of the police's acquaintances. He added, "Police are not the most desirable people around. In the four and a half years I have been in the police my wife says I have changed. She says I have become very cynical and she wants me to leave the force before it gets worse."

This potential to be polluted by "the dregs of the earth" is clearly shown in the reaction many people have when their houses are burgled. When people are burgled, those who are polluting have transgressed an invisible boundary between the two sectors of society. After a burglary many people say they feel dirty. They feel violated, and are upset at the invasion of their private domain and their personal space. The reaction is much stronger if the people are at home when a burglary is committed.

The transformation of one's personal, private space, from one of order to one of chaos, often has a physical manifestation. Offenders often trash houses if they cannot locate something of value. In one case I attended the offender had found some boot polish and lit a fire on a mattress to liquidize it. In order to light the fire the person had ripped the curtains off the windows and heaped them on the mattress before setting light to them. The liquid boot polish was then painted on the walls. In the kitchen, sugar and tomato sauce were plastered over the walls and the floor. In the bedrooms, pieces of furniture had been upset, contents thrown out of them and strewn across the floor. In some cases wooden cabinets had been hacked with a kitchen knife. The sense of physical chaos was overwhelming. The invasion of real people's space by the crooks, and the reaction it gives rise to, illustrate the potency of the transgression of the boundary.

The police, in controlling the actions of those who transgress the social boundary, focus on crooks. While crooks and their activities are polluting, they can be caught and prosecuted for their actions. This is because they commit real crimes against real people. The police use the law to remove this polluting element from society. Burg-steals are the most common offence crooks commit. There is a clearly defined method by which these cases are handled and there is a clear distinction between the victim and the offender. This can be defined as 'clean-cut' policing: there is no ambiguity. When the police catch the offenders they expurgate the public domain by removing the criminals. If a case goes to court it is unlikely not to lead to a prosecution and, if the courts are co-operative, the offender will go to jail, thus removing a crook from the streets.

The ultimate source of satisfaction for the police is the separation and the incarceration of those who are polluting. It is therefore not surprising that catching crooks preoccupies the police. Crooks are a source of pollution that can be acted upon in a decisive manner. A successful investigation will have a positive outcome where the source of the pollution is at least temporarily removed from society.

On the other hand, jobs involving scumbags are unsatisfactory. They usually do not involve real crime, as defined in law, but rather deal with disorderly behaviour. It is scumbags who are most likely to be the source of the social work jobs that police attend. For example, the three D's are the sorts of jobs that involve scumbags. In these cases, the police are called in to create order out of chaos, but the chances of achieving this end are remote. The police experience suggests that their intervention is only a stop-gap measure. They may return time and again to the same scene, sometimes year after year. The police therefore see themselves as being powerless to control the disorderly behaviour of scumbags.

Scumbags are people who cannot manage their lives. They become involved in issues that get blown out of all proportion to their original significance, and their inability to cope with these situations leads to the involvement of the police. Cases involving scumbags rarely have clearly defined victims and offenders. The powers available to

the police to control the behaviour are limited. The archetypal example of these cases is neighbourhood disputes. Rarely is it clear who initiated the dispute and both parties are often equally aggressive towards each other. It is because of this balance of aggression that the cases escalate. The aggression feeds on itself and draws in others. For the police, the outcome is jobs that are messy and cases that are irresolvable.

Those who create social work jobs lead disorderly lives and rarely pose a threat to real people. For example, I was told that in Chicago most of the burg-steals were done locally, suggesting the scumbags confine any criminal activity in which they partake to their counterparts. By comparison, real crooks attack real people.

The disorderly actions of scumbags can be classed as a form of 'pointless pollution'. The police cannot clean up these cases easily. The role of the police is often a peace-keeping one. As a consequence the police are powerless to bring about change. Also in social work jobs the police are invariably unable to remove the polluting factor. But contact with the scumbags is polluting, just as it is when dealing with crooks. Consequently, the police perceive social work jobs as not being real police work. There is no opportunity for removing the polluting factor so that there can be a return to a state of order.

Defining the police force as an organisation that tries to create order out of chaos, rather than as an organisation that enforces the law, explains why police attention focuses on crooks. The role of the law in this process is as the instrument available to the police for affecting change, through the removal of the polluting factor. The law provides no corresponding powers with regard to the behaviour of scumbags. The law assumes that the difference between right and wrong, guilt and innocence, offender and victim can be clearly distinguished. However the police experience of social work jobs shows that this is rarely the case. The chaos of interpersonal disputes cannot easily be categorised in a way that will transform the disorder into a state of order. For this reason the police give the activities of scumbags a low priority.

Thus, in terms of surveillance, it is checking on crooks that is most likely to give a successful outcome (Fig. 2). The observation of the socially unacceptable behaviour of crooks is most likely to lead to successful control. It is for this reason that the police focus their attention on crooks, rather than on scumbags.

The police base their conceptual framework on experience. The police's continual exposure to polluting encounters is not recognised from the outside, where the police culture is seen as intransigent and resistant to change. But no matter what society believes the police should be doing, their knowledge suggests otherwise. For uniformed police crooks and scumbags are their social world, and dealing with crooks and scumbags is not a new experience (Cue 1983). The continuity of the police experience with crooks and scumbags means that every encounter with these groups merely acts to reinforce existing views. For every individual who drops out of the police gaze there is another one to take their place. While some of the contact with known crooks may seem serendipitous (see Case Study 3) this is not the police view. The polluting activities of crooks and scumbags automatically make them memorable because they contravene social norms. Police knowledge of individual cases becomes part of an encyclopaedia of experiences that can be elaborated on at will.

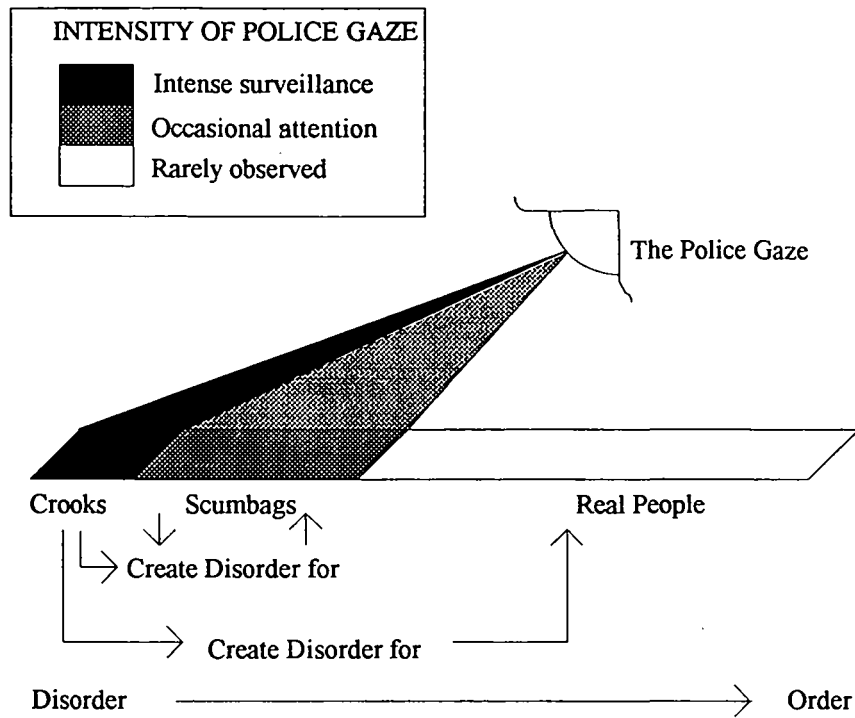


Figure 2: The Culture of the Police Gaze.

A sense of hopelessness characterises police pre-occupation with crooks and scumbags. The police believe they achieve only limited success in creating order out of the chaotic situations they deal with. But within this framework crooks are the easiest group of people with which to deal. The activities of crooks provide the potential for the police to act in a decisive manner. Good detection work will lead to a conviction, thereby removing the polluting factor from the public forum. The crooks provide clear-cut cases for the police to handle. The activities of scumbags are different: they revolve around disorderly behaviour that is usually directed at other scumbags. Police intervention has little, if any, impact on this behaviour. Here, the police are powerless to effect change. In order, therefore, to maintain ascendancy over the polluting factors in society it is the crooks that are the focus of police attention.

In this chapter I look at the process of learning uniformed police work. The two main areas I consider are the arrival of recruits at a station and the transfer of officers from other divisions (such as the Criminal Investigations Branch [CIB], the drug squad, and traffic). The evidence shows that regardless of where officers come from they have to learn, or re-learn, the social practices of uniformed work. I consider the significance of this process in the light of effective policing and relate it to the idea of rites of passage.

3.1

Background

I worked with the Tasmanian police at an interesting time. During the early 1990s there was a halt to recruitment and staff numbers declined as a consequence. In 1991, the new Liberal government implemented a policy to increase the number of police. In 1994 four classes of recruits went through the Academy, totalling just under 80 individuals. Normally these recruits would go on the watch in Hobart, Launceston or Burnie before transferring to one of the other stations (see Chapter 1). The lack of experienced officers on the watch who could act as supervisors, as well as staff shortages at some stations, meant that some recruits went from the Academy to other stations without a period on the watch. At one of the stations where I worked there were some recruits from the Academy and I was able to observe the reactions of the other officers to this situation. It is upon these observations that I base much of the first part of the chapter.

The police perception of the process of incorporation into uniformed work can be likened to a rite of passage (Van Gennep 1960). Recruits are separated off from the 'real world' when they attend the Academy and are then incorporated into the culture of uniformed policing. It is clear from the reactions of experienced police officers that incorporation of recruits into police culture only occurs after they have followed the sequence of: time at the Academy, time spent on the watch and transferral to a station. Curtailing this sequence is viewed as problematic.

However, socialisation into uniformed work is not only a 'problem' for new recruits. I found that officers transferring from other sections of the force to uniform work experience difficulties, both in terms of their knowledge of practical policing and in their handling of paperwork. Young (1991a: 106) has described this shift back into uniformed work as a process of "reincorporation". Reincorporation is usually the last stage of a rite of passage (Van Gennep 1960). This suggests that moving back into uniformed work always involves a learning process. It also implies that uniformed work is at the conceptual heart of policing.

These factors have important implications regarding the training of staff and I return to them in the concluding chapter (Chapter 8).

3.2

Coming out of the Academy

Recruits enter the Academy for an intensive period of training. In 1994 the training period was 26 weeks, but it was extended to 30 weeks in 1995. The longest training period in the force was in the early 1990s when the course was 44 weeks long.

During their initial training the recruits board at the Academy. This applies whether they are single or married. At the moment all recruits must undergo this training, regardless of their prior experience. For example, one individual who was in the police force for five years and then left had to go through the entire training course again when he rejoined the force in the early 1990s. Individuals who come from interstate forces also have to undergo the whole period of training.

In a booklet produced for prospective recruits, the course at the Academy is described as developing "the knowledge, skill and attitudes needed by a police constable" (Anon. n.d.). The course involves learning about the "legislation, police procedures, the courts, sociology and communication" and recruits are also taught "practical skills in driving, drill and firearms" (Anon. n.d.). During the period at the Academy recruits spend some time at a station. The length of time has varied over the years, from two to three months in the 1980s, to much shorter periods in the 1990s.

In 1994, the recruits' introduction to station work involved a two-day visit to the stations. This occurred while they were still students, about six weeks before graduating from the Academy. At one station an interesting exchange took place between a recruit and an experienced officer. This reveals the attitude within the force to the training recruits receive while at the Academy.

CASE STUDY 8: "That's Not How We Do It Here"

Five recruits arrived at Cleveland station at 8.00am. However, there were only two uniformed constables on duty. Of these two, one was on the front desk for the whole day. As a result, the duty sergeant arranged for some of the recruits to go elsewhere. The two female trainees went out with the traffic police, and a third went to Pittsburgh with Brian Hardy, who happened to call into the station during the morning. Of the two remaining recruits one went out with the enquiry's officer while the other came out with Henry and I. The name of this recruit was Damien.

While Henry patrolled around the back blocks he told Damien about recent events at the station. There had been a sudden death the day before and this was the focus of attention in the muster room that morning.

While talking about the case, Henry gave me the details of what the police do when they attend a sudden death. He said the police's role is to check the person is dead and call in the ambulance service. The ambulance officers decide whether it is possible to try resuscitation. If this is not possible the body is taken to the morgue at the hospital where the cause of death is ascertained. If there is a chance of resuscitation the ambulance crew do this at the scene and then take the person to hospital.

He explained that the case of the previous day was a complicated one and had taken up most of the shift. Damien asked Henry if the police have to fill out a particular form for the file when attending a sudden death. Henry replied, "That may be how you are taught things at the Academy but it is not how we do it out here."

Henry said that while the recruits may learn the way things ought to be done at the Academy, when officers are out on the beat they learn the short cuts. He added that in this way police can make sure they complete a job.

This case shows experienced officers believe Academy learning does not necessarily train an officer for real police work. The belief one can only learn practical policing while on the job has been commented on for other police forces (Young 1991a, 1995a). Several officers commented that when they came out of the Academy they

were told to "look, listen, and learn" while they were on the beat, which supports this view. The fact the instructors at the Academy are one group who tell recruits to "look, listen and learn" suggests they also recognise the significance of practice over theory, a distinction that is often drawn by police in uniform when they discuss the courses given at the Academy.

Officers say recruits on the watch are closely supervised. Experienced officers spend time with them, checking their work to ensure they are doing things correctly. Many commented it is much quieter on the watch than out in the stations and saw this as providing suitable circumstances for close supervision of the recruits, and an opportunity for learning police practices in a relatively calm atmosphere. The watch is perceived as bridging the gap between the book learning of the Academy and the real policing done on the streets.

A large component in this transition is gaining the ability to handle people. Experienced officers believe the only way to learn how to handle people is to confront them in difficult situations. The watch is seen as enabling each recruit to get used to dealing with people, rather than having to worry about, and learn the procedures for, handling all the paperwork. Experienced officers believe locking up a few drunks gives a recruit a good idea of the sorts of people the police have to deal with. Dealing with drunks at the inner-city pubs is one of the main occupations of new officers on the watch. While it was not explicitly stated, the reference to drunks suggests it is scumbags that recruits come into contact with most while on the watch. Experienced officers believe being on the watch provides young officers with experience in coping with the polluting elements of society and gives them time to decide if they want to stay in the job.

It is also while recruits are on the watch that they learn the body language appropriate to their role as police officers.

CASE STUDY 9: Sloppy Presentation

Patrick talked to me about the experience of being a recruit, and related it to his experience with Simone. Simone had recently been sent to one of the stations from the Academy. She had spent no time on the watch.

While Patrick and Simone were on patrol the previous week, Simone had put her feet on the dash board of the car. Patrick had told her not to do this and explained why. He told me his reaction was based on his own experience when he was on the watch.

Patrick told me that one day, while he was on the watch, he was alone in a patrol car in the centre of the city. He was tired and had slouched in the car. He turned a corner without indicating, accompanied by "a few other slack things". Without realising it, he was followed by a member of the public back to headquarters. When Patrick got to the station he found the man had complained to the duty sergeant about his appearance and behaviour. In no uncertain terms the sergeant gave Patrick a dressing down.

Patrick commented it was the first time he had realised the public observe the way uniformed police behave and that this affects the public's impressions of the police. He therefore felt it was important to point out to Simone how she should and should not behave because it affected the public image of the police.

Thus, the process of socialisation of recruits into police culture is not just about the way in which they handle jobs, but is also about how they handle themselves. While

smartness is emphasised at the Academy - over the door of one of the Academy classrooms a sign reads: "Through these portals pass the smartest and best dressed police officers - or else" - there is a difference between the enforced smartness of the Academy and the need to be constantly smart on the job. While the Academy introduces recruits to the need to present a clean-cut image it is not until they leave that the significance of this image becomes clear. It is only once they mix with the public that the contrast between the public and their role as police officers is brought into focus. Being on foot patrol helps emphasise this distinction.

The only existing foot patrols in the state are in the three locations where there is a watch house. It is while on foot patrol that the new officers are most overtly in the public eye. It is not uncommon to see them being stopped by passers-by asking for information or directions. This is the closest the police in Tasmania come to the ideal of 'a bobby on the beat'. While the image of the police helping little old ladies across the street does not coincide with their experiences out in the stations where the crooks are based, it does provide the recruits with their first taste of dealing with people, an asset that is valuable no matter where they are in the force later in their career.

Many officers view the experience on the streets as the foundation of police work. The emphasis on direct experience being the basis for dealing with people is supported by two other comments frequently made by officers.

The first is a generally held view that no one should enter the force straight from school. Many of the officers were proud to tell me of the jobs they had undertaken before entering the police force. They unanimously believed this made them better police officers because they "knew a bit about the world". They felt this experience made them better able to cope with the situations they confront as police officers.

As an example one officer cited the case of domestic violence. He told me about a domestic he went to while he was on the watch. He told me that as a "green nineteen year old" (he had come into the police force as a trainee cadet) he went to an expensive house where a well-spoken couple were having a domestic. He was sent there to try and resolve it. The man had looked him up and down and then said, with a plum in his voice, "What would you know about these things?" The officer told me that he did not say it but was thinking to himself, "Nothing old cock, nothing."

He used this example to explain that if one has not experienced certain things for oneself then it can be very difficult to cope with them as a police officer, let alone to sustain an image of authority and act as a mediator.

The second comment relates to people with university degrees. A current point of controversy concerns the present recruitment policy of allowing a number of individuals with university degrees to enter the force (see Parliament of Tasmania 1993). Many officers believe that a degree does not help to make a good police officer. Even at the management level I encountered an officer who had put himself through a degree part-time but who agonised over whether furthering his education by doing a post-graduate course could ruin his promotion prospects in the force. Interestingly, those working under him perceive him as being a high-flyer.

Thus, the view is still largely held throughout the force that one's knowledge of policing is not improved or enhanced through the conventional process of undertaking

higher education. Rather, the cultural view from within the organisation remains one where officers believe book learning is no substitute for practice.

An obvious reason why police officers think first-hand experience is superior to book learning is illustrated by locking up drunks while on the watch. I have already suggested the involvement of new officers in this work means they are introduced to the polluting aspects of police work. This is a time when the contrast between the public image of the police, as upright representatives of the law, diverges from their experience with the scumbags who get drunk every Friday night and are locked up in the cells. The neatness of the recruits contrasts with the disorderly and dishevelled state of the drunks they lock up. The need for a physical manifestation of orderliness amongst the recruits therefore acts as a means of separating them off from the polluting elements of society. This is a lesson that can only be learnt by experience: no book or lecture can prepare the recruits for the disorder they will encounter on the streets. Time on the watch instils this distinction in the minds of the recruits in a way that cannot be duplicated at the stations.

Let me now return to the case of the new recruits who went out to the stations directly from the Academy in 1994. At one of the stations where I worked the officers talked about the problems created by having people straight out of the Academy. The arrival of the recruits stimulated this debate. They had been at the station about a month when I arrived but the controversy had not abated. It even extended to neighbouring stations.

One officer at a neighbouring station described the recruits as "dead weight". He said they did not know what to do and having them at the stations was a waste of time. He added that they were a liability. Like many other officers, his final judgement was that if he was at the same station as them then he would refuse to work with them. Generally, the police officers felt the lack of experience of the recruits meant they were not able to do the job properly. The perceived incompetence of the recruits was sometimes amusing.

CASE STUDY 10: The Stolen Police Car

We arrived at the second car accident of the evening. Tim and Craig, in a separate patrol car, arrived shortly after us. Tim told Craig (the new recruit) to park the car in the next street, away from the accident. Craig was then to re-direct the traffic. Craig took the car up to the next block and turned it sideways, left the engine running and came back to the scene of the accident.

This created some amusement among the other officers because Tim had to send Craig back to the car and tell him to stay there and re-direct the traffic, as he was told to do in the first place. They later told stories to each other of the possibility of having to contact the radio room to say that the police car had been stolen because Craig had left the motor running while the car was unattended. From previous experience I knew the story would get retold endlessly over a beer after finishing work. It would be used to illustrate the inadequacies of the policing practices of new recruits.

The perceived incompetence of the recruits explains a number of the concerns felt by experienced staff. Their incompetence means they cannot necessarily be trusted in a crisis. Their lack of knowledge may put other officers in danger. This can lead to a great deal of tension, both between people working together, and within a station, which, in turn, affects the workings of a station.

On one occasion a recruit interrupted an older officer who was telling a member of the public what they could do regarding a case. What the recruit said contradicted the older officer's comments. This upset the officer a great deal and he told the recruit to keep his mouth shut next time they were talking to a member of the public. The same officer commented that the recruit would be a problem if they went to a domestic. He said he liked to split the couple up when he went to a domestic, but he did not feel he could trust the recruit to know what to say to the person he was left talking to. This would mean the recruit could give the wrong impression to the person, which could affect the outcome of the case and the image of the police.

The belief that recruits have to learn the job once they get out of the Academy is widespread. Officers view the time on the watch as an integral part of this process. One officer described the shift from the watch to the stations by saying that the recruits have to be "untrained" when they leave the Academy and then "retrained" when they leave the watch for the stations. But this training is not just about learning street policing. Handling the paperwork is another aspect of the process of socialisation.

3.3

Paperwork

While it is felt that a partner straight out of the Academy may let one down in a tight situation, the problems are not confined to the 'action' side of policing. Being able to handle the paperwork is a major concern amongst officers working with recruits or new police officers. The most common piece of paperwork filled out by the police is the Criminal Offence and Modus Operandi report (COMO). This is filled out for all reported burg-steals and provides details of the crime scene and the stolen items. However, even this piece of paper can create problems for new recruits.

CASE STUDY 11: Doing a COMO

Terry, the sergeant, told us about a COMO that Marion, one of the recruits, had put in the previous day. Under the details section she had written: "On the above mentioned day at the above mentioned time the above mentioned crime was committed." Terry gave this back to her and told her to re-do it. Marion said this was how she had been taught to do it at the Academy. Terry commented that if this was the case then the instructor at the Academy did not know how these things were done. He added that while it may have been the way she was taught to do it in the Academy that was not how things were done in the real world of policing. He told Marion to change it and he would look at it again.

We went on patrol and when we returned Lyle, another recruit, had put in a COMO. Terry looked at it and said it was as bad as Marion's one. We listened while Terry read it out. In the details section it began in the same way as Marion's COMO. It did not include any information about the way the person had entered the property, what was damaged, or the possible time when the burglary and stealing had occurred. Marion was listening and said that on her COMO, although she had started it in the same way, she had put details of how the break-in had occurred. Terry muttered agreement with her and added that Lyle would have to learn how to do a COMO or there was no hope for him.

Terry told us later he had not minded about the first COMO Marion gave him. But when he had talked to her he found out two other officers at the station had already talked to her about the way she was doing her COMOs. This annoyed Terry because he felt she should have learnt the first time she had been told about it, or at least asked someone who knew more than she did if she was having difficulties. He added that not being able to do the paperwork only added to the work of others.

Paperwork is an integral part of police work. One of the paradoxes of policing is that for every time the police attend an incident there is a corresponding bureaucratic procedure that must be followed to charge a person or to inform other agencies of the incident. This involves compiling a file to satisfy the legal requirements before bringing the case to court or completing information forms. Both are very time-consuming processes. When I realised how long the paperwork took I started to record the time the police spent from the start of a job to the completion of the paperwork. For example, the total police time spent on a simple case of assault was five and a quarter hours. This was an uncomplicated case because: the offender admitted guilt, was readily located by the police, did not resist arrest and appeared in court immediately after being charged. I commented in my notes that the police processed this assault charge the quickest of any I attended. The assault itself had taken only a couple of minutes.

The comments of one police officer clearly illustrates police frustration with paperwork. After spending several hours on a Friday night doing files for shoplifting cases he described the process to me as "the paper war". But no matter what comments experienced officers make about it, paperwork is a necessary evil. Paperwork is an integral part of the process of learning how to cope with the pollution. For the police, dealing with the polluting elements of society is about trying to create order out of chaos. The first stage in the creation of order is the construction of an orderly written account of events. The second stage is the removal from normal society of those who are polluting and this can only be accomplished through the courts. In order to achieve this officers must present their ordered account of events to the courts. Thus, being competent in dealing with the paperwork is an integral part of the process of coping with pollution and being a good officer, even though members of the force may imply otherwise. Gaining competence in paperwork is therefore part of the learning process for recruits and new officers.

The difficulty with paperwork lies in the confusion that often surrounds incidents. A police officer has to translate the chaos of a situation into some kind of order on paper. Taking statements is a good example of this. If there is no urgency the police often take statements the day after an event. They say this is better because the person will have calmed down and be thinking more rationally when the police return. In cases where this cannot be done different officers use different techniques to impose order on the confused thoughts of those being questioned. For example, one officer I knew would take notes, order them according to when they happened, and then write out a statement. Another officer took the statement straight onto paper and then added in additional information in the margins.

For recruits and new officers the disorderly nature of cases can be even more confusing. One recruit did a "Facts of the Matter" sheet where he wrote down what four people were doing at the scene of an offence when only one person was involved in the incident. The sergeant said this was unnecessary information and would add nothing to the case. He added that including this material wasted police time, and distracted one's attention from the significant elements of the case. In another instance a recruit got the accused confused with the victim in an assault and wrote out the case with the accused as the victim and the victim as the accused.

The difficulty paperwork poses for recruits and new officers affects policing and patrol work. The speed at which the recruits are able to deal with the paperwork is much slower than for more experienced officers. One sergeant had to ask a recruit to spend

time completing files the recruit had begun when he arrived at the station four weeks earlier. On another occasion I saw an officer waiting in the muster room to go on patrol while a recruit completed some paperwork.

There was universal agreement amongst the officers that when the recruits are on the watch they are introduced to the paperwork gradually with the assistance of other officers. Officers stated that, just as for the active side of policing, learning the paperwork was a way in which the recruits learn whether they really want to be police. The examples given above show that learning how to cope with the paperwork is a skill not gained in the Academy. Rather, recruits gain competence in handling the paperwork while they are on the watch.

In summary, no officer at the station with the new recruits felt it was the right place for them. They all believed the recruits should first spend a period on the watch. The officers said the recruits not only had to try and cope with the whole new experience of practical policing, but also with the pace at which events could occur. Officers said the watch was much quieter and therefore provided a gentle introduction to the potential turmoil of events at the stations. One night at the station with the recruits there was a car accident involving a double fatality. No recruit was on that particular shift. But the point was made by others that on such occasions every officer on duty needed to pull their weight and a new recruit would find it difficult to cope with such a situation.

Arriving at a station is not just a new experience for the recruits. For example, officers transferring from one location to another have to learn about the area, its inhabitants, and how the local police deal with cases. Thus every move within the force, whether it be geographical or structural, involves officers in learning about the new environment in which they find themselves. I consider this in the following sections of the chapter.

3.4

The Socialising Process

The experience of recruits moving to a station, and the response of the older officers, suggests that the main way in which police learn the job is through practice. However, practice combines with talking to other officers and story telling as the means by which officers are socialised into uniformed work. Young (1995a) notes the connection between good oral skills and being a good cop in the British police. He describes how neophytes are inculcated in police ways through story telling and says that oral skills are the source of an "unacknowledged prowess" in an officer (Young 1995a: 151). When an officer moves to a new station and is learning the job and adjusting to a new environment two techniques dominate in the process of socialisation. These are practice and instruction in the local oral traditions.

This knowledge cannot be acquired while at the Academy. But there is a difference between coming out of the Academy and moving from one station to another. For a recruit the socialisation process has to start with the basics of policing practice. But for an officer transferring from another station the practices will largely be known and the emphasis will be on building up local knowledge.

There are a number of ways in which socialisation takes place when an officer arrives at a new station. Probably the most important is the time spent on night duty. The bigger suburban stations have a night shift that works from midnight to 8.00am, when a sergeant or acting sergeant is on duty with a constable. Nights can be very quiet

times and resident officers may take a new officer around the known haunts of the local crooks and other areas of criminal notoriety. For example, one night an officer took me to the local brothel, located in an ordinary house in a respectable area. He had only been at the station for a month and told me he had learnt about the brothel while he was on night duty with the acting sergeant.

Another way in which individuals learn about an area is through the informal social gatherings that occur at some stations following a shift. Often a group of several officers will congregate at a station at the end of a week's shift to play darts and have a chat. These occasions may involve officers from other stations, especially those who have worked at the station in the recent past or are good friends with some of the officers. This is an occasion when past events are related, possibly in the light of a recent case, to all present. The stories are then added to by the stories of others. The informal gatherings I attended were also one of the few occasions when I saw members of the CIB mixing with the uniformed branch, thus providing some transfer of knowledge from one section of the police to another.

Many young officers told me they really enjoyed these evenings. At one station an officer told me he liked it when two particular officers got involved in a debate at the station because they would each take a particular point of view and not give in to each other. As a result they would vie with each other for hours while the other officers either listened or interjected from the sidelines. Another officer, when I asked him what he most liked about police work, jokingly replied, "Sitting around in the crib room on Friday night listening to people talk."

The socialisation of officers into the local ways at a station also acts to reinforce existing cultural views. I was interested by the case of one officer who I first worked with when she had recently come from another division of the police. At the time she was very sympathetic and patient towards the female victims she encountered, especially those involved in domestic violence. Some time later I saw her again and she was beginning to reiterate the same comments I had heard from other police officers about women involved in domestic disputes. While these changes in attitude do not automatically follow as a result of an officer's transferral to uniformed work, the pressures of the informal socialisation process act as a powerful form of consensus building.

The significance of informal socialising within the force cannot be underestimated. The life-style of uniformed work places incredible pressure on the personal lives of the police. It creates a disjunctive home life and constrains involvement in the broader community. In addition, some officers actively choose not to socialise widely outside the police force because of the community's reaction. Officers described to me the distrust and disdain they can encounter when they socialise with ordinary people. The potential for real people to become polluted by association when mixing socially with the police can restrict interaction between the two groups. It is only with other people who work the same sorts of hours, and who understand the stresses of the job, that one is likely to be able to sustain a friendship. In forming a social relationship, the need to understand the unpredictable nature of the job means that one's friends are most likely to be fellow police officers.

Another major source of information for officers, especially while they are younger, is through their peer group. The peer group can consist of fellow recruits from the Academy or from the watch. These two groups are not necessarily the same because

the time recruits spend on the watch varies, and recruits who attend the Academy at the same time get sent to the watch at different stations. Amongst this younger peer group contact is often maintained, once they leave the watch, over the telephone. Telephone conversations are the way in which they catch up on the news of others, and ask for advice.

CASE STUDY 12: In the Radio Room

While working in the radio room I discovered there is a lot of networking between young officers who know each other from the Academy or the watch. It reminded me that I had seen this occurring at one of the stations where Sandra had often rung a female friend who worked in the radio room to catch up on events occurring around the state.

In the radio room I sat with one of the operators called Wayne. During the evening he spoke to several mates. Some rang in to report about a job, while others rang to come on or off duty. Travis, one of the policeman who rang him works at New Orleans. He had a problem: he had broken into a house to check on the welfare of an old lady. A neighbour had reported her missing, but when he broke into the house he found she was all right. But the neighbour complained about the broken window and upset the old lady.

Travis was worried because the old woman was now complaining about the window he had broken to gain access to the house. She said the police would have to pay for it. He rang Wayne to get advice about what he should do. Wayne did not think it was the police's responsibility but checked with the senior constable on duty before he told Travis. Travis asked if Wayne could get a glazier out. Wayne suggested one of the people in the house could do this. (We could hear the neighbour in the background complaining, but in the end she agreed to organise it.) Travis thanked Wayne for his assistance and hung up.

Wayne later had a call from an officer at a one-man station who was logging off. They knew each other from the Academy and had a chat about events during the night. After this he logged off. There were phone calls from other friends during the night to check whether Wayne was playing football the following weekend.

My experience in the radio room suggests young officers tend to keep in close contact with each other and they may also play sport together. Young unmarried men may play football, while older male officers often play golf. For female officers social links with other officers outside work hours are less structured. Some unmarried women may have a fellow officer as a boyfriend. There are also many police women married to policemen. In suburban areas young officers of both sexes may share houses with each other. Once again, the social interaction in these situations helps to build up and reinforce the cultural ethos that exists within the police. Thus while time on the job is the major means by which officers learn the practices that constitute police culture, the informal socialising between officers is an important way of gaining local knowledge.

3.5

Transferring from other Divisions

Anyone in the police force transferring into uniformed work requires being socialised into the practices of the job. This is illustrated by the discrepancy between their previous experiences and their role in uniform. For example, one night when we were out on patrol an officer, called Marion, who had recently transferred from traffic slowed down as we passed a car parked by the side of the highway. It was an old van and in poor condition. As Marion slowed down to pass it her fellow officer said you

could tell she had not been out of traffic for long. He commented if you were in uniformed work then you did not get distracted by vehicles parked by the side of the road. He said he passed vehicles like that at the same speed as he would pass any other vehicle. Marion laughed at his comments. Marion did all the driving that night. She spent most of the earlier part of the shift trying to catch a drunk driver or to give someone a defect notice. The difference between Marion's approach and that of her uniformed partner is clear. Marion saw all cars as potential targets while he saw only specific vehicles (such as those owned by known crooks) as worthy of their attention.

The process of re-learning uniformed work does not necessarily relate to transferal from one section to another. It can also relate to rank.

CASE STUDY 13: Re-learning Uniform Work

While on patrol Joel told me about the arrival of the new station head. The officer concerned, Adrian, was promoted to the position from another section of the force and had been out of uniform for some years. Adrian's rank is higher than Joel's.

When Adrian first arrived at the station, he sometimes went out with the other officers on patrol during the evening. One night, when Adrian was out with Joel, they parked outside the Houston pub waiting for drunk drivers. Joel did the driving.

A car came out of the pub and Adrian said "go for it" but Joel said it was a waste of time because it was only a scout car. Joel explained that if they pulled up this car then the others would sneak out while they were breathalysing the driver and they would all get away. About five or six cars would disappear in the other direction while they were tied up. In the end Adrian agreed with Joel and let the car go.

Shortly afterwards another car came out of the pub and once again Adrian said to stop it. But once again Joel said it was a waste of time because there was always a back-up scout car after the first one to check if the first car had been pulled over by the police. Joel was proven correct in his assessment of the situation when the two cars returned to the pub shortly afterwards.

Joel told Adrian that the patrons at the pub would send out scout cars again in about half an hour and they did. Joel told Adrian they should wait until closing time when the patrons would have to leave because they had no choice to do otherwise. Joel and Adrian waited until closing time and stopped the first car that left.

Joel told me it turned out to be, as he described it, a "good catch". He felt the wait had been worthwhile because they caught someone they wanted for other reasons. In this way the strategy used by Joel had paid off. In the process Adrian had also learnt something about real policing. Joel was amused that he could teach his superior something about going out on patrol.

This was not the only story I heard about senior officers and their lack of knowledge about real policing. Another case involved a lost child from one of the crooks' villages.

CASE STUDY 14: The Lost Child

On our way to investigate the case of two missing children, Ken told me about a previous occasion when he had been involved in a search for a child. This involved someone from the Chicago area who had often been reported missing in the past, but who always turned up. Usually the child had visited a relative without the knowledge of his mother.

On one occasion when the boy was missing the senior officer on duty insisted the local police mount a full search. Ken said he felt this was not necessary because previous experience showed the boy would come home when he was ready.

Ken compared this with the current situation we were attending where the children had gone missing in the bush late in the afternoon. He felt this case should be treated differently. The distinction he made was between the frequency with which certain children from the Chicago area go missing and the novelty of the case we were currently attending. Ken felt that cases of children going missing in the country, where they could end up injured, or lost, had to be treated seriously. Here the children could get lost, while missing children in the suburbs were unlikely to become lost and were often found at a relative or friend's house. He said most of the time the officers would not panic about the cases that occurred in suburban Chicago and would usually wait until the following morning before mounting a full search.

In the Chicago case he was telling me about a full search was mounted. It cost thousands of dollars because a helicopter and search and rescue people were deployed. After a fruitless attempt to locate the boy he arrived home. He had been at a cousin's house and had watched the helicopter go overhead. He thought this was really exciting and had rushed home to tell his mother about it.

Ken's reaction was that the duty officer had not taken any notice of those who had the first-hand experience of the people and the area. He said they should have been asked for their opinion before any decision was made regarding the appropriate action to be taken. Ken felt the officer had over-reacted to the situation and this cost the police department thousands of dollars as a consequence. He did not see this as good policing.

One could view this case as being unrepresentative of how the police work. It is valuable, however, because it illustrates the belief amongst the uniformed staff, whether justified or not, that rank does not necessarily improve an individual's knowledge of real policing. Thus, just as in the case of new recruits, uniformed staff believe senior officers should take notice of what those on the ground have to tell them about any particular situation. They believe local knowledge is a crucial aspect of good policing. Good local knowledge means the force will function more efficiently and be more professional. The next section explores this issue.

3.6

The Significance of Knowing the Job

At the Academy recruits are told they should use the law that exists to their own advantage in order to make their job easier. For example, in a lecture given to the recruits in 1994 regarding domestic violence, the instructor said they should issue restraint orders when it is to "the police's advantage". By this was meant that if using the piece of law meant the police were less likely to have to re-attend the scene of an offence, thereby saving police time, then an officer should apply for a restraint order. Using the law to the police's advantage is a point that is reiterated to the recruits in a variety of contexts and is repeated by officers after they leave the Academy.

At least some of the changes in the law relate to this point. If laws are easier for the police to apply, and if they help 'solve' a crime, then this automatically makes the police force more efficient. One of the ways in which this is being implemented is by simplifying the paperwork required for presenting a case to the courts. Some progress has been made in this direction. For example, by the end of 1995 it is planned that restraint orders can be applied for over the telephone (*The Sunday Tasmanian*, 18 September 1994, p. 3; S. Williams, pers. comm.). This will streamline the process and be especially useful for the police in rural areas. It will mean rural police no longer have to take an offender to court in order to have a restraint order issued. This will save time because the nearest court may be over an hour's drive away.

But legislation can only be used to the advantage of the police if members of the force first know how to use it properly. The following case illustrates the problems that can arise when a person, because they are not involved in 'real policing', does not understand how to use a particular piece of law.

CASE STUDY 15: The Restraint Order

Day 1. Saturday, at midnight.

We got called to what the operator described as a domestic, where the offender had left the scene. The two police officers attending were Nigel and Thelma.

When we arrived at the house, Barry Cole, the complainant, told us he had a restraint order out against a man from Buffalo, called George Wainwright. Barry told us a senior officer from the CIB, called Bridlington, had done the restraint order. Barry said he had given Bridlington "some valuable information" about George. George had been involved in fraud. When George found out Barry had supplied information to the CIB he had damaged Barry's car. Barry told Bridlington about the damage and Bridlington decided to issue a restraint order to stop it occurring again. George had started to make threatening telephone calls that Barry thought were in breach of the restraint order. Barry wanted the police to charge George with the breach. Barry had an answering machine and had recorded the last telephone call on which a voice told him that he was "going to get him".

Nigel asked to see the restraint order. It said that George was "to keep the peace" towards Barry, but nowhere did it indicate that George could not make contact with Barry, either by physically approaching him or by telephoning him. These are the usual provisions written into restraint orders. Most orders state a distance within which a person may not approach the complainant, such as 100 metres, and specify that direct contact by telephone is a breach of the order.

When Nigel looked at the restraint order it was clear there had not been a breach (another officer commented later that the restraint order was not worth the paper it was written on). Because a breach of the peace applies to the public domain, rather than a private individual, the telephone call was not a breach. The wording of the order meant George could harass Barry and, as long as the activity did not disturb the neighbours, it would remain a civil matter.

Nigel advised Barry to go to his local police station on the following Monday and have an officer write out a variation of the restraint order to cover events like threatening telephone calls. He explained, as tactfully as possible, why they could not act on the events of that night. Barry kept repeating that Bridlington had done the restraint order in a hurry, as if this in some way compensated for his poor use of the law.

Nigel took the tape at Barry's request and Thelma took a statement. When we left Thelma asked Nigel why they had taken a statement. Nigel replied it was what Barry had wanted. Thelma said it did not have much in it but Nigel said that did not matter. Nigel told Barry he would give the statement and the tape to his senior officer so that he was aware of the situation. Nigel added that we would drive around the area to see if George was hanging around. Instead, we got called to another job. We were at the house for about 30 minutes.

Day 16

When I arrived on shift I saw Nigel and he asked me if I remembered the case involving Barry Cole. He told me the latest news on the case, and said the restraint order had been broken several times since we went to the house and he was going to see Barry later in the day to catch up on events. Des, another police officer, had been to the house earlier in the week but nothing had been resolved. Nigel said he wanted it sorted out because it was only causing continual trouble. He commented that if the restraint order had been issued correctly in the first place there would

have been none of this trouble. Nigel seemed more concerned about the case than on the first day, possibly because it was creating more work for him.

When we arrived at Barry Cole's house he was on the phone to his lawyer. The lawyer talked to Nigel and said the restraint order had been served on George Wainwright the preceding Thursday (Day 12). Earlier in the day Nigel had been to the house and taken a statement from Barry and another witness regarding the phone calls made by George to Barry, threatening to kill him. Wainwright was due to appear in court the next morning (on other charges) and Nigel decided to arrest him for the breach while he was in court.

Later the same day

When we returned to the station Nigel got Marty to check on the computer as to whether the amended restraint order had been served on George. Marty found it was not registered as having been served. Nigel rang the court and found out their records also said it had not been served. Nigel tried to contact Barry Cole's lawyer but she was out of the office and did not ring back before the end of the shift.

Day 17

At the start of the shift Nigel managed to resolve the discrepancy between the lawyer's story and the court records. He found out the reason the court records said the restraint order had not been served (while the lawyer was saying the opposite) was because it had been served by a process server on the lawyer of Wainwright. Although it had gone to Wainwright's lawyer, it had not yet been served on him personally. Nigel told me using a process server means it can take up to three or four weeks before the papers are actually served on a person. Thus, the day (Day 12) Barry Cole's lawyer had given Nigel referred to the papers being handed to Wainwright's lawyer, and not to Wainwright. This meant all the work Nigel had done regarding the threatening phone calls being a breach of the order did not apply. The existing restraint order still applied only to breaches of the peace. Nigel was therefore unable to arrest Wainwright when he appeared in court that morning.

Day 20

Nigel told me that the amended restraint order had finally been served on Wainwright while he was in the cells (on Day 18). Nigel estimated that seven hours of police time had been spent on the Wainwright file, all of which had been to no avail because the police did not have a charge they could make against Wainwright until the amended order was served.

Time

The time involved on the case broke down in the following way:

Day 1	the first visit to Cole's house involving two officers for 30 minutes (total of one hour);
Day 14	two trips by other officers to Cole's house (total of one hour);
Day 15	two trips to Cole's house made by Nigel (total of two hours);
Day 16	visit to house by two officers (total of one hour); three phone calls to legal aid of 20 minutes each while Nigel waited for answers to his calls (total of an hour); and
Day 17	trip to court by two officers (total of one hour), before discovering the amended restraint order had not been served on Wainwright.

Nigel first estimated the time spent on the case at three to four hours. But when he doubled the time on the occasions when there were two attending officers he realised it was more like seven hours of police time.

Day 29

I chatted with Nigel and found out that since the amended restraint order has been served on Wainwright the police have not been called to Barry Cole's house. This

contrasts with events before this happened. It also suggests that using legal sanctions to act as a deterrent can work.

The issuing of a restraint order should have enabled the police to act if Wainwright made further threats towards Barry Cole. However the content of the original order did not achieve this end because the wording was not specific. An amendment had to be made before the order fulfilled these requirements. In the interim, before the amended order was served on Wainwright, the police were called to attend several 'breaches'. But without the amended order being served the police were unable to act on these breaches. Once the amended order was served it had the desired effect of discouraging Wainwright from further harassing Barry Cole: the police were no longer called to Barry's house about breaches of the restraint order. This case shows that lack of knowledge of current police practices is not restricted to officers who are in the lower ranks of the force. The more significant factor is whether an officer is familiar with uniformed work. Thus rank is irrelevant.

A further example involved a member of the public approached a senior member of staff regarding a difficult neighbour. The neighbour would come to her door late at night, make threats and expose himself. She was an elderly pensioner and had previously had a nervous breakdown as a result of this man's behaviour. She called the police to her house several times a week, but the offender had invariably left when the police arrived. She rarely had visitors who could act as witnesses to the events. One night when we went to her house she said she could not take much more of this and thought she would go and see the senior officer at the station to see if there was anything the police could do to stop the man harassing her.

When she saw the senior officer she asked about taking out a restraint order against the offender. The officer told her the police could not issue a restraint order for her even though as a pensioner she could not afford a solicitor. What he failed to tell her was that she could apply for one herself, and submit it to the court, at minimal charge. At one of the other stations where I worked the police often helped members of the public fill out restraint order applications which they then lodged as private citizens. In the case of the pensioner the issuing of a restraint order would mean the police could act when they arrived at her house. In the long term this would save police time: they were making three to four visits a week to the woman's home while I was at the station. Instead their role remained one of providing comfort and calming the woman down. In this case the issuing of a restraint order would have reduced the 'social' calls required of the police to the woman's house. It is cases like this that help to reinforce the police's perception of social work calls as being messy, thereby strengthening existing attitudes.

The senior officer also told the woman that a restraint order would be ineffective because the offender lived close by. However, the order could have been worded in such a way that would take account of this. In cases of domestic violence where restraint orders are issued variations on the wording are often made to accommodate the specific circumstances of those concerned. For example, in some domestic violence cases victims wish to continue living with the offender. Here the wording of a restraint order specifies certain actions as being a breach, such as: verbal threats, physical violence, and damage to property. These restraint orders do not specify a distance of approach as a breach. For the pensioner a restraint order could have been issued with a similar wording.

The offender was well-known to the uniformed police. They believed that he should not be on the streets and described him as a liability to the public. Although there were no proven criminal cases against him he remained a 'problem' the police dealt with on a regular basis. This was very time consuming. Thus, one of the crucial factors of 'knowing the job' is being able to use the law effectively, just as the instructor told the recruits. If a job is done correctly the first time then this can reduce the possibility of the police being called upon at a later date to deal with further events arising out of an initial offence. Effective policing is a factor in reducing the police's perception of social work jobs as being messy. It also reduces the occurrence of jobs that fall into the category of 'pointless pollution'.

The socialisation process that provides officers with practical competence is therefore not only about individuals becoming part of a shared culture (Young 1995a), but also about good policing. It is when the knowledge officers have of the law combines with practical competence learnt on the streets that best practices of policing exist. A good police officer is one who both knows the law and how, and when, to apply it. But often this knowledge, while founded in the 'legal framework', can only be refined through practice. It is only by dealing with people at a personal level that police officers learn the subtleties of knowing when it is appropriate, or otherwise, to invoke the legal system.

3.7 *Rites of Passage*

The process of socialisation into the police force constitutes a rite of passage (Van Gennep 1960). A rite of passage involves individuals being part of a "ritual process" that leads to a change in their status (Turner 1969). Many rites of passage are associated with life cycle changes and common examples are events like birth, marriage and death. However, there are many other occasions during a person's life when the events may constitute a rite of passage (Turner 1967). The significant aspect of rites of passage is that the individuals involved are transformed by the process. By this I mean that society perceives them as being different people after the rite of passage. Common examples in our own society of these changes are the transformation from an adolescent to adult, marked by a twenty-first birthday party, or from a single to married person following a wedding. Rites of passage may be experienced individually or as a group. Participants in communal rituals are known as "initiates" because they are being initiated into a new status by the ritual experience (La Fontaine 1985: 16). The ritual process may be either formalised, as in a wedding ceremony in a church, or informal, as in a party marking a birthday. However all rituals have some form of structure.

There are three clearly recognised parts to any rite of passage. These occur sequentially and are given different degrees of prominence in different rites of passage. However all three stages are essential components of the ritual event. The three stages are known as: an initial period of separation, when the participants are removed from the normal world; a period of marginality, when the participants are in a state of limbo; and a period of reintegration, when the participants are returned to society as 'new beings'. Let me briefly consider each of these three stages.

The period of separation is a time when the participants are detached from their normal associates and activities and may involve a spatial separation. In the second phase, the period of marginality, the participants are often involved in new activities that they did

not undertake before entering the rite of passage. Often these activities are the reverse of those normally accepted. For example, in many societies initiation ceremonies, marking a movement from childhood to adulthood, are marked by the participants dressing up in the clothes normally worn by the opposite sex. This marginal, or "liminal", period is also a time when the participants are described as being in an 'antistructural state', outside the experiences of normal life (Turner 1967: 93). In the period of reintegration the participants are reincorporated into society. However, because they are 'new beings' they also show the marks of their transformation. The transformation wrought by the rite of passage may be marked physically by some form of bodily alteration or a change in clothing. But the transformation is more importantly believed to have changed the mental state of those who participated in the rite.

The rite of passage establishes a sense of "communitas" between the participants (Turner 1969: 82). Communitas is the feeling amongst the participants that they share a set of experiences not held by others. It brings the participants closer together and creates bonds often held by the participants for the rest of their lives. The most important part of the ritual in terms of establishing a sense of communitas is the liminal period in the middle (Turner 1969: 82). It is the period of marginality that, by contrasting so strongly with normal practice, instils a strong sense of distinctiveness to those who share the experience. This analysis of rites of passage has been taken further by Bloch (1985, 1986). He describes the first two stages as presenting contrasting images of the world. In the marginal stage he says the image of the initial stage is challenged. The final stage resolves the conflict between the first and second stages and establishes the legitimacy of the new status of the participants.

Using this framework, it can be seen that the progression from Academy, to the watch, to the stations constitutes a rite of passage for the recruits. The initial period at the Academy is the period of separation; the period on the watch is the middle liminal stage; and the move to the stations marks the incorporation of the recruits into the police culture as transformed beings. Let me consider each of these three stages separately.

In the initial stage of the ritual the recruits are separated off from normal society and live at the Academy away from their families. This is a process undertaken by all recruits, regardless of marital status or prior experience (e.g. whether a person has been in the police before). During this period the initiates wear the police uniform, are instructed in the law and are inculcated with "the knowledge, skill and attitudes needed by a police constable" (Anon. n.d.). It is while individuals are at the Academy that they begin to understand the organisational culture and to discover that this is different to the culture from which they have come. At the Academy the recruits start to learn about how to create order and how to look smart. A great deal of emphasis is placed on physical appearance, through grooming and athletic training. This provides the basis for smartness in the future. The recruits also begin to develop a sense of communitas through the shared social practices and experiences of life at the Academy. The role of the Academy is therefore an important component of the rite of passage. But the Academy does not introduce the initiates to the polluting elements of society.

Time on the watch is crucial to the incorporation of recruits into the police ethos. It is while on the watch that recruits experience for the first time the polluting nature of police work. On the watch they spend a lot of time locking up drunks. At least one of the senior officers at Hobart has a policy of rostering the recruits in the watch house (also cf. Young 1991a: 106-107). This focuses the recruits attention on the scumbags

of society because more than 50% of the lock-ups at Hobart involve drunks. While on the watch the recruits' attention is on scumbags more than crooks. The importance of maintaining the boundaries between oneself and the scumbags is clearly brought into focus for the recruits. The need to be neat and tidy, a message instilled in the recruits while at the Academy, is reinforced by their experiences on the watch. In addition, the public eye acts as insurance against the recruits faltering in their presentation of a clean-cut image.

While the watch introduces the recruits to the pollution they will deal with as police officers out in the stations, the other lesson they learn is the mechanism for removing those who are polluting from society. Recruits discover that the police use paperwork to maintain control: it is paperwork that enables the police to get results. For example, being the officer in charge of the lock-up involves a constant stream of paperwork which must be completed for every individual who is put into the cells. The cases cited in this chapter also show that this skill is not learnt in the Academy. Experienced officers believe this is learnt while on the watch. They argue that because recruits are closely supervised on the watch they learn to cope with the complexities of the paperwork in a way that is regarded as not possible in the hurly-burly of station life.

Being on the watch is therefore at the core of the rite of passage that transforms recruits into police officers. The examples given in this chapter show that experienced police officers believe the skills of a good police officer are acquired while on the watch, rather than at the Academy. This holds whether it relates to the theory or practice of policing. The lessons to be learnt from the watch are that police work is polluting and that the role of the police is to try and create order out of chaos. The contradictions between the first and second stages of the ritual are resolved in the final stage of the ritual when the world view of the police is played out as daily practice.

The final stage of the ritual is the incorporation of the recruits into police culture when they move to the stations. Here they are involved in 'normal' uniform duties. Less time is spent dealing with scumbags than on the watch and the pursuit of crooks becomes a serious aspect of their policing practice. While the term reincorporation is often used to describe the final stage of a rite of passage, integration or incorporation are more appropriate in this case because the new officers do not re-enter society as normal people. Rather, they become members of a new group separated off from society. The ritual has defined new boundaries for the initiates that distinguishes between the members of the group (the police) and outsiders (the public): it has given the recruits a new status in society not shared by all other people of their age (La Fontaine 1985: 16).

This new status separates off the police because of their involvement in 'polluting activities'. Their role as people who deal with the elements of society that the public would prefer to ignore, means they are ostracised by society. The separating off of the police is therefore a two-way process: their socialisation and experience makes them different, but the public also treat them as outcasts because of their dealings with the polluting elements of society. The ritual process makes the neophytes aware of this and their classification as people who are different remains with them while they are police officers, and often beyond. This is indicated by police officers' comments about the difficulties of socialising with normal people and the suggestion by one officer that I would not want to take him home to meet my mother (see Chapter 2). The stigma attached to being a police officer may also remain after one has left the force. For

example, I discovered that many ex-police officers deliberately dissociate themselves from their ex-colleagues in an attempt to change their image once they leave the force.

The transformation wrought by entering the police force separates off the participants by both giving them authority and making them potentially polluting. These are features with which real people do not wish to associate and are a source of suspicion. In the case of the police the rite of passage incorporates the participants into an organisation that segregates them off from the culture they have come from. Joining the police force is therefore like joining a secret society (La Fontaine 1985).

But movement from one section of the police to another also involves a rite of passage (Young 1991a). Let me use the CIB as an example. Young describes how his transfer into the Newcastle-upon-Tyne Criminal Investigations Department (CID) meant that his previous colleagues in the uniformed branch saw him as having moved outside normal police work. He describes how he quickly became integrated into the ways of the CID, which the detectives saw as forming an "elite family group" (Young 1991a: 81). As a member of the CID he was separated off from real policing and on the margins of the police world. He also talks about the removal of constraints that previously existed, of which changing from uniform into civilian clothing was particularly significant.

An officer I worked with made similar comments on the differences between the CIB in Tasmania and uniformed work. He said that members of the CIB, because they wear civilian clothing go unnoticed by the public. This means they can do things uniformed staff cannot. He talked of members of the CIB going into pubs during working hours or having long lunch breaks. The 'invisibility' of members of the CIB means they can cross the boundaries between the various sectors of society undetected. As a result, the distinction between who they are (police officers) and who they deal with (criminals) becomes blurred. There are no markers to distinguish the CIB from the public. The uniform which can act as a control upon their behaviour is missing and their invisibility makes public observation difficult. Because detectives are unidentifiable to the public as members of the police force, they could be involved in illicit activities without the knowledge of the public. The blurring of boundaries between members of the CIB and those with whom they deal also makes it more difficult for the officers to keep in their own minds the clear-cut categories they experience as uniformed officers.

I have already suggested that the uniform is one way in which the police distinguish themselves from the polluting factors of society with which they deal. The consequence of not wearing a uniform, and therefore being in the public eye, is a difference in the potential for pollution. The uniform marks the police off from the public and signals their connection with the undesirable elements of society. Being in uniform means the public see themselves as being potentially polluted by association with the police. In the case of the plain clothes CIB, the pollution is potentially of the self. Without the normal constraints of being in uniform, categorical distinctions are blurred and behavioural controls are relaxed. The public cannot easily distinguish members of the CIB. This means the officers are less subject to outside scrutiny and are more open to corruption. Not only do recent developments in the N.S.W. police support this suggestion (*The Weekend Australian*, 10-11 June 1995, p. 24), but comments from uniformed staff in Tasmania indicate this potential problem is recognised within the force.

For each section of the police the cultural practices are distinct. Consequently the potential for becoming polluted, and the mechanisms for dealing with pollution, are different for each section. This suggests that an analysis of police "subcultures" (Hebdige 1979) could be important in the management of police corruption.

The recognition of police subcultures has implications for the transfer of officers from one section of the force to another. When an officer is transferred the cultural differences between sections mean the officer has to go through a period of learning or re-learning the distinct subculture (see Case Study 13). This period is like a rite of passage (Young 1991a: 78). In the case of uniformed work this is important. Any officer returning to uniformed work will have to re-learn the ways of 'real policing'. Transferring from another section therefore places an officer at a disadvantage. Not only is there likely to be suspicion about the person (Young 1991a: 108) but uniformed officers may feel uncomfortable about having them as partners because they lack practical knowledge. The period spent re-learning real policing is when an officer's actions are most likely to create work for others. But there is also the possibility that there are distinct subcultural styles associated with rank, and herein lies a dilemma. Those police officers who see the police as a career will usually move out of uniformed work (Young 1991a: 78). Their movement up the system separates them off from the real policing of uniformed work. But uniformed work remains at the conceptual heart of policing. One of the ways in which officers at the managerial level in the force cope with the disjunction between their experience as managers and their recognition of the role of uniformed policing is through telling stories. In this way they are able to relate back, and continually recontextualise their position as managers in the police force. Thus story telling is not only an integral part of the socialisation process for neophytes in the force but also for the maintenance of a distinct cultural identity. While learning the job as a recruit involves a rite of passage that creates a sense of belonging, which remains with the initiates for the rest of their lives, story telling creates the continuity that sustains the culture through time.

I now wish to look at the differences between policing in rural and suburban areas. There is little published material in Australia about rural policing (Coorey 1988; O'Connor 1986). The one major piece of published research is about policing domestic violence in a rural town of New South Wales (Coorey 1988). I shall return to this in Chapter 6.

In this chapter I discuss the differences in the social context of rural and suburban policing. This gives rise to distinct styles of policing in the two locations. I also discuss community reaction to the police in rural areas. I relate these policing practices to ideas about "how institutions think" and consider how the uniformed police constitute their "thought world" through practice, rather than through categories defined by the institution (Douglas 1987: 16).

4.1

Background

Over the last ten years there has been a major strategic change in the policing of rural Tasmania. Because of the expense of maintaining one-man stations many have been closed. Greater centralisation of services in the police follows the trend in other government departments in the state. In the case of the police, this has meant keeping open police stations in the larger regional centres, while one-man stations within easy access of these centres have been closed.

The impact of this rationalisation has changed the nature of rural policing. It means rural communities have largely lost the concept of having a local police officer. It also means the ideal of a close association between the police and the community is in decline. I return to these matters below.

Officers at the remaining one-man stations are encouraged to establish combined rosters. Combined rosters work by treating the officers of each station in an area as if they work at the same station. In this way they pool shifts. While each officer lives in, and is responsible for, a different area, when this officer is off duty, the duty officer in a neighbouring area will patrol both areas. This conceptually alters the management framework of rural policing. It shifts the emphasis from 'management' based on space (an area or beat to be covered) to 'management' based on time (a time when someone is on duty). While this conceptual change in the organisation of rural policing has affected the public perception of rural police (see section 4.6), it has not led to a corresponding transformation in the view police officers have of their role in rural communities (see below).

In the rural areas, combined rosters have the advantage of allowing officers to work in pairs in the busy periods, for example at weekends. Most officers consider this to be a much safer way to work and it is how most police work in the city. Rural officers also believe this gives the public the impression of a greater police presence in an area. For example, one officer at a large regional station chose to visit a one-man station on a Saturday night. He explained that the people in the area would see two policemen on patrol. This would keep them guessing because they would wonder whether the police were working in pairs. Whether the public are convinced by such tactics is doubtful.

The roster system also has the advantage of giving officers rostered days off (RDO), as their counterparts have in the suburbs. On RDO, officers are only asked to assist when there is a major incident that requires additional personnel. Although rural police are technically still on-call 24 hours a day, the roster system means there are some days when the possibility of being called out is slim and officers can relax from the pressures of work.

In the past, when an officer at a rural station went on leave, a temporary replacement would stay at the station. The current shortage of staff means that when an officer in a rural station goes on leave he is unlikely to be replaced. Consequently some of the stations are unattended for months at a time. At one station in an area where I worked, the officer was on long service leave for six months. A replacement officer arrived but went to hospital for an operation and was away for several weeks. There was no money in the budget to bring in a third officer as relief and so the station remained unmanned for several weeks. During this time the neighbouring stations had to cover the area.

The public find this system of rationalisation at rural stations very confusing and often do not know when they will find a police officer on duty. This causes resentment. Many members of the public believe they should still be able to visit their local station and find an officer present at known times. The conflicts these rationalisations have created in the rural areas are discussed more fully below (see section 4.6).

4.2

The Police Patch

One of the major differences between rural and urban policing is the vast areas rural police have to cover. Some of these areas are so large that it would take days for an officer to drive the area on patrol. But despite the size of the beats, and the impact of staff rationalisation, the sense of territory remains very strong amongst the officers.

Officers express this sense of territory in comments they make to police from neighbouring areas if they are seen patrolling in an adjacent territory. One night we passed through a small town and saw an officer from the neighbouring town at the local shop. We stopped and waited for him to come out of the shop. When he came over to talk to us the driver in our car asked him what he was doing and told him to get back to his "own patch". The suspicion arising from crossing boundaries may relate to the way territorial boundaries in rural areas are used by the police to deal with situations that are otherwise unresolvable.

CASE STUDY 16: The Drunk

Philip, the head of the station, drove up as Jamie and I left Kalamazoo station. He told Jamie there was a drunk, called Rob, at the local hospital. Rob had been violently ill and the doctor said they would like him moved. Philip and Jamie agreed the best policy was to drive Rob to Newark, a neighbouring town located in a different district. Rob had told the doctor he was hitchhiking to Memphis. By driving him to the next town it would get him off Kalamazoo territory and would help him on his journey.

We went to the hospital where we met Rob. Jamie asked him what he was doing and said he believed he wanted to go to Memphis. Rob said he did, but first he wanted to see the sister (nun) in the town to get \$20. Jamie said he would not take Rob to see the sister, and added he did not want Rob free-loading off anyone in his area.

Jamie asked Rob where he was from. Rob said he was a fisherman from Western Australia. Rob told us he had left his belongings at the old toilets in the park and asked if we could collect them on our way out of town. Jamie reiterated he would take Rob to Newark, and from there he could hitchhike to Memphis.

We took Rob to collect his belongings from the ladies' toilet in the park. After we picked them up Rob again said he wanted to see the sister. Jamie told him he could not see the sister. In reply Rob said Jamie could drop him off at the sister's place and he would make his own way to Memphis. When Jamie again said no, Rob started to get aggressive. Jamie asked Rob what he was going to do with the money if the sister gave it to him. Rob said he was going to buy a pouch of tobacco. Jamie responded, implying that buying tobacco was a waste of money, by saying, "There you are."

Rob grumbled from the back seat of the car. Jamie once again said he was not going to let Rob free-load off anyone in Kalamazoo. Jamie added that when Rob got to Memphis there were places he could go, like the City Mission or the Salvation Army, and they would help him. Rob muttered under his breath that he had "been there and done that", but Jamie took no notice.

After the last outburst Rob lapsed into silence as we left Kalamazoo. We had not travelled very far before he fell asleep.

When we got to Newark Jamie pulled up by the side of the main road and told Rob to wake up because we had arrived. Rob collected his belongings and asked which was the way to Memphis. Jamie pointed out the direction and Rob got out of the car. Rob smiled and waved to us as he headed along the highway. Apparently Rob's earlier feelings of animosity towards Jamie had faded.

This case illustrates a tactic used in the rural areas for coping with difficult people. In the city drunks would be put into the cells to cool off, but this is not a feasible option for many rural police. Jamie was on duty alone for the weekend, with the closest fellow police officer on duty about 30 minutes drive away. Since the deaths in custody findings police no longer place individuals in the cells at rural police stations. Instead, they drive them to the lock-up at one of the city police stations where they are charged and detained. If Jamie had taken this option he would have been out of the area for two to three hours while he drove to the lock-up. Charging Rob would have taken longer. In this time Jamie would not be present to handle other jobs in the Kalamazoo area, effectively leaving it unpoliced. Instead, Jamie adopted the approach of moving Rob on. By getting Rob out of Jamie's territory he could not cause Jamie any further trouble.

In the past the police commonly used this tactic in dealing with cases of domestic violence. With domestics, this usually involved taking the man away to another house, or to the other side of town to cool off overnight, especially if he was drunk (Young 1991a). In the literature this approach is still referred to as being a common way of dealing with domestics (Coorey 1988; Edwards 1989; Sheptycki 1993).

Until recent legislative changes in many Australian states, removing the perpetrator from the scene of a domestic to cool off was common. In the United Kingdom, where there have not been the same legislative changes, it is still common (Edwards 1989; Sheptycki 1993; Young pers. comm.). This is because in many cases of domestic violence the police are powerless to alter the situation by invoking the law. They thus cope in the best way available, by shifting an individual, or individuals, out of range of either creating, or being the instigators of, further trouble. Removal of the protagonist to a safe distance away means that a repeat offence, at least during the same shift, is

unlikely. The problem, which cannot be resolved legally, is therefore settled by other means. No long-term resolution is found but the immediate 'danger' is averted. In these cases the solution appears *ad hoc*, but over time it has developed into an accepted practice: police continue to employ diversionary tactics as a short-term solution in those cases where they are unable to resolve a case. This is particularly true of social work jobs. The practice therefore has had, and continues to have, important implications for the handling of domestic violence, whether it be in the rural or urban context. The above case highlights the continuity with the past in certain police practices in the country, a continuity that may be less evident in the suburbs. A rural time lag in police practices has also been noted in Britain (Young 1993).

In Case Study 16 the crucial factor is the division of different police districts into territories. It is these divisions that enable Jamie to shift the problem out of his domain. Without these territorial boundaries such an option would not be feasible. All rural police have a strong sense of territory. This is further illustrated by another case relating to a series of burglaries done at some holiday homes, or shacks, as they are called in Tasmania.

CASE STUDY 17: The Shack Burglaries

Nathan talked about some burglaries that occurred while he was the policeman in the Dayton area. There are several holiday shacks in the area, where the owners only visit them two to three times a year, usually during the main holiday periods of Christmas and Easter.

On one occasion he got a phone call saying one of the shacks had been burgled late at night. He went to investigate and found all the shacks in the area had been burgled: a total of 25 in all. It took him the whole night to check all the properties, and several weeks thereafter to locate the owners. It took even longer to do the COMOs because he needed the owners to check the properties to find out what was missing.

Nathan said there were two men staying in one of the shacks when the burg steals were committed. But they were blind drunk and did not bother to look out the window when they heard a vehicle. The burglars had driven up in a truck and taken all the things easy to dispose of, like wood heaters and electrical goods. This had taken them several hours.

After this, Nathan said, he felt really sick and did not want to continue working in the Dayton area anymore. A couple of weeks later a further ten shacks were burgled in the same area.

An analogy can be drawn here between Nathan's reaction to the burglaries in the Dayton area and the sense of violation individuals feel when they discover their own homes have been burgled (see Chapter 2, section 2.7). Thus an officer may feel the same sense of pollution that a member of the public feels when their personal space has been invaded. Here the difference is in what constitutes the personal space for the two. For ordinary citizens their home and garden probably form the limits of their sense of 'ownership' over space, while for the rural police the territory they patrol constitutes the limits of what they control.

The reason rural police officers have a strong sense of territoriality over the area they patrol is because they know and observe the area and its inhabitants. It is the domain over which they build up an intimate local knowledge in order to effectively police it. The sense of possessiveness and ownership comes out of this intimate knowledge. The

personal knowledge that rural officers have of their territory also applies to the activities of the crooks and scumbags in the area.

4.3

Crooks and Scumbags

In each rural area where I worked the police told me they had their own fair share of crooks and scumbags. While scumbags seem less of a problem for the police in the rural areas than in the urban areas, they are still in the police eye and are known through such activities as drink driving, drunken brawls at pubs and neighbourhood disputes. Just as urban officers know where the local crooks and worst scumbags live, so do the country police.

In the country, the police recognise the spatial equivalents of the crooks' villages of the suburbs. Usually a street of housing department properties is known as the crooks' area. One officer described such a location in his division to me as "Little Chicago", after the well-known suburban crooks' village, Chicago. The officer took me to see this place which consisted of one street of houses in Annapolis. They looked much neater than the houses I had seen in Chicago. As we drove along the street he told me about the various families living in each of the houses and of their dealings with the police. In one house a man had died a week before. The neighbours had stolen the plants out of the garden and the furniture out of the house before the housing department could clean the house up for occupation by new tenants.

At another station the officer took me to see what he described as "Chicago by the Sea", once again named after the well-known crooks' village. This was a cul-de-sac of housing department properties where the residents were involved in an ongoing neighbourhood dispute. This involved three or four families who would drink with each other one night and then fight each other the next. The most recent accusations were claims of phones being tapped and of obscene phone calls from each other. The officer involved had visited their houses several times in the previous few weeks, sometimes when they were out on the street harassing each other. He told me the situation would flare up for a few weeks at a time and then subside again. He said there was very little he could do about it, other than to keep an eye on them.

In these 'mini Chicagos' many of the individuals are renowned for committing petty offences, such as shoplifting, and being involved in neighbourhood disputes. They tend to be scumbags, rather than crooks.

When I asked about crooks in the rural areas, one officer, who had spent several years working in rural stations, said there were crooks everywhere. He explained that the cheaper rental property in the country often attracted the crooks away from the suburbs. In the country, individuals are also less likely to get reported, for example, to the tax authorities for being involved in the black economy. The country can therefore present a very attractive option for some crooks who want to keep out of the public eye for a period. It is only their criminal activities that are noticed, if they are foolish enough to do their jobs in the same area as where they live (see below). The 'big time' rural criminals are more likely to go to town to do their jobs. If a large crime is committed in a rural area then it is usually done by an outsider, from one of the crooks' villages like Chicago. One officer summed up the situation by saying that the bigger criminals who live in rural areas do not usually do their jobs "at home" because, "You don't shit in your own backyard."

The rural areas, however, can be especially fruitful pickings for crooks. Holiday shacks are a case in point. More than once I came across areas where whole localities of shacks had been robbed at the same time (see Case Study 17). Some of the shacks are more like first homes and people leave valuable items like televisions and videos in them. In one area the officer told me he had probably been inside 90% of the shacks because of the burg-steals committed at them.

In another area the local officer told me he had his fair share of crooks, which consisted of a small resident population of burglars. Recently there had been a spate of burglaries and he asked one of the resident burglars if he was responsible. The crook said that he would not be so stupid as to do a job in the area. The police officer warned him if he ever found out he was lying then he would get no peace until he had been caught. The officer added he believed the crook was telling the truth: it was more likely to be his friends doing the jobs on their way back to the city after they had visited him. In this way they would gain the local knowledge necessary to successfully commit the crime. The officer described the local population of crooks as "semi-professional".

Two factors influence this relationship between the crooks and the police in rural areas: first, there is the difficulty of keeping a secret in a rural community; and secondly, there is the ability of the police to maintain a close surveillance on events. Despite the increasingly large areas covered by the rural police they are still very diligent in their observation of the local crooks. For example, one Saturday night on patrol at a rural station, we went past the house of the best known local crook several times to check that he was at home and not out on a job. In general, the uniformed police practise surveillance much more diligently in the rural areas than in the suburbs, but the surveillance is not only confined to crooks.

4.4

Surveillance

Surveillance is used by the rural police to observe any situation they feel may become uncontrollable. This contrasts with practice in the suburbs where surveillance is largely restricted to the observation of known crooks (see Chapter 2, sections 2.2 and 2.3). The rural strategy might be classed as a form of pro-active policing and is feasible because of the pace at which events occur.

A simple example will illustrate the different tempos of the two environments. There is a distinct difference in the speed at which the police patrol the rural areas to the speed at which they patrol the suburbs. One rural policeman proudly told me, on a night when he managed to draw out the patrol between two towns 23 kilometres apart to more than an hour, that in the country they do not rush around like the police in the suburban stations. He said there had been an officer on relief working with him from one of the suburban stations for a week. This officer said he really enjoyed the relaxed way in which they patrolled. The rural officer said one of the days they were out together he had made a trip between two towns, 65 kilometres apart, last six hours by going down all the side roads and telling the visiting officer about the people in the area. The visiting officer had expressed regret at leaving the station after his week's relief work.

By contrast, for many police based in suburban stations this relaxed atmosphere is a reason for not working in a rural station. One group asked me, on my return to the suburbs, how I had enjoyed my time at a country station. I said that I had enjoyed it. Their response was to grimace and say they could not understand why I had enjoyed it. Another officer made the comment that being at a rural station would be like being on guard duty at the courts (a job no longer undertaken by the police): that is to say, it must be very boring because most of the time nothing is happening. In the suburbs the relaxed pace of patrolling found in the rural areas is rarely feasible. Officers are called out to jobs at regular intervals and often have to be conscious of how far away they are from the centre of their beat. Travelling around the backblocks may mean an officer is 20 to 30 minutes away from a job, especially during the night, when the expected response time is five to ten minutes. The greater number of jobs in the suburbs reminds the police they act as a reactive, rather than a pro-active, force. This is one of the major contrasts between urban and rural policing.

The more relaxed atmosphere of the country allows the police to take the time to find out, and observe, happenings in the community. This they do regardless of the background of those involved. As a result, rural police can anticipate events in a way the police in the busier, urban areas cannot. The degree to which rural police can keep check on any situation is illustrated by the following case study.

CASE STUDY 18: The Visiting Band

Early in the evening, while we were out on patrol, Jason told me it would be a busy night because the local hotel, called the Red Dog, had a band playing. The Red Dog is located in Miami. The band was from the city and there would be both local and city patrons attending. The pub was expecting a good turn out. Jason said he did not want to go off duty while there was the possibility of people ringing him up about being disturbed by the crowds when they left the pub. He said this had happened in the past, especially with noisy crowds congregating on the football ground. Jason said we would keep an eye on the Red Dog and make sure everyone dispersed quietly before going off duty. In the end we finished the shift at 3.30am.

At about 10.00pm we returned to Miami, after being on patrol around the district. Jason spent the rest of the night observing the Red Dog and waiting for the band to stop playing and for the crowd to disperse. While Jason waited for the band to stop he drove slowly around the streets of the neighbouring town, Las Vegas, from where many of the patrons at the hotel had come. He would then return to Miami and patrol its streets before returning to Las Vegas. Because the Red Dog is situated on the main road, each time we mooched from Miami to Las Vegas and back, we were able to see if people were starting to leave.

Jason told me he would not be breathalysing anyone because he was by himself. He also said the patrons would all be expecting him to knock off at 2.00am and would think they could drive home without fear of being breathalysed. Jason explained he had wanted a random breath test team to come out for the night from Cleveland so they could do breathalyser tests. He saw this as fulfilling two purposes: it would mean there would be no drunk drivers on the roads and it would not tarnish his image with the local population. But Cleveland would not send out a unit on short notice. Jason therefore adopted a policy of waiting around to be ready to pounce on the patrons as they left the Red Dog, rather than looking for a drunk driver he could charge.

Jason's presence outside the hotel meant that when the band stopped playing the patrons adopted a number of strategies for getting home: some walked, some booked the local taxi (there is one at Las Vegas), and others stayed at the backpackers' accommodation at the hotel. One individual, a local builder, made several trips in his ute between Miami and Las Vegas with passengers, and a few others got lifts

home with friends. As a result many cars remained outside the hotel overnight (between 15 and 20 out of an original 60 to 80).

Jason had two aims in keeping watch over the hotel patrons: to stop people driving home drunk, and thus causing, or being likely to cause, accidents; and to prevent large groups of individuals congregating in an area where they would cause a nuisance to other people.

After several trips past the hotel, people began to leave at about 2.00am when the band stopped playing. With the first departures we drove towards Las Vegas. We passed a sole hitchhiker heading towards Las Vegas. Jason stopped and told him to get in the car. We took him home (he was very drunk and could hardly put together an articulate sentence). He knew Jason and thanked him profusely for the lift. Jason explained later he had breathalysed most of the young guys in the town at some time or other and hence their being nice to him: they did not want to be breathalysed again. This particular individual worked as a labourer at one of the local factories. When we dropped him off we headed back to Miami and the Red Dog.

When we returned to Miami, cars were starting to drive away from the Red Dog. Jason decided, after a few more turns past the hotel, to head for the football ground. When we got to the football ground two four-wheel drive vehicles were already parked there. One of the vehicles Jason described as belonging to "a yuppie" who we had seen driving around town earlier in the evening. The two vehicles seemed to contain only males who had brought cans of beer with them. They were drinking these while they stood around the vehicles.

As we pulled up one of the young men said hello to Jason. He turned out to be someone who had helped Jason remove a fallen tree off the road the previous day. Jason told the group they could not stay at the football ground and to get in their cars and leave. They agreed to leave and Jason said if they did have to congregate somewhere then they could go to Wattle Park, at the other end of town opposite the Golf Club. This would not involve them in annoying any residents because there were no houses in the area. We followed them as they left and parked at the top of the road. Two more cars came racing towards the football ground. They passed us and Jason followed them. As they pulled up at the football ground all the males jumped out and disappeared behind the buildings. There was a girl with them and Jason told her they could not stay and for them to move on to Wattle Park. She managed to call all of the males back to the cars and they left.

Jason stayed in the area for a while longer because he was concerned that if he left more cars would arrive in his absence. He said once they arrived they would disappear behind the buildings and into the bush and he would not be able to get them out. He said this had happened in the past. As we left the football ground Jason stopped and checked a couple sitting on the grass who were talking. They were not locals. When it was clear they had no intention of heading for the football ground, and because they spoke politely, Jason let them stay where they were. There were others walking across the bridge towards the football ground but who turned back when they saw the police car.

At one point Jason thought he heard the concrete slabs being lifted off the bridge. At Christmas time the Santa Barbara yuppies regularly do this and throw the slabs over the bridge to see the splash (under the slabs are all the live cables for the essential services). However, when Jason investigated closer this was not the case on this occasion.

Jason decided to leave the football ground and we went back to the hotel to see how the dispersal of the patrons was going. This time Jason stopped outside the hotel and asked a large group who were standing around outside why they did not go home. One of them came over and talked to Jason, much to the annoyance of his mates. He told them that Jason was all right and proceeded to ask Jason if he knew

anyone who could help him get a learner's licence for a motor bike. Another one of the group came over and asked Jason to give them a lift to Las Vegas. Jason said he could not fit them all in the car and so he could not oblige. They then told Jason they had booked the taxi and were waiting for it to arrive from Las Vegas.

We drove towards Las Vegas again and passed the builder coming back in his ute for more people. Jason stopped him to tell him his headlight was not working. Jason also asked him to pick up one guy who was weaving along the roadside, before he got run over. The ute owner agreed to do this and thanked Jason for telling him about his headlight. Jason then drove to Wattle Park to check on those he had directed there earlier in the evening. The four cars of people from the football ground were at the park and had lit a fire. Jason decided that although he had meant them to go to the end of the park, rather than half-way across it, he would leave them in peace.

After another turn around the area and a check of the hotel to see there were no more people leaving the hotel, Jason decided it was safe to go home and get some sleep (3.30am). Jason commented that he spent the time checking the hotel for his own peace of mind. He did not want to be woken up in the middle of the night and get called to a car accident or a noisy crowd. This had happened in the past and he preferred to spend the time checking on people so that potential problems were avoided.

The events of the night were revealing because it was clear the local people like Jason. He spends quite a lot of time talking to them and this comes through in his dealings with the younger residents of the town. None of them were aggressive towards him at the hotel, and one of them had even asked him for a lift home. This rapport with the local community made it easier for him to move people away from the football ground. It would have been difficult to achieve this if he had been aggressive and the people did not like him.

Drunken groups leaving hotels or parties are a common target for this sort of attention in the country. They are situations where, if they did erupt, a single officer would have very little hope of controlling them. The local people are aware of this. Everybody knows that if a police officer was to charge one individual with being drunk and disorderly this would require a trip to the lock-up in the city. The officer would then be absent from the area for several hours. In this time all manner of things could occur without the police being present to control them. For the sake of maintaining the peace, rural police therefore use surveillance as a way of forestalling possible trouble. 'Prevention rather than cure' is the only realistic approach open to a solitary, on-duty police officer where happenings could potentially erupt into major incidents.

Rural police are very conscious of the limitations of their 'power'. They work with the knowledge they cannot call for back-up easily. As a result they recognise the only effective means of working is with the co-operation of the community. Consequently they place a great deal of emphasis on building up good relations with the public, in what might be called, 'socially-oriented' activities. Many see this as being the ultimate form of community policing, and the only realistic way of doing police work in the country.

4.5 *Community Policing*

For many individuals in rural areas the local police officer is still a figure of authority. In the country the local general practitioner or a minister of religion is probably the closest person there is to a social worker, counsellor or a welfare officer. It is therefore not surprising to find that the local police officer is treated as a respected

member of the community who may also fulfil these roles. Many rural officers see this as part of their job. They talk about members of the public ringing them up, or being called somewhere, in order to tell people what their options are and to make suggestions as to which is the most appropriate course of action to take. This is both for matters that pertain to police work and also for more personal advice. By contrast, many of the town police regard this as not being part of their job. Suburban police describe this work as being a waste of time. Suburban police believe people should not necessarily require the police to give them advice and should be able to make decisions for themselves.

But in rural communities the willingness of the police to oblige the public in this way relates to their understanding of the relationship between the police and the public. They know they cannot expect to do their job effectively without the support of the community. They also understand the need for the relationship to be based on mutual respect. As a result, they recognise the reciprocal nature of this relationship and act accordingly. In one area an officer told me he has no trouble with the locals although he had been to a few big brawls when he first arrived in the area 14 years before. He said once he got to know the locals he had found that if he treated them well, and did not put up with any nonsense, then they tended to treat him well in return. He added that now, if there was a big brawl, he would have very little trouble and could usually talk people into being better behaved, which usually defused a volatile situation.

At another rural station two officers told me that without community support it was impossible to work. They gave the example of going to a big brawl at a pub where they were out numbered. They said back-up may be an hour or more away but they could not handle it alone. In these cases they needed the people from the community to assist them. If the people of the community never saw them, as they said was happening in a neighbouring town (see section 4.6), then the locals were unlikely to co-operate.

At another station I was told about the occasions when there are big car accidents on the highway and how a traffic unit is often not available to attend. This means that one officer is left to deal with the case. In order to do this it requires enlisting support from the public for things like directing traffic and keeping spectators at bay. Once again, it was pointed out to me, this is not possible if the people do not like the police officer.

Another officer, Rory, made the analogy between the use of speed cameras and the lack of police in rural areas. Rory compared the speed cameras with the traffic surveillance programme. He said the speed camera had alienated people from the police because they receive an anonymous letter in the mail, well after the event, and do not necessarily remember when they were speeding. Whereas, he said, with the police stopping a car, the people are immediately aware of what they have done wrong. Even if it is only a case of seeing a police car parked by the side of the road, they remember it and do not speed when they next go past the same spot.

Rory also commented that there was no substitute for police presence on the ground. He said the local people get to know you and like you, and feel they can approach you about things that are happening. Rory is a very keen golfer and likes to play several times a week at the local course. Rory said he was amazed how much he learnt from playing golf. He saw this as an important way of keeping in touch with the community. The implication of the comparison was that speed cameras do not equal

good policing because they are impersonal, just as in the same way not having a police officer in an area who is known, and liked by the people, is impersonal and alienating.

As a consequence of this 'mutual dependence' many rural police officers are much more tolerant of the behaviour of the public than are suburban police. They are less likely to get immediately upset if someone abuses them or even hits them in the heat of the moment. They feel all people are fallible and make mistakes and this behaviour should be tolerated if the police perceive the people as making fairly innocent mistakes.

This tolerance translates into a certain degree of flexibility towards what people do. I was given the example of pulling up cars that are speeding and told that if the driver is not drunk, and is only a few kilometres over the speed limit in an area where it is unlikely to lead to an accident then they often just caution the driver and let them go on their way. They commented that some suburban police would give a driver no leeway at all. In the country the people would dislike this policy and it would antagonise them.

At another station an officer told me that they were "a bit lenient" on the non-payment of fines and would usually give people a few extra days to pay them. He added that in a rural area you become part of the community and people make up their own minds about you on a one-to-one basis. This means an officer has to treat everybody as individuals. Other rural officers said that while prosecuting for every offence and making up a file may look good for the statistics, a caution often meant a person would co-operate with the police in the future.

Mutual trust is seen as the basis of good rural policing. For example, one officer at a suburban station, who had recently moved from the country, commented that the best way to find out what was happening in the rural areas was often to sit and have a cup of coffee with people. I saw this in action at one rural police station. Late at night we went to the local cafe to find out about a recent assault on a drunk. As we came out of the cafe the police commented it was the best way of finding out what was happening and now they had a lead on the assault. Obviously this option is not practicable if the people dislike you.

One evening I had an interesting conversation with a suburban police officer who had worked at country stations in his youth. He compared conditions at the two and said that at country stations an officer can deal with people on an individual basis and get to know them. As a result, the knowledge gained means the officer can handle situations better. This ability to handle people on the basis of knowing about them is perceived by many officers to be important in terms of good policing. He then drew the comparison between this and community policing. He said there was no substitute for knowing the people in the area where an officer works. Current campaigns for community policing in the suburbs he saw as being a gimmick rather than an effective form of policing. Several other officers made the same comparison while I worked at rural police stations. They saw there being no substitute for adequate numbers of officers to provide good support to a community, and felt this was especially important in rural areas.

This assessment is not just a cultural view of the police. It is based on experience. The case of one community where the local station was closed down in recent years illustrates this point.

I have already said rural police believe they handle things in a different way to their suburban counterparts. Many officers commented that their most important ally is the public and the example of the closure of a one-man station illustrates this point.

CASE STUDY 19: "Not much action there"

Let me begin this case study with some personal observations. The police station concerned, which I shall call Phoenix, was closed down about five years ago. I learnt about community attitudes from a trip I made to the area before I commenced my work with the police.

Phoenix is a small town with several licensed premises. There are three hotels, a bowls club, a golf club and the RSL where people can consume alcohol. This is one of the reasons why the police believe there should be an officer based in the area.

On a journey to the area one Sunday afternoon I asked at a local shop where the police station was. The woman I asked looked shocked. She gave me directions and then said, "But you won't find anyone there." I said I would still like to see the building. She then added if I wanted to see a police officer this was not possible because, "They keep the hours of the polies [politicians]."

This occurred in Annapolis. I located the station and then moved on to the next town, Phoenix.

In Phoenix I wandered down the main street and saw the police station. Out of curiosity I walked over to the station to read the sign on the door which said the station was closed and if anyone needed the police urgently they should ring the number given. While I was reading the notice a man passed by and saw me reading the sign. He stopped and commented to me, "You won't get much action there!"

Several weeks later I moved to work at the station in Annapolis. The first night I attended the two officers on duty told me about Phoenix. They said people no longer report crime occurring in Phoenix to the police. This assessment they based on experience. They said that when Phoenix people see them they tell the police what happened several weeks before. They then add they did not bother reporting it to the police because they knew nothing would be done about it. On one occasion, one of the officers delivered some papers to a person in Phoenix who said to his wife, "Come and have a look dear, because you may not see a policeman again for a long time."

The two officers also talked about the consequences of crime not being reported in an area. They believe the statisticians say figures show there is not enough crime occurring in the Phoenix area to justify having a resident police officer. But their interpretation was that the drop in crime figures related to people not reporting it to the police. This means the statistics are misleading and simply act as a self-fulfilling prophecy for those who wish to cut staffing levels and close stations.

The officers' knowledge of the area suggested the reverse. They used traffic as an example. They said no one has any idea of what is going on because they cannot check. They know there are several people who drive around the area drunk but they do not have the officers to confirm this. Occasionally there is some feedback from the community when the police go to Phoenix and ask about things like broken fences and damage to signs they have not noticed in the past. Then someone will tell them a drunk drove off the road a few weeks before, the locals sorted it out and did not bother calling the police.

Without prompting, two other officers from the same station told me a similar story a week later. This time the conversation arose out of a call to one of the pubs in Phoenix where the police picked up a drunk driver. The officers claimed only about

a third of the accidents that happen in Phoenix get reported to the police. They said the tow man who lives in Phoenix does not report towing vehicles out of paddocks and off people's fences when the driver is drunk. They therefore miss the chance to breathalyse these people and book them for drink driving. The general feeling at Annapolis was that Phoenix has become a lawless town.

Officers at Annapolis described the impact of closing the station in Phoenix as "loosing a generation". By this they meant because a whole generation does not know the police as citizens, they do not respect them and are therefore unlikely to be co-operative. The result is an 'us' versus 'them' mentality in the local community. The officers see this as being completely contrary to the values of community policing. They believe the Phoenix station will never open again, even though the empty building has remained there for the last five years.

The reaction of the police at Annapolis to the closing of the Phoenix station is based on their experience of the community's response. My own casual observations also support this view. The police concern is that closing stations alienates the populations they are meant to be policing. As a result, it reduces their efficiency in handling crime in an area. They believe, on the basis of observation and what they are told by the communities, that the closure of stations leads to a lawlessness in the communities that goes largely unnoticed by officialdom. Their major concern, as one officer put it, is that the police are "loosing a generation".

It is interesting to note that one officer in the suburbs also talked about the closure of smaller stations in the area where we were patrolling. He described the force as 30 years before having a series of one-man police stations scattered through the suburbs. When it was like this, he said, the police knew everybody in the area and what was going on. He said now this was not possible because the police dealt with lots of different people and do not know half the people in the area where they work. This conversation began when he told me about his experiences at one of these stations some years before. He had enjoyed his time at the station because he knew everybody and knew when he went to a place what to expect. There had also been good communication between the different stations because it was done on a personal basis. If he did not know about someone, he could ask an officer at a neighbouring station and they would tell him about the person. In this way he knew what was going on and could anticipate events. He suggested that knowing the people, and their actions, made for good policing. He did not believe this system could work in the suburbs now because the changing nature of crime made it unfeasible. However he did see this style of policing as being more effective.

The research shows that rural police have a sense of continuity about cases, through their interaction with the community, that is often missing in the city. This is the result of a significant difference between rural and urban policing styles; a difference that arises out of a distinct relationship with the community. Both rural and urban police still feel rural policing involves being a respected member of a community, and working with the population, in order to maintain law and order. On the other hand, they feel policing in the city has become an impersonal experience, creating a mentality of 'us' versus 'them'. This alienates the police from those they are protecting.

Paperwork adds to this sense of alienation. The need to compile a file in order to take a case to court creates hours of work for the police. Officers cynically view the paperwork as one way the department validates its own existence. Paperwork produces statistics that get used to support particular points of view. But rural police see this as taking away from the need to treat people as individuals. The impersonal

nature of urban policing they feel undermines effective policing in the country. Some officers felt a solution to this problem was for every member of the force coming off the watch to spend time at a rural station. The comment was made that then every officer would have to learn the art of dealing with people before they returned to the indifferent urban environment.

The other major distinction between urban and rural policing is the reactive nature of the former and the pro-active nature of the latter. That is to say, rural police try to anticipate problems and use surveillance as a way of forestalling incidents, while suburban police only use this technique in dealing with what they see as being 'real' policing, the pursuit of crooks. Once one recognises crooks are the easiest group for the urban police to watch, and that this is the most likely way of gaining results, then the reasons behind this strategy become clear (see Chapter 2).

Comparing the rural and urban contexts, major differences exist with regard to what is considered worthy of policing. The underlying distinction made in the suburbs between 'us' and 'them' (the police versus the crooks); contrasts with the perception in the country that treating the community as 'them' is counterproductive to successful policing. What appears to be crucial here is the size of a station and the community, in terms of numbers of people, rather than the location of the station. For example, at one of the smaller crooks' villages where I worked there was an almost rural feel to it. This was because the police officers did know a lot of the local people. But this is not to suggest the crooks in the area, whose numbers were high, would treat the police with any respect, a feature of good relationships between the police and the community in country areas. Nor did it mean that members of the community would come forward with information for the police.

The main distinction between rural and urban policing is the different emphasis in policing style. The techniques used to police an area are the same for both contexts, however the application of these techniques varies according to perceived differences in the interrelationship with the public. It is for this reason that police have little difficulty shifting from one area of uniformed work to the other. While it is true that many officers do prefer to work in one or the other of these two contexts, this is based on their own preferences regarding how they deal with the public. Culturally, the significance of a shift from one branch of the police force to another is more profound than is the movement between rural and urban uniformed policing (see Chapter 3, section 3.7 and below).

4.7

The Institution

Like any organisation that is perceived by the outside world to be intransigent and unwilling to accept criticism or change, the police force might be described as an institution. Douglas (1987: 92) describes institutions as directing and channelling the perceptions of their members and turning dynamic processes into static forms. She says institutions do the categorising for their members, rather than the members doing the classifying for themselves. The classification system validates the boundaries of an organisation and creates its distinctive character. The categories are treated as being intrinsic: they underlie the social reality of the organisation's members. As a result, the classification system of the institution becomes "naturalised", rather than being treated as an arbitrary construct (Bourdieu 1977: 164). The naturalisation of an institution's categories instils a moral righteousness to the thoughts and practices of its members

that leaves no room for doubt. It is because institutions do not accept the possibility of there being anomaly or ambiguity in the classificatory system that they are inflexible. As a consequence, institutions also present a unilineal perception of their future. For example, if the legitimacy of an institution is based on authority then the institution will see more authority as the accepted solution to organisational problems (Douglas 1987: 92). It will not look outside itself for alternative ways of thinking about how it might function.

While Douglas has argued that the institution does the categorising for its members my experience with the police shows a different process occurring. In order to explain this discrepancy two other ideas coming out of the sociology of organisations are useful. Douglas (1987: 16) has described the shared beliefs of those who belong to an institution as "thought worlds". This is a useful idea that will help elucidate the difference between the institutional view and that of its members.

Another useful concept is the idea of "structuration" (Giddens 1976: 120). Giddens (1976: 121) describes structuration as "an active constituting process, accomplished by, and consisting in, the doings of active subjects". As an example he gives the case of language where the grammar is the structure and the speech-acts of those who use the language are the practice. Both are important to an analysis of language. The interaction of the two is the 'structurating' process. Giddens developed the idea of structuration in order to explain the interaction between the individual and the organisation in the production and reproduction of a social structure. Giddens' (1979: 71) view is that "rules and resources are drawn upon by actors in the production of interaction, but are thereby also reconstituted through such interaction". His model portrays the members of an institution as active participants in the process of structuration. Let me now apply these ideas to the police force.

For the police the institutional categories with which they deal are created for them by the law. The categories therefore do not arise out of, or interact with, the experience of being a police officer. This discrepancy is clearly illustrated by the need for police, when attending a case, to be able to fit it into the legal framework before they can lay charges and take a person to court. The most obvious case where the legal strictures do not fulfil this need is in what I have called 'social work' jobs. Here the law often leaves a police officer with no legal options. In these cases the police develop *ad hoc* practices that provide short-term solutions, but know they are likely to be called upon in the future to deal with the same case. This experience challenges the legal assumption that a case is a single event with a clearly demarcated beginning and end.

For the police, the 'real' world of policing is not only polluting, but also very messy. The clearly defined boundaries specified by the law are often meaningless. Herein lies the contradiction between the institutional view and that of the police. The police thought world is based on lived experience, while the institutional thought world is not.

Thus, it is out of the experienced world of being a police officer that the categorical thought world of police culture is formed. For example, the law does not recognise distinctions between crooks, scumbags and real people: before the law, all citizens are equal and innocent until proven guilty. However, for the police it is the practical experience of the world that provides the structuring principle. Police work involves dealing with the public, a reality that is not contained within the organisation. Consequently, the police define themselves on the basis of a lived experience of 'the other', not on the basis of a vicarious experience of 'the other'. This experience does

not allow the institution to control the classifying process. Institutions can only do the classifying when the members have tenuous connections with the outside world.

Here the practice, or the experienced world of the police, does not coincide with the institutional construction of it. The thought world of the police is therefore distinct from that of the institution. While the police are happy to use the institutional framework to their own advantage, the institution does not create or reproduce the categories that the police use. This is because the structuration of the police thought world comes out of its interaction with the world outside itself, as well as with the world within. Let me now look more closely at how this relates to the experiences of rural and urban policing.

The foregoing discussion of rural policing clearly shows that the same classificatory system exists in the minds of both rural and urban uniformed police. Where the differences lie is in the way the groups are handled. Rural police recognise the categories of 'crooks' and 'scumbags' and know those who fit into each category in their area. The presence of the same conceptual framework is clearly evident when rural police identify locations in their own area as being like those found in the suburbs. For example, in two places the rural police were able to identify the local equivalent of the crooks' village, Chicago, by the places they labelled as "Little Chicago" and "Chicago by the Sea".

Not only is the classificatory system identical for rural and urban police, but also the form of scrutiny. Surveillance is basic to policing practice in both city and country areas. The difference lies, not in the technique but in the extent to which the technique is used in the two domains. Constraints on police time in the suburbs mean they do not use surveillance as a preventative form of policing. Instead they target the crooks because they are likely to be offenders who will provide results. In the country the police use surveillance to handle any situation they perceive as being potentially volatile. In this way they are able to forestall trouble. In the country the relationship between the crooks and the police is based on a mutual understanding that doing jobs in one's own area is not smart. The local crooks tend to go elsewhere to commit crime. Crooks are therefore no more likely to be put under the police gaze than any other individual who comes to the police's attention. Because rural police do not have the same support systems as suburban police they use surveillance to contain situations before they develop.

Herein lies the crux of the difference between rural and urban policing. In the suburbs the police have a different experience of the public to that of the police in the rural areas. Suburban police orient their attention towards a particular sector of society. In the large towns police time is spent dealing with crooks and scumbags. Rarely do they encounter 'real people', and if they do then the context is usually an emotive one. They are also separated off from the communities where they work in a way that does not happen in the rural areas.

By contrast, rural police deal with all classes of people on a regular basis. Their relationship with a community is more intimate and people may visit the local police station for a chat, or the police may have a cup of coffee at a person's house while they are on duty. All members of the community are seen as being potentially able to help the police. Thus, while rural police recognise the same categorical groups as in the suburbs, the way in which they treat these people may be different. Being labelled as a crook, as long as one does not cause trouble for the local police officer, does not mean

one will receive closer attention than other members of the community who are causing trouble for the police. Regular neighbourhood disputes are as likely to be closely watched as is a resident crook. It is the activity, rather than the classification, that determines observation in the rural areas.

The informality and openness of the rural policing style is perceived as integral to successful policing. Officers say they are reliant on the community's support in order to do their job. Part of this relationship with the community is a more flexible attitude to minor offences, such as the non-payment of fines, and a willingness to use discretionary powers to resolve a situation without taking it to court. In this way the police believe they can build up a relationship with the public founded on mutual trust.

The need for a different style of policing in the rural areas is obvious. Rural police often work alone and without back-up. If they find themselves in a tight situation then they will need to rely on the public for support. If the public do not like or trust them then this co-operation is unlikely to be forthcoming. Not only will the police be unable to cope, but they may also place themselves at risk. A simple example will illustrate this point. At one country police station I was told about a case where a man held two people at gun point in their house. Only one police officer was on duty. There were several other houses close-by and many more people at risk than just the couple. While the police officer waited for back-up to arrive from the city, one of the neighbours rallied together all the people from the near-by houses and took them to her house where she gave them some coffee. The police officer said he was very grateful for her help because many of the neighbours were elderly people and confused by the situation. The woman had kept a cool head and calmed them down. This had enabled the policeman to concentrate on the hold-up until back-up arrived.

Thus, while the gamut of practical techniques available to urban and rural uniformed police is the same, the exercise of these techniques differs. The difference in policing styles arises out of the distinct situational constraints confronting the police in the two areas. Because the outside world is part of the structuration principle for the police, it affects the way in which the police act. Differences in practice are only possible though, because the institution does not totally control the thought world of the police. It is the separation of the police thought world from that of the institution that provides a chink in the institution's control. This allows some flexibility in policing practices. The practical difference, therefore, between the institution's thinking and that of its members allows for differences in policing styles.

Differences in style indicate distinct subcultures (Hebdige 1979: 3). Because the style of rural policing is distinctly different to that of urban policing, it should therefore be classed as a subculture. However, this subculture differs from those described in the previous chapter, which were based on sectional specialisation (e.g. CIB, drug squad, scientific, uniform). For rural police their style is predominantly affected by external factors based on their position in a community. While they are still uniformed police, and affected by the same factors as other uniformed police, the external context impacts on them differently to their suburban counterparts. However, uniformed rural police fit into suburban work readily and take little time to adjust to the new context. There is no rite of passage for the move from the one context to the other.

In the case of sectional subcultures, policing style is also defined in relation to the outside world. For example, wearing plain clothes is necessary for undercover work. However, the subcultural unity comes from within. This is most clearly evident in the

social separation of different sections of the police. A simple example of this was the presence of three crib rooms at one police station for the three different sections of police represented at the station. Rarely did members of one section socialise with the members of the other sections. There was also mistrust between sections. Although they co-operated in particular cases, this was on a transitory basis rather than being an accepted norm. Here the power of subcultural differences derives from the distinctions based on membership of a group, rather than external factors.

The contrast between the differences in rural and urban policing, versus sectional variations shows that rural policing could be described as a subset of the subculture of uniformed policing. The basis of the structuration of uniformed work is the same in the two contexts, but the experience of that structuration, because of the distinct encounters with the outside world, are different. However the classificatory system and the form of the police gaze are the same. Here it is the practices of uniformed policing that give rise to the distinctive styles of policing, which in turn distinguish different subcultures. Practice is the more significant aspect in the structuration of these subcultures than is the influence of the institutional structure.

Between different sections of the police force the structuring context varies. For example, in some sections there may be less emphasis on the public, or particular sections of society, than in uniformed work. If one takes the case of traffic, all non-drivers are automatically outside the gaze of the traffic police, just as for the drug squad, all non-drug users or pushers are unlikely to be scrutinised. In both cases the section targets particular sectors of society that form only part of the wider community coming to the attention of the uniformed police. The institution creates specialised units to deal with particular sorts of crime and therefore channels the attention of a section's members. For sectional subcultures it is the institution that determines what or who will be the focus of the section's gaze. This is closer to Douglas' (1987: 92) idea of the institution doing the defining for its members. This leads to distinct thought worlds that translate into significant subcultural styles. Here practice is a secondary concomitant in the structuration of the subculture. It is the institution that frames the subculture.

The structuring process for rural and urban policing therefore differs from that for different sections. In the case of differences in uniformed policing the emphasis in difference derives from outside the organisation, while in the case of sectional differences the differences are defined from within the organisation.

Distinct subcultural styles in the police force arise out of the structuring form of the organisation. The essence of the subcultural styles varies according to the prominence given to different aspects of the structuring process: practice in the case of uniformed work, and the institutional thought world in the case of sectional differences. Whereas most institutions primarily derive, and sustain, their beliefs from within the organisation, for uniformed police the outside world is a major contributing factor in the structuration process. This means some of the usual constraints of institutional thinking are undermined: the institution does not totally control the thought processes of its members. As a consequence, differences in policing styles, discrepancies in the use of discretionary powers, and variations in moral values, can co-exist in the uniformed police. The differences between rural and urban policing clearly illustrate this.

PART TWO: DOMESTIC VIOLENCE

In this chapter I shall look at how the police 'manage' cases of domestic violence. Police management of domestic violence hinges on a compromise between the time spent on a case and the likely outcome. My earlier discussion of police categorisation of people and jobs suggests that those cases which will end in a result are given priority by the police. The police aim to successfully remove those who pollute society from the public domain. In those domestic violence cases where it is difficult to distinguish between the victim and perpetrator 'success' in the courts is an unlikely outcome. A concern with the law and the courts affects how officers manage domestics.

I have already suggested that the paperwork associated with cases is disproportionately time consuming to the time spent at an incident. For example, an assault may take seconds to occur but if the police proceed with the case they will spend several hours processing the paperwork for the case. The role of paperwork therefore affects police treatment of cases. The police use their discretionary powers when making decisions about whether to proceed with legal action after an incident. While the paperwork associated with domestic violence - in the form of restraint orders and assault charges - has been simplified in recent years, these cases are still time-consuming. This is a significant consideration in police decision making.

I have briefly discussed how social work jobs are seen as unsatisfying by the police because they rarely end in a positive result. Despite the legislative changes regarding domestic violence the actions of those involved continue to militate against successful outcomes for the police. The police perception that victims withdraw charges laid against perpetrators means they are often unwilling to proceed with a charge, because they feel compiling a file for such cases is an unproductive activity.

The police are encouraged to involve outside services when they deal with domestic violence, but this also presents problems. For example, the police often find they are unable to contact a DVCS worker when they need one. If this happens repeatedly then they are discouraged from trying to make further contact. In general, police officers feel the support provided by other agencies is inadequate, regardless of the nature of the agency. This means the police continue to play a support role by mediating between, and counselling, the parties in domestics; a role that the literature suggests is inappropriate for the police (Adams and Spicer 1982; Dobash and Dobash 1981; Maidment 1983; Oppenlander 1982; Sutton and Hatty 1988).

While management of police time and perceptions of a situation are important considerations in the policing of domestic violence, these are not the only problems confronting attending officers. The social dynamics at domestic violence incidents is also an important consideration in terms of management. Regardless of existing protocols or procedures for domestics, there are always cases where the police's best intentions are thwarted. I shall therefore begin this chapter by looking at how the chaotic nature of a domestic can impact on police handling

It should be noted that whilst many of the case studies in this chapter could be interpreted as police 'failures', I could have replaced these with cases that could be interpreted as examples of good policing. I selected the case studies included in this

chapter because they illustrate, sometimes through absence, the processes in police decision making.

5.1

Management at the Scene

The complex nature of social work jobs is a contributing factor to the way in which they are managed. The nature of the personnel involved in these cases also contributes to how they are handled. For example, I have already discussed the potential problems encountered by young officers (see Chapter 3). The youth and lack of experience of young officers can also have implications in the handling of domestic violence. I have already referred to a case where an officer went to a domestic as a cadet and was asked by the husband what he knew about such things. Many older officers commented on the difficulty experienced by young officers handling domestics. They suggested that young officers lacked an in-depth understanding of intimate relationships, or the complexities of such relationships. Thus, while the police uniform signifies a position of authority, the youthful age of an officer may militate against an acceptance of this position. Both the public and the police are aware of this. One senior officer told me he did not feel confident about attending domestics until he was in his mid thirties. By that time he felt his own life experience had sufficiently prepared him to deal with such cases. Police recognition of the need to have a broad range of life experiences as a foundation for dealing with domestic violence and social work jobs may underlie the pride many officers display in their previous work histories (see Chapter 3). Here officers recognise there is no substitute for personal experience in dealing with situations that defy legal solutions.

Irrespective of the experience and age of attending officers, all police confront the difficulty of co-ordinating decision making at the scene. Reaching a measured decision about how to proceed at a domestic can be very difficult in these sometimes volatile and chaotic situations. In addition to the potential of physical violence, the parties may be drunk, and verbally abusive towards each other. Outsiders may also be present and may become involved (e.g. Case Studies 26 and 28). Noise can be a particularly distracting feature of domestics. The noise of televisions, radios and yelling children can be deafening. Trying to concentrate under these circumstances can be almost impossible. Often the first action of an attending officer is to reduce the noise level. If a television is blaring then the police will turn it off, or if people are screaming at each other then they will place them in different rooms so they have no one to scream at.

In order to establish a sense of how the police usually cope with a domestic where the perpetrator and victim are present, and where the violence has abated, let me outline the 'standard' police procedure that I saw when attending domestic violence incidents. This procedure does not necessarily follow any protocols held by the police department. While it was the most common way of handling the cases I observed, there was some variation (see the following Case Study for example).

Where there are two attending officers at a domestic, the police first separate the parties and place them in different rooms. One officer, the senior officer or the one with the local knowledge, usually takes charge and talks to the person who is thought to be the victim. Where there is no clear indication as to who is the victim then either officer may talk to either party. A variation on this pattern occurs when the officers working together consist of a man and a woman. In these cases the police woman

usually talks to the woman while the policeman talks to the man, regardless of who is victim or perpetrator.

While the senior officer talks to the victim, the other officer usually talks to the perpetrator. In this way both versions of events are ascertained from those involved. The officer with the victim asks what happened, what the victim would like done, and also often tells the victim what are the viable options. For example, if there is no evidence of an assault then the officer will explain that an assault charge cannot be laid because the courts would not accept the case (see Case Study 31). After both stories have been heard the officers come together in a space away from both parties (such as the passageway of the house) and compare the different accounts of events. The officers usually then swap places and the senior officer talks to the perpetrator. Following this the two officers come together again and discuss the case, and decide what is their preferred course of action. Once agreement is reached over what the police will do the senior officer returns to talk to the victim. If the police decide to make an arrest and seek a restraint order then a third officer is usually required to help escort the perpetrator to the cells. In this case two officers will leave the scene and take away the perpetrator while the third officer remains at the scene to take a statement from the victim. If a third officer is not available then an alternative arrangement is made to obtain a statement from the victim (e.g. having the victim attend the police station).

Where no further action is taken by the police, the officers usually jointly go to talk to the perpetrator before leaving the premises. This usually involves the officers warning the perpetrator. They normally advise the perpetrator against further violence, saying they will not be so lenient the next time and that they will proceed with legal action if they are called back to the house. If both parties are felt to be at fault, they are told they will both be arrested and taken to the cells to "cool off". The police also talk to the victim before leaving. This is usually when they suggest that nothing will alter unless the victim seeks to bring about change.

Other variations involve the removal of one party from the scene. This can be either the perpetrator or the victim and usually involves only one officer in the transportation of the person to another location. This is seen as a viable option in less violent cases. Once again the perpetrator will be warned against further violence and the victim will be advised that nothing will change in the relationship without positive action.

In cases where there are obvious signs of violence and the victim can be easily identified, the police will base their decision on what action to take by talking to the victim. In these cases negotiation over the status of those involved in the domestic does not require clarification. While this outlines the ideal situation in handling domestics, the experience of domestic violence incidents can be quite different, as the following case indicates.

Management of an incident may become complex simply because of the number of individuals involved, whether they be members of the public or the police. In the following case it is the numbers of police involved, and the dynamics of their relationship to each other, that complicates matters.

CASE STUDY 20: Too Many Cooks Spoil the Broth

Day 1

This domestic occurred just before the end of the shift. Peter Gulliver called the police to say his brother, Ivan, was being violent. Ivan was separated from his wife, Gaye, but was visiting her. Peter was present when Ivan attacked Gaye. When we arrived at the scene Peter had left.

Sam and Jerome, the two local police officers, travelled to the scene in separate cars. Cliff and Gilbert from a neighbouring station attended as back-up. Jerome and Gilbert were sergeants and Sam and Cliff were constables. Jerome had recently transferred to uniformed work from a different section of the police while Cliff had recently transferred from a different area in the state. Sam had worked in the area for several years.

All four officers went to the door of the house. Ivan opened it and began to scream and yell at the police, asking who had called them. He was very agitated and yelled that there was nothing wrong. He came outside and said he wanted the police to go away.

The situation was very confused, partly because of Ivan's aggressive behaviour. Everyone was talking and what had happened was very unclear. Ivan talked to Gaye in an aggressive manner throughout the time the police were present and he attempted to prevent her from speaking directly to the police. When the police talked about arresting him, because he was being aggressive, he said they could not because it was Father's Day.

Sam tried to calm things down and acted in a conciliatory manner. Sam's manner suggested to Cliff that we were going to leave the scene without doing anything. Cliff stepped forward and said he wanted to see Gaye. Ivan kept telling Gaye, who was still inside the house and out of view, to tell the police she was all right. He also told her to tell the police to go away. Cliff insisted he see Gaye but she did not come to the door.

Because Gaye did not come to the door, the police went into the lounge to see her. Ivan was even more upset at this and Sam suggested Cliff take Gaye outside to talk to her. Ivan did not like this idea and repeated it was none of the police's business. Cliff got Gaye outside to talk to her and the other officers followed. They asked if she was all right and whether she wanted to go away for the night. She said she had four children in the house and was not going to leave them. Once Gaye was on the porch Cliff did most of the talking. Cliff had been to the house twice earlier in the week to investigate a burglary of things out of Ivan's van and then the stealing of it. The other two officers, Sam and Gilbert, stood between Cliff and the door while Jerome kept out of the whole incident. Cliff managed to find out from Gaye what had happened that night.

Gaye is separated from Ivan but Ivan went to Gaye's house to see the children because it was Father's Day. When he arrived Gaye was not home. While he waited she arrived home with Peter, Ivan's brother. Ivan became aggressive and accused Gaye of sleeping with Peter. Gaye denied Ivan's accusation about sleeping with Peter. Peter left the house and rang the police.

The police asked if Gaye wanted Ivan prosecuted and she said no. While we were outside with Gaye, Ivan came to the door. He ranted and raved and was still intent on finding out who had rung the police. He told Gaye he knew who it was and named Peter, although the police had at no time indicated who had rung.

Ivan then turned on the police. He said that he had never rung them but that they had been to the house three times in the last week and he wanted to know what was going on.

While the police tried to talk to Gaye, Ivan kept making comments. He angrily told Gaye to go inside the house, to tell "the coppers to leave", and said that Gaye and he should sort things out for themselves. Ivan said he had not had a chance to talk to Gaye and he wanted the police to go away. At one point Gaye commented to Ivan, when he asked her to go inside, "After what you have done to me." As she said this she pointed at her ribs and said, "Look at me Ivan." (Gaye was in her mid twenties but looked about 40).

Cliff told Gaye that she did not have to put up with Ivan's behaviour. He asked her if Ivan had hit her and she said yes. Cliff said she could prosecute for that. At this point Ivan asked Gaye if she was going to start sleeping with Cliff too.

After some discussion between the police Gilbert said to Ivan that they were not going until they knew Gaye would be safe for the night and they needed a guarantee from him that he would not attack her again. Cliff took things into his own hands at this stage and said that if Ivan and Gaye were going to talk then he was going to stay while they did so to ensure her safety. Ivan objected to this idea but Gaye liked it. After Cliff had said that he would stay, he asked Gilbert, his partner and senior officer, if he minded and Gilbert said it was all right by him. Ivan continued to be aggressive and made further accusations about Gaye sleeping with Peter. Gaye replied that he was lying and that it was nothing like what he was saying.

Gaye went into the house to talk to Ivan and the four officers stood at the door talking to each other. Sam was ready to arrest Ivan by whatever means available, and discussed what charges they could lay against him. Ivan had called the police "cunts" a couple of times and Sam said that was good enough grounds for arrest as far as he was concerned. While this was being discussed Gaye raised her voice at Ivan inside and one of the officers commented that she was getting worked up too. Gilbert said they could not remain at the house all night.

The four officers seemed concerned about different things. Sam was keen to arrest Ivan on any pretext. Gilbert was coming up with the problems that could develop if they did arrest him. Jerome remained non-committal and Cliff was listening to, and keeping an eye on, what was happening in the lounge. At one point Ivan closed the front door and Gaye told him to re-open it which he did. Cliff went in the door when he heard some crashing sounds and Ivan came to the door and started to be abusive again. At this juncture Sam asked me to open the divvy van doors as they would pull Ivan out, and so I missed the next developments.

By the time I turned around again Gaye was outside walking down the lawn with Sam following her. As I went up to them she was shivering. Sam was talking to her and the first words I heard her say were, "Take him away but I won't be responsible for him going to jail."

Sam said they would take him away if she would prosecute. She said she could not because he has a medical condition. She added that the other officer (Cliff) had said they could take him away anyway. Sam asked her what was more important and suggested that the next time the police came they may be taking her away in a body bag. He said they would support her but she had to be willing to prosecute. He added that she did not need to be Ivan's punch bag, she was not responsible for him. While he was talking to her the other three policemen were standing near the porch, listening to Ivan's abuse.

Ivan came out of the house, down to Gaye and told her to get back inside. Cliff followed him and told him not to interfere. Ivan managed to get close enough to Gaye to domineer her and commanded her to go into the house. She decided to go inside and said she wanted to be left alone. The police officers stood around for a minute and then decided there was nothing more they could do and so left.

As we left Sam asked me what I thought about the way it had turned out and I was evasive. He said he had been ready to arrest Ivan when Cliff had asked to see Gaye.

I said one of the problems seemed to be that there was no one person in control. He said he probably should have fulfilled that role because the case occurred in his area. I said the other pair should because they were on the night shift (and therefore were not about to knock off work, so they would have time to prepare the file). Sam also said that when Ivan had come outside, while he was talking to Gaye, he thought that Cliff was going to lock him up. Noticeably, the two most senior officers at the scene were least involved, with one of them completely dissociating himself from what was happening.

As we went back to the station we heard over the radio that the night duty shift had been called to Peter's house (he lived around the corner from Gaye) because Ivan had threatened him over the phone. The next day we found out that Peter had been listening over the fence to what Sam said to Gaye.

Day 2

I found out that Sam had bumped into Gilbert and Cliff at the service station on his way home. He asked Gilbert what he would have done at the Gulliver's domestic. Gilbert said he would have taken Ivan away. They both felt they had done the wrong thing in retrospect, and could not understand how it had happened that way. I asked Sam why he would have pulled Ivan out and he said "to diffuse the situation". He said, "I would have got him out and charged him with disturbing the peace and for using abusive language to the police. We should have pulled him out because it was looking like a tense and dangerous situation."

Sam added that he believed no police officer now would treat domestics as not being serious offences or would treat the woman with disdain, but like all the other police I talked to he could not understand how women can go back to a man if he is ill-treating her.

I checked through the Pittsburgh DVIR forms later and found that Lionel, another police officer from the station, had attended Gaye Gulliver's residence three months earlier. At the time Gaye said she would see her solicitor and get a restraint order against Ivan. None of the officers attending on the night of the incident knew anything about this previous incident, and no restraint order had been applied for.

The dynamics of this situation show how difficult it can be for the police to implement a course of action, even when the officers implicitly agree on what ought to happen. Co-ordinating decision-making, regardless of any existing protocols, can depend upon the dynamics of the interrelationships between those present. This example shows that simply trying to manage a situation can impact on the outcome. While each officer felt Ivan should, at the very least, be removed from the scene, the interaction between those present meant it did not happen. Here it is the lack of knowledge of how each of the other officers works that militates against a successful outcome. Two of the four officers were new, one being new to the area and the other new to uniformed work. The other two officers were from different stations and did not usually work together. The police protocols say that the most senior officer should take charge at a case but with one of the senior officers being new to uniformed work, and the other outside his usual area, no clear line of responsibility for the case emerges. Thus, while there are both protocols and informally accepted practices regarding the handling of domestics both may fail in practice. This appears to be a particular problem for officers who come together from different stations at a domestic, especially if they arrive at the same time. In another case I attended one officer working alone wished to remove the male from the scene of the domestic while two other attending officers from a different station felt that a restraint order should be issued. In this case the single officer's plan of action was followed because the case occurred in his area. The other officers had arrived as back-up. In this instance there was a clear line of authority accepted by the attending officers. But Case Study 20 shows this does not always occur.

Officers who regularly work together adopt an agreed pattern of behaviour at cases. For example, two officers of the same rank at one station where I worked would alternate who was in charge of a case, case by case. In another instance two officers alternated who was in charge by shift. These arrangements were agreed between the officers either at the beginning of each case or at the start of a shift. This is possible when there is time for officers to make decisions about how to handle a case in advance of attending it. Some officers, for example, discuss what they might find at a case while they travel to it. If the officers know the parties involved then they will discuss prior instances when they have dealt with the people. This can act as a form of briefing about a case before it is attended. It may also provide a sense of history to a case. However, this is less likely to occur in the suburbs than in the rural areas, unless a person is known to be a crook and has therefore had previous dealings with the police. It is unusual for this to occur in the case of domestics unless they are cases that involve well-known scumbags or crooks.

This process of knowledge sharing and accumulation is also reflected in the discussion between the officers following the domestic of Case Study 20. Here the officers informally compare notes on what happened. This informal comparison of events can act as a debriefing for officers in situations where they feel the outcome was unsatisfactory. Discussion of cases in the crib room can also act in this way, especially when officers review the events of a shift. This is used by many officers as a way of assessing their handling of cases and acts to build an officer's knowledge of practical policing.

The Case Study presented above illustrates how discretion can impact upon an outcome. It is the different assessments of the officers involved regarding the best means of removing Ivan Gulliver that lead to an unsatisfactory outcome. In the end, the conflicting views meant that Ivan is neither removed from the scene nor charged. This raises the question of the factors the police take into account when they are deciding how to handle a case.

It is the discretionary power of the police that is increasingly coming under scrutiny (Hatty 1988; Kemp, Norris and Fielding 1992). The discretionary power of the police is like a calculus: each officer works on the basis of perceived probabilities as to whether a charge should be laid in cases where the outcome is uncertain. A crucial factor in this calculus is the paperwork required by the courts. This is probably most important in cases of domestic violence and other social work jobs. The potential time spent on these cases prevents officers from attending other cases, or other domestics. It involves time spent on paperwork that is not spent on keeping crooks under surveillance. I shall therefore now look at what one policeman described to me as "the paper war".

5.2

The Paper War

The paperwork required to lay a domestic violence charge is daunting in its complexity. In order to illustrate the complexity I shall outline the paperwork resulting from three different hypothetical incidents. These incidents are typical of the way domestic violence cases are managed by the police. I include them to show the difference in the amount of paperwork resulting from each management option. The amount of paperwork has a major affect on the time the police spend on each case.

Following a consideration of the paperwork I consider the amount of time spent on these cases by the police.

The first incident considered is a domestic where one party is assaulted. The perpetrator is present at the scene and admits guilt. The police proceed with the issuing of a restraint order on behalf of the victim and charge the perpetrator with assault (e.g. Case Study 28). I would describe this as a 'simple' case. There are no complicating factors.

The case only involves uniformed police because it is an offence and not a crime. If the assault was classified as grievous bodily harm (GBH), and therefore a crime, then the CIB would be involved. This would add to the proliferation of paper and the time spent on the case. For example, if the victim is seriously injured then a record of the interview with the suspect would be made on video. This would require the interviewing officers to take the suspect to one of the stations where a video recorder is located.

In this first incident the sequence of events would involve: travelling to the scene of the domestic, arresting the perpetrator and taking a statement from the victim. The perpetrator would then be taken to the lock-up or the station while a file was compiled for the court. At the time of doing the research, the application for a restraint order would be heard by the court, usually within a few hours of the incident, and the perpetrator would probably be released on bail. The resultant paperwork is outlined under Incident 1 (see Appendix 1 for copies of pro-forma sheets associated with this and the following hypothetical cases).

INCIDENT 1: Assault and Application by the Police for a Restraint Order

At the Scene:

1. statement from victim (form PD 110);
2. fill out DVIR (form PD 242);
3. hand out a STOP card to victim;
4. [take names of witnesses, if any, for possible later collection of additional statements];

At the Station:

5. statement from suspect if pleading not guilty (form PD 110);
6. complete the register of persons' interviewed;

File for the Court:

7. restraint order application (form 48B);
8. brief (form PD 105);
9. facts for prosecutor (statement of case - no pro-forma sheet);
10. Criminal Offence and Modus Operandi Report (COMO) (form PD. 32);
11. complaint sheet (statement of the charge - no pro-forma sheet);
12. fact form and antecedent report (form PD 108);
13. prior matters (computerised record of person's criminal record - no pro-forma sheet);
14. police application to see doctor's report (form PD 33);

Other Material added to the File:

15. doctor's examination;

16. photographs of injury provided by the scientific unit;

At the Lock-up:

17. completion of charge book;
18. record of offender's property;
19. completion of the watch house register;
20. finger prints of the offender;
21. finger print form;
22. photographs of the offender;
23. yellow identification card for photographs of offender;
24. prisoner admission and assessment form;

From the Court

25. issuing of bail conditions or restraint order.

By contrast, in the second incident the police give advice to the parties involved and take no further action (e.g. Case Study 29). Here the police do not become involved in taking out a restraint order or making an arrest for assault. In a case like this, where the police take no further action, the paperwork is reduced to completing one piece of paper and handing out another.

INCIDENT 2: Advice Given, No Further Action

At the Scene:

1. fill out DVIR form (form PD 242);
2. hand out STOP card.

The difference between the police taking a case to court or simply giving those involved advice is self-evident. Making an arrest and applying for a restraint order is seen as a tedious process for the officers involved. They become embroiled in procedures most officers admit they dislike. By contrast, giving advice limits police involvement to a brief period at the scene with no legal requirement to complete forms. The only form they need to complete is a Domestic Violence Incident Report (DVIR) form. This has been developed to collect reliable statistical data on domestic violence in Tasmania. Many officers, however, do not fill them out, either because they believe a case does not warrant it or because they are unaware of departmental policy on DVIR forms. When this occurs even less paperwork is done by the attending officers.

STOP cards are also a recent innovation. These contain information on the services available to victims. The police are meant to hand these cards out to the victim at all incidents they attend. Once again, the police often do not do this. Although the cards are small, the police rarely keep them in their folders. Thus, at an incident where the police give advice they may be involved in no paperwork at all, other than placing an entry in their log books that it was a job they attended. The attending officers would inform the radio room that "advice was given" and that "no further action is required".

If a restraint order is breached then the attending police officer has to compile a file for the courts (e.g. Case Study 27). Even if a restraint order has been breached without the committing of a scheduled offence, for example GBH, the paperwork is substantial. The only reduction in paperwork occurs at the lock-up where the perpetrator's fingerprints and photograph are not taken because it is not a scheduled offence.

INCIDENT 3: Breach of a Restraint Order

At the Scene:

1. statement from victim (form PD 110);
2. fill out DVIR form (form PD 242);

At the Station, Compiling the File for the Court:

3. brief (form PD 105);
4. facts for prosecutor (statement of case - no pro-forma sheet);
5. complaint sheet (statement of the charge - no pro-forma sheet);
6. fact form and antecedent report (form PD 108);
7. prior matters (computerised record of person's criminal record - no pro-forma sheet);
8. copy of restraint order (form 48B);

At the Lock-up:

9. completion of charge book;
10. record of offender's property;
11. completion of the watch house register;
12. prisoner admission and assessment form;

From the Court

13. bail conditions.

For the breach of a restraint order the police are required to complete a substantial amount of paperwork for the court. A breach of a restraint order is therefore only marginally less *work* for the police than a serious assault. Thus, once a restraint order has been issued the police are not necessarily free from further involvement in a case.

The introduction of restraint orders was meant to reduce the occurrence of repeated violence and this does happen in some cases (see Case Study 15). Restraint orders for perpetrators who have no regard for the law, are of limited use. Under these conditions, the first action, the issuing of a restraint order, does not eliminate the possibility of future police involvement. The case is therefore not necessarily a success from the police point of view. Once the restraint order is issued, the perpetrator is usually given bail and is back on the streets within hours. The restraint order does not necessarily put an end to the disorder created by the initial offence because the perpetrator may return to the scene and repeat the offence. Many police officers believe that most perpetrators of domestic violence are rapidly released on bail by the courts. The initial paperwork for a case does not necessarily reduce the possibility of the police being involved in further administration, and the processing of breaches of restraint orders may be repeated several times before the court refuses bail. Restraint orders, while possibly being useful to the victims of domestic violence (National Committee on Violence Against Women 1993), do not necessarily reduce the police workload and, in some cases, restraint orders may actually increase police involvement.

The police's perception that domestic violence most frequently occurs in households where the individuals lead disorderly lives helps to exacerbate the problem. If the police believe that the issuing of a restraint order is unlikely to change the behaviour of the perpetrator then they will also perceive it as leading to further paperwork. In cases, therefore, where individuals appear disordered in their behaviour there is a tendency to give advice and leave the responsibility of legal action to the victim.

Within the police framework domestic violence is by definition a form of disorderly behaviour, just as are other sorts of 'social work' jobs. The categorisation of domestics in this way therefore militates against the police treating them any differently to other types of social work jobs they attend.

The police often approach the paperwork involved in the issuing of a restraint order as being a waste of time. One reason for this is a belief that the courts are too lenient. Another reason relates to the police's practical experience of domestics as disorderly affairs in which the victims may not know what they want. A case may therefore be unsuccessful because the victim may request the police withdraw the charges. This can occur after a substantial amount of time has been spent on a case by the police.

CASE STUDY 21: "He'll Do It If He Says He Will"

Day 1

This case occurred on a holiday weekend and started at 10.30am on Sunday morning in the Buffalo police area. The first that the San Antonio officer, Jeremy, knew about it was when he had a knock on his door. He was confronted by the whole Brown family, asking for police protection.

Mr. Brown told Jeremy that Daniel Reith had got mad with his partner, Ria Brown, when there was no bread for toast. He smashed Ria's head through the wall between the kitchen and the bathroom. When the Browns visited Jeremy Ria had a suspected broken nose.

At the time of the assault, the Buffalo police were called to the scene by Sandy, a neighbour. Ria was asked if she wanted anything done about it and she said no. Later it became evident that she said no because she feared Reith would assault the police. She thought the police would be unable to control Reith and he would attack her again. Consequently, the Buffalo police did not seek a restraint order on her behalf and had told her to leave the house for her own safety. She went with her three children to San Antonio, where her parents lived. The Buffalo police took Reith in for questioning and searched the house for firearms.

When Daniel Reith returned to the house from the police station he rang the Brown's house and threatened Ria. He said he was going to shoot her. It was then that Ria's father took action and put the family in the car and went to the police station.

Mr. Brown asked Jeremy for protection. Jeremy said he could only give it if Ria was willing to apply for a restraint order. After some discussion the family agreed and Jeremy took a statement from Ria. He rang the Buffalo police and was told that if Reith had threatened to shoot Ria then he would do it. Reith was currently on bail awaiting charges to be heard against him for armed robbery and attacking two police officers.

Jeremy came to the Cleveland station in order to prepare the file. He found out while at Cleveland that the case could not go before the court immediately. This was because Reith had not been arrested for the assault when the incident occurred.

Jeremy rang the police prosecutions' section in order to find out what options were open to him. He was told that there were two options. The first was to take out a warrant against Reith, arrest him, take him into the cells, have the case heard, and issue an interim restraint order. The second option was to get all the paperwork done and take it to the court where it would be heard the following Tuesday morning. It could not be heard on Monday because it was a holiday and only one Justice of the Peace would be in court. Jeremy decided to go for the latter option, on the grounds that Reith knew nothing about the restraint order and therefore was unlikely to do something to Ria in the interim. He argued that if Reith was arrested

he would go to court, have the case heard and the interim restraint order issued all on the same day. He would then be out on bail and could do something dangerous.

Jeremy completed the file while the other officers told me about the problems they have in getting cases to court. There are two sessions each working weekday, held at 10.30am and 4.00pm. For any arrest that is made before 2.00pm the case must appear before court at the 4.00pm session. This means the police have to do all the paperwork in less than two hours. Roger said it gives them no time to collect additional evidence by doing such things as search a house and as a consequence the case may not succeed in court. The police used to be given more time to bring a case to court but now this was not the case.

Jeremy asked Roger to read the restraint order application for him. Roger commented that Jeremy had left the children off the restraint order application. Jeremy said Ria had not mentioned them. Roger said there was nothing to stop Reith from abducting one of the children from school. Jeremy said he would ask Ria about this when he went back to the house.

Jeremy intended to photocopy the restraint order for the courts while he was at the station but there was no photocopying paper. Someone dragged out the paper from Duncan's personal printer but it was not enough. In the end David Thule said he had seen some in the inspector's office and would get it for Jeremy when the inspector came in.

Once Jeremy had completed the file he returned to Ria's parents' house. Ria was not there as she had gone to a friends with the children. Jeremy explained to the parents the restraint order would not be served until later in the week and they said they would prefer not to tell Ria this until the next day because she needed to get some sleep, and not to have to worry about the situation. Jeremy said that was up to them.

While we were at the Brown's house the phone rang. Mrs. Brown said Daniel Reith tended to precede his violent spells with a series of phone calls. When the phone rang there was some apprehension as to whether this might not be Daniel. When Mr. Brown answered it, it was Ria saying she was on her way home. Jeremy spoke to her and confirmed she wanted the children on the restraint order. Jeremy said he could now complete the file.

As we were leaving the house Jeremy asked the Browns if they knew where one of the other Reiths lived. It had emerged during the conversation that Ria's aunt is married to one of the other Reiths. Ria's mother described Daniel as the only bad egg in the family but from what other officers at the station said the next day all three Reith brothers are involved in crime. They gave Jeremy an address and he explained he wanted to know because he had a warrant out for the brother's arrest.

When we returned to Cleveland the inspector's photocopying paper had been located. Jeremy put the papers together and the file was completed.

We took the file to the prosecutions' office and talked to the person on duty who explained the case would not be heard on Monday because it was a public holiday and there would only be one Justice of the Peace on duty: a restraint order hearing requires the presence of two people. He added that it would be heard first thing on Tuesday and could then be served on Reith Tuesday afternoon. It was obvious that the prosecutor was concerned about the case as he knew the name from the armed robbery cases. He wanted to know why Jeremy had not got a warrant to arrest Daniel and Jeremy explained what he thought would happen if Reith knew Ria had changed her mind and was taking out a restraint order against him.

The prosecutions' officer and Jeremy discussed what Jeremy would do if Reith arrived at the Brown's house. Jeremy said he had told the Browns to ring him and he would take in Reith for breach of the peace. Once he was arrested Jeremy would follow the standard procedures for a restraint order. Jeremy also told the officer that

he thought the Buffalo police should have arrested Reith in the beginning when they went to the initial disturbance, regardless of Ria's reaction.

Once the file had been delivered to the prosecutions' office Jeremy went off duty, as it had been one of his rostered days off. He briefed the Cleveland police who would be patrolling the area that night and they kept an eye on the Browns' house for the rest of the evening. There was no sign of Reith.

Day 5

When I arrived at the station Jeremy was back on duty for the first time after the Reith case. Di, a female officer, told Jeremy that the DVCS had been trying to contact him about the restraint order. He said he knew the restraint order had not been served on Tuesday. He had since rung the court and found out it had been heard but did not know yet if it had been served. The other officers present during this conversation, who all knew the Reiths, wanted to know which one Jeremy was talking about. We also learnt from someone who had been in contact with the Buffalo police that they had taken Reith to the station for a couple of hours on the Sunday for assault, and had also searched the premises for a gun. However, he had been allowed out again on bail and it was then he had made the threatening phone calls to Ria's parents' home.

Jeremy tried ringing Buffalo to find out what had happened about the restraint order. Buffalo police said the restraint order had not yet been served. He asked if they knew when it would be served. Jeremy was concerned because Ria's father had been to the San Antonio police station asking about it. Ria had also been into the police station at Cleveland to find out about the restraint order in order to get documentation for the housing department in order to get a place to live.

Jeremy said he would also ring the DVCS but did not know their number. Someone located the number for him and he rang their office but no one answered. He did not try again because he had other cases to attend. The officers present debated as to whether Ria would go back to live with Reith. They had been living together for eight years and had three children. Jeremy was adamant that Ria would not return to Reith. He said she had talked to him very positively about making a fresh start when the housing department found her somewhere to live. The other officers were less convinced than Jeremy. Jeremy had only recently come off the watch and the other officers felt he was rather naive about the case but did not say anything to him.

Some weeks later

I learnt from some of the officers that in my absence Ria had returned to live with Reith. This had upset Jeremy after she had talked about going to housing and getting a place to live. But the other officer reacted by saying that the outcome was not unexpected.

Time

The time involved in this case on the initial Sunday is an estimate only. Jeremy was involved in the case from 12.15 to 19.30, with a 15 minute break for coffee. This is 7 hours. The Buffalo police's time is more difficult to estimate. There were two trips made to the house: the first call was to the domestic and the second to search the house for firearms, both involving two officers. This has been estimated by the other officers at more than 30 minutes for the domestic. When the police returned to the house to search for firearms it was estimated at between 30 minutes and an hour. There was also the time spent when Reith was taken to the Buffalo police station for the assault charge which would have taken an hour or more. Thus, the estimated time spent on the case is at least 12 hours for the first day with additional time spent at later dates.

The time spent on this case by the police does not lead to the issuing of a restraint order because Ria decides not to proceed with the case and returns to live with Reith. The case is therefore not a success and the 'pollution' created by the case remains unresolved. In this instance, Reith is much more likely to be removed from the public

domain as a result of the armed robberies and for assaulting police officers. His acts of domestic violence will remain outside the purview of the courts.

The police also recognise that in some cases laying charges will exacerbate a situation. The victims of domestic violence also often recognise this potential and this may be why victims often withdraw charges. Therefore, from the police point of view, the same outcome may result whether or not they issue a restraint order: further violence and further calls to the police. This perception means there is no advantage in a police officer proceeding with charges against a perpetrator unless there is clear evidence of physical violence. The police know from experience that many perpetrators are not deterred by a restraint order and continue to act as they have in the past. Where courts do not provide for the physical removal of the perpetrator the old practice of removing one party from the scene may seem to be the most practical solution to the problem. This may seem to equal 'action', while charging a perpetrator and proceeding with the paperwork may seem more like 'in-action'.

From the fieldwork I found that the police spend a substantial amount of time processing cases of domestic violence. Once I was aware of this I took note of the time spent on each case I attended. I did this in order to get accurate information on how police time is spent on such cases. I have data on the breakdown of time spent by officers for 22 cases (Fig. 3). Of these 22 cases, five involved charging the perpetrator and 17 involved no charges being laid. I have divided police time spent on each case on the basis of the type of activity involved. The time is divided into: time spent at the scene (including the taking of a statement from the victim), time spent in travel, and time spent on paperwork. Time spent at the lock-up has been included under time spent on paperwork because most of this time involves officers in filling out additional forms or the further processing of the defendant (e.g. taking fingerprints and photographs) before attending court (see Incident 1 above).

In the consideration of police time spent on domestics I have not included the time police officers spend in court. I attended only a small number of court hearings. Each of these cases was processed quickly. However, this is not necessarily the norm. Court appearances made by police officers account for approximately a third of the overtime expenditure in the police department (pers. comm. Commissioner Johnson) and a proportion of these cases will be domestics. This is one area where more research should be undertaken.

Accurate data on time seemed important because officers often underestimated the time they spend on cases. When I asked officers about the length of time it takes to charge a person with assault, for example, I found their estimates were consistently below the time taken. Part of the reason for this is that officers tend to forget to include travel time as a component of a job. The other major reason for underestimation is forgetting to calculate the time of all officers present. For example, if a person is considered to be violent then back-up will be called and three to four officers may be present at the scene, at least until more is known about a situation. In one case seven police officers were called in before the violent behaviour of the perpetrator and his son was brought under control. Even if this incident took only 15 to 30 minutes to contain, the total amount of police time could be as much as three officer hours. The estimates of time given in the cases analysed are therefore based on the time spent by each officer involved in the case, regardless of activity. Thus if an officer is simply involved for the period of time it takes to drive the suspect to the lock-up and return to the station this is included because the officer's presence is a

necessary component of the 'processing' of the suspect. Those who are arrested for assault are assumed to be potentially violent and therefore cannot be taken to the lock-up without a second officer present.

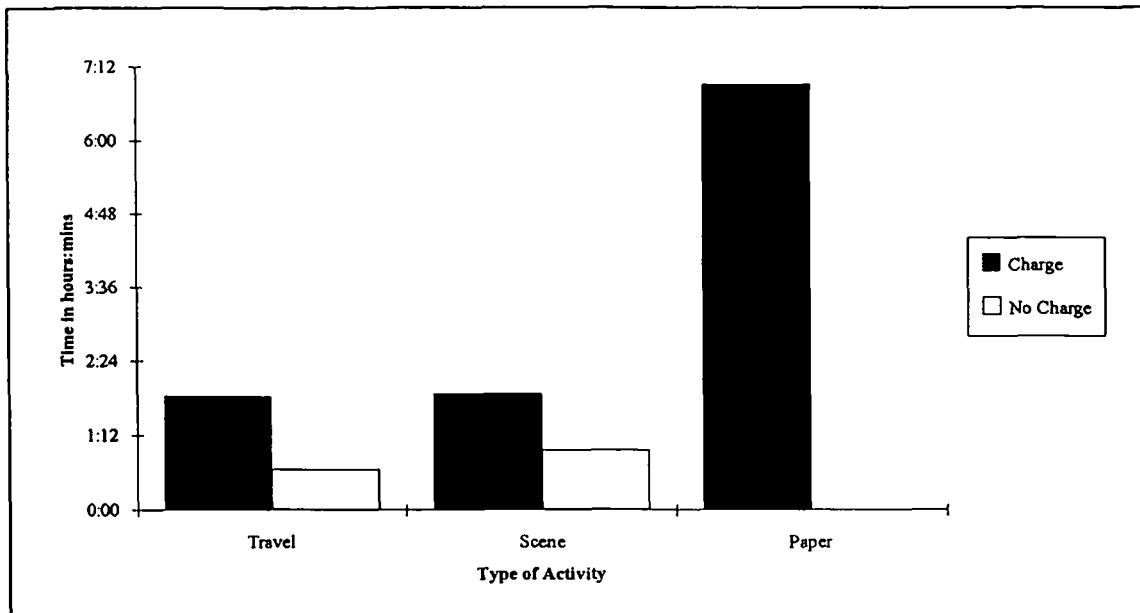


Figure 3: Average time spent by Tasmanian Police officers on different activities associated with domestic violence incidents.

It is clear from the cases I attended that the time spent on incidents where no charges are laid is substantially less than when someone is charged with an offence. This is true for travel time and for the time spent at the scene. Where charges are laid the expectation is that processing the case will also take longer than an officer shift (i.e. more than eight hours). While most cases are usually processed by more than one officer, thus reducing the required time of any one officer, officers may still be unwilling to commit themselves to laying charges. If an officer is about to go off duty, being involved in paperwork for several hours is not appealing especially if an unsatisfactory outcome is likely. As the police perception is that victims of domestic violence invariably seek to have the charges withdrawn before a case goes to court, proceeding with the paperwork near the end of a shift, from the officers' point of view, can be a pointless undertaking. The officers' free time is infringed upon for no perceived benefit. Added to this, the time will incur a substantial cost to the police department. The existing regulations specify that if an officer works overtime at the end of a shift the minimum payment is for four hours' work, regardless of the actual time spent. Thus, for a 20 minute call-out the cost to the department is the same as for a four hour call-out.

However, the most interesting aspect of the data on time spent on domestic violence cases is the length of time it takes officers to do the paperwork. Obviously paperwork is a minimal aspect of cases where no charges are made. But the time spent on paperwork compared to the time spent at the scene is approximately 3.5 times longer. These data give some idea of the extent to which paperwork dominates the conversion of an incident into a case that may appear before the courts. This has two major consequences. Let me now consider these in the light of the management of cases.

The first consequence has been touched upon above and involves the management of time. If the time taken by the police to process a case is perceived as being wasted then the police are more likely to suggest the victim lays charges, rather than the police. If the police perceive those involved as being scumbags then the time will automatically be seen as wasted. This follows from the police perception that incidents involving scumbags are irresolvable. As all disorderly behaviour is believed to involve scumbags this becomes a self-fulfilling prophecy. The police are therefore only likely to proceed in laying charges in the most severe cases of domestic violence.

The second consequence relates to the reactions of victims. If, after the police have completed the paperwork, a victim will not provide evidence for the case then this serves to reinforce the police sense that time spent on these cases is wasted. While making witnesses compellable in court goes some way towards addressing this problem, it has little impact on the officer at the scene who has to make a decision as to whether it is worth proceeding with a case. The police belief about the people they usually encounter in domestics is associated with the view that taking a case to court will provide, at the most, a short-term solution to an insoluble problem. An example recently handled by the courts will help to clarify this point. In this case the young woman was badly assaulted and the police proceeded with charges against the man. The victim decided she would not provide evidence, but the police prosecutions' section said they were not withdrawing charges in the hope this would convince her to change her mind. She remained intransigent and before the case came to court she wrote to the perpetrator saying both she and the perpetrator knew the allegations she had made about the assault were false. When the case came to court her letter was introduced as evidence by the defence. The magistrate decided that anyone who wrote a letter to the perpetrator saying he was innocent could not have sustained the injuries from an assault and did not accept the charges. Recommendations by the police to the office of the director of public prosecutions to appeal the decision were not acted upon.

This example typifies the sort of case where the refusal of victims to provide evidence serves to reinforce the police view that time spent on the paperwork for a case is a waste of time. The indecisive behaviour of those involved will not lead to a successful prosecution and detracts from time that could be spent on real policing: catching crooks. If the time were spent in pursuing crooks then the police would be more likely to get a successful outcome, because crooks' activities are accepted by the courts as deserving their incarceration. Doing the paperwork for a restraint order can take a whole shift and this is time not spent on checking the activities of known criminals. In Case Study 21 it will not be the disorderly behaviour of Daniel Reith in the domestic dispute with Ria that will lead to his incarceration, but rather his criminal activities: the armed hold-ups and the assaulting of police officers. For the police, nothing is to be gained by proceeding with a restraint order application because this will not be treated by the courts as real criminal behaviour that should involve a sentence. Protecting Ria will not affect the long-term outcome of the police pursuit of Reith. Here the behaviour of Ria and Daniel Reith in the domestic is that of scumbags: the case is messy and Ria changes her mind about applying for a restraint order and moving out of the relationship. In cases like these the time spent far exceeds the practicality of police involvement because it is unlikely to lead to a successful prosecution. No result is likely and the police are left with a sense of frustration.

This situation is exacerbated for rural police. The time spent on cases involving the courts for rural police is much longer than that for the suburban police. The distance

from a station to the lock-up, the lack of support in processing the paperwork, and the possible time spent on calling out back-up for the making of an arrest, all add substantially to the time taken in processing a case. In addition, when the perpetrator is taken to court an area is often left without a police presence. The preferred option of the rural police is to use informal ways of dealing with domestics because the time (and financial) costs of using the law is close to prohibitive. As in other areas of rural policing, using surveillance and negotiation as ways to deal with domestics are seen as being more effective. They are perceived as being preventative measures that reduce the likelihood of further police involvement. For rural officers, considerations about the seriousness of a situation are less important than the need for containment.

Here surveillance becomes a crucial factor in policing domestic violence. Let me give an example of this. At one rural police station where I worked, there had been a domestic that had been going on for some weeks. There was a restraint order in place, but not against the person currently being harassed, the grandmother of the woman in the relationship. The police had several phone calls from the grandmother about the offender coming to see her. Over the period of a week, while we were on patrol each evening, we would pass her house, stop and walk around it shining a torch before leaving. The offender did not visit the premises in the week the police did this. Here surveillance, as in other sorts of rural cases, acted as a preventative measure against the possibility of violence.

In another case the man and woman involved still lived together despite earlier violence. In the previous week the police officer had been called to the house several times. He told me that although it had gone quiet he was still thinking of visiting them so they knew he was watching. This is the same sort of behaviour the officer would apply to a neighbourhood dispute or a crook he suspected was working in the area. While this officer thought better of confronting the couple, he did go to the house on another pretext in order to check who was at home and, by implication, to let the couple know he was on duty.

Thus at rural stations, where surveillance is used to contain a variety of situations, the officers often take a more relaxed attitude towards issuing restraint orders. One officer told me at the rural station he had recently left they had issued very few restraint orders. Then a new sergeant arrived, and it got very busy. When I quizzed him on this he said the old sergeant had been a good talker, implying this was how he resolved domestics. The new sergeant had recently done his sergeant's exams and was up-to-date on the law and had started to issue restraint orders. This was a new experience for the locals. The officer told me they were very busy with restraint orders for a few months and then things began to quieten down. Thus, the difference here between the two officers is based on a conciliatory versus a legalistic way of handling cases. Many rural police believe a conciliatory role, rather than a legalistic approach, is more appropriate in a context where reliance on community support is an integral part of successful policing.

5.3 *Using Discretion and the Options for Processing Domestics*

It is the legal requirements for presenting a case in court that require police officers to prepare copious amounts of paperwork. This paperwork is very time consuming. Most officers accept the paperwork as "a necessary evil" in the procedure for catching crooks. However, in those cases where a successful outcome seems unlikely officers

are much less happy to involve themselves in this aspect of police work. This impacts on how the police view and handle domestic violence.

In the case of domestic violence two options exist that reduce the police's frustration: to suggest the victim proceeds with charges, if there is no clear case of assault, or to act in a mediatory role so that no charges are laid. I shall consider each of these options separately.

Suggesting the victim proceed with charges where there is no clear signs of assault means the police will not have the difficulty of preparing a case that is unlikely to be successful. The police therefore will not have a case that is a failure. It places the onus on victims to not only say that they are victims of domestic violence but also to demonstrate a commitment to proceeding with a case. If victims withdraw cases from the courts which they have initiated then this does not affect the police: police officers have not committed time and energy on the case. Officers also argue that if victims proceed with charges then they are much less likely to withdraw a case from the courts because the victims committed their time, money and energy on the case. Police officers therefore often see persuading the victim to take responsibility for proceeding with charges, in cases where there is no clear evidence of assault, as an appropriate course of action.

When the police proceed with charges they prefer cases where there is clear evidence of assault. The police can then arrest the perpetrator and have the case heard in the courts, with the restraint order being heard at the same time as the assault charges. As a consequence the restraint order is served on the offender while at court for the assault charges. This makes for a relatively 'clean' case. It saves time because the police do not have to locate the offender to issue the court order. It also means the restraint order comes into immediate effect. There is also a feeling that an assault charge is more likely to make the restraint order application successful in the courts. Most officers say that when an assault charge is accepted by the courts a restraint order is unlikely to be refused. However, in less clear-cut cases they feel a restraint order application may be refused. In these cases police time has been wasted in preparing the file for the courts.

Where there is insufficient evidence for the police to lay a charge of assault, or there is ambiguity about the roles of those involved, the police may not even suggest the victim seek a restraint order. The other option in those cases where there is no clear evidence of an assault is for the police to give advice, as occurred in the following case.

CASE STUDY 22: The Twins

A woman called Juliet rang the police station saying her husband had hit her and would the police please come. Rowan, the officer on duty, answered the phone and said we would go. Rowan and Mal were the attending officers. As we left the station we heard there had been a second call to the police because Juliet had been hit by her husband, Herman, again. Both calls were made by Juliet.

When we arrived at the house it was quiet. Rowan commented to Mal that he thought he had never been to this house before. Rowan knocked on the door and Juliet opened it. She was crying and holding a young child in her arms. This child was one of nine month old twins. Herman was holding the other twin. There was also a three year old daughter present. Juliet told us she had been married to Herman for a year. Herman had been married before and had two children by the

first marriage, one of whom was staying at the house. This daughter was out at the shop when we arrived.

When we went into the house Herman was sitting at the bar between the kitchen and the lounge. Rowan suggested Mal talk to him while we talked to Juliet. Rowan went into the lounge and sat down with Juliet who had one of the twins on her lap and the three year old leaning on her knee. Rowan asked Juliet what had happened. She was crying and the children were seeking attention so the conversation was a difficult one.

The cause of the immediate dispute appeared to be that Herman had gone out early in the morning with the three year old daughter and said he would be gone an hour. He returned several hours later drunk. Juliet was upset at him driving with their daughter in the car while he was drunk. When Juliet complained to him he slapped her across the face. When Rowan asked how long Herman had been violent Juliet said that it had been for about eight months. She added that the abuse was usually verbal rather than physical.

Herman said that when she had complained to him she had pushed him and then he had slapped her across the face, twice. Later Herman admitted to Rowan that he had slapped Juliet but claimed that he was provoked because she had first pushed him.

Rowan asked Juliet where Herman had hit her. She showed him her cheek. Because there were no clear marks from the slapping Rowan said the police could not easily lay charges of assault. Rowan said later that if there was a clear case of assault then he would automatically have charged Herman, no matter what Juliet had wanted. He added that the problem was proving it in court and that required a medical report, clear signs of bruising for photographs, and preferably sober witnesses. Without these things the solicitor for the defendant could get it thrown out of court easily.

Once Rowan realised an assault charge was not possible, the emphasis shifted in his line of questioning. He asked Juliet what she wanted to do, having explained that it would be hard to prove a case of assault from the evidence. Juliet was still crying and said she did not know what she wanted to do. Rowan said he did not care about her and Herman but he did care about the children. Juliet said that the three year old had seen her husband hit her, and she recognised this was not good. Rowan asked her for some particulars for the file, explaining that the police have to put in a report and are under an obligation to fill out a form for the DVCS. Rowan allowed Juliet to take her time thinking about things while he wrote down some general information about the case for his log book. During this time Herman came into the lounge and said to Juliet, in an aggressive tone of voice, while handing the baby to her, that it was hungry and she should feed it. They exchanged twins, he left, and Juliet breastfed the second twin.

While Juliet thought about things Rowan said he needed to talk to Herman. He left Juliet and went into the kitchen where Herman was sitting on a bar stool with the other baby on his lap. Mal was standing in silence while Herman was drinking a beer. Rowan asked Herman for his side of the story. Herman was morose and complained about Juliet objecting to him drinking and driving with the daughter in the car, being late, and about Juliet pushing him. When Rowan asked him directly if he had hit Juliet he admitted he had. Rowan asked him how many times and he said he had hit Juliet twice. Rowan talked to him about the children, and the bad impact this sort of behaviour would have on them. He suggested that Juliet and Rowan needed a cooling off period. Once again Rowan said he did not care about the adults but he worried about the children. Herman told Rowan how much he cared for the children and that they came first. Herman added that he had provided Juliet with a nice home and children and what more did she want. He had taken them all out the day before and if he could not have a bit of time to himself then Juliet's behaviour was unreasonable.

Rowan went back to Juliet and asked her what she wanted to do. At this stage she became more analytical about the situation. She made the comment that it was not the first time it had happened and mentioned events of the previous weekend. Towards the end of the conversation she said she felt she would have to get out of the relationship. She added that Herman would never forgive her for having called the police.

Rowan, this time talked about her options. He said he had thought of taking her away but that with the three young children this was not a good idea because it would create instability for them. Rowan said if there was any more trouble that evening then she was to call the police and they would take Herman away. Rowan said he needed to talk to his partner. He and Mal went outside for a short time to discuss the situation. Rowan asked Mal what he thought about Herman. Mal was not impressed with Herman's attitude. He said Herman had been aggressive towards Mal and only changed his attitude when he admitted having hit Juliet. Mal added that he thought Herman had "an attitude problem".

While we were outside the next door neighbour appeared and wanted to talk to Herman. Mal told him he would have to wait. Rowan asked Mal what he thought they should do. Mal said Herman had been "pigging him off" when we had arrived. He had been aggressive but had calmed down after awhile. Rowan explained he had told Juliet there was no real case for assault and had asked her what she wanted to do. Mal asked what she had decided and Rowan said she did not know what she wanted to do. Rowan said he would go back and talk to her and then he would talk to Herman and then we would leave.

When we went back Rowan once again asked Juliet what she wanted the police to do and then filled out a DVIR form. He told Juliet about the service the DVCS provided. He said she could get in touch with the DVCS on Monday and they could help her. When he told her about the DVCS he said they would not come to this sort of situation because the husband was still in the house, and they liked to talk to the woman alone, without fear of interference. He also suggested Herman and her may need some counselling.

Rowan said every marriage has its rocky stages and sometimes a couple need a cooling off period. It was as a result of this comment that Juliet told us what had happened in the past and added she did not think it was unreasonable for marriages to go through rocky periods. Rowan also asked her whether she wanted Herman removed from the house for the night. Juliet said it would be all right, but Herman would never forgive her for having called the police. Juliet added that she could not stay in a relationship like this. Rowan said he was going to have a word with Herman and tell him we would return if there was any more trouble. We left Juliet in the lounge with her three year old daughter and one of the twins.

Rowan went out to find Herman. Mal told us he had gone to his neighbour's house. At the neighbour's house Herman's mate answered the knock at the door. Rowan asked for Herman. Herman came to the door with the other twin still in his arms. Rowan told him if there was any more trouble the police would be back and they would take him away. Herman asked what he was supposed to do if Juliet pushed him. Rowan told him to either "back off", or leave the house for awhile until Juliet cooled down. Herman did not like this suggestion but when he continued to protest Rowan again repeated what he had said.

Rowan told Herman they should cool off and Herman said he would stay away for awhile, probably at his mate's place. Rowan's exact words were that he "should walk away from it" if Juliet got upset, or started to rant and rave. When Herman said it was reasonable for him to have some time on his own. Rowan explained he had to understand that his wife may get frustrated at being home all the time with three young children and he should take them out occasionally.

Herman commented he was not very happy to have had the police around to his house so that the whole neighbourhood knew what was doing on. Rowan had earlier asked Herman if the police had been there before and he implied, by the way he answered the question, that the police had been to the house several years before but did not elaborate on why.

As we left Herman's teenage daughter from his previous marriage returned to the house. She seemed completely unperturbed by the presence of the police.

After we left I asked Rowan under what circumstances he would bring in the DVCS and he said there were two occasions when he would bring them in. The first, he said, was if the couple were apart (that is if the husband had left or the wife had gone around to a friend's house) and they could then talk to the person alone to tell them what their options were. He said, like many other officers, that it was better in the past when the DVCS had counselled both people because then they could be called in to all the domestics the police attend. He said that the other occasion when he would call the DVCS was if they needed to find accommodation for the woman in a shelter for the night.

Time

We were at the house for about an hour which means the case took approximately two hours of police time.

In this case Rowan decided not to proceed with charges against Herman because there was no clear evidence of the physical assault. The issue was also complicated because Juliet pushed Herman before he hit her. Rowan decided to give Juliet advice about what she could do and told her about the agencies she could contact for support. He did not suggest she lay charges against Herman because of the poor evidence to support a charge. In this instance Rowan acted in a mediatory role. He advised Juliet of her options and warned Herman against further violence. This is the traditional role the police have played in most social work jobs.

This technique is still used by the police, despite legal changes, because of the ambiguous nature of many of the cases they attend. As I discussed in the preceding chapter, it is often difficult for the police to distinguish victim from perpetrator in many of the cases they attend. These messy, betwixt and between cases are the hardest for the police to deal with. To proceed with laying charges or an application for a restraint order is unlikely to resolve a situation. In this case identifying the guilty party is fraught with ambiguity because Juliet was the first to use physical force. Because the case is confused the 'easiest' approach for the police is to give advice and hope the situation "cools off". Without clear signs of assault on Juliet, the investment of time on the paperwork required to bring the case before the courts is seen as being wasted. The evidence is too flimsy for the courts to accept a charge of assault and the victim is undecided about proceeding with a restraint order on her own initiative. The remaining option for the police is to give advice.

From a case like the one above it can be seen that a tension exists between what is expected of the police and their own perceptions of how to best handle a case. Police officers are aware of the contradictions that exist between what is expected of them and the practicalities of bringing cases to court. All officers are conscious in their handling of cases of the need to manage their time to the best advantage. One of the reasons that traffic offences have become an attractive way in which to catch crooks is because of their simplicity in court. A disqualified driver is a disqualified driver. The issue of the driver's status cannot be argued against. There is indisputable evidence to support the case. But in a domestic, where the case hinges on the relationship between

individuals it is much harder to prove guilt and innocence. There is invariably some ambiguity over the events that have occurred and the role of those present. Officers may have their own ideas about guilt and innocence, and many now accept that women are more likely to be the victims than the men in personal disputes. But proving this to a court can be much more difficult. A court, for example, may not take seriously that a man spoke aggressively to his wife, that a wife seemed nervous, or that the children screamed when they saw their father. The most practical way for the police to handle these cases is to give advice in the hope that the police officer's status as a representative of the law will curtail future violent behaviour.

I have already said that a factor which affects whether the police give advice in social work jobs is the time involved for the police if they lay charges. In rural cases the difference in time between the two options is often accentuated. One officer told me of a case where he took out a restraint order and took the offender into the cells in the city. It took two officers 14 hours (seven hours each for the two officers) to: take a statement, get an affidavit signed by a Justice of the Peace, charge the man, fingerprint him, photograph him and take him into the cells. The officer said it would have been easier to have charged and bailed the offender at the station and not proceed with the restraint order. The police could have specified in the bail conditions the usual constraints listed in a restraint order. In this way they could have avoided taking the offender into the lock-up, but the victim had specifically asked for a restraint order. In this particular case the call came close to the end of a shift and only one officer was on duty. He called out another officer for the arrest and the work was completed on overtime.

5.4

The Ritual Event: Taking a Case to Court

It is clear from the discussion above that a major concern for the police when they decide how to proceed with a case of domestic violence is their view of how the courts will treat a case. The culmination of the process of charging a person, compiling a file and going to the lock-up is an appearance in court. This is why the police focus their attention on the probable reaction of the courts. Success or failure for the police is measured by the judgement of the court. This is as important in the management of cases of domestic violence as it is in a burglary or a murder. It is therefore important to look more closely at the role of the courts.

The events that occur in court can be seen as a form of ritual event. I have already talked about a special form of ritual, the rite of passage (see Chapter 3). Features of rites of passage that are common to all forms of ritual are the presence of ritual specialists who act upon the participants, a setting for the ritual that is distinct from the everyday situation, and the transformative power of the event. The courts fulfil these three aspects of the ritual context: a case is overseen by a group of ritual experts - the judges, magistrates and lawyers - who have a specialised knowledge of the law; the court setting is distinct from that of the everyday, indicated by the highly stylised nature of court proceedings and the often unusual clothing worn by the ritual experts; and the judgement in a successful case determines whether a person with the status of an accused is transformed into a criminal or an innocent person. In this way the courts hold the power to turn a citizen into a criminal and to separate that person off from society. This removes criminals from the police gaze. The courts are therefore the ritual technique the police use to remove polluting elements from society.

Two important points about rituals are relevant here. Rituals have to be seen to be efficacious to have meaning, both to the participants and the observers. And rituals that fail to transform lose their power and meaning. An obvious example where the courts act in a way that undermines their power is the 'inappropriate' use of fines as a sentence. I have already cited a case (Chapter 3) of a person who was fined \$100. He proceeded to tell the attending police officer he would go and "do a couple of jobs" that night to cover the loss of his beer money. Because the fine was seen as inconsequential by the offender it was an ineffective sentence. If anything, the sentence resulted in the reproduction of behaviour that the court would probably abhor. Cases like this undermine the power of the sentence as a transformative process.

When court proceedings are seen as a form of ritual activity, it becomes apparent the police play a crucial role in the ritual process. It is the police who, by accusing someone, select those who will be processed through the criminal courts. For the police the paper war is part of this ritual process. The paperwork is the basis for showing that the subject of the court ritual has been properly selected, and that the rules of selection have been adhered to. But the amount of time spent on preparing the paperwork makes the selection of suitable subjects onerous for the police. When this is coupled with the discretion officers use in selecting whether to initiate the paper war, it provides a mechanism that, in theory, should reduce the number of occasions when the ritual results in an accused being found not guilty. Police knowledge of how the courts work acts as a way of reducing the number of occasions on which the ritual does not result in a citizen being transformed into a criminal with all the consequences that follow on from this change in status. The legitimization of police power therefore lies in the successful capturing and prosecuting of those who are guilty. This legitimacy is continually tested in the ritual of the courts.

Court rituals that have, from the police point of view, successful outcomes reduce the police's workload: they reduce the number of people to be watched by the police. But 'successful' court outcomes also confirm the validity of police work and procedures. They are one of the ways in which the police acquire self esteem and the esteem of the wider community of 'real people'. Success in court validates for the wider community the ritual and practical importance of the police. This has important consequences for the relationship between the police, the community and the courts. It is only through public acknowledgement of successful policing that the community continues to accept the organisation's authoritative role. The courts therefore play a critical role in confirming the status of the police. The relationship between the courts, the police and the public is therefore continually recreated through the ritual process.

The behaviour of the courts also affects the morale of the police. For example, the self esteem of the police is undermined if the police initiate large numbers of prosecutions that are 'unsuccessful'. Police self-esteem is also undermined when sentencing is 'too light'. I have already touched on this above but I want to further explore the idea.

In the police's eyes light sentences are counterproductive. Whilst the ritual process in the criminal courts has been 'successful', in the sense that it has confirmed police procedures, it has been unsuccessful in as much as it has not removed the person from the police gaze. The action of the court has therefore not removed polluting elements from society. The police also believe that lenient sentencing undermines their authority because the subjects of the court ritual do not treat the punishment seriously. For example, it is not unusual for known criminals who are given fines to taunt the police

as they leave the courts. These actions of the courts may explain why the police are reluctant to arrest and prosecute unless there is a clear-cut case. It may also help one to understand why the police are reluctant to initiate prosecutions where it is unlikely that a perpetrator of domestic violence will receive a custodial sentence. From the police perspective this may be seen as an inappropriate and ineffective use of the ritual of the court. Because unsuccessful cases deny the efficaciousness of the ritual process, laying charges in doubtful cases of domestic violence will undermine the power of the process. For the police, a non-conviction in a case of domestic violence suggests that the courts condone such behaviour. This contradicts the police force's own institutional view of domestic violence where it is increasingly being treated as a serious offence (*The Mercury*, 30 September 1992, p. 1). Let me now consider this process with regard to restraint orders.

Restraint orders are an ambiguous category in the ritual of justice. They are a court order limiting the subject's relationship with another person, but they do not necessarily transform the relationship. Restraint orders often have to be enforced by the police. Perpetrators commonly breach the conditions of restraint orders which means the police must locate and arrest the offenders. Even when offenders have breached restraint orders and been arrested, the perception of the police and the DVCS is that offenders will be granted bail and will be back on the streets within a few hours. In one case I attended the police officers discussed their strategy regarding a breach of a restraint order. The officer who was compiling the file said they would oppose bail, but the courts would not take any notice of this recommendation. When the court did refuse bail the reaction of the officers varied from disbelief to jubilation. They told me this was a very rare occurrence. Restraint orders are therefore perceived by the police to be an ineffective mechanism for dealing with the problem of domestic violence because they do not reduce the pointless pollution.

The lack of gravity with which the courts treat breaches of restraint orders is a belief not only held by the police. One DVCS worker told me that a perpetrator needs to break a restraint order, on average, 12 times before being sent to jail. There is also incomplete statistical evidence to support the view that restraint order breaches are not treated seriously by the courts (National Committee on Violence Against Women 1993). However the support services encourage women to take out restraint orders. This is despite a perception that the courts will not treat breaches seriously. One possible explanation for this is the role the court ritual plays for the support services.

It is through the court process that victims and perpetrators are not only defined, but also separated off from each other. If a case is successful then restrictions are placed on the perpetrator's behaviour. In an ideal case the perpetrator is removed from society and confined in jail. While the support services may counsel women who have not left a violent relationship, it is the public separation of the couple that legitimates the support services role. Bringing a case of domestic violence into the public eye through the courts enables the support services to demonstrate the importance of their role. When a perpetrator is legally compelled to leave a woman victim the support services can then openly help a woman. Here the roles of the police and the support services should complement each other. For the police, it is the perpetrator who is the focus of their attention while for the support services it is the victim who is the focus of their attention. The police aim is to have the perpetrator charged, found guilty, and punished. The support services aim is to help victims rebuild their lives through a therapeutic process of self discovery and empowerment. Any consideration of police

management of domestics should therefore also consider the role of the support services.

5.5

Involving the Services

Several people have noted the significant role of the support services in the handling of domestic violence (MacGregor and Hopkins 1991; Mugford, Easteal and Edwards 1993; N.S.W. Domestic Violence Committee 1991a; Queensland Domestic Violence Task Force 1988; Stewart 1990). Many authors also recognise the importance of having the police and support services work together (MacGregor and Hopkins 1991; Mugford, Easteal and Edwards 1993; Mugford and Mugford 1992; Stewart 1990). In the past, many police forces moved towards developing a social service model for police involvement in domestic violence (Jaffe and Thompson 1978; Jaffe, Finlay and Wolfe 1984; Kennedy 1983; Levens and Dutton 1980; Merza 1985; Mulvey and Reppucci 1981; Sutton and Hatty 1984). More recently this view has been reconsidered. Now the emphasis is on the police enforcing the law, while other bodies provide social support for the victims of domestic violence (MacGregor and Hopkins 1991; Mugford, Easteal and Edwards 1993; Stewart 1990; Victory 1993; Victims Task Force 1992). This change in attitude is the combined effect of increasing police powers in domestic violence cases and a shift in emphasis towards the law enforcement role of the police (see Chapter 1).

The main bodies which provide support in Tasmania are DVCS and the women's shelters. However there are also other organisations, such as the Tasmanian Aboriginal Family Violence Intervention Programme (TAFVIP), the Child Protection Unit (CPU) in the Department of Community and Health Services (DCHS) and the Sexual Assault Support Service (SASS) who may be called in by the police. The police are also dependent upon the medical profession to provide documentary evidence of injuries for cases of assault brought before the courts.

The little research done on integrated service systems suggests they can be most effective. One such scheme is the Bellevue programme in Washington (Mugford and Mugford 1992). Participants in the programme believe success results from effectual co-operation between the services. Here no single agency is viewed as dominating the process. Each agency has a role to play that compliments the role of the other organisations.

Attempts to produce a similar programme in Australia have been less successful. For example, many problems were uncovered in a study of the ACT programme (Mugford, Easteal and Edwards 1993). The researchers found that poor communication and lack of trust between the services played a major part in the breakdown of complimentary support.

The Tasmanian experience seems to exhibit the same characteristics. A lack of trust between the police and the services means they rarely work together as an integrated service. From the police perspective it is the quality of the experience they have of the services that affects their perceptions. A simple event, like being unable to contact a support service worker, can have a negative impact on the relationship. When the police do get support from the services, it is the memorable encounters that enter into the police discourse. These are often the disastrous cases, not the successful ones. I have already said representativeness is not the basis upon which the police structure

their world. This is as true of police encounters with people in the support services as it is of their dealings with the crooks and scumbags of the world. It is therefore the unsatisfactory cases involving the services that tend to enter a police mythology of how the world works. These cases also emphasise an 'us' versus 'them' mentality. For example, I was told one story about a group using a scanner to listen into police calls, and then inviting themselves to the domestics the police attended. While this could be an apocryphal story, even though the officer telling the story said she had seen it happen herself, any crossing of the boundaries of jurisdiction between these organisations is likely to create tension.

The same can be said for the service providers' view of the police. One bad experience with the police gets remembered and told to other workers and outsiders. In this way the image of police handling of domestic violence is also given mythical status. Sometimes these events enter the media. Imagery therefore forms the basis of the interrelationship between the police and the support services. No statistical analysis can capture this feeling for the interaction and interrelationship between the two groups.

The police reaction to the assistance they receive from the support services can be summarised in one word: inadequate. My experience during fieldwork left me with the same point of view. This reaction is as applicable to the professions, such as the medical profession and the legal service, as it is to the support services, such as DVCS and the shelters (cf. Mugford 1989). Even within the police service, difficulties can arise in cases involving more than one section of the police.

These difficulties do not necessarily arise out of an unwillingness on the part of the services to co-operate with the police. Often the inadequate support is due to a lack of facilities. All the services are understaffed and lack adequate human and material resources. I spoke to no one from the relevant services who said they had adequate funding. The reasons why the support services may not provide adequate back-up for the police are not necessarily analysed by the police, even though funding constraints are also an issue within their own organisation.

Most important of the outside services the police deal with are the DVCS and the women's shelters. I shall look at these in some detail. In the case of the DVCS and the shelters many police still believe they are dominated by female workers who are male-hating lesbians. For example, I asked one rural officer about the DVCS and he said they were a group of "husband-hanging lesbians". When I pointed out to him this was a contradiction in terms he said they do not hang their own husbands, but those of other women. This image is sometimes based on experience and sometimes based on mythology. Presentation in the media of workers at shelters has encouraged this view (*The Mercury*, 27 November 1979, p. 10; *The Mercury*, 25 June 1981, p. 3). However, if policemen are refused access to domestic violence victims, as they are at some of the shelters, this only adds to any pre-existing image of shelter workers being anti-male. Instances like this add to the police sense of frustration with cases that are already time-consuming. One policeman this happened to made other arrangements in order to get a statement from a woman. It added three hours to the time he spent on the case. When this occurs the police interpret a feminist approach to domestic violence as being counterproductive to the successful handling of cases.

A good relationship now exists between the police and the DVCS at the level of management, through the State Wide Police Domestic Violence Liaison Meeting

(SWPDVLM). This group, which consists of representatives from each region, involves the police, the police prosecution's section, legal aid and the DVCS. It developed as an *ad hoc* solution for improving channels of communication between the services and meets regularly in order to co-ordinate and formulate policies relating to domestic violence. Despite the sense of co-operation this forum provides at the management level, this mood is largely absent in the interaction between uniformed police and individual crisis workers.

In recent years special committees and the SWPDVLM have spent time developing protocols regarding the handling of domestic violence. These protocols define the relationship between the DVCS and the police at domestics (Anon. 1994). Many of these initiatives, however, have not filtered down the ranks within the police force. This means operational members of the force are often unaware of the latest developments, or are unable to locate the information when they need it. For example, at one station where I worked I asked the officer in charge if he had a copy of the February 1994 document entitled "Domestic Violence: protocols between the police, the Domestic Violence Crisis Service, the Legal Aid Commission and the Department of Justice". After searching for a copy (he interpreted my request as a test of his competence and was desperate to find it), he was unable to locate it. The impression I got was that he had never seen the document and did not really know what I was talking about. The only reason I asked the question was to find out where the document was held in the police station, and whether it was readily accessible to the uniformed officers.

Another initiative that has been largely unsuccessful is the introduction of STOP cards. These were designed as a simple means to provide victims of domestic violence with information about the available services. The protocols state the police are expected to hand a STOP card to the victim at each domestic they attend. But many police remain unaware of the existence, and purpose of this card. At one station I asked whether they had STOP cards. One of the officers on duty finally located them and showed them to me. At the next domestic I attended with this officer he handed one out to the victim: I had not seen him do this previously. At another station they showed me where the STOP cards were kept at the front desk in the station, but did not take any with them when they were out on patrol.

Reaction to the DVCS varies greatly from officer to officer. Generally the level of understanding between the police and the DVCS is poor. One officer told me he rarely called in the DVCS. He justified this on the basis of an earlier experience he had in dealing with the DVCS. He said a couple agreed to see a crisis worker. He called the service and a female counsellor came, but refused to talk to the man. The officer had told the couple the worker would talk to both of them. The worker went into the bedroom with the woman while the officer stayed in the lounge with the man. This upset the policeman because his advice to the couple differed from what happened. He felt it made him look incompetent.

It is because domestic violence cases are so time-consuming for the police that they are irritated when the DVCS is not available. Most officers are unaware that the DVCS is not a 24 hour service. They assume that because it is a crisis service (cf. the ambulance service, for instance) it functions 24 hours a day. Often officers inform a victim they will call in the DVCS and then find out the service is not available at the

time of the incident.¹ If a DVCS crisis worker is unavailable when the police ring this discourages them from making further contact, over the same or later cases.

At one domestic I attended, where the woman was undecided as to whether she should take out a restraint order, the police suggested she might want to talk to the DVCS about it first. She said she had dealt with them before and they had not been very helpful, but did agree to talk to them on this occasion. The officer rang the DVCS number and got no reply. He then rang the radio room and the operator told him there was no one at the DVCS because it was after midnight. The officers scoffed at nobody from DVCS being available, and mockingly asked each other whether this meant the DVCS thought no domestic violence occurred after midnight. The response was that no service could legitimately call itself a crisis service unless it was available 24 hours a day.

An officer, who has been in the force for several years, interpreted the history of the DVCS in the following way. He said that when it first started it was good and had both male and female counsellors attend cases. The male would talk to the man while the female would talk to the woman. He claimed that then the DVCS became politicised and stopped counselling both the man and the woman: now all the emphasis is on the woman, and there is nothing done to help the man. He said when the service first started the counsellors were mainly married people, and they could relate to the problems of those they counselled. Now the workers are mainly single, and many appear to dislike men. He concluded that the service was therefore no longer able to take a balanced view in the way it worked. The officer said having both male and female counsellors in the service would help rectify this problem. He also commented that if counsellors worked in male-female pairs female counsellors would be safer at night.

The reaction of the police to the lack of support amongst the services for men also relates to an assumption made within the community that domestic violence only involves males being violent towards females. Police officers, who have been in the force for many years, and who have worked in areas like the crooks' villages, have seen many cases that do not fit this description. Their experience is of cases that are messy and that defy easy definition. They see women use psychological and emotional techniques to dominate men, as well as seeing physical violence in all its forms being perpetrated by men and women. For the police, gender cannot be a consideration when making management decisions (see Case Study 25).

Officers can spend a substantial amount of time on the telephone trying to trace people and any additional time spent trying to contact a support service, unless it is absolutely essential (e.g. to find accommodation for a woman and her children), is seen as wasted time. In one case where the police sought accommodation for a woman overnight the shelter refused to allow the police to take the woman to the shelter. They said they would collect her from the police station in an hour's time. The police said they were the only officers on duty and could not wait at the station for an hour. The police wished to take the women directly to the shelter. A compromise was reached and the police and shelter worker met at a location midway between the station and the shelter. When this sort of thing happens the police believe the support service worker does not understand the constraints under which the police work.

¹ In the northwest, however, DVCS does have a duty officer available after hours who will call out a crisis worker if required.

From talking to people in shelters and the DVCS there are those who see their view of the world and that of the police as being distinctly different. Here the police are presented as representing all that is negative about the way authority deals with domestic violence. In this model the police are part of the patriarchal society that is the cause of domestic violence. The thought worlds of the two groups are seen as being irreconcilable. But the following case shows how the views of the police and shelter workers can, at times, be very similar.

CASE STUDY 23: The Woman who Changed her Mind

Gordon got a phone call from a shelter. The shelter worker asked if he would attend while she collected a woman from her home. The worker called the police because over the phone she could hear the sound of shouting and things being broken when the woman rang the shelter. The driver for the shelter, Molly, brought her vehicle to the police station and followed us to the address.

When we arrived at the house Gordon introduced me to Molly and said I was working on domestic violence. Molly said I had come to the right place. Gordon suggested he would wait at the bottom of the stairs while Molly talked to the woman, but she wanted Gordon to go with her. We went up to the door together and Molly knocked on it. A woman answered and said everything was all right. Molly asked if she was sure. The woman replied yes and Molly walked back down the stairs. Gordon stayed at the door to further check whether the woman wanted help.

As Molly passed me going down the stairs she told me to come down with her and she would tell me all about it. Molly said, in a resentful tone, they often get phone calls to collect someone and when they arrive the woman has changed her mind. Molly implied, by the way she talked, that this wastes the time of shelter workers. She said it can happen several times in a night.

Gordon came back down the stairs, saying the woman had insisted she was all right and he could see no signs of physical assault on her. Molly apologised for wasting his time and we parted company.

Two points need to be made about this case. The first relates to the attitude of the shelter worker. I commented in my notes following the event that I found it interesting Molly had the same reaction as the police when the woman did not wish to leave the house. Consequently, it is possible that both shelter workers and police officers may express resentment when they are called to a house and told they are not needed. Both groups see it as wasting their time. However, it is the police's attitudes towards women who change their minds that come under scrutiny and are criticised. If the police publicly express their frustration they are accused of being sexist and condemned for their reactions. The same reaction is not articulated when women involved in the services express the same point of view. The Case Study shows both groups can get frustrated by the actions and reactions of the women with whom they deal. This shows that although the thought worlds of the two sides (police versus feminist) may appear distinctly different, the experience through practice sometimes produces similar reactions to a situation. Shelter and DVCS workers can be just as frustrated as the police by female victims behaving in an indecisive manner.

This Case Study illustrates the points of similarity and difference between the police and support services' experience of domestic violence. Both sides get frustrated with the withdrawal of support for a case by a victim, but make different assumptions about people on the basis of distinct world views. For the police, personal responsibility

goes together with justice and people being held accountable for their actions. This applies to both the actions of perpetrators and victims. It is up to the individual to change status from victim or perpetrator to normal citizen. The transformation must come from the self. For the support services, the view is held that one's social position and becoming a victim are not simply a matter of personal responsibility. The world view held by many in the support services is that we live in a patriarchal society where men use violence and abuse to maintain power and control in their relationships with women. Within this framework, a victim's decision not to pursue a case may result from factors such as intimidation, lowered self esteem or financial deprivation. The victim needs support in order to overcome these social disadvantages. This is why support services are needed to help victims change their lives.

The second point to be made from this case regards the different responses in dealing with domestic violence. The shelter worker was happy to accept the woman's word and leave the premises: she treated it in a perfunctory manner. The police officer, on the other hand, felt obliged to investigate the matter. Here, despite the fact it was the shelter that requested the presence of the police, it was the police officer who felt obliged to check on the woman's safety. In this case it was the police who had to accept responsibility for the safety of the victim. The approach taken by the shelter worker was an option not open to the police. For the police there would be repercussions if they neglected their duty.² One case I was told about involved a woman being bashed where the attending police officer did not take out a restraint order. The police were called back to the property an hour later and the woman was hospitalised with severe cuts and bruises to the body and face. The first officer who attended was severely reprimanded for his actions. Other police officers told this story to illustrate the importance of them treating all cases of domestic violence as serious until proven otherwise.

The generalised police view that the services provide inadequate support to the police affects how they handle cases of domestic violence. It creates an atmosphere where the police are reluctant to involve other services at a scene or on a case unless requested to do so by those involved. Calling in a service is perceived as adding to the difficulties for the police, rather than reducing them. During the fieldwork, there were occasions when the police spent a substantial amount of time trying to contact a crisis worker or a shelter. If a service cannot be easily accessed, or appears unco-operative when it is contacted, this only adds to time spent by police on a case. This has two consequences: it discourages the police from calling upon existing services, and it also discourages them from accessing new services (e.g. TAFVIP).

Support services that the police feel provide inadequate assistance in cases other than domestic violence are usually not called upon to help at domestics. For example the lack of faith the police have in the CPU impacts on their handling of domestic violence. When I told one crisis worker about Tricia dropping her baby on its head (see Case Study 26), she asked why the police did not call in the CPU. I explained that they know from experience the CPU is unlikely to attend a case outside normal working hours and therefore do not waste their time in contacting them. In this case the officer did threaten to call in the CPU to take away the children. For the police, this strategy had a positive outcome because Fred and Tricia ended their fight. From the police perspective this was as effective an outcome as they could expect without direct

² Normally both DVCS and shelter workers should take responsibility for the welfare of the person they are called to collect.

support from the CPU. The fight was resolved and the police did not have to complete large amounts of paperwork for a case that would probably never reach court.

More recently police have found that when they contact the CPU outside office hours they talk to an answering machine. The duty officer then rings the police back and gets details of the case. The duty officer assesses the situation and tries to accommodate any request made by the police. For example, if the police require somewhere for a child to stay, the duty officer finds accommodation and rings the police. The police are often expected to take the children to the accommodation, rather than a member of the CPU. One officer commented that he felt the CPU were only interested in children who are wards of the state.

Here it is worth returning to the police perception of social work jobs. The police are told about, and encouraged to use, the specialist services for support. They are encouraged to involve them when they are dealing with social work problems. However, experience teaches the police that they cannot always rely on others and that calling in support services may exacerbate their problems in time management. Instead police officers often take on the role of a specialist service. This does not help the police to clean away the pollution but it does allow them to manage their time in what they see as an effective manner. But these cases usually remain unresolved in any permanent way, which reinforces the police's sense of social work jobs as being a form of pointless pollution. Poor support from the services therefore acts to confirm the police prejudices about social work jobs as a type of police work that does not produce results.

Police experience similar problems with other services. Police dealings with the SASS, for example, suggest that it is a female dominated organisation that shows no sympathy to males who are the victims of sexual assault. While the organisation will counsel men for an initial session following a sexual assault, either at the hospital or at a police station, the victim is then required to find support elsewhere. The SASS is funded by SAAP and their brief is to counsel women who have been sexually assaulted. But from the police perspective this is discriminatory. Their experience of violence suggests women, children and men can all potentially be victims of sexual abuse and violence. It is this conceptual difference between the experience of the police and the mandate of other services (see Chapter 6) that frequently underlies the poor relationships between the services and the police. The problems can be summarised as follows:

- poor communication between the organisations at the operational level;
- a lack of understanding of the constraints the police face amongst many service workers; and
- police discontentment with what they perceive as a service sector that focuses on gender rather than victims.

Poor communication between the support services and the police at the operational level means there is a lack of understanding amongst police of the role of the services, a lack of knowledge regarding existing protocols, and dissatisfaction with the inadequate back-up many of the support services provide. While there may be good reasons for this lack of support, such as financial constraints, the police experience is that a service providing inadequate support only adds to the difficulties they face in handling and prosecuting cases of domestic violence.

One of the key ways to improve relationships and understanding between support agencies and the police is to develop a sense of co-operation. This is well illustrated by an example given by one of the officers. He said that on one occasion the DVCS worker had helped him make an application for a restraint order by typing up the application (this was before the current changes were made so that hand-written applications are accepted). The DVCS worker did this while the officer compiled the other material for the file. He said the paperwork used to take hours and on this occasion he appreciated the assistance of the DVCS worker as he was working alone. He believed their joint sense of purpose in making the application made the experience a much more worthwhile one, and contributed to the successful outcome of the case. This case occurred some years ago but was still remembered by the officer. While being able to work in this way may rarely be feasible, the fact that it was remembered by the officer indicates the significance of it. At a practical level it reduced the time spent on the case by the police officer. But the case also holds symbolic significance. The crisis worker's involvement created a sense of common purpose between the police and the DVCS in getting a man charged. It led to the successful completion of the first stage of the legal ritual: the selection and charging of a perpetrator. It is interesting to note that the police officer remembers the case as a success, which may be a perception partially based on the co-operative nature of the enterprise, rather than on any legal outcome. Clearly, it is when the services assist each other that the interests of victims of domestic violence are best served.

5.6

Summary

The police role in domestic violence cases is affected by their perceptions of the people they encounter during their work. Social work jobs, which they find particularly frustrating, often involve people who they believe are unable to organise their own lives. These people are labelled as being scumbags. Domestic violence cases attended by the police often involve scumbags. Many of the cases are unsatisfactory for the police because they are messy and do not get resolved in any lasting manner.

The sense of frustration the police feel about such cases is exacerbated by the potential amount of time spent on a case if they take it to court or apply for a restraint order. The police experience is that the victim in these cases often seeks to have the charges withdrawn or returns to live with the perpetrator. In these cases the paperwork and time spent on a case is wasted. These cases undermine the position of authority that society invests in the police because both offenders and victims may ignore the court orders in their future actions. When this occurs the actions of the police are unproductive. It is only when the police deal with real crooks that no such dilemma exists for them. Crooks are involved in clear-cut cases that the courts accept and prosecute.

Legislative changes have made prosecution in cases of domestic violence easier. However many cases that reach the courts are still unsuccessful. If the case does succeed often the penalties imposed by the court are very light. Managing domestic violence cases is therefore still viewed by the police as a frustrating task. In those case where it is difficult to define who is the victim, and where there are no clear signs of physical assault, the police continue to prefer to give advice, rather than take a case to court. In this way officers are best able to use their time in what they perceive to be an efficient way: giving advice may take only 30 minutes while laying charges can take several hours. It also increases the probability of a successful outcome to the ritual

process of prosecution in the courts. Only those cases the police believe will succeed in court are proceeded with. As a result the power invested in the police and the courts is not undermined by ineffectual sentencing. The management of cases is therefore constrained by the relationship between the police, the protagonists and the courts.

For the police, it is often the most difficult cases they are left to deal with. This only adds to the complexity of their management. Researchers have commented that the public use the police as the last resort in cases of domestic violence (Poerio 1991). This means the police are called in to resolve a crisis at its most volatile stage. While the police's role is defined as one of law enforcement and ensuring the safety of individuals, other factors are also involved. The dynamics of the situation affect how the police handle cases. When a victim or the police take out a restraint order, it is only the first step in a process of physical separation, protection, and provision of security for the victim that can involve a number of other agencies.

The successful handling of domestic violence is therefore only possible where good relationships between the various services ensure the provision of an efficient and integrated service system. If the police call upon another service for assistance in a case of domestic violence it is because the service can provide valuable logistical support. When the support services are efficient the police can work more effectively. In practice this is often not the case. Poor communications and poor funding of services often complicate domestic violence cases and can put the police in the position of being mediators or negotiators, rather than law enforcers. The police image of some support agencies as more concerned with gender than victims adds to the problem.

The different world views of the organisations who deal with domestic violence can create obstacles that make it difficult to work together. This applies not only to the relationship between the police and the support services, but also to the courts. In Tasmania, the conceptual barriers between the various organisations dealing with domestic violence are important constraints affecting the efficient provision of services to victims.

In the previous Chapter I described the court procedure as a ritual process. Hearing a case in court follows a pattern found in many other rituals: there are ritual experts, the process aims to transform people, and the spatial and material aspects of the proceeding are distinct from normal social activity. At the crux of the proceeding is the intent, in a 'successful' trial, to transform a person from an ordinary citizen into a criminal. The power of the courts therefore lies in their ability to change the status of a person. This is a fundamental part of the legal process. Without the successful prosecution of cases the efficacy of the legal process would be undermined.

The police play a crucial role in this ritual process. It is the police who decide which cases to take to court. On the basis of police actions the court assesses guilt or innocence. It is the police who compile a file of evidence against the accused. The police can only do this when they believe a person is guilty. In deciding whether to proceed with a case the police therefore make judgements about the status of the participants in any crime or offence. For the police, ascertaining guilt or innocence, depends on being able to distinguish between the victim and the offender. While this distinction is easily made in cases where crooks offend against real people, this is not true in social work cases. Social work cases are often chaotic events with messy outcomes. For the police, it is often difficult to ascertain who is the offender and who the victim, and how an incident began.

Domestics are a form of social work job where it may be particularly difficult to distinguish between the victim and the perpetrator. Physical abuse may be initiated by both parties and verbal abuse is common. To therefore distinguish, to the satisfaction of the courts, between perpetrator and victim can be problematic. But, regardless of the legal perceptions of guilt and innocence, the police produce their own categorisation of victims. This is a negotiable category and the events that occur while the police are present at a domestic impact upon who is placed in the category. In any discussion of domestic violence it is therefore important to consider the police perceptions of the category 'victim' and how membership in the category is negotiated.

The police force is not the only organisation that provides services to people subject to domestic violence. There are also the courts, the legal profession and a range of support services, like DVCS and the women's shelters. Each organisation plays a part in processing the events and the people involved in domestic violence incidents. Ideally the services should work together harmoniously.

I have shown in the previous chapter how the relationship between the support services and the police in Tasmania is, at best, an uneasy one. Discord arises from different perceptions of domestic violence. I will therefore begin this chapter by examining some of the definitions of domestic violence used, before looking at police views.

6.1

Classification and Thought Worlds: Defining Domesticity

In our society, feminist thought has motivated many of the recent changes to the laws relating to domestic violence. A common feminist explanation given for male

aggression is that we live in a patriarchal society (Hatty 1988; Horsfall 1991; Younger 1985). Feminist thinkers suggest unequal power relationships between men and women in the home are a consequence of patriarchal social attitudes (Hatty 1988; Scutt 1983). In the patriarchy men treat women as their property, and the actions of men in the sanctity of their homes is inviolable. One expression of the inviolability of male actions in the home is violence towards women.

Society's unwillingness to accept responsibility for domestic violence led the feminists to seek legal solutions to male aggression. In the 1980s laws were introduced throughout Australia to make domestic violence the responsibility of the perpetrator. Some of these alterations in the law improved police powers in areas previously difficult to police. In Tasmania, for example, the 1988 alteration to the Justices Act (1959) gave the police access to a person's home without a warrant if they believed a crime or offence had been, or was about to be, committed. This eliminated the need to obtain a warrant, thus saving police a substantial amount of time and paperwork. In the case of domestic violence, it also reduced the possibility of a perpetrator disappearing before the police could make an arrest.

Feminists also fought for the introduction of restraint orders as a means of controlling violent men. Breach of the peace orders provided the model for restraint orders (Seddon 1985). A restraint order specifies certain actions as being breaches, and acts in an anticipatory manner. Because a restraint order is a court order, breaking its conditions is an offence against the court, rather than the victim. This means the police can immediately arrest a person who is in breach of the order. While the police could previously impose bail conditions on perpetrators that would restrict their actions, restraint orders refined police powers. For example, restraint orders enabled the police to make an *ex parte* application and they therefore did not need to have the offender in custody. Legal changes have thus refined existing laws, rather than introduced new procedures for the handling of domestic violence.

The feminist perspective recognises a number of potential elements to domestic violence. For example, domestic violence service providers commonly use a wheel diagram to describe the phenomenon (see Fig. 4). At its centre are the words "power and control". The radiating spokes of the wheel list the following forms of abuse: "using intimidation"; "using emotional abuse"; "using isolation"; "minimizing, denying and blaming"; "using children"; "using male privilege"; "using economic abuse"; and "using coercion and threats". These eight types of control delimit the nature of violence against women in the domestic context. Only one of the characteristics, "using intimidation", involves physical abuse. Six of the other eight are forms of psychological control, with the remaining case, "using economic abuse", relying on male control over property. This model is widely accepted and used in a variety of forms in lectures given to students and counsellors and was presented at a workshop I attended. It is generally accepted as an appropriate way of representing the different aspects of domestic violence.

Many feminists object to definitions of domestic violence that do not always portray men as the perpetrators. Probably one of the most strongly worded statements to this effect was made by Hatty (1988). In her work with the N.S.W. police she states the term domestic violence is "specious" and "inaccurate" (1988: 3). Instead she chooses to use the term "male violence" on the grounds that she is talking about women's experiences and not men's categorisation of their own acts.

Figure 4: The Wheel of Domestic Violence.



(Presented at Hamilton team briefing and workshop for support services workers in Hobart on 2 March 1994. Source: Pence & Paymar 1986.)

Feminist writers and thinkers on domestic violence, while acknowledging the possibility of female violence, use gendered language to construct the female as victim. For example, feminists giving lectures to students on domestic violence often make a statement about the percentage of victims who are men at the beginning of a class and then refer to the victim as "she" throughout their lectures (pers. obs.). Similarly, a recent pamphlet produced by the Office of the Status of Women makes the bald statement at the beginning that "most domestic violence is carried out by men against women" and the victim is henceforth referred to as "she" (Domestic Violence Action Group Inc. n.d.). The usual justification for these generalisations is that because only 5% of known domestic violence cases are perpetrated by women, it is acceptable to universally label the victim as 'she'.

Defining domestic violence in this way acts to close off other possibilities. It presents a thought world in which domestic violence involves female victims and, by implication, male perpetrators. It also implies that physical abuse occurs in isolation. It denies the possibility that individual relationships may show a complex interaction of factors that *culminate* in an expression of physical abuse by a man. The possibility of women using psychological and emotional forms of abuse in the family are down played, ignored, or presented as a reaction to patriarchy and male violence. The concept of the male perpetrator and female victim is strengthened through the use of imagery. Cartoons of women with black eyes facing violent men or uncomprehending (male) police are common in domestic violence pamphlets (e.g. Hobart Women's Shelter n.d.; Silard 1994). In these presentations women directing abuse at their children is not considered. Nor is domestic violence treated as a consequence of other forms of abuse. This conceptual model presents domestic violence as a simple phenomenon that the authorities can handle through the removal of the male who is always the perpetrator.

Although feminists present the woman as the victim of domestic violence this gender distinction has not been adopted by the legislators. For example, the legal reforms relating to domestic violence in Tasmania include the gender neutral term "Domestic Violence". Examples of this are: the *Justice Legislation Amendment (Domestic Violence) Act 1992, No. 21 of 1992* and the *Statutory Rules 1993, No. 166, Justices Amendment Rules (Domestic Violence) 1993*. Nowhere in these amendments is domestic violence defined. The legislation leaves open the possibility that the violence can be perpetrated by any member of the domestic unit on any other member, and women are not singled out as being the victims.¹

The gender neutrality of the law has carried over into the protocols designed to guide the relationship between the police and support agencies concerned with domestic violence and the actions of police attending domestics. These protocols also use a more restricted definition of domestic violence than that advocated by feminist thinkers (cf. Fig. 4 and Hobart Women's Shelter n.d.). They define domestic violence as:

¹ It is interesting to note that the definition of domestic violence adopted by the Tasmanian Government, based on the definition used by the National Committee on Violence Against Women, is gender neutral. The definition of domestic violence says it is: "behaviour by a person adopted to control his/her victim which results in physical, sexual and/or psychological damage, forced social isolation, or economic deprivation or behaviour which leaves victims living in fear" (Tasmanian Government 1994). In discussing this report with a woman in the service sector, she saw "living in fear" as being the crucial element of this definition and said that men rarely lived in fear of the violent acts of women. She added that this was the definition she used in her work.

- actual or threatened violence involving assaults, sexual abuse or intimidation likely to lead to an assault or potential risk of injury;
- actual or threatened damage to property;
- intimidating (sic.), provocative or offensive behaviour likely to lead to a breach of the peace and of such a nature that Police intervention is warranted (Anon. 1994: 1).

They go on to specify the following categories of relationship as falling within the social limits of domestic violence:

"family members", who are defined as including:

... married and 'de facto' spouses who are cohabiting or who have lived together; children, relatives or persons who normally reside in the household and who are treated as members of the household (Anon. 1994: 1); and

"personal relationships" which are defined as including:

... men and women who have never lived together but who are in or have been in a relationship which could be described as a private, personal or intimate (sic.). This may include people in same sex relationships (Anon. 1994: 1).

Here the classification of domestic violence does not specify male aggression against women as the only form of domestic violence. Rather, the classification implies that any form of aggression in an intimate relationship constitutes domestic violence. The protocols also recognise the possibility of violence in same sex relationships. But in a marginal note on my copy of these protocols there is a hand-written comment saying domestic violence does not include violence between neighbours.

The language categories, both official and unofficial, used by the police undermine the legal definition of domestic violence used in the protocols. Often the police classify any dispute within a household or between neighbours as a domestic. For example, the police normally classify cases involving children attacking parents as domestics. In one case an officer told me he was going to an on-going domestic that was actually a dispute involving three neighbours. The police definition of disputes used in the radio room further re-enforces this classification of domestic violence. The computer coding places neighbourhood disputes into the category of "Domestic (neighbours)", thus presenting neighbourhood disputes as a sub-category of domestics.

For the police, 'domestics' is an all-inclusive category for social work jobs involving disputes between people. The features of this category of jobs are that they are messy and often resist police attempts to create some sort of order. They frequently involve scumbags. Here it is the individual, rather than the event, that the police focus their attention on, and this influences their decision to define the event as being a domestic. From the police perspective domestics involve people who cannot manage their lives. It is the polluting nature of the work and the spatial proximity of the parties involved in the dispute, rather than any definition based on gender or the intimacy of a relationship, that is central to the identification of a job as a domestic. For example, in one case I attended the officer initially defined the dispute out of the category of domestic because the perpetrator and victim had never co-habited and despite there being an intimate sexual relationship. By comparison, any case involving co-habiting individuals, regardless of the nature of their relationship, tends to be defined as a domestic. Neighbourhood disputes also get labelled in this way.

The comparison of the feminist, the legal and the police definitions indicates that there are at least three distinct ways of constructing meanings for the term domestic violence. I shall now look at the police experience in order to try and understand why the police construct the meaning of domestic violence in the way they do.

6.2

The Police Experience

Let me begin this analysis with an extended case study. I divide the case into three parts in order to analyse each sequence of events separately. Events in each segment identify different features of the habitual form domestic violence takes for the police. In total, the case provides valuable insights to the police experience of domestic violence. With each segment I will extract and analyse the crucial features that are common to domestics attended by the police.

CASE STUDY 24: The Interconnection between People

Part One: The initial domestic

Day 1

We got called to a domestic. The police officers, Trent and Duncan, were told the woman was in the pub over the road from where her boyfriend lived. When we arrived and went into the bar, Tina Landey, the victim, was sitting in tears holding her baby. Another couple were sitting with her and had bought her a drink. It was a bright pink cocktail. Tina gave a mouthful to her 14 month old boy while we were talking to her. There were no signs of physical injury to the baby.

Trent took charge and asked Tina what had happened. Trent knew Tina well and treated the case quite casually. Tina had been drinking and was not making a lot of sense. She gave distorted replies to Trent's questions. Trent made no attempt to get the logical sequence of events from Tina. Duncan, the other attending officer, kept quiet while Trent did the talking.

Tina said Hudson, her current boyfriend, had taken her sleeping baby out of bed and held it by the throat. When Trent found out that David Hudson was Tina's current boyfriend, he commented that he had a warrant out for him. Hudson is one of the people labelled by the police at Cleveland as the crook most likely to kill a cop. Tina had been going out with Hudson for about 12 months. Tina kept repeating that it was not right for Hudson to grab the baby around the neck. Trent asked Tina whether Hudson was the father of the child. He also asked her how much she had drunk. After some discussion the officers discovered Tina currently lives in Chicago and has another son. On this occasion her father was looking after the older child. Trent told Tina she should keep away from Hudson and she said two or three times, very vehemently, that she wanted to kill him (Hudson). In the end the police agreed to collect her belongings from Hudson's place and take her back to Chicago. As we walked back to the car Trent told me Tina had done this sort of thing before. Tina gets involved with violent men and keeps going back to them after they mistreat her or her children.

We drove across the street to Hudson's place. Before knocking on the door the officers rang the radio room to find out what was pending on Hudson. When the operator checked there was only the one warrant, but added there was a note on file saying to approach Hudson with extreme caution because he is extremely violent. Trent and Duncan called for back-up and we waited until a CIB unit from Buffalo joined us.

The officers knocked on Hudson's door. Hudson yelled out from inside, asking who it was. When Hudson knew it was the police he would not open the door. While the officers were out of the car Tina told me that Hudson had assaulted her in the past.

Trent and Duncan came back to the car without the belongings and began to drive towards Chicago. Tina asked where her things were and Trent said Hudson would not let them in, so they could not get them. Trent added they would come and talk to her in the morning about Hudson. Tina became distressed and asked what about her baby's bottle. Trent said there was nothing the police could do if Hudson would not let them in. Tina said she wanted the bottle and was going to get it herself. Trent replied that was her decision. Tina got more and more agitated and said, "Stop the car, you can't hold me against my will."

Tina opened the car door while the car was still moving, but Duncan pulled over to the side of the road. Having repeated her comment about the police not being able to hold her against her will, Tina jumped out of the car with the baby and went back to Hudson's place. Trent and Duncan commented that Tina was always like this. Trent contacted the radio room and described what had happened. He said the police had given her advice but she chose not to follow it, and there was nothing more they could do.

There are four critical features to this initial domestic. The police arrive and find the victim is drunk and in the pub. Here the common feature of the police experience of domestics is the use of alcohol or drugs. In most of the domestics I attended with the police there was evidence of one or more parties drinking or taking drugs. For example, in one case I attended we picked the victim up from outside someone else's house where she was found drunk in the gutter. On taking her home we found her boyfriend almost comatose in a chair in the lounge with music blaring that could be heard down the street. The police knew this couple and told me later that the male is a known heroin user. In another case we attended, a breach of a restraint order, the male arrived at the woman's house drinking beer and told her he had taken an overdose of pills. He had recently been placed on anti-depressants by a doctor. In yet another case we attended both the woman and man had been drinking before the arrival of the police and there were empty beer bottles strewn around the lounge room. This is such a common feature of domestics for the police that in one case where a man had turned violent, who neither drank nor took drugs, the police were extremely doubtful he would be refused bail by the courts because his behaviour was not typical of that associated with male aggression.

The second element of this domestic is evidence of Tina's irresponsibility. Tina gives her 14 month old baby an alcoholic drink in the presence of the police. She also has the child out late at night and has taken it to a pub. Both actions are signs of what 'real people' would define as irresponsible behaviour. But such behaviour is a common feature of many domestics attended by the police. The irresponsibility is often most strongly expressed in the relationship between the adults and the children. Many of the children the police come across at domestics are present during the violence. For example, in one case attended by the police it was the four year old son who rang the police to say his mother and father were fighting. In other cases they are spectators to the events well into the early hours of the morning. Here the irresponsibility of the parents is perceived by the police as an expression of the disorder in their lives. As one policeman put it, if my wife and I have a problem then we sort it out between ourselves. He said they do not involve others and certainly kept it from the children. He saw domestic disputes between himself and his wife as a private affair that should not spill over into their dealings with others. For it to extend into a wider domain

would indicate a lack of self control, and a lack of self control indicates a general disorder in the handling of one's personal life.

Not protecting children from the events surrounding violence is just one expression of a disorderly way of living the police find in many of the homes where they attend domestics. The physical state of the home is another indicator. For example, the violent encounter often involves the destruction of property. Damaging cars, trashing furniture and putting holes in the walls are common features of a scene where domestic violence has occurred. Often the destruction of property has been committed by both parties involved in the violence. For example, it was not uncommon at scenes I attended with the police for a woman, who was the victim of the physical abuse, to have damaged a valued item belonging to the man. Often a woman's destructive act was insignificant in size by comparison with that of the man. It was also more commonly directed at material objects rather than people. But the scale or type of the damage is irrelevant to the police who see the destruction of material objects as part of the disorderly behaviour of those involved in domestics. The disorderly behaviour therefore became part of both the victim's and the perpetrator's reaction.

In other cases the disorder of a domestic spreads to involve other people. For example, people who have been spectators to a domestic may become involved once the police appear. In one case an officer described, he was attacked by a woman, who was being argued over by her boyfriend and his mate. She remained calm until the officer attempted to arrest one of the men. Often, in these cases, it is when the police go to arrest a person that outsiders get involved and attack the police.

The third common feature of this domestic is Tina's return to Hudson. When Tina realises the police have not got her baby's bottle then she insists on returning to Hudson's house, even though minutes before she was talking of wanting to kill him. The police commonly talk about women returning to violent men as being a problem when they instigate legal proceedings. In one case involving the police while I was at a station, they spent over 30 hours of police time in taking out a restraint order and locating the perpetrator, only to have the woman return to live with him the following week. In another case that did not take up as much police time the woman returned to live with the perpetrator about three weeks later and just after she had been allocated a house by the housing department.

Often cases involving breaches of restraint orders are not simply a case of a man going to harass a woman. In one case we attended the woman had agreed to let the man return and live with her because he had reformed his ways. He then became violent and she called the police. In cases like this the woman could be charged with aiding and abetting in the breach of the restraint order. Regardless of the reasons why a woman may return to live with a violent man, such as the many cases where women are placed under severe pressure by the man or a third party to return to a violent partner, for the police it is a very common feature of their experience. It is not only common but also frustrates their attempts to invoke legal solutions to the violence. In the case presented above, because Trent and Duncan know Tina has gone back to violent men in the past, they are reluctant to suggest a legal response to Hudson's handling of Tina's child.

The final element to this sequence is the potentially violent nature of the confrontation between the police and Hudson. Hudson is seen as one of the most violent men in the area and there is a warning on the computer to this effect. The police therefore do not

approach him without back-up. People of Hudson's nature are not unusual for the police to come across in domestics. The disordered life style of those involved in domestics, whether they be violent or not, automatically means their actions are unpredictable.

Many authors have commented on the police perception of domestics as being violent (Federal Bureau of Investigation 1972, 1978; McConaghy 1976; Straus, Gelles and Steinmetz 1980; Swanton 1985). While there is some debate whether attending domestics is any more dangerous than other police work, police perceptions of them being dangerous is a reality. During the course of the research I asked many officers what was their most memorable domestic. Often the response I got was an account of a case involving violence. For example, one officer remembered two. The first of these involved a man who tried to "take out" the police when they arrived. There were several attending officers and they all sustained injuries. One officer had two broken teeth. It cost over \$1,000 and took 12 months of dental work to have his teeth repaired. The other case he remembered involved several police officers trying to control a man, with some officers being injured during the struggle. Another officer remembered a case involving a Vietnam veteran. He said he was a big man and a respected member of the community. When three police officers arrived at the scene his wife was outside the house waiting for them, "pissing with blood", as the officer put it. The police spoke with her and found out she wanted to leave the house for the night. The two male officers went into the house and found the place smashed up. The husband was in the process of cleaning it up to make it look as if nothing had happened. He was civil to the police, but when he found out the female police officer had taken his wife into the bedroom to get some belongings he exploded. He charged into the bedroom and tried to attack her. One officer tried to hold him down but the offender got hold of the policeman by the neck and held him up in the air. The other officer attacked the offender and both officers found themselves being held around the neck. One of the officers was butted against the wall. Eventually the police got the upper hand, but as the female officer went to put the cuffs on the offender his 18 year old son joined in. In the end it took seven police officers to control the two men. They were charged with assault. Afterwards the wife did not want the police to go through with the assault on herself, but they made her go to court to repeal it. Cases like these show that attending a domestic can be life threatening for the officers concerned. While these cases may not form the bulk of domestics attended by the police, their nature means they are remembered and reiterated at social occasions where the subject of domestics or violence is discussed. These cases then become part of the repertoire of police stories pertaining to domestic violence.

Part One of the Case Study suggests that this domestic is clear-cut. Here Tina is the victim and Hudson is the aggressor. But subsequent events show how complex these situations can be.

Part Two (CASE STUDY 24): The fighting women

Day 7

Jack got called to a breach of a restraint order. This was interesting because it involved a restraint order between two women. The offender was Tina Landey, who is Hudson's girlfriend.

The woman who had taken out the restraint order, Coral O'Hara, lived in a unit in Harrisburg. Jack arrived at Coral's unit and talked to her about the breach. She seemed pre-occupied. While Jack talked to her and took a statement she kept

wiping the heater in the lounge and smoked several cigarettes. The interview was conducted with the sound of the television, on high volume, as backdrop.

Coral had only recently moved into the unit with her boyfriend, Warren Christo. There was a very expensive lounge suite in the room, a television, drying clothes, a dining room table and old curtains held together with clothes pegs.

Coral said she wanted to charge Tina with the breach of the restraint order and told us where and when the breach occurred. Jack said we would look for Tina first. We went back along the main road but could not locate Tina. We returned to the unit and Jack took a statement regarding the breach. During this time Coral's boyfriend, Warren, was in the bath. When Jack asked Coral for her profession she described herself as a student. When Jack later asked Warren Christo the same question Warren said he was unemployed.

The breach of the restraint order occurred while Warren was placing a bet at the TAB. Coral had driven to pick him up. Tina Landey saw Coral and came over to the car, started abusing Coral and bashing on the passenger-side window. Coral drove around the block and when she came back Warren was talking to Tina. Tina asked Warren who he was and asked him if he knew who she was. He said no, and then she said that her name was Tina but did not give her surname.

Coral drove around the block again and then parked on the other side of the road. Warren ran to the car and Tina followed with her two children in tow. Coral drove once more around the block and this time Warren managed to get into the car. They drove off leaving Tina swearing at Coral at the top of her voice.

Coral said she did not want Tina Landey to know where she lived because Tina would come and harass her. Coral got the restraint order nearly twelve months before and said she would need to renew it. When Jack asked her about attending court, Tina was not keen but ended up saying she would appear. Warren got out of the bath towards the end of the interview. Jack asked Warren if he would give evidence. He said he had no qualms about appearing in court.

Coral objected to Tina Landey calling her a slut. Tina also said she "would get" Coral. During the conversation with Jack, Coral asked what would happen if she attacked Tina. Jack told her she would get herself into trouble. Coral said she felt like hitting Tina but she would restrain herself from doing so; it was not worth the trouble it would cause.

While Coral would not repeat the words Tina Landey said to her (this is very common amongst complainants when they make statements) she told Jack, "You can give her a message from me. Fucking leave me alone."

Coral also described it as an embarrassment to be known by these people and described both Tina and her brother, Mervin, as criminals. She said she had not responded to Tina's abuse because she did not want everybody knowing what was happening. Coral asked Jack if Tina's brother was still in jail. Jack said he had no idea. Coral continued by saying it was disgusting for Tina to behave in this way in front of her children. Coral believed it was no way to bring up children and they were frightened when they saw Tina yelling and screaming at Coral. Coral said Tina had been very drunk.

Warren described Tina's behaviour as "genetic". He said all the Landeys, even though he purported not to know them, were like that. Coral said Tina's mother had disowned her son and daughter. Jack did not know the individuals involved and made no comment.

Later in the day, when we returned to the station, we discovered Coral O'Hara had been the girlfriend of Tina Landey's brother a year earlier, before he went into jail. The other officers in the muster room assumed the trouble began between Coral and

Tina at this time. We also found out Coral had nearly been caught by the police a couple of years earlier driving a car for two crooks in a burglary. The group had been seen in Santa Barbara selling drugs in the early hours of the morning. When the police found them Coral was in the back seat of the car having sex with one of the crooks. Her boyfriend of the time, the other crook, was asleep in the front seat. The charge did not stick when it went to court.

With the unfolding of further events the disorderly nature of Tina's life and relationships becomes clear. In the second sequence Tina is the aggressor towards Coral.

The 'kinship' link between Tina and Coral places the case half way between being a domestic and a neighbourhood dispute. By the police's definition this is a domestic, but by the legal and feminist definitions this is not. If the antagonism developed as a result of Coral's relationship with Tina's brother then by the protocols' definition this is a domestic. If Tina had lived in the same house as Coral and her brother, the relationship between the three people takes the form:

Coral > lover (of) > Mervin < sister (of) < Tina.

This is similar to the classic sexual triangle that leads to many domestics and takes the form:

WOMAN 1 > lover (of) > MAN < lover (of) < WOMAN 2

or:

MAN 1 > lover (of) > WOMAN < lover (of) < MAN 2.

This case therefore presents two levels of ambiguity to the category of domestics. The first level of ambiguity relates to the classification of what is a domestic. On the basis that this case arose as a result of a sexual relationship the police view fits better with the facts than the feminist or legal views. It also does not conform to the feminist perspective of domestic violence as perpetrated by men against women. Here the victim and the perpetrator are both women. There are other cases similar to this. For example, Case Study 15 could technically be a domestic. Whether it is or not depends on whether Barry Cole and George Wainwright have been involved in an intimate relationship. However, the basis of the relationship between Barry and George does not come to the attention of the police. Cases like this are not uncommon. One case we attended involved a woman, Allison. She and her friend, Betty, were outside the house of Betty's ex-boyfriend. Allison was yelling outside the house of Betty's ex-boyfriend, Lew, and his new fiancée, Clare. Allison and Betty had come to the house when they heard that Lew and Clare had got engaged. In another case there was a dispute between some women. When we arrived at the house we were told that the two women who lived in the house were being hassled by the third woman. It appeared, although it was never stated, that the abusive woman had been the lover of one of the women present in the house and was continuing to visit the house and make a nuisance of herself. The women present in the house had called the police to remove her. Many cases show this sort of ambiguity where it is difficult to state whether the dispute is based on an intimate relationship or not. For the police the main aim is to resolve the immediate problem in a way that means they will not get called back to the property again during the shift. Whether the case is technically a domestic or not is unimportant. For the police the event is just another case of an interpersonal dispute where the participants are incapable of handling it without outside intervention.

The second level of ambiguity relates to the roles of 'perpetrator' and 'victim'. An individual can appear as a victim and a perpetrator in different contexts. Thus Tina is the victim in the first part of this Case Study but becomes the aggressor in the second

part of the Case Study. Fitting people into the neat categories of victim and perpetrator can therefore prove difficult. The potentially ambiguous nature of the roles 'victim' and 'perpetrator' make it difficult for the police to clean up domestics. This applies in the case of Tina, Hudson and Coral: arresting Hudson would not stop Tina's aggressive behaviour towards Coral.

Another important factor in this sequence, and in the first part of the Case Study, is Tina's acceptance of violence as normal. This is expressed through her choice of men and in her dealings with other people. As one officer put it, for some people violence is the only thing they know. Tina is violent and chooses violent partners, a pattern well-known to the police. Tina displays aggression when she is in conflict with other women. For the police, the notion of her as a victim is therefore tempered by their knowledge of her aggressive behaviour towards others.

Part Three (CASE STUDY 24): The last domestic

Some days later

I went out with Andre and found out by accident that he knew Coral O'Hara. He was called to a domestic at Coral's place around Christmas, and then again in January. He said Coral was badly beaten up the first time and he wanted to issue a restraint order but she would not let him. Coral said her boyfriend, Warren Christo had given her the bruises. On the second occasion when Andre attended, and Coral was again covered in bruises, she said she had also hit Warren. Coral used this as justification for not taking out a restraint order. But Andre could not understand why Coral would not let him issue a restraint order.

In this sequence we find that Coral, like Tina, is the victim of domestic violence. But her personal behaviour in Part Two of the Case Study suggests a sexual licentiousness outside the norms of socially accepted practice. This points to another key element of the police's experience of domestic violence: disordered sexuality. For the police, disordered sexuality is often a sign of a more general state of disorder in a person's life. This disordered sexuality can be expressed in many ways. For example, in one case we attended the police told me the woman involved had a habit of stripping off her clothes and running down the street naked whenever she got drunk. In another case a police officer attended the woman had stripped while she was arguing with her husband and when the police arrested her they had to throw a blanket around her for the sake of propriety. The disordered sexuality of those involved in domestics though, is more often expressed through triangular relationships. Here the presence of, or perceived involvement of, a third party often catalyses the domestic. At many domestics I attended the initial argument arose as a result of one partner accusing the other of having slept with another person. Often there was no evidence for this but merely a suspicion of it occurring. However in some cases the triangular nature of the relationship is clearly evident. In one case an officer attended he found out that a husband and wife had formed a sexual relationship with a male boarder they had in the house. The three would share the same bed at night. This case ended in tragedy with one of the three individuals being stabbed and another committing suicide.

I have already pointed out that triangular relationships can lead to ambiguity and they may sit between being domestics or neighbourhood disputes. A good example of this is the case cited in Chapter 2 (section 2.4) of the two fighting families that had been feuding since 1949. The initial dispute probably arose over a woman, but the woman had married neither man and as the years progressed it had become a neighbourhood dispute. In 1994 both families were involved in aggressive behaviour towards each other that no longer related to domestic violence. This confusion between categories

is not uncommon. For example in one case the police were called to an assault of a woman at a shopping centre. The victim was approached and assaulted by a woman she had never seen before. It turned out that the woman had learnt she was sleeping with her ex-boyfriend and on seeing them together she attacked the new girlfriend. In cases involving a third party differentiating between a domestic and a neighbourhood dispute may therefore prove difficult and may actually be a pointless task for the police.

In the extended Case Study the links between crime and domestic violence are also clear. Three of those involved in the case are known to the police as criminals: Hudson, Coral and Mervin, Tina's brother, who is serving a jail sentence. Coral, who appears as the victim in the two cases of violence involving her, is known to the police for criminal activity. So while Coral appears as the victim in the case of domestic violence, she is herself known to the police as a probable criminal. Others have probably been the victim of her criminal activities. The question therefore arises as to who is the real victim in a situation like this and whether it is possible to actually identify one. This is not an unfamiliar situation for the police. Several domestics I attended with the police involved people who were bound up with criminal activities. Often these activities were associated with a drug habit, but in other cases they involved men who were suspected of armed hold ups or more serious activities. In one case the male was awaiting trial for two armed hold-ups and threatening the police (see Case Study 21). He was on bail when he bashed up his girlfriend.

This extended Case Study contains the common features of domestic violence as experienced by the police. Frequent elements are: the use of alcohol and/or drugs by one or more of the parties involved in the violence; the potentially violent nature of the situation; the likelihood that a third person features as part of the domestic; the possibility of those involved in the domestic being involved in other criminal or violent activities irrespective of their gender; the high probability that the victim will withdraw her statement of complaint before the case reaches court; and the high probability that the victim and perpetrator will be living together, or seeing each other, within a few weeks of the police attending the domestic incident. While this experience is not necessarily representative of domestic violence throughout society (Edwards 1989; Hatty 1988; Women's Coalition Against Family Violence 1994; but compare with Ferraro 1989 and Walter 1981), from my own observations it is a normal part of the police experience.

I have already discussed the need for the police to create order out of chaos (Chapter 2). This is especially true for domestics which are among the more chaotic of social work jobs. For the police domestic violence demonstrates the inability of those involved to cope with their lives in an orderly manner. Complex relationships and ambiguous roles are common features of the domestics attended by the police. The personal relationships of those involved are like those in other interpersonal disputes: they are messy and often defy orderly resolution.

Here the choice made by many victims to return to a violent partner is crucial. Each time a victim returns to a violent partner it confirms the police view that these situations are unresolvable. Even in cases where a victim may leave a violent partner, as in the case of Tina, the victim may find another partner who is also violent and so perpetuates the police's sense of helplessness: victims who do this make it seem impossible for the police to control or tidy up the disordered state of affairs. Whether this always happens is irrelevant. As with crooks who leave an area, domestics that are

resolved are forgotten. For the police it is those cases which repeatedly involve the same individuals that get remembered. These cases become the basis of received wisdom within the force and are the grounds upon which the police perceive attending domestics as being a frustrating and pointless part of their work. The success stories are not brought to their attention after the event and therefore do not contribute towards a positive image of police intervention in domestic violence.

6.3

Defining the Victim

I have stated that, despite legal reforms, feminists continue to criticise the police's handling of domestic violence. Much of this criticism relates to feminist perceptions of police treatment of the victim. Three elements in this view are that police identify with the male perpetrator, they make moral judgements about the female victim, and treat domestic violence as a private affair (Edwards 1989; Hatty 1988; McKinley 1991; Samyia-Coorey 1987; Stewart 1990; Sutton and Hatty 1988; Woman's National Commission 1985). These criticisms stem from a belief that we live in a patriarchal society where women are regarded as the property of men, and where the police force, because it is dominated by men, has an organisational culture that is founded in the patriarchal framework (Hatty 1988). However, these stereotypes ignore the role of police experience of the outside world in the structuring of the police world view. The feminists present a view of police culture that does not take into account the world of police work. In this section I shall look more closely at how the police construct the victim when they attend cases of domestic violence. I shall do this in order to question feminist assumptions about police cultural views on domestic violence. I begin by looking at disordered sexuality as this is one area where the police may be making moral judgements about the behaviour of women.

One expression of disordered sexuality that the police encounter is individuals who show a lack of constraint in how they manage their bodies. One example of this is adult nakedness. I have already cited the example of a woman who the police told me always stripped naked and ran down the street when she was drunk and of another woman who the police arrested while she was naked. In the case of the woman who always stripped when she was drunk the police observed that she was not a pretty sight when she was naked. This observation, like others about women who display a lack of control over their bodies, is a statement about her moral behaviour. In the same way the police commented about the behaviour of Coral of Case Study 24 and her uncontrolled sexuality. Taken in isolation these cases would appear to support the feminist view that the police make moral judgements about women.

This simple view becomes more complex when one considers the total range of cases that relate to sexual disorder in the lives of those with whom the police deal. A good example is a case involving a woodcutter, whom I shall call Harry. The police officer involved had been called to the domestic dispute several times. It involved a woman, Lindy, who had recently moved to live with the woodcutter. The policeman got a call late at night and took Lindy, her children and her mother out of Harry's house. It was agreed that Lindy could return to collect her belongings as long as she did not bring her ex-boyfriend with her. This was done under police supervision. When they arrived, Harry had his ex-girlfriend staying with him and this caused a great deal of tension. A week later Lindy moved back in with Harry. Once again the police officer went to the house after a row. This time he found out that Lindy had told Harry she was pregnant by him and they had gone to the pub to celebrate. While they were there

Harry accused Lindy of looking at all the other men. When they got home Lindy told Harry that she had lost the baby two days before. In this instance the policeman felt Harry was the one who displayed a disordered sexual life because his ex-girlfriend was present when Lindy returned to collect her belongings. By comparison, the officer saw Lindy as being a flirt. Here the officer made moral judgements about both parties in the dispute.

In another case which I have already mentioned, where a husband and wife shared their bed with a male boarder, the attending police officer said it did not worry him when the male boarder told him about their arrangement. He told the boarder their sex life was none of his business and he was not there to moralise about people's lives. He was there to deal with the immediate problem which was the missing husband. While the officer considered the situation bizarre he did not moralise about the behaviour of any one individual involved in the case.

In a third case the police went to a house where a man and woman were fighting. The man was returning one of their children to his ex-wife after an access visit. The police found out they had been separated for some time. The man had moved in with the woman's best friend about five months before, but kept returning to her for short periods of time. In this case it was the man who was perceived as being sexually disordered. I came across several cases where a man had lived with, or was living with, two different women, and in each instance the police viewed the man as being the individual who displayed an untidy sexual and personal life. These examples suggest that the police react on a case by case basis to the sexual behaviour of individuals, rather than making moral judgements on the basis of gender. The individual in a relationship who is most likely to have moral judgements made about them is the individual who flaunts their sexuality and shows no control.

The closer study of police attitudes to the sexual behaviour of those they deal with in cases of domestic violence suggests there is no preconceived assumption made about gender roles and the licentiousness of women. Police experience relies rather on the specific circumstances that the police confront in each case they attend. Let me now present further evidence to support this.

One of the stereotypes presented of policing domestic violence is that the police view women as the property of men. If the police worked on the basis of this patriarchal model, then this would deny their own experiences of domestic violence. They may be called to cases of the reverse nature where a woman treats a man as if he was her personal property, as the next Case shows.

CASE STUDY 25: The Broken Flower Pots

Just before midnight there was an anonymous call to the radio room about a disturbance at some flats. No more information was provided and the attending officers did not know what they would encounter.

When we arrived at the flat, and knocked at the door, everything was quiet. A man opened the door, looking slightly dishevelled with his tie undone and his clothing in a mess. He was well dressed, in a white shirt and tie and good trousers, but was not wearing shoes. Wayne and Victor, the two officers, were polite to him. Samuel, the man who came to the door, saw the police and said everything was all right and wanted to know who had rung the police. He spoke politely and clearly did not want the police to stay.

The police could see through the door into the passageway where there were things strewn across the floor. They asked if they could see his wife and he agreed to let them into the flat. When we went into the flat we could see it was in a mess. There was clothing thrown all over the floor and in the lounge room the pot plants had been tipped over. There was soil over the carpet from the broken flower pots. Shoes were thrown across the lounge floor and there were pills all over the kitchen floor. It was obvious that someone had thrown things around in a rage.

The flat also looked half lived in. It felt more like a hotel room being stayed in for several weeks than a home, although the pot plants showed there had been some attempt to make it homely.

The woman, whom I shall call Dianne, was sitting on a sofa in the lounge, with her face in her hands facing away from the police. They asked to see her face and she turned around. Both Dianne and Samuel were well dressed and it turned out they had been to a wedding that afternoon. Dianne was hyper-ventilating and kept saying she was sorry to have got us out, saying, over and over again, "I'm so sorry." This seemed to be the only thing Dianne could say.

Wayne asked Diane if she wanted to contact anyone or to stay with anyone else that night. She asked Wayne to give her a number for a therapist because she thought she should see one. Victor asked Samuel if he could talk to him outside. They went outside and Wayne got Dianne to drink a mouthful of water. Dianne told Wayne she had been in therapy before and Samuel and other friends said she did not really need it. However after this evening, she thought she needed it. Dianne continually repeated that she was sorry to have involved the police. She was also embarrassed that the neighbours had heard, and concerned that Samuel's standing in the community would be affected by her behaviour. When Dianne did not want to leave the flat and appeared unhurt, Wayne gave her his phone number and both officers' names.

Victor returned to the lounge with Samuel and said he thought we could leave. When we left Victor told us what Samuel had told him while they were outside. Dianne and Samuel are living in a *de facto* relationship. Earlier that day they had gone to her sister's wedding. He said Dianne gets very jealous if he talks to other women. He had talked to one of her sisters at the wedding and commented to her, "You know what will happen now."

The sister said he was exaggerating, but Dianne had thrown a cadenza in front of the wedding party because Samuel had been talking to her sister. He decided to leave the wedding and took a taxi back to the flat. But Dianne got there before him, having obtained a lift from someone at the wedding. Dianne went into a rage and threw things around the flat, yelled at him, and hit him. He was very embarrassed telling Victor about it and said he would probably pack up and leave Dianne.

When we had first arrived at the flat the police officers had directed their conversation at Dianne, assuming she was the victim: Samuel may as well not have been present. It was Dianne's welfare that concerned the police and it was only when Victor took Samuel outside that it became clear it was Dianne who had hit Samuel, and not the other way around.

This case shows that the police may see the female as the victim when she is in fact the perpetrator. This does not suggest that the police are making negative moral judgements about the behaviour of the woman. In this case, because it is the woman the police show concern over, the moral judgement they make is that the man is guilty, but this turns out to be wrong.

In the above case it is not possible to see the woman as being the property of the man. The behaviour of the woman, and her jealousy, clearly shows that she views the man as being her property and as hers to control. It is Dianne who attacks Samuel, not the

other way around. When this occurs, regardless of gender, the aggressor is the one who perceives the other person as being their property. In the police experience, women attacking men is not as unusual as the statistics suggest. Several cases occurred while I was with the police where a woman attacked a man, or the new lover of a man. One example I have involved a woman who started hassling her ex-boyfriend whenever he went out with a new girlfriend. She did this so often that the police recommended he take out a restraint order. When he did take out a restraint order it did stop the intimidation. In another example a woman would walk past the house of her estranged husband and yell abusive language at him. The police attended the scene several times before he took out a restraint order and the situation was resolved. In another case an officer told me about what happened after a police officer had helped a woman take out a restraint order against her violent boyfriend. He said it created real problems because the woman became fixated on the officer and would call him at the police station whenever he was on shift. This went on for several months, until he was transferred to another area, much to the embarrassment of the officer. In all these cases it is a woman who is treating a man as if he were her property and therefore it is the woman who is acting as if she has the power to control the man.²

These examples show that the police encounter cases where women treat men as their property. No single preconceived view of a relationship between a man and a woman can therefore be used by the police in their handling of domestic violence. If police deploy stereotypes in assigning adult participants to the category of victim they may find they are wrong, as in the above Case Study. Whilst the feminist view presents society as having a monolithic view of gender relationships this does not accord with the police experience. It is the unpredictability and uncertainty of these cases that make experienced police officers treat each job on an individual basis. The habitual experience of the police, and the stories they tell, do not accord with an ordered and predictable world of domestic violence.

The police experience of domestic violence is too broad to enable them to maintain the simplistic stereotypes the feminists impute to them. While individual cases, taken out of context or in isolation, may appear to conform to the feminist view of police cultural attitudes, using these cases to generalise about the police results in a model of police stereotypes which does not adequately describe the thought world of the uniformed police.

The only classificatory connection the police make in the case of domestic violence arises from their experience of disorder and the apparent inability of victims to take control of their lives. The police encourage those involved to take control of their lives. I have already cited the example of one officer who regularly told people at domestics that he and his wife could not call on the police to sort out their problems for them. He said that they resolved them between themselves. He suggested that this was the responsible way for the participants to deal with their differences. On a number of occasions I heard officers suggest to the victim that things could not continue as they were. This would often be followed by asking victims what they were going to do with the rest of their lives. On one occasion an officer even suggested to the victim, when she was reluctant to act against her husband, that the next time the police returned they may be taking her away in a body bag (Case Study 20). In these

² Note that in these cases service providers would argue that the key difference is that the man does not live in fear of the aggressive behaviour displayed by the woman. This does not negate my point that the women are treating the men as though they were their property.

cases the police are suggesting to the victims that they need to take control of their lives. For the police, making these suggestions to the victim is a way of encouraging a transformative process. If the victims change their behaviour then they will no longer act in an irresponsible or disorderly fashion. This, in turn, will result in a positive outcome for the police because they will no longer get called to the residence of the protagonists.

The disordered nature of the situations and relationships that the police encounter in domestics does, however, allow the police to identify a group of people they can categorise as the 'real' victims. The only individuals at domestics who are in no position to take control over their lives are the children. Consequently, it is the children whom the police label as the real victims. The following Case Study illustrates this point.

CASE STUDY 26: Dropping the Baby

A call came from the radio room to attend the home of Tricia Cameron because there was a domestic going on. The Pittsburgh police who attended were Doug and Trent. Tricia had rung to say Fred Smart was bashing her up. When we arrived at the house at 10.30pm Fred Smart was standing outside on the steps at the back of the house. He greeted the police amicably and told us they were having a party for his 21st Birthday. Doug wished him a happy birthday when he realised it was his 21st. Fred asked if Tricia rang the police and Doug said yes.

We went into the house with Fred. Tricia was there, so drunk she could hardly stand. At one point she tried to pick a towel up off the floor and it took her several attempts to focus on it before she could grab it. Fred was also very drunk but not quite as drunk as Tricia. The 'party', which was taking place in the kitchen, consisted of Fred's sister, Pam, who was less drunk, and Tricia's three children. All three children looked very tired. One of these was a boy of about 10 years of age with a broken leg. He was resting his hurt leg on a chair and lying inside a sleeping bag, watching what was going on. The eldest child, of about 12 years of age, was nursing the baby of the family, who was about 18 months old. The baby was obviously very tired and whimpered during the proceedings.

Doug asked what was happening and Tricia drunkenly told him Fred had hit her and pushed her. Pam said she could support this statement because she had been a witness. We found out the argument appeared to have started when Tricia accused Fred of sleeping with Tricia's sister. Fred made no protest about having hit Tricia and told Doug he would collect some of his things and get Doug to take him to his father's place for the night. Fred spent most of the rest of the time we were there, walking in and out of the kitchen, looking for a bag to put some belongings in.

Tricia's attention shifted away from the domestic and she began to ramble on about leaving the children at home by themselves, which she said she had done in the past. Her main concern was to find out at what age it was legal to leave a child in charge of other children. She thought it was 12 years of age and said she often left her 12 year old looking after the younger ones. The police officers told her it was 16.

Tricia's thoughts were very disjointed. At one point she said that Doug was a good policeman. Early on Doug told her that he knew what her problem was. She asked him what he meant by this and he said the drink was her problem. Tricia agreed with him. He then asked why she did not do something about it, but Tricia said she could not. Doug suggested she could try Alcoholics Anonymous. Tricia avoided what he was saying by returning to the topic of how old a child could be legally left in charge of other children.

While we all stood in the kitchen the phone, which was on the kitchen wall, rang. This turned out to be Noel, one of the Smart brothers. Pam talked to him and said it

was very busy at the house because the police were there. She spoke to Noel as if she were giving a commentary or blow by blow account of what was going on between Tricia, Fred and the police. During this time Fred reappeared in the kitchen and swore about Noel. Pam relayed this to Noel over the phone who then said he wanted an apology. By this stage things were getting complicated and Doug suggested Pam hang up and ring Noel back the next day. When she did not do this Doug took the phone from her and spoke to Noel himself. He told Noel he wanted to sort out things at the house, said good bye to him, and put the phone back on the hook. Before we left, Fred tried to ring Noel back to apologise to him.

Pam adopted the role of commentator during the course of events and seemed to be loving every minute of it. She interpreted the events of the night, supporting either Tricia or Fred, as matters were discussed.

Fred came back in the room 'ready' to go (he did not have a packed bag). The youngest son started crying and Fred lifted him up off the lap of the eldest son and gave him a hug (he had earlier talked of taking this child with him). Trevor said to the baby that Dad would be back the next morning and for him to have a kiss and a cuddle. The eldest son left the room looking for a bag for his father and the youngest son waddled over into the arms of his mother when Fred put him down. Tricia picked him up and held him in her arms. Fred went out of the room again, still looking for a bag.

Shortly after this the youngest child started slipping from Tricia's arms. She seemed unaware of what was happening and the baby fell on the floor, hitting its head, with a great thump. Everybody's attention turned to the baby who immediately started screaming. When this happened Doug said he would take the child away to the Child Protection Unit (CPU) if it happened again. Tricia had earlier bragged that Fred would not take this son to his father's place because he cared too much for Tricia. Fred reappeared and heard Doug say he would take the child to the CPU. This shook Fred up and, after calming the baby down, he went over to Tricia and said, "What about it, shall we make it up?"

Tricia said she did not care, they could do so if they wanted. After some more cajoling by Fred Tricia finally said yes and Fred momentarily put his arm around her. Trevor, the other police officer present, who had remained silent throughout most of this, suggested Tricia get the youngest child to bed and they all sleep it off. As the situation appeared to have resolved itself, the police decided it was time to leave.

This case shows that when police attend domestics they are often confronted with a situation where the activities of the adults impact on the children. The children may be the innocent parties in the domestic. The police recognise that the children may call the police for help, but they also recognise the children cannot leave the violent relationship. It is the inability of children to avoid the violence that leads the police to label them as the real victims. The reaction of the police to a parent who shows concern for the children clearly illustrates this. In a domestic I attended the argument started when a woman's husband wanted her to get him some beer. She refused to do this and told him she only had enough money for food for the children: she thought the children should come first. Her husband hit her when she told him this. The police agreed with her when she asked if they thought the needs of her children should take priority. In another case a police officer told a woman as we drove her home after a domestic, that the only victim in the situation was her son who had been present during the fight. The officer commented that if the child grew up seeing violence all the time then he would think it was normal and be violent himself.

Often, when the police ask female victims what they want to do, the women respond by saying their major concern is for the children. In these cases the welfare of the

children affects the options available to a woman. For example, a woman may be unwilling to take out a restraint order against an estranged partner, or to charge him with assault, if he has one of their children. Some men deliberately abduct a child when they attack a woman knowing this will affect the woman's reaction. In these cases the woman may seek to delay laying charges until the child is safely back in her care. The children therefore become part of the negotiation process between the police, the victim, and the perpetrator.

6.4

Negotiating Categories

In the previous discussion I have treated the category of victim as though membership is self evident. I have assumed that police attending domestics have no difficulty in identifying the victim and the perpetrator. This is not the case. A large part of the police processing of interpersonal disputes involves negotiation over the honesty, reliability and status of those involved (Kemp, Norris and Fielding 1992). The police are obliged to listen to the stories presented by all involved parties and then have to assess where the 'truth' lies. This process has been illustrated in earlier Case Studies, such as the neighbourhood dispute discussed in Chapter 2 (Case Study 6). As with any police case, social work jobs require the police to apportion some degree of blame. Unless the police can distinguish between guilty and innocent parties they have no case. Because interpersonal disputes are so complex it is often difficult to separate the roles of those involved and this provides room for negotiation between the police and the participants. Negotiation of the status of those involved in a case can both alter through time and also be seen in a different light by different officers.

CASE STUDY 27: Shifting Ground

The night's breach of a restraint order began with a telephone call to Buffalo police station from Karen, the woman concerned. Karen talked to Trent, the police officer on duty and told him about the breach. He listened sympathetically and suggested she should treat the breach of the restraint order seriously and allow the police to take a statement so they could arrest Gary, her ex-boyfriend. She agreed. Karen lived in a different area to where Gary lived and so Trent rang the radio room to get someone from Cleveland Police Station to take a statement from Karen.

After the phone call to the radio room Trent waited for the statement to arrive at Buffalo police station before going to collect Gary. During this time Trent checked Gary's record on the computer. He had a range of offences, including assaulting police, a variety of traffic offences and a breach of a restraint order some years before.

When Karen's statement arrived 30 minutes later the traffic policeman, who had taken it said the radio room gave him the message to get a statement for the issuing of a restraint order, not a breach. Karen did not tell him otherwise and so he thought that it should be brief, with little detail. Trent and he discussed the matter and decided there should be more detail on the statement, and the traffic policeman would return to Karen's place. In the mean time the Buffalo police would go and arrest Gary. The traffic policeman said he would get it back to the Buffalo police before the case went to court later that day.

Before he left the traffic policeman also told Trent that Karen had told him Gary was violent and had attacked a police woman a few weeks before. The new shift of officers arrived and Trent told them he would like them to come with him when he went to arrest Gary because he was known to be violent. Trent was working with Clary and two other officers joined them. Herbert, from CIB, was also in his office and said he would come too.

We set off to collect Gary from the house. When we got there Gary was not there. The police spoke to the man and woman at the house where he was staying and Trent said he wanted them to let him know when Gary returned as he wanted this matter sorted out as soon as possible. When Trent returned to the car he speculated with one of the other officers, Clary, as to whether Gary was hiding in the house.

We got back to the station. While everybody was sitting around wondering what to do next, Gary rang Trent. Gary was angry and denied breaching a restraint order. Trent spent most of his time saying he was not an adjudicator and all he was doing was following up an accusation made against Gary. Gary was aggressive, while Trent was firm. Trent asked if he could see Gary to explain matters better, rather than discuss them over the telephone. Gary agreed to let him do this.

We headed back to the house and took a van with us in case Gary was violent. After the police talked to Gary (I did not see this because the police were concerned about my welfare in a potentially violent situation) he came quietly and without handcuffs. As he approached the car he asked me where he should sit. Trent came up and told Gary to sit in the back of the car with another officer, while I returned to the police station with Herbert, the CIB officer.

Herbert told me what had happened in the house. He said it could have got nasty. When I asked him what he meant he said it would have been nasty if it had not been handled properly. Herbert said Gary was annoyed when the police first arrived. Gary told the police that since Karen took out the restraint order he had been to the pictures with her the previous week and they had made love several times. Gary only agreed to come with the police because he could make a statement and the case could be put before a court the same evening. This meant he would not have to spend the night in the cells and would not miss work the following day. Herbert was obviously swayed by Gary's story and implied he would not have arrested Gary himself, under normal circumstances, but added, "I would not take any chances now."

Herbert meant by this that the police are responsible if they make a mistake. But Herbert felt what had happened between Karen and Gary was only a minor breach of the restraint order (i.e. a telephone call). He added that Gary told them Karen had rung him several times and left messages for him since she took out the restraint order.

We went back to the station where the officers took a statement from Gary because he was pleading not guilty. When Trent had got Gary's statement he commented it was a much better statement than Karen's, forgetting she had made a statement for something that was not being taken to the court: the issuing of a restraint order, rather than the breach of a restraint order.

This case occurred on a Sunday night and Trent became agitated at the possibility it would not go to court that night because he had promised Gary the case would be heard immediately. After compiling the file the officers rang the lock-up to say they were bringing in a prisoner and the case was to go to court the same night. When we got to the lock-up the officers took Gary into the watch house, took his belongings from him, formally charged him, and put him in a cell. While the officers awaited the convening of the court, the traffic policeman from Cleveland arrived at the lock-up with Karen's statement. He said he had been unable to get in touch with her to amend it.

Proceedings in the court took about five minutes, while preparing the file had taken several hours. When we went back to the lock-up Gary commented to Trent that the court was a farce. He said it was ridiculous for the police to spend so long doing all the paperwork for only a few minutes in the court.

We went back to the lock-up and Gary sat in the interview room while he awaited the bail form. Trent sat with him while Clary stood outside the interview room.

Trent told Gary what he should do regarding the court case because he was pleading not guilty. Trent advised him to see a solicitor. When the bail statement arrived we left and took Gary back home.

Two things happened in the car on our way back. (There had been total silence as we had gone into the court.) The first thing was that Gary said Karen had told him she did not want to take out a restraint order, but the police had insisted she do so. Gary dropped the subject when Trent and Clary seemed disinterested. Gary then asked Trent about legal aid. Trent told him that if Trent was Gary he would get himself down to legal aid first thing Monday morning and Gary should explain his situation to them. When we arrived where Gary was staying Trent told Gary that if he were Gary he would stay away from Karen. Gary said he had every intention of doing so.

On the way back to the station I was able to discuss the case briefly with Trent and Clary. It was clear that Trent had changed his mind and was now on the side of Gary. I asked Trent what had made it flare up, if Gary and Karen had been seeing each other since the restraint order was issued. Trent told me on this occasion Gary rang Karen saying he wanted to pick up his weights and some other personal possessions from her house. Trent felt this was the reason Karen contacted the police. When Trent asked Clary for his opinion Clary did not see it as a clear-cut case of Gary being the victim. Clary said he thought Gary could be violent when he had been drinking and he was convinced he had been drinking earlier in the day because he had been intent on drinking his coffee when the police arrived at the house. Clary saw this as an attempt by Gary to sober up and hide the fact he had been drinking. Clary said Gary obviously had a violent temper and there was no reason to doubt that he had made threats to Karen over the phone. He was less concerned than Trent or Herbert about the possibility of Karen having aided and abetted in breaching the restraint order earlier in the week.

Trent then changed the subject and said it was all a waste of time because this was a minor breach of a restraint order and would get thrown out of court anyway. In response to this I suggested to Trent that we take a hypothetical situation. I said that if it was a case like tonight's case and it did get thrown out of court but it stopped Gary from further hassling Karen how would he feel. I asked whether in this case he would see it as a success. Trent said he would.

Three different views are expressed by the officers concerned in this case regarding who is the victim: Herbert sees Gary as the victim, Clary sees Karen as the victim and Trent changes his attitude through time. Trent's sympathy initially lies with Karen, not Gary. But when he meets Gary and Gary presents his side of the story, Trent sees Gary as being manipulated by Karen and thus as being the victim. Gary also produces a better statement for the courts than Karen which affects Trent's impression of who is guilty and who is innocent. Clary, on the other hand, believes throughout the proceedings that Gary is not necessarily the victim and explains why. His analysis hinges on whether Gary is telling the police the truth. Clary can point to apparently devious behaviour on the part of Gary as evidence that this may not be the case. Thus, attention in the negotiations focuses on which party the officers believe is telling the truth. If people are honest, or appear to be honest, then they are more likely to be treated as the innocent victims of a dispute. Police often commented after attending a domestic on the apparent honest response of one of the participants. In one case where an officer suggested to the woman that the man was never going to change his behaviour she replied by saying she always hoped he would. When we left the house he commented to his fellow officer that her honesty had impressed him. This left the officer in no doubt about what the woman would do. Her honesty meant she was unlikely to change her mind at a later date and so adversely affect the police

proceedings regarding the case. Apparent honesty on the part of the participants therefore helps the police make decisions about how to proceed with a case.

The above case illustrates how the categories of 'victim' and 'perpetrator' are potentially negotiable. The basis upon which the negotiation takes place varies from case to case.

CASE STUDY 28: Sucking Lollies

We went to a house in Little Rock where three police officers attended: Dan, Paul and Aidan. The disturbance involved Marlene and her *de facto*, John. Marlene's mother was also present. Marlene had rung the police from a public telephone because John had pulled out the telephone connection when she tried to make the phone call. When we arrived Marlene, was drunk but still articulate. She was outside in the garden waiting for the police. Her mother, Dorothy, was standing on the porch.

John had hit Marlene twice that night, once on either cheek. Paul looked at her face to check for bruising. While he was doing this Marlene told the police what had happened the previous night. She said John had threatened to shoot her. She had tried to ring Dorothy but he had pulled the plug out of the phone. Following these events Marlene had gone to pick up Dorothy from Buffalo to come and stay for the weekend.

Dan, the officer who took control, tried to ascertain how Marlene had been hit (i.e. with a fist or an open hand). Dan said Marlene's state did not help matters. She asked what he meant and he said it was a pity that she was drunk. She said she had been drinking but she was not drunk. Dan decided a restraint order should be taken out and an assault charge laid. The officers discussed whether a statement should be got from Dorothy but they decided this was not necessary.

While we were standing outside Marlene told us John has a drink problem. She had got him to go to a doctor for a check up in the morning and the doctor knew all about her problems and would confirm her story. She said John was schizophrenic and had beaten up other women. He was married twice before and one of the wives got shot in the leg and had it amputated at the knee. She was not sure whether the woman had shot herself or whether he had. She said the Annapolis police knew all about him and could tell the officers what he was like. While we talked outside there was no sign of John who was sitting drinking beer in front of the television.

Dan asked Marlene what she wanted to do after he chatted with Paul about procedure. She said she wanted the police to help her. Dan said this was what they were there to do, and asked if she wanted John taken away, to which she replied she did. Dan told her the police would do the right thing by her, but she must also do the right thing by them. He said she must not change her mind on Monday and take John back. She said she would not do that. The police said they were going into the lounge to get John. They asked before entering the house if he was armed and if John had a gun. Marlene said he owned a gun but she had not seen it in the house. She did not know where he kept it.

As the police entered the house they suggested I stay on the porch with Marlene and her mother. Marlene said she did not want to see John again and they said she did not need to. While Marlene stood on the porch she asked Dorothy if she had done the right thing and started to have doubts about charging John with assault. Dorothy did not say anything but just nodded her head in the affirmative. No one had mentioned the DVCS and I said Marlene could always talk to them after we left. Marlene remembered that she knew Nancy, one of the DVCS workers, and she could ring her.

John appeared in the passageway as he went to collect some belongings to take to the cells. When this happened Marlene returned to the lounge room with Dorothy. The three police officers were standing in the lounge sucking lolly pops that John had given them while they talked to him. John walked around the house getting things and was looking for his keys. He told Marlene not to touch any of his things while he was away and asked her where his keys were. She said she did not know and he could not do anything with them because the car had a defect sticker. John and Marlene spoke aggressively to each other, with Marlene being more aggressive than John. John sarcastically thanked her for being so nice to him and then left with Dan and Paul. John went quietly and was taken to the cells unhandcuffed.

When we entered the lounge there was a broken ornament on the floor which Marlene had broken. She said she had broken it because she had bought it for them a couple of weeks before but it did not matter any more for them to have shared things and so she broke it. The police were not impressed by this.

As the police went outside with John, Dan told Aidan to stay behind and get a statement from Marlene. Before Aidan started on the statement Marlene told him she wanted to talk to the crisis people. Aidan rang the DVCS for her. Nancy, the woman Marlene knew at the DVCS, was on duty. Marlene cajoled Nancy into spending the night with her so she could take Marlene to court the next day. Nancy agreed to come and arrived twenty minutes later. While Aidan was taking the statement Nancy spent time calming Marlene down and said, as Marlene thought of all the potential problems, that they could be sorted out later. Nancy told Marlene the main thing was to concentrate on the statement.

From the statement Marlene made we learnt what had happened that night. John had a bath and went to bed. One of John's friends rang, who Marlene described as "a crook". Marlene answered the call and the friend called her a slut. She was very upset and got John out of bed to tell his friend not to call her a slut. She said John and his friend are as "thick as thieves" and John gave his friend her pension money (\$200) to use as bail money. She said he had several charges against him, but did not specify what these charges were.

Marlene made these comments while Aidan took the statement. Marlene then started to worry because the crook's name was mentioned in the statement. She thought he may come to get her. Aidan assured her this would not happen because it said nothing about his criminal activities and just said he had been on the phone.

Marlene said that when John came off the phone he had "gone tropo". Aidan tried to ascertain what triggered John's behaviour but both Marlene and Dorothy said it was unprovoked. He hit Marlene and threatened to throw her new blockbuster, bought for her by Dorothy, through the television. She then tried to ring the police. John pulled the phone connection out of the wall. Marlene found some change and went to the public telephone.

When we got back to the station Dan and Paul had already returned from the cells. They said there was a restraint order out for John against another woman and there was a joke about which of his wives it was. Dan looked at Marlene's statement and said she had not specified what she wanted on the restraint order. As Dan filled out the application he said they were only going for Order 6 - not damaging property or person and there would be no distance order because, "It is his house, he pays the rent".

It turned out that on the way to the cells John had told the police he paid the rent on the house. John had at no time behaved aggressively towards the police and it seemed he had given them a sob story on their trip into the city. John told the police he and Marlene had been together for several years, while Marlene told Aidan they had lived in a *de facto* relationship for only the last six months. Dan commented that the police had done more than Marlene could expect (because she had been drunk) and if she did not want to live in the same house as John she should leave.

Dan added he had got the impression she would do this anyway. Aidan looked at the form and picked up on the section about possessing firearms. He said John was believed to possess a firearm so Dan decided to add in Order 9 - must deliver any gun in his or her possession to a police station or a police officer - as a final gesture towards Marlene. When Dan finished the paperwork he commented he thought they had done a good job on this case and was pleased with the outcome.

In this case John is able to negotiate a sympathetic response from the police for his position. The first factor that affects this process is his handing of lollies to the officers while they are in the house with him. He also shows no signs of aggressive behaviour towards the police, although he and Marlene are aggressive towards each other in the presence of the police. The acceptance by the police officers of the lollies John offers represents the acceptance by the police of a gift from John. To accept a gift from someone automatically places the receiver in a debt relationship with the giver. As a consequence, the receiver is expected to reciprocate in some way (Bourdieu 1977; Mauss 1966). While this is not problematic in a normal relationship, the situation is more complex when it involves the police. The police are in a position of authority where they are expected to evaluate information objectively, and the creation of a debt relationship undermines the impartiality of the police.

In my experience the police rarely accept gifts. For example, I found most suburban police officers would not even accept a cup of coffee from people when they attended a house to investigate a crime. The rejection of gifts is a public sign of police impartiality. When a figure of authority accepts a gift from someone being investigated this impartial position is lost: it implies that the police will in some way reciprocate the gift and will therefore help the giver. The expectation of reciprocity resulting from the transaction can therefore form the basis for bribery. In the above case the lollies are a symbolic indicator that the police officers will help John.

While the giving and receiving of gifts is one way of influencing the negotiations about the status of the parties in a domestic, people infrequently use this technique. It is a potentially dangerous strategy because the police may recognise that one party is trying to manipulate them by creating a debt relationship where repayment is required. The police may react negatively to this attempted manipulation by assuming that the gift giver has something to hide.

A more common approach is for the parties at a domestic to negotiate their status by trying to make the police sympathetic towards their plight. The process of negotiating status - victim, perpetrator and context - is complex. Here the people involved in the domestic appeal to the police for sympathy and the police evaluate the information given in terms of their categorisation of people and the social order. Domestic incidents occur because the parties involved are incapable of negotiating their personal relationships. Once the police are called in to resolve the dispute, the domestic has moved into a new domain where judgements are made by outsiders. As the police listen to the accounts of the people involved in the dispute, they appear to use an implicit model of scumbags to assess who is the victim (Chapter 2, section 2.4). They therefore tend to isolate the most disorderly party as the likely perpetrator. Perceptions that one party is dishonest, manipulative or disorderly result in the police labelling that party as the perpetrator.

The police calculus may also include concepts of property, a concept central to the definition of crooks. For example, in the case of John and Marlene in Case Study 28 it is John who pays the rent on the property. One of the officers sees this as sufficient grounds for allowing John access to the house he and Marlene share. John's paying of

the rent also suggests financially responsible behaviour. Likewise, some police are reluctant to remove a man from a house if he is paying the mortgage, and prefer to remove the woman and her children. In one case I attended, the attitude of the police changed when they realised the female victim rented the house and not the male perpetrator. Their attentions then shifted to getting the man out and not the woman. Here it is not the idea of "the home being a man's castle" that affects police reactions: the negotiation regarding property is not gender based but dependent upon perceived ownership. Here what matters is whether the person who is economically responsible for the property will be excluded from access to their possession. Removing the individual who pays the rent or the mortgage from a house could be classed as a form of dispossession or "theft", similar to the behaviour of crooks. Police are therefore often reluctant to remove the 'bread-winner', regardless of whether that person is the perpetrator or victim in a domestic.

The attitude of those involved in a domestic is also part of the negotiating process. Individuals who are aggressive will be labelled as scumbags by the police. I attended one case involving an ex-soldier. He denied any wrong-doing, refused to do what the police officer asked, and was aggressive. As a consequence, the police ignored him as they drove him into the lock-up and he had no opportunity to negotiate over his position. Crucial to any form of negotiation is keeping the avenues of communication open. Aggressive behaviour labels a person as a scumbag and means that the police are unlikely to listen.

Individuals moaning or whinging about their position also produce a negative reaction from the police (cf. Mr. Jenkins in Case Study 6). Police react in this way because protesting and assuming the role of being the downtrodden underdog are characteristic patterns of behaviour associated with scumbags. This behaviour suggests weakness and indecisiveness. It involves an appeal to others to take control, suggesting a lack of discipline. Moaning and whinging can be assumed by either the perpetrator or the victim, or both. In more than one case I attended with the police both the husband and wife were verbally abusing each other and had attacked each other. In these cases the police viewed both parties as being a problem because they both displayed disordered behaviour and an inability to negotiate. On one occasion involving verbal abuse the attending officer responded by saying he would arrest both parties for a breach of the peace if they did not quieten down.

Negotiation is not a process confined to the police's dealings with the male or the perpetrator, as is often assumed. The central feature of successful negotiation is the ability of a person to appeal to the police's moral judgement and sense of order. This is not dependent on gender or position (i.e. whether perpetrator or victim). In the case of the woman who used the need to provide food for her children as a reason for refusing her husband's demands for money, she demonstrated to the police that she was a 'good' mother and a responsible member of society, while her husband was seen as the disorderly, irresponsible party. Here the woman gained the sympathy of the police because her behaviour was responsible. Consequently she was labelled as the victim.

It is not only perpetrators who negotiate a position for themselves. Sometimes a victim will negotiate on behalf of the perpetrator. Victims may also bargain with the police. The following case illustrates this point.

CASE STUDY 29: The Case of the Frozen Chicken

My first domestic in Chicago was one the radio room directed us to where a woman, Marj Sullivan, had phoned to say her partner, Percy Evans, had assaulted her with a frozen chicken. The attending police officers were Kevin and Julian.

When we arrived at the house and knocked on the front door, Percy answered it. He was in his underpants and a dressing gown. The officers asked if they could see Marj and Percy told them she was in the bedroom before returning to the lounge room to watch television. Julian went into the lounge to talk to Percy while Kevin went into the bedroom to see Marj.

Marj was sitting up in bed, fully clothed. Her dog sat on one side of her and the telephone was on the other side. She had tears pouring down her face and blood coming from a cut lip. She made no attempt to clean the blood from her lip or brush away the tears. Marj was dressed in nice clothes. She told us she and Percy had been to the pub earlier in the evening where they had a substantial amount to drink.

Kevin said to Marj he thought it was about a year since Marj and Percy had their last domestic. Marj agreed. Kevin then asked her to tell him what had happened on this occasion.

Marj's story was very disjointed. It appeared they had been to the pub, even though Percy recently left hospital after an operation and was told by the doctors he should not drink or smoke. When Marj and Percy returned from the pub Marj wanted to have another beer. Percy said she should not have any more. They argued and during the argument Percy said to Marj, "I'll throw the chicken at you." Marj replied that he could; and he did. The frozen chicken hit Marj, cut her upper lip and caused the bleeding.

Kevin took down some details about Marj while he was talking to her. She is 60 and has lived with Percy, on and off, for the last 12 years. Kevin asked her what she wanted to do. Marj said she did not know but things could not go on like this. She spoke through bursts of tears and only wiped them away when Kevin suggested it. Marj used her jumper to do this. Kevin suggested that the police take her somewhere safe for the night. Marj asked where she could go. Kevin said that was the least of her problems, and she should not worry about it because the police could arrange it. Marj was also concerned about her personal possessions if she left the house, and checked at one point to see if the dog was still sitting beside her.

Kevin pointed out the options open to Marj: have Percy charged with assault (but that if she did this he would be back again that night after they had charged him); take out a restraint order (so that he did not assault her); or get counselling.

Marj asked Kevin what he thought she should do. He said it was not right for her to be bashed and she should not put up with it. He did not suggest any particular option was preferable. Marj told Kevin that Percy is sick. She could not put him in jail because of his condition. Being in jail would be detrimental to his health. She added that the house was both her and his home.

Julian joined us in the bedroom. Kevin explained to Marj that he was now going to talk to Percy. While he was gone she should think about what she wanted to do.

As we left the bedroom Julian joined us briefly. He told Kevin that Percy admitted throwing the chicken at Marj. Kevin said the domestic had been going on for years. He also told us Marj would withdraw the assault charge if they took Percy away because she had always done this in the past. Julian returned to the bedroom and stayed with Marj while Kevin talked to Percy.

Kevin started by asking Percy if he could turn the television down (it was very loud) which he did. He then told Percy they should take him away but that they were not going to do this because Marj was concerned about his health. However, if the

police were called back to the house after more trouble then they would charge him. Percy was very grumpy and only half paid attention to Kevin. He continued to watch the television throughout the conversation. Finally, Percy said that there would be no more trouble.

We went back into the bedroom to speak to Marj. While we had been talking to Percy Julian had given Marj a STOP card. He had also said we would take her somewhere if she wanted to spend the night elsewhere. When we came back Marj said Percy would trash her belongings if she left the house because he had said he would do this. Kevin told Marj he would not charge Percy with assault because she did not want this. He said he had cautioned Percy and if there was any more trouble then she should ring them back and they would arrest Percy.

Kevin told Marj he was under an obligation to ring the DVCS and they would probably ring her later to talk about what had happened. He suggested it would be best if she stayed away from Percy for the night which Marj said she would do. Kevin said we were leaving and Marj asked for Julian's hand and held it for a moment. As we left the room she asked Julian to tuck her into bed which he did.

In this case Marj does not wish to charge Percy because of her concern for his health. In the end Marj decides to take none of the courses of action Kevin suggests, even though Percy has admitted to throwing the chicken. Marj and Percy remain in the house together. Marj negotiates with the police to keep Percy out of jail. Marj's concern for Percy's welfare is greater than for herself.

This case shows the dilemma that exists for the police in pursuing a pro-arrest policy. Here Marj does not want Percy arrested because of his poor health. She believes time spent in the cells will aggravate his health problems and she does not want this to happen. While Marj has clearly been assaulted, the injury is minor and Marj contributed to its happening: when Percy said he would throw the chicken at her she said he could. In a case like this the police are reluctant to go against the wishes of the victim because the victim will label the police as a cause of any subsequent problems. There are occasions when arrest exacerbates the violence and the police are aware of this possibility (Sherman 1993). They therefore face a difficult choice as to what course of action is most appropriate. This case shows that while the protocols outlining the role of the police attending domestics may be clear, the cases do not always fit neatly into the categories assigned to them.

One of the differences between the negotiating process for a perpetrator and a victim in cases of domestic violence lies in the role of time: negotiations by a perpetrator who has been arrested by the police is restricted to the period between the arrest and the initial hearing of the case in court; but a victim may negotiate with the police over several weeks. For the perpetrator the period is a short one but for the victim it can be very long, depending on when a case is heard. It is in the weeks following a charge being made that victims usually want the charges withdrawn. In one case I know a woman rang the police officer dealing with the case three weeks after the charges were laid and said she wished to withdraw them. The officer listened sympathetically and said he thought he should go and talk to her about it because her ex-boyfriend had severely beaten her up last time and she should not feel intimidated by him.

Bourdieu (1977: 6-8) argues that time is central to the strategy of negotiation. In the policing of domestic violence victims and perpetrators negotiate within different time frames. These differences often disadvantage the victim. They also provide the police with information that suggests victims are disorderly and indecisive like scumbags. With a perpetrator any change in attitude that affects the police handling of a case

occurs over a period of hours. Once this period is past there is no room for further manoeuvre by the perpetrator in dealing with the police. The police's relationship with a perpetrator is therefore brief and relatively well defined. On the other hand the victim can continue to oscillate over a decision until the final hearing in court which may be weeks or months after the event. In this period victims may directly contact the police to tell them of their doubts. Hesitant behaviour on the part of the victim can therefore be likened to the behaviour of scumbags: it suggests an inability to take control of one's life. Consequently time itself plays a part in police perceptions of domestic violence and of their views towards victims.

6.5

The Rural Policing of Domestic Violence

So far in this chapter I have focused on how different institutions have different definitions of domestic violence and how the status of victim and perpetrator are negotiated between the police and the parties involved. I have emphasised the role of police practice in the construction of meaning at the scene of domestic violence incidents. But this process depends, in part, on the policing style of the officers concerned.

In Chapters 4 and 5 I introduced the idea that the styles of rural and urban uniformed policing differ. This is a result of the way in which the two groups of police manage time and therefore relate to the communities where they work. I shall now examine how these different contexts affect the handling of domestic violence.

In Chapter 2 I discussed the role of surveillance in uniformed police practice. The distinct difference between surveillance in the rural and urban areas relates to the groups of people targeted for police attention: in the suburbs the police concentrate on the crooks while in the rural areas attention is directed at whoever may be a potential source of trouble for the police. Here it is the degree of surveillance that differs, with rural police watching a wider range of people and events than their suburban counterparts. There are two reasons for this: firstly there are fewer people who are of concern to the rural police; and second rural police work on the basis of trying to forestall the occurrence of uncontrollable situations, rather than attempting to contain them once they have happened.

One rural policeman used the different styles of surveillance between the urban and rural contexts to describe the differences in handling domestic violence. He said that in urban areas domestic violence was event based because the attending officers would often go to an incident and not have any prior knowledge, or sense of history, regarding the case. In the rural areas, he said, this was not the case. The police, because they are members of the community, usually know the people involved. They can relate to the protagonists and often have an understanding of the long-term relationship. This gives rural police a sense of continuity that is missing for the suburban police officer. The broad basis upon which rural police practise surveillance, and their personal involvement in community life, is therefore a potential source of knowledge regarding cases of domestic violence.

The effect of this difference means rural police are less likely to experience domestic violence in an episodic way: rather they are likely to see each 'incident' as part of a continuing process. Cases for rural police therefore tend to have a history: a pattern reminiscent of police knowledge of crooks. Evidence for this distinctive approach lies

in the comments of many rural police that domestics are protracted affairs. Some rural police believe domestics go on for years, just like neighbourhood disputes. Here the broader knowledge of a case gleaned outside police involvement contributes to the sense of the 'event' as process, rather than as incident.

Style of surveillance is not the only variation between rural and urban policing. The other major source of difference lies in the constraints placed on rural police as a result of working in isolation. Officers are often on duty alone. When this occurs back-up may not be available to an officer. Even when it is available it may take 30 minutes or more to arrive. In these cases officers have to assume they are working alone. This affects the way in which officers deal with their work, including cases of domestic violence.

CASE STUDY 30: Saved by the Baton and Back-up

I learnt about this case because Brett, the officer I was talking to, and I were discussing how urban police handle domestic violence. I told him the Cleveland police would only attend domestics in pairs because they considered them dangerous. This reminded Brett of a case he attended while he was at Baltimore as the relief officer.

Brett went to a house in Baltimore where the lights were on, and there was loud music blaring from the house. He knocked at the door and the lights went off. The house went quiet. After some more knocking, Tony, the husband, a huge man and a competitive wood cutter, came to the door and told Brett to get out. When Brett stood his ground Tony lunged at him with a piece of wood. Brett managed to get hold of his baton and hit Tony on the right arm. Tony was hurt but transferred the wood to his left hand and continued to lunge at Brett. Brett backed off, and when Tony next lunged for him Brett got him on the knees with his baton. Tony fell to the ground and before he had a chance to get up Bob appeared. Bob is the police officer from Honolulu which is about 20 minutes drive from Baltimore. Having got Tony under control Brett and Bob went into the house expecting to find Tony's wife badly injured. They found the house trashed but there was no sign of Tony's wife. Later they found out she had disappeared out the back door when Tony first became violent.

Brett commented that while domestics may not be any more dangerous than other situations, he liked to get the people involved out on the lawn so he could see where they all were. Then if anyone became violent he had plenty of space to respond. He said if the people were in the house then they could go into another room and he would not know what was happening. This was when matters could get out of control. Brett said he did not mind attending domestics alone as long as he could split the protagonists up. However, if more than two people were involved then he preferred to have back-up with him.

Brett described for me the way in which he likes to handle domestics in the rural areas. He believes it is important to keep track of those involved in order to reduce the level of danger. This means he can maintain control. In order to achieve this end he likes to get all the people outside where he can see them. In doing this, Brett is also shifting the domestic from the private to the public domain. This contrasts with the handling of domestic violence in the suburbs where police usually contain the event in the confines of the home (but cf. Case Study 20). Shifting the scene of a domestic from the private to the public domain alters the nature of the event. It transforms it into a public display that becomes a matter of public knowledge. Recognition of this by those involved may act as a deterrent to calling the police.

In addition, because back-up for police in the rural areas can arrive long after a situation has occurred, the police rely on the goodwill of the community in the policing of their areas (see Chapter 4). Without the support of the public rural police cannot be effective in their work. This requires rural police officers to involve themselves with the community. Rural police spend time socialising with the public: they talk to people, have cups of tea with them and often involve themselves in community affairs. These activities provide the officer with the opportunity to gain information and also mean the public establish personal relationships with the police. I have already commented that the social standing of rural officers and the reciprocal nature of the relationships they establish with the public have other consequences. Police, like doctors and ministers of religion, may become a source of advice for members of the community. In an environment where support facilities are almost totally non-existent, the police may be called upon to fulfil a number of roles apart from those which are clearly defined as real police work in the suburbs. One of the roles adopted by rural police can be in giving advice to people about their personal problems.

CASE STUDY 31: Seeking Advice

Edwin, a rural police officer, brought Basil, a sheep shearer, in to meet me. He asked Basil to tell me what he had told Edwin. Basil was a small man and talked in a slow rural drawl.

Basil said he had come to see Edwin because he did not know who else to talk to about the problems he was having with Sheila, his wife. They have three children of 7, 5 and 12 months and had been together for twelve years. He said Sheila was difficult every now and then but there was no pattern to her moods. She has been difficult again and Basil wanted to talk to Edwin to find out what he could do.

Basil said Sheila had been difficult to talk to for some time and would not even answer when he asked her how her day had been at work. In the last week she had also been calling him names. Basil described Sheila as acting strange, and he had told her that he loved her "and all that sort of thing", but she took no notice. Earlier in the day Basil brought home some cans of beer to drink after work. Sheila got angry and forced Basil to leave the house and go to his father's place. When Basil was asked if Sheila had ever been violent he said not until today, but he had been violent first. When she called him names he had kicked the washing machine and the wall and then she had hit him.

Basil said he could not talk to his father about it. Last time it happened he talked to the doctor, who is his friend, but Sheila found out and exploded. He said the doctor and Edwin were the only two people he could talk to. He had come to find out what would happen about the children because Sheila had refused to let him see them later in the day. He wanted to know if she could enforce this and was hoping Edwin could tell him about the legal situation.

Edwin suggested Basil keep away from Sheila for a week or two. Basil told us he was about to go away for four weeks shearing and they would see little of each other in that time. Edwin commented that Basil and Sheila had split up for three or four months once before. Basil said it had been his fault that time, but they had got together again and he thought things were going well until this happened.

Edwin told Basil he should give Sheila space, should let her know he cared for her, but not hassle her, and to let her work it out in her own time. He said no court would refuse Basil access to the children if they split up and he did not think Sheila would want that to happen anyway, because she was not a vindictive type. He added that Basil ought to start thinking about his own life. Basil said he guessed that if he did this then he would find out if Sheila really did want him back. Basil said it was not easy to give up things after twelve years together and when you still loved someone.

Edwin sympathised and said he knew how Basil felt because he had been through two relationships himself. Edwin told Basil the pain would eventually go away and that "there were other pebbles on the beach".

Edwin told Basil to keep away from the pub because he knew he had a temper. Basil said he felt sometimes as though he would do something to Sheila and Edwin told him this was not the way to approach it because then he would only create more trouble for himself. This would make it less likely for Basil to get access to the children if they went to court and got a divorce. Edwin added that if Basil needed to talk about it then he should come and see Edwin, rather than going and doing something rash.

Edwin commented on how sad events were because Basil and Sheila had just got their house nice. Basil said he did not want to upset the children and did not mind if Sheila stayed in the house with them. Edwin told me how sweet Basil's two daughters were. He said that at a recent police disco the eldest said she wanted to dance with the nice policeman, meaning Edwin.

Edwin said he had a plate of Sheila's from a social event they had attended and he wondered if he should not return it and try to find out what she was thinking. He suggested he could introduce the subject by saying that Basil had been to see him because he felt they had marital problems. Basil said if Edwin did this Sheila would be angry. Basil said he would like to know what was going on though, and Edwin said he might go around to the house later, but would not say he knew they had split up. He would hope she wanted to volunteer some information.

Edwin was also interested in what may have caused Basil's current problems with Sheila. Sheila had started working at the hospital and Edwin wondered whether this had widened her horizons. He added that if this were the case with three children she would find it hard to do other things because she would need to find someone to look after them while she worked. He wondered if someone was influencing Sheila to think there were better things than a country town could offer. But, he mused, her best friend was about to get married and seemed to be an unlikely source for Sheila's reactions. Basil said Sheila's mother, Gaylene had lived with lots of men over the years and seemed to have a lot of influence over her. (Edwin said later he thought Gaylene did not like Basil.) Basil said whenever there was any trouble Sheila got on to her mother and sisters and they gossiped and "plotted" together. Edwin could come to no conclusion as to what was causing the current trouble for Basil and finished by saying there was no understanding women.

After talking for about an hour Basil left the station, thanking Edwin for listening to him. He also promised to see Edwin if he was tempted to go and have it out with Sheila. Edwin said Basil had to keep the children in mind and to remember they would be aware of anything he did. He said children noticed things and it was not good for them to see adults being violent towards each other. He added that even the twelve month old baby would notice things.

When Basil left Edwin told me Basil and Sheila had sought help with their relationship in the past. Basil arranged to go to a marriage counsellor but Sheila refused to attend. In the end Basil went by himself. I asked Edwin how often the police had someone come to talk about their domestic problems and he said not very often. He said when it did happen it could be either the man or the woman who sought advice, but it is more often the woman. He said the men are usually too concerned about what other people will say.

Basil approaches Edwin about his marital problems. Edwin knows both individuals involved. In the course of advising Basil about his legal situation, there is a broader discussion of the relationship. Here Edwin acts as a counsellor and advisor about matters outside police work, such as the probable outcome of a custody case and how Basil should behave in the near future. This case shows a greater personal involvement

on Edwin's part than would occur with suburban officers. The personal is a crucial part of rural policing, and rural officers can be asked for a broad range of advice by members of the public. The need for rural police to maintain good relationships with the public therefore affects the roles they play as members of the community: they are unable to detach themselves from events in the same way as suburban police and to appear as dispassionate outsiders.

The simple act of community members seeking advice from rural police establishes a personal relationship. This makes it difficult for a police officer to develop an objective understanding of a case. It potentially privileges one person's point of view. For example, in the case above, Edwin considers visiting Sheila in order to hear her side of the story. In this way Edwin would have a more balanced view of events. Seeking the stories of all parties involved in a suburban domestic is standard practice and plays a significant role in an officer's assessment of 'guilt' and 'innocence'. The anonymity of those involved reduces the potential for one person's view to be advantaged.

The practice of getting to know people in the community and creating personal relationships creates a potential dilemma for rural police. It also has important implications for the way in which rural police handle domestic violence. The personalisation of relationships creates expectations of reciprocity (see previous section). But this style of interaction is necessary if the police are to have the support of the communities where they work. In this process of personalisation it is the scumbags who are most likely to gain from the relationship. Because scumbags may be a potential source of information the police are more lenient towards them than in the urban areas. But this is also the group which the police are most likely to come across in domestics because of their inability to maintain an ordered life style. Greater tolerance of scumbags translates into a general tolerance of domestic violence in the rural areas that is less noticeable in the suburbs. For example, not only may the police appear to treat domestic violence less seriously (Coorey 1988: 144), but they are also more tolerant of women who take back, or who will not leave, violent partners. Rural police recognise that the social constraints on victims militate against leaving violent partners. They recognise support services are practically non-existent in rural areas and victims may have nowhere else to go. Victims who take back violent partners are therefore rarely condemned by rural police.

Rural police often look for alternatives to the legal system in order to resolve a domestic. For example, at one rural police station where I worked, I found the most common form of resolution used was to send the couple to marriage guidance counselling, an option that is rarely instigated by the police in the urban areas. One country officer explained this policy by saying that if a relationship holds together this is better for the children. In rural areas domestics are therefore less likely to be viewed as insoluble, in part because the police base their views on their personal knowledge of those involved. The tolerance of rural police translates into each situation being assessed on the basis of what an officer knows, and then an action being taken which is least disruptive to the lives of those involved. This approach is unlikely to impact on an officer's standing in the community.

Coorey (1988: 145) has commented on the "mateship" between rural police and male members of the communities where they work. She sees this as limiting police action against offenders. While I did not come across this as a problem for the police in the areas where I worked, officers from the north-west of the state have commented on

the dilemma personal relationships can create in handling domestic violence. They recognise conflict can arise as a result of knowing the perpetrator. One of the ways some rural police overcome this situation is by not socialising with those they are most likely to deal with as police officers. For example, one officer said he drank at the local RSL which required membership and so kept out most of the scumbags in the area. The scumbags usually drank at the local pub. Another officer involved himself in community activities that were instigated by respected organisations in the community, such as Rotary and the Lions Club. Even choosing which sport one plays can separate a person off from certain sectors of the community: for example, choosing to play golf or soccer rather than cricket or Australian rules football is a statement about where one locates oneself in the community. But separating oneself off socially can only ever occur to a limited degree if an officer is to get community support. Thus the dilemma always exists for rural police of maintaining a balance between being friendly with the public and detached from the conduct of those who are most likely to cause the police trouble, whether in relation to domestic violence or any other offence.

One case I was told about involved a perpetrator who knew the officer. He was happy to have his friend deal with the case. The officer said that when he attended the case he told his friend he could have another officer arrest him if he liked. The friend said he preferred to have the officer he knew because he knew he had done the wrong thing. While this may have been the explanation of the perpetrator for having a police officer who was a friend deal with the case, the personal relationship also provided the basis for negotiation over the outcome in a way that would not have been possible with an officer unknown to the perpetrator (see previous section).

The important difference therefore between rural and urban handling of domestic violence lies in the distinctly different relationships between the police and the community in the two locations: rural police rely on the support of the community while urban police do not. Rural police require the co-operation of all groups in the community if they are to successfully do their job. This means they are just as likely to be on good terms with the crooks and scumbags as with the real people.

Scumbags are the group most likely to come to the police's attention in cases of domestic violence. But rural police are also more likely to know about the nature of domestic violence cases outside any individual 'event'. This is because those most likely to be involved in domestics, those who cannot manage their lives, will be under police scrutiny as a way of preventing trouble. The familiarity with cases will, in itself, provide the basis for a sense of history about the individuals and relationships involved. The implicit reciprocity that underlies good rural policing extends to the scumbags. One of the ways of getting scumbags to co-operate with the police is through dealing with social work jobs in a lenient fashion. This is just as likely to hold for drunken brawls at pubs and neighbourhood disputes, as it is for domestics. However, the interpretation from outside the organisation is that rural policing practice trivialises the occurrence of domestic violence (Coorey 1988). In reality, rural police treat domestic violence no differently to the way in which they treat all social work jobs. What may appear to be trivialisation actually relates to policing successfully in an environment where the community form part of the police's arsenal in their fight against crime. Tolerance of disorderly social behaviour is part of the rural policing style.

In this chapter I have argued that domestics fall into the category of social work jobs for the police. They are chaotic, messy and difficult to resolve. As a result the police often feel helpless when they handle them. The attitudes and reactions of those involved add to this sense of impotence. For example, if victims change their minds about making a complaint the police officers dealing with cases are powerless to alter the situation. This occurs despite the time outlaid by the police.

Added to this, the police often find it difficult to assign the roles of 'perpetrator' and 'victim' to participants. The behaviour of those involved, as with other types of interpersonal dispute, is often more complex than it appears. Events rarely occur in isolation and past events are invariably a contributing factor to current responses. The past may infringe on the present so that the police cannot treat a domestic as a simple case of one person abusing another.

For rural police the dilemmas are even greater because of the nature of the relationship between the police and the public. The detachment suburban police have from the populations they police is not a viable option for rural police. Rural officers rely on the co-operation of all sectors of society in order to effectively carry out their job. This means they build up a reciprocal relationship, based on a personal knowledge of those with whom they deal. Rural police are therefore more likely to handle domestic violence in a lenient fashion than their suburban counterparts because of the need to maintain a good relationship with community members.

There are several recurring features to the cases of domestic violence which the police attend. These can be summarised as: the chaotic nature of events that make it impossible for the police to create a sense of order to proceedings; the presence of sexual, personal or material markers of the disorderly nature of the people involved; the possibility of the violence being redirected at the police; the common association of alcohol and/or drug use with domestics; the probable involvement of participants in other criminal activities; and the apparently indecisive behaviour of victims as displayed by withdrawing charges or returning to live with the perpetrator. All these features defy police efforts to control the outcome. While there are some cases the police can handle easily by using the legal system, these cases are less common than outside agencies claim. The authority of the police does not necessarily provide the means by which they can create order out of the confusing situations they confront. This means there is a disparity for the police between the public image and their own experience of domestic violence.

The reality of the individual encounter for police means they often become involved in a process of negotiation. When participants do not easily fall into predefined categories the police have to make decisions about the status of those involved. This means participants can negotiate with the police in order to achieve a variety of ends. For example, perpetrators may seek more lenient treatment from the police or claim they are innocent, while victims may negotiate over police treatment of the perpetrator or explain their reluctance to prosecute on the basis of other factors such as the safety of their children. When this occurs it may further add to the police's perception of domestics as being beyond police control.

This image of domestics does not accord with that presented in the feminist classification of domestic violence. For the feminists there is no ambiguity surrounding

the occurrence of domestic violence. Based on a patriarchal view of society, feminists find it easy to apportion blame on to a male perpetrator. In so doing they choose to ignore the other possibilities, such as female violence towards men and the use of emotional forms of blackmail by women. They also deny the possibility that domestics arise out of complex social situations, where the setting of the event, the timing of the event, the number of people involved, the mood of those present and the circumstances surrounding the triggering of the violence, all vary in a limitless range of permutations. It is because the feminist view of domestic violence is confined by a thought world where men dominate women that the phenomenon has seemed so easy to resolve. A doctrinaire approach has led to a dogmatic method of dealing with it: invoke the law and control is an inevitable consequence.

The domain of domestic violence experienced by the police is quite distinct from that of the feminists. The police are left to grapple with the realities of difficult situations that defy easy resolution. They are expected to resolve domestics in a way that satisfies the demands placed upon them by outside forces. The police view of domestic violence, whether it be in the rural or urban context, is therefore distinctly different from that of the feminists. It is because the 'insider' police view is at variance with the 'outsider' feminist view that tension exists between the two groups. It is the distinctly different thought worlds of the police and the feminists that mitigate against mutual understanding and co-operation.

PART THREE: DISCUSSION AND RECOMMENDATIONS

In the previous chapters I have described my experience of police culture and the way in which the police process domestic violence. I have treated the qualitative information as though it were self-evidently valid. Whilst the data are a product of direct experience, the act of recording and discussing incidents with the police means they are not value free: they represent my understanding of the social logic of police actions. The value laden nature of the data is most obvious in the selection of case studies. These have been selected and interpreted to illustrate my experience with the police. It could be argued that my biases, partly constructed through being with the police and listening to their stories, prevent me from looking at the data objectively. The idea of objectivity is increasingly being questioned in the social sciences, particularly in policy oriented research. I would therefore like to begin this chapter by investigating the idea of objectivity in social research and especially in relation to domestic violence.

7.1

The Research Endeavour

The existing literature on domestic violence has been heavily influenced by feminist theory (Bograd 1990; Hatty 1986, 1988; MacGregor and Hopkins 1991; Scutt 1983; Stewart 1990; Studer 1984). However, a feminist perspective is itself not value free: it is explicitly a view of men oppressing women. It interprets the world in gendered terms. This is most obvious in the focus on 'woman' as 'victim', and the extension of the term 'domestic violence' to cover other possible forms of oppression of women in a relationship. Constructing women as victims can take many forms, and in some cases requires a careful argument to exclude the relevance of other people's data. For example, in a national study of family violence in the United States, Straus and Gelles (1986, 1990) found that women initiated violence in the home at a rate similar to men. These findings have been described as controversial, and as irrelevant, because women invariably sustain worse physical injuries when violence occurs (Mugford 1989; Mugford and Mugford 1992). But the controversial nature of the Straus and Gelles' findings (1986, 1990) have little to do with their 'objectivity': they are controversial because they bring into question a particular social construction of a category, domestic violence. Their findings potentially undermine the assumption that domestic violence is gender based. By questioning this assumption the study casts doubt on the assumptions underlying government policies and funding programmes.

The feminists' emphasis on violence in the home relating to gender has encouraged the funding of programmes that assist women. Very rarely are resources directed towards men, whether as victims or perpetrators. An example of the gendered basis of funding was the withdrawal of government funds from the Men Overcoming Violence (MOVE) programme in Tasmania. The programme counselled male perpetrators of domestic violence and was funded by a government grant. The Stewart (1990) report criticised MOVE and suggested the programme be monitored. The government withdrew financial assistance and redirected it into programmes for female victims. MOVE closed down shortly afterwards. This leaves only one programme in Tasmania for perpetrators. It is run by Centacare, the welfare branch of the Catholic church, and attendance is voluntary. Government remains uninterested in funding programmes for male perpetrators. Consequently, no coherent policy exists in Tasmania for males who

either cause, or are the victims of, violence. Existing resources are all directed towards women who are victims.

The need for programmes to teach perpetrators how to manage their violence can best be illustrated by an example from my fieldwork. Whilst discussing my research with a worker at one of the women's shelters I was told that in the past the shelter had helped two partners of a particular man and they were currently sheltering his third victim. One police officer commented that it was a common problem to find a perpetrator living with a number of different women over the years. Whilst directing resources towards victims may appear a moral action, it does not deal with the problem, the violent perpetrator. Arrest, conviction and incarceration will remove the offender from society for a period. It is debatable, however, whether putting male perpetrators into the violent environment of the prisons is likely to change their behaviour. And it is extremely unlikely that it will provide any form of protection for their new partners once they are released from prison. In one case a woman told the police that putting her partner in prison would not stop the violence against her because he would get his friends on the outside to attack her.

The perspective on domestic violence that I present is based on participant observation with the police. While doing the research I went on patrol with the police, I talked to them, and discussed cases with them. I also listened to their stories about past events. In this way I built up an understanding of the culture of the Tasmanian police and how this relates to their handling of domestic violence. My construction of police culture is therefore the result of a co-operative enterprise based on my interactions and discussions with police officers. This approach might be seen as subjective. The very nature of anthropological research, however, requires that the researcher does not adopt a particular preconceived view of the world while doing research. Firth (1975: 52) has described the anthropological endeavour in the following way:

"...an anthropologist is not a Jonathan Swift, picking out some mode of human thinking as an abstract principle and constructing a society around it; he observes and describes, in generalized form by the use of abstraction, the verbal and non-verbal behaviour of actual people in particular societies."

This means that anthropologists develop their ideas *through* the research experience. What participant observation enables the anthropologist to do is to gain an empathetic understanding of the social experience of others: in this case, the police. The interaction with others also results in a continual questioning of the comfortable, 'natural' categories that the researcher brings to the field.

This is distinctly different to the approach adopted by feminists. Researchers with a feminist perspective usually do not move outside, or question, their own world view. This is particularly true in the case of research on domestic violence. The researchers tend to impose their world view on the data they collect. A simple illustration of this point is found in Coorey (1988: 62-63). She cites a case in a rural town involving a drunk woman where the police do not lay charges. The woman approaches the police and says she has been strangled by one of two men. The woman is unsure which man is responsible for the attack. Coorey says the police did not go to the hotel in order to look for witnesses to the offence.

From my own experience, the reluctance of the police to intervene in a dispute of this nature is not surprising. For the police to enter a rural hotel where people are drunk is

to go into a highly charged atmosphere. This is especially true in rural areas where the police are most vulnerable. On the rare occasions when I went with the police into a hotel the tension created by their appearance was palpable. On one occasion we entered an hotel to investigate the case of a man whose young son was asleep under the bar. One of the patrons had rung the police to tell them about the boy. The officers attempted to convince the man to take his son home in a taxi. The atmosphere was tense while the police talked to the man and his friend, and when the police did not remove the boy or the man some of the patrons got aggressive. The police explained to those who confronted them that they could only advise the man. After the police explained this some of the drinkers calmed down. This case illustrates how volatile the situation is when the police enter an hotel, regardless of the reason. In this instance there was no violence. However, in the case cited by Coorey there was a violent incident at the hotel. In a rural town, if the police investigated the case while the protagonists were at the hotel, it could escalate into a brawl with the police. The potential danger to the police of entering an hotel, unless it is absolutely necessary, needs to be understood in order to see why the Barken police would not investigate the woman's claims.

Coorey (1988: 63) interprets the police actions as suggesting the woman is unworthy of help. She interprets police inaction as suggesting the woman deserved what happened because she was out late at night and drunk. Coorey sees the reaction of the police as a result of the victim being a drunk woman. However the reaction of the police may not be based on gender as Coorey suggests. From my own experience with the police they would react in the same way to a violent confrontation where an intoxicated male was hurt. Here it is not the gender of the person that is important but the condition of the person.

Coorey (1988: 63) also indicates that the police failed to investigate the complaint 'properly'. This appears to be an uncontroversial statement because, as she argues, the police could have interviewed witnesses in the hotel the next day to establish what happened. Unfortunately, this argument ignores the problem of credibility of witnesses or the sociology of violence in hotels. Drunk people make unreliable witnesses in the courts and may withdraw charges. Drunks, and the not so drunk, may also deny that any violence occurred even when the evidence for a violent incident is obvious. At one hotel brawl I attended the injured male denied he had been attacked by his friend with a broken glass even though there were witnesses and his face was badly cut. The police investigated the incident but were sure it would not lead to a successful prosecution in the courts. Investing time interviewing witnesses who are unlikely to be co-operative or reliable is probably a poor management decision, especially when it could alienate people that the rural police officer may have to rely on in the future.

Here lies the difference between the approach of the anthropologist and social researchers who work outside the anthropological framework. Anthropologists build up a view of a culture and its practices based on their experiences while working with people belonging in the culture. Other social researchers generally analyse and interpret data from the perspective of their own world view.

During the fieldwork, and while talking to people working in the support services, I became increasingly aware that different groups socially construct the category domestic violence in different ways. In the case of the police, two areas of practice illustrate the way in which police culture creates and maintains a meaningful category of domestic violence. This is in the radio room and in the field.

The police radio room is the initial point of contact between most members of the public and the police. It is also the place where calls from the public are first categorised and prioritised. In the radio room, the system categorises disputes broadly: for example, neighbourhood disputes are placed within the category of domestic violence as "Domestic (neighbours)". The breadth of the initial classification in the radio room is understandable: the officer receiving the call is not in full possession of information on the case. Here a domestic is any dispute between people who are closely associated with each other. It is only later that the radio room may become aware that the dispute involved neighbours, rather than members of one family. The initial classification given in the radio room therefore blurs the legal and service organisations distinction between 'violent' disputes within and between families. It is only once more information is known about a case that the initial categorisation can be refined.

This blurring of distinctions is carried over into the practical policing of 'violent' disputes. The type of people involved in a dispute is more important to the uniformed police than the nature of the dispute. Whether a case fits into the category 'domestic' is of secondary importance. It is also the types of people involved that is more important to the police than the gender of those involved.

Police categorise people into three major groups: scumbags, crooks and real people. Of these three categories scumbag is an ambiguous classification. Scumbags habitually behave in a disorderly manner, but are not crooks. Crooks are the people who commit crimes against real people. Real crimes rarely involve close physical contact between the crook and the innocent victim. These cases do not create confusion over who is guilty and who is innocent. They are clear-cut and lead to easy prosecutions in the courts.

The police seek out crooks because charging crooks is likely to lead to successful prosecutions in the courts. The significance of this process lies in the role the courts play in the legitimisation of police practices. It is through the successful prosecution of cases that the police are seen to be effective in the public eye. The problem with scumbags is that they are involved in cases where it is difficult to obtain a 'successful' prosecution in the courts. The ambiguity surrounding scumbags arises because of the police role in the ritual process of dealing with disorder. The police do the initial classifying and selection of disordered people. These people are then presented to the courts for re-classification, from innocent citizens to criminals. The actions of the police are constrained by the needs of this ritual process. This includes identifying that a person's actions fit into one of the myriad categories of disordered activities that are socially unacceptable according to the law. They also have to ensure a person is properly processed, that there is sufficient evidence for the courts to convict, and that witnesses are credible. This is sometimes difficult to achieve in cases of violent disputes, and particularly in cases of familial violence.

It could be argued that it is the police role to arrest and prosecute, and the courts' role to decide on guilt and innocence. While this might fit a neat legal model, it ignores the role of the police as managers of the ritual process of the court. Police officers manage by selecting cases that are likely to result in conviction. This saves court time. More importantly, it ensures that the court process normally results in the defendant being removed from society. In the ideal process the police convert an individual from an ordinary person into the accused when they make an arrest. The court reviews the evidence and the procedures of the police and, if everything is correct, the court converts the accused into a criminal.

Coorey's (1988: 80) description of the police as "gatekeepers" for the legal process is correct. What is debatable is whether denial of access to the law in cases is based solely on gender stereotypes used by the police. Central to an understanding of the court process and the "gatekeeper" role of the police is the binary opposition of victim and offender. Much of the research on domestic violence has focused on these two categories. It has also focused on writing these two categories by gender. The view presented is an unambiguous one: women are victims while men are perpetrators. This is an unusual perception of criminality. It is one of only a few instances where our society identifies the crime in terms of gender.

By defining domestic violence in terms of gender the ambiguity recognised by the police in the use of the term 'scumbag' is removed. It denies the possibility of cases where the role of 'victim' and 'perpetrator' cannot be identified.

It also derives from, and confirms, pre-existing images of the family in our society. In our culture we present families as being happy and nurturing. Violence in the family negates this happy idealised view. In addition, if a woman is violent, the image of women as nurturers is undermined. The attempt by feminists to present men as the perpetrators of domestic violence therefore confirms a particular view of women. This ensures the maintenance of the image of woman as the nurturer. Removing the ambiguity from the categories of victim and perpetrator in domestic violence therefore confirms a particular stereotyped view of women.

In much of the work where women are identified as victims of domestic violence, researchers focus on how the police use gender stereotypes as a way of avoiding taking action. The major gender stereotypes presented by these authors are that the police think women: deserve the violence; are indecisive; cannot be believed; and are the property of their partners (Coorey 1988; Edwards 1989; Hatty 1988; Woman's National Commission 1985). From my own research I have taken cases where the police appear to use some of these gender stereotypes. For example, in Case Study 24, Part One, the police believe that Tina attracts violent men and, by implication, deserves the violence inflicted upon her. During the unfolding of the police's involvement with Tina over the following week or two, it became apparent that Tina could also be 'violent', verbally abusing other people (Case Study 24, Part Two).

Tricia, of Case Study 26, is known to the police as someone who causes trouble. The night we were called to a domestic at her house was also the night she abused her neighbours. The neighbours had taken out a restraint order against her because of this behaviour. Tricia is a person who is violent herself and might therefore be expected to receive violence from others. These case studies raise a dilemma for both the police

and the researcher. They suggest that a woman may be both the victim and the perpetrator of violence in different contexts. Case Studies 24 and 26 increase the ambiguity in the status of women like Tina and Tricia. Are these women really the passive victims of domestic violence or are they people who live and relate to the world through violence - their own and others? It is precisely this ambiguity that is encapsulated in the non-gendered category of scumbag that is used by the police.

In Case Study 21 there is a discussion amongst the police as to whether Ria will return to live with Reith. The attending police officer believes she will not, but is proven wrong with time. Marj, of Case Study 29, has called the police in the past and has never followed through with charges against Percy who she has lived with for 12 years. The police therefore feel it is pointless to lay charges for the current incident. The reactions of the police in these cases might suggest that they view the women's behaviour as being indecisive. But here one must consider the police concern with time expended on a case and the likely outcome. Is it worth the police spending a whole shift on compiling a file when past experience suggests the victim will not testify on the case?

Marlene has been drinking when the police are called in Case Study 28. They therefore question her about events and are doubtful that she is telling the truth. This is also the reaction of the officers to Tricia in Case Study 26. In Case Study 27 there is disagreement between the officers as to whether Karen or Gary can be believed. One officer feels Gary is telling the truth and Karen is lying, while another feels Gary is hiding things from the police. These cases show that belief in a person's story is not gender based. Rather the officers are concerned about whether a person's state (e.g. being drunk or on drugs) suggests they can be believed. Once again this relates to processing cases for court. A witness who is drunk at the time of an incident is an unreliable witness.

The police may make assumptions about women being victims when they are the perpetrators, as in Case Study 25. In this case the police accept the gender stereotype of the wider community. It is only when they learn more about the case they discover Dianne is the perpetrator. In this case the police start by using the feminist stereotype of domestic violence, only to discover that it was a false premise.

Whilst the police sometimes use gender stereotypes there are other factors at play in the decisions they reach about domestics. For example, the police look for such things as honesty on the part of an individual, who controls the property where an event occurs and whether a person appears to be behaving responsibly. The apparent honesty, or otherwise, of a person is often discussed by the police. In Case Study 27 the debate is over whether it is Karen or Gary who is being honest. In one case where the police suggested the woman take out a restraint order she admitted that if she did then she would probably change her mind in a few days and the police were impressed with her honesty.

Who pays for the home is used by the police as a marker of responsibility because a home 'owner' provides support for others. In one case I attended the police assumed it was the man who paid the rent on the property and initially wanted the woman to leave the home. When they discovered that the woman paid the rent they wanted the man to leave the premises. In another case where the woman lived alone and had a well-

looked after home the police were concerned at the damage done to it by her ex-boyfriend when he forced entry to the property.

Often in domestics it is the women who appear concerned about the welfare of their children. In these cases the police see this as responsible behaviour and respect the wishes of the mother. One woman explained she did not think it was right to spend money on beer for her husband when she needed it for the children and the police agreed with her assessment. In another case a woman was reluctant to seek a restraint order while her husband had one of the children whom he had abducted. The police sympathised with her view.

These examples suggest that the police do not simply deploy a model based on gender in their dealings with the protagonists in a domestic. Rather they deploy a model of what constitutes a good citizen. Gender stereotypes are a part of this, but they are not the only stereotypes used.

When the police attend a domestic they interview the protagonists. In the course of negotiating the statuses of victims and perpetrators the police have an implicit model of what constitutes a good citizen. Elements of this model may be mutually contradictory. As information becomes available during the course of the interviews, the police use the information to try and fit the protagonists into categories of 'good' and 'bad' citizens. It is also apparent that this process requires the police to test their initial assumptions because they are often wrong. The interviews and the negotiation of the status of the protagonists leaves a large residual group of incidents where the statuses of victim and perpetrator are unclear. It is in these irresolvable cases that the police classify both parties as scumbags.

The police assess cases according to the requirements of the courts. The courts demand from the police evidence of an offence that will substantiate a case. This means the police have to test the negotiated categories of victim and perpetrator. They also have to test the evidence against these categories. From my experience with the police I found that domestics are usually chaotic situations. When the police arrive, there is often no clear indication of who is the victim and who the perpetrator. Domestics are therefore ambiguous, as are the categories victim and perpetrator. Any assessment based solely on gender, as in Case Study 25, may prove to be incorrect. It was only when the officers talked to the man and woman that they found out Dianne had attacked Samuel.

Whilst it might be possible for the outside researcher and the policy makers to say that in most cases of domestic violence the victim is a woman, the police still have to cope with the other cases that do not fit into this category. By emphasising the majority of cases, where women are victims, policy makers and researchers deny the lived experience of the police officer. Cases which do not fit the stereotype of the female victim are largely ignored by other agencies. But for the police these cases must be dealt with like any other case they are called to. They are doubly ambiguous for the police because they are not only messy, like most other domestics, but also deny the gender categorisation accepted by the wider community. But for the policy makers these cases are ignored, because they are trying to manage funds and time: policy makers direct scarce resources to where they feel it will do the most good.

The lack of interest in these 'atypical' cases can frustrate the police. People involved in these cases get less support than cases involving women as victims. Although not a 'classic' domestic, a good example of the lack of support in 'atypical' cases involved the rape of a man. The police rang the Sexual Assault Support Service (SASS) to see if they would counsel the victim. The police officer, Art, simply said over the phone it was a rape victim, and did not specify that it was a man. The counsellor agreed to meet the police at the hospital. When the SASS counsellor got to the hospital, and discovered that the victim was a man, she said she could not counsel him. Art told me he had tried to counsel the man at the time but had no training in the area. Later, the man paid privately for counselling. This case occurred in 1991. When I contacted the SASS they explained they are funded by the Supported Accommodation Assistance Programme (SAAP) and their brief is to counsel women who have been sexually assaulted. They said their current policy, in 1995, was to only counsel females over the age of 13 and men for an initial session at the time of crisis. The service used to counsel children because no other organisation provided this service. In this case it can be seen that the police receive no support from an emergency service and become involved in counselling a victim themselves. This is contrary to the publicly perceived role of the police. The police are told to use the crisis services for counselling and to concentrate their own efforts on prosecuting cases.

Once the simple binary opposition of male as perpetrator and female as victim is broken, instances of family violence become much more ambiguous. For example, the police usually define cases where children attack parents as domestics. In one case I was told about an adult son attacked his mother and broke her nose. He regularly attacked his mother who was a semi-invalid but she would not lay charges against him. It was seen as messy, like any other domestic. Fights between siblings may also be classified as domestics, especially where the parents appear unable to control their children's behaviour. The ambiguous nature of these events is the reason they get lumped together with those cases the services class as domestics. They occur within the family and are gender neutral: the attacker can be a male or a female.

The police also deal with cases where the person who looks worse off is the person who initiated the violence. In Case Study 22 it is Juliet who first pushes Herman, but Herman then slaps her across the face. In Part Three of Case Study 24, we find out that Coral, who has been attacked by Warren and is badly bruised, will not lay charges against him because, as she tells the police, she has also hit Warren.

There are other cases where it is not possible to distinguish between who is the victim and the perpetrator. I was told about one case that occurred on the night a couple got married. At the wedding reception the newly-weds brawled with each other and both sustained physical injuries. While I was in the area the police went to another incident involving this couple. They had been to a party and were both drunk. When the police arrived they were walking down the road punching each other. The woman had a blood nose. When the police asked if she wanted to lay charges against her husband she said, "But I love him" and began to cry while she continued to punch and abuse him.

Once it is recognised that the police confront a range of domestic violence cases where it is not possible to decide who is the victim and who is the perpetrator then it is possible to understand why the police have a different world view to that of the outside community. It is on the basis of their experience with people that the police create the categories of crooks, scumbags and real people. It is these categories that play a major part in their assessment of domestics.

Domestics involving scumbags are those most likely to be ambiguous. In these cases the police often cannot distinguish between 'victim' and 'perpetrator'. It is these cases that also focus police attention on the relationship they have with the courts. The calculus of police action revolves around whether they will get a conviction in court. Here the experience of dealing with crooks can be contrasted with that of dealing with scumbags. Dealing with crooks is a satisfying activity for the police because it leads to positive outcomes: the opportunity to lay charges and have a person put in jail. This removes the offender from society, if only on a temporary basis. It places the crook outside the domain of police concern. Each crook who is sent to jail is one less on the streets for the police to keep an eye on. This is a successful outcome because it reduces the amount of work for the police. In the case of crooks, legal methods of containment can be effective. The courts provide the means of removing crooks from public view. In these cases the police can create some sense of order out of the chaos they deal with. Uniformed police therefore see pursuing crooks as a crucial part of their work because the time expended produces results.

The police are also continually called in to resolve situations involving scumbags. Scumbags are people who appear incapable of managing their personal lives and who are most commonly involved in neighbourhood disputes and other sorts of brawls, such as fights in hotels. Scumbags often aggravate a situation by using psychological and verbal forms of abuse against each other and against the police. These factors make it hard to get a successful outcome in the courts because it is difficult to produce convincing evidence of non-physical forms of violence. Dealing with this category of person is an inherently unsatisfactory activity for the police. It does not lead to positive outcomes that can be labelled as successes. Often the police find that if they prosecute, those involved will withdraw charges and the conflict between the parties continues unabated. Legal options do not work and personal intervention by the police only acts as a stopgap measure. The police are reluctant to spend long periods of time on compiling files for cases that are unlikely to succeed in court. These sorts of jobs, the social work side of policing, do not permit the police to bring about change. When the police deal with social work cases they do not produce any long-term resolution and there is no reduction in the occurrence of future incidents. The pollution created by such incidents remains unaffected by police actions and the courts are ineffective in removing those who cause the pollution from the public domain. In the case of domestic violence, most cases attended by the police are messy and it is often impossible to demarcate guilt.

Completing the paperwork for a restraint order is not necessarily a way of reducing police time spent on a case. Perpetrators often ignore the court order and return to harass the victim. The legal measures introduced to help the police handle domestic violence do not necessarily reduce the amount of time spent on a case. For each breach of a restraint order the police become involved in a time-consuming paper trail

for the courts. It is more productive from the police point of view to spend time using surveillance to catch real crooks who commit crimes the courts treat unambiguously. The police therefore tailor their actions to the outcomes they can expect from the courts.

Other researchers, by focusing on the police handling of domestic violence, have ignored the subject of how police manage their time. Domestic violence cases are only one type of case out of a wide range that the police deal with every day. In order to understand how the police handle domestics one has to contextualise these cases in the broader framework of uniformed policing. When researchers work with the police, and have preconceived ideas about domestic violence, it is easy to take information out of context. For example, much of the research done by feminists has restricted its attention to domestic violence cases (Coorey 1988; Edwards 1989; Hatty 1988). This means domestic violence is taken out of the context of the total practice of policing. When this is done the research becomes self-confirmatory: the researchers' own ideas are confirmed by the way they interpret their limited data set. They can read their data through gendered eyes because they do not see the way police treat cases of male-male violence and female-female violence. Exposure to this wider context of policing helps the researcher to assess the extent to which police use gender and gender stereotypes when assessing domestic violence incidents.

7.4

The Researcher as Participant Observer

Participant observation involves the researcher in confronting the overall context of a particular cultural group. In the case of the present study this was police culture. Participant observers work from the generalised context to the specific: in this case I moved from looking at police culture to the handling of domestic violence. Moving from a generalised context to a specific topic means the researcher is unlikely to have the research subverted by those one is working with (Young 1979; 1991a). Displaying an interest in the total social world of a group reduces the possibility of the group's members presenting a particular point of view: it makes the police experience the experience of the researcher.

From the point of view of those being studied, the participant observer is someone who experiences the total range of 'cultural events'. The participant observer has a better sense of the context of policing than someone who only looks at a specific topic. Not attending particular types of incidents can itself be a source of tension. I experienced this tension when I failed to attend a fatal car accident. At the time I was attending a domestic dispute with another officer. One officer felt I had deliberately avoided the unpleasant, and confronting event and could not accept that because the research focused on domestic violence, this incident should have been given priority. To the officer the car accident was an example of the sorts of emotionally disturbing and traumatic jobs the police deal with. My absence suggested an unwillingness to experience the jobs that are most upsetting, and therefore my unwillingness to experience the 'totality' of police work.

During the research I became aware that tensions exist between the world of practical policing, the world of the support services and the provisions of the policy makers. A good example of this is the pro-arrest policy.

There is a move in many Australian police forces to adopt a pro-arrest policy in cases of domestic violence. While there are crisis situations where this policy is easy for the police to apply, the majority of cases attended by the police do not fit readily into this category. A case that illustrates this point is that of Marj and Percy in Case Study 29. Marj asks the police not to arrest Percy for the assault because of his poor health. The police agree and tell Percy that if they are called back to the house they will arrest him. In this instance, if the police had proceeded to prosecute, they would have alienated both Marj and Percy. For the police officers this would be counterproductive. Cautioning Percy is therefore, from the police perspective, the most appropriate form of action. This is true even when the victims are made compellable witnesses because witnesses can always bring their own credibility into question. I have already cited the example of a woman who wrote to the perpetrator denying his violence before the case went to court (Chapter 5, section 5.2). When the case was heard the magistrate found the man not guilty because he felt a victim of an assault with severe injuries would not write to the perpetrator denying the attack.

The police experience of the sorts of partners some women chose also affects their attitude towards a pro-arrest policy. In Case Study 24 Tina is known to have lived with violent men in the past. Her relationship with Hudson is interpreted as a continuation of this pattern. From the police's perspective arresting Hudson may get him off the streets for a period, but Tina will find another violent male to live with. In the police's experience, the apparent mutual attraction of violent men and women makes enforcing a pro-arrest policy a palliative in the case of domestics.

The police experience of domestic violence is normally confined to the incident and its immediate aftermath. Although the police may offer advice to the protagonists at the scene of the incident, they have relatively little experience or information about why people may stay in violent relationships or return to violent partners. For example, when I quoted to the police the figure of a woman returning to a violent partner an average of seven times before finally separating, they were surprised. The police assume that if they remove a male and charge him then a woman should use the opportunity to make the separation a permanent one. The police repeatedly said they could not understand why women stayed in relationships with violent partners. They believe that once the law is invoked a victim should act decisively: the police presence should empower the victim to bring about change. When victims do not see police involvement as advantageous then officers become cynical about the effectiveness of the legal process in altering the occurrence of domestic violence.

The police read domestic violence through their own experience of dealing with the world. They have to make decisions when confronted with an incident, be it a burglary, a brawl or a neighbourhood dispute. Indecisiveness is in many ways alien to the world of good practical policing. The police therefore find it difficult to cope with the indecisive responses of victims of domestic violence.

The police experience of domestic violence is very different from the experiences gained by people working in the support and counselling services. People working in this sector listen to the experiences of female victims of domestic violence. They learn of the conflicts between affection for a partner and the horror of abuse; the lack of self-esteem of victims; and the insecurity posed by separation from a partner who may threaten the victim and her children with death. Support workers get a long-term view of abusive relationships and their power to undermine a person's self esteem. The experience of people working in the support services provides an understanding of domestic violence that is lacking in the police. The discrepancies between the police experience and the support services experience of domestic violence underlies the distinctive ways in which the two groups create a social understanding of domestic violence. I cannot argue that one understanding is 'better', 'correct' or even more useful than another understanding because each group constructs a 'real' understanding of domestic violence through their social practices. For both groups the process is reflexive because social practices also structure understanding (Bourdieu 1977; Giddens 1976, 1979).

There is, however, the potential for creating a common understanding of domestic violence and the way in which agencies should try to manage the phenomenon. This became apparent when I discussed with members of the DVCS some cases of domestic violence I had attended. In two of the cases DVCS knew the women well and the DVCS workers described the women as "hopeless cases". One of these women was rehoused in the north of the state and subsequently returned to her violent partner in the south of the state. The return was voluntary. Although DVCS do not condone familial violence, cases like this undermine the simplistic models of family relationships that underpin the provision of support to 'victims' of domestic violence. Recognition of the ambiguity of domestic violence incidents was also apparent in the reaction of the shelter worker when the victim she was supposed to collect decided to stay with her violent partner (Case Study 23).

The similarity of some experiences of domestic violence suggests that it may be possible to develop a common understanding of the phenomenon through shared experience. Central to this common understanding is the recognition that there are cases where men and women relate to the world through violence: a recognition that the category 'scumbag', whilst probably deserving of a less pejorative name, may be a useful tool in the management of domestic violence. Its utility lies in defining a group of relationships where the simplistic model of helping the 'victim' to leave may not be appropriate because both partners may be 'victims' and 'perpetrators'. Even using the idea of a person living in fear as the basis of victimhood does not necessarily make these cases easy to distinguish. Developing appropriate assistance and services for these relationships may be difficult, but is probably a better long-term strategy than the current practice of providing no assistance, by providing inappropriate assistance based on gendered stereotypes of family violence.

The issue of police management is frequently addressed in research on domestic violence. A variety of practices have been discussed over the years. These include:

- temporary separation of the protagonists (Young 1991a);
- providing counselling (Bard 1970; Bard et al. 1975; Bard and Berkowitz 1967; Levens and Dutton 1980) and/or marriage guidance (pers. ob.);

- arresting the perpetrator and leaving counselling to the support services (Adams and Spicer 1982; Dobash and Dobash 1981; Maidment 1983; Oppenlander 1982; Sutton and Hatty 1988).

Police management of domestic violence has often been criticised (Comley 1986; Cornish 1986; Edwards 1989; MacGregor and Hopkins 1991; McKinlay 1991; N.S.W. Domestic Violence Committee 1991a, 1991e; Queensland Domestic Violence Task Force 1988; Sheptycki 1993). Many of these criticisms ignore the overall context of policing. They tend to forget that domestic violence is one of many types of incident that the police attend. It is important to recognise that police management of domestic violence fits within the overall management of time by individual officers. The expectation that the police should act almost like rule-bound automata in their work is common to many researchers. Police officers use, however, their judgement and discretionary powers all the time. Making decisions and managing time is practised by all police officers (Young 1993). While I was out with the police there were times when I felt a strong sympathy with an officer's judgement. For example, I could see why Ollie wanted the security company to drop charges against a shoplifter. There were other times when I thought that officers made the wrong decision: for example, in Case Study 20, when Ivan was not removed from the house. Irrespective of my reactions to specific decisions by officers, I quickly realised that officers would be incapable of policing unless they made judgements and acted accordingly. I also came to realise that the courts, and the likely outcome of court procedures, was an important consideration when officers made decisions.

While defining a dangerous situation may not be difficult for the police, choosing when to initiate legal action may be more complicated. For example, in one case where a woman had a gun held to her head she appeared less disturbed by the action, and unwilling for the police to proceed with the prosecution, than in a case where a woman had been verbally threatened and was hysterical when the police attended the scene. Comparing these two cases, from the police perspective, the former would be less likely to succeed in court because of the lack of co-operation from the victim. The second case would justify the police prosecuting because of the woman's genuine fear. However the latter case would be difficult to win because verbal threats are difficult to prove. The courts treat verbal threats as less significant than physical attacks. Here there is a discrepancy between the academic and support services approach to handling domestic violence. The former view supports a pro-arrest policy, but for uniformed police this policy does not necessarily coincide with their judgement about the likely outcome of any court proceedings.

Legal changes to the handling of domestic violence have been designed to benefit the police by reducing the workload. This has been done on the assumption that it will encourage the police to take cases to court. By adopting a pro-arrest policy, it is believed the police are less likely to be called back to a scene repeatedly. However, the number of cases where the police are called to deal with breaches of restraint orders contradicts the apparent reasons for a pro-arrest policy.

The thought world of uniformed police appears to structure, and be structured through, practice. It is the constables and sergeants in the force who constantly experience cases of domestic violence. Policies that are introduced without their involvement are therefore unlikely to succeed. The personal experience of officers suggests appropriate practices that may be different to those determined by policy makers. If uniformed police do not accept a particular policy as practical then they are

unlikely to implement it. Effective policy for uniformed policing practice therefore requires the involvement of constables and sergeants in the process of policy formulation. In this way the thought world, and the congruent practices of policing, can be integrated into the policy.

7.6

Rural Policing

In rural areas policing of domestic violence relates to concerns about keeping situations under control. Seeking legal solutions is not a preferred option because of the greater difficulties rural police face in handling violent disputes. Low numbers of officers, lack of back-up, and the greater amount of time it will take officers to process a case all militate against legal solutions to domestics. Rural police therefore treat all potentially volatile situations as cases for surveillance.

Officers know the people in the communities where they work and aim to anticipate situations that will require their attention. This applies as much to the activities of the local scumbags, as to the activities of the local crooks. This means both real crime and social work jobs get treated in a similar fashion. Through surveillance rural officers hope to prevent a crime or offence before it occurs. Officers make the public aware of their presence, thus using 'the police gaze' as a preventive measure against crime. Here it is a type of activity, rather than a sort of person, that comes under the police gaze.

Rural police work under a different set of constraints to their suburban counterparts. Officers can only effectively police an area with the co-operation of the people in the communities where they work. Cases like car accidents and major brawls at hotels can often only be contained with the assistance of the public. This means the police may need to call upon the assistance of any community member in a crisis. A good relationship with all the people in the community is therefore an essential prerequisite to good rural policing.

In the country the police are tolerant of scumbag behaviour because these are people who may provide support in a crisis. A greater awareness of the life stories of community members also means people are seen as individuals, with all their human failings, rather than as unknown protagonists in an incident. As a result of personal relationships and the need to keep people "onside", rural police are often more tolerant of contained violent behaviour than their suburban counterparts. This confirms one of the observations made by Coorey (1988) while working in Barken. It should however be noted that the tolerance of contained violence is not confined to familial violence. It extends to male-male violence, and probably female-female violence, that does not threaten the facade of public order.

There is therefore a subcultural difference in policing styles between urban and rural police. For rural police their style of policing is affected by outside influences, based on an officer's standing in the community. Personal relationships can play a key role in the policing style. For urban police an intimate knowledge of members of the public is restricted to people who are well-known crooks. Urban police rarely deal with real people and are separated off from the communities where they work. Their dealings with the public do not provide them with an intimate knowledge of the social context of events. The subcultural style is therefore more remote and impersonal.

Rural police are more willing to act in the role of mediator, negotiator or conciliator. They recognise the lack of support services for victims of crime and see filling this gap as part of their role. By contrast, it is with reluctance that suburban police involve themselves in social work jobs. For urban police social work jobs do not lead to satisfactory outcomes: the offenders remain on the streets and often ignore court orders. While urban police will give advice in social work cases, they do this because it reduces the time spent on cases they see as being hopeless.

7.7

Summary

The pro-arrest policy being encouraged in cases of domestic violence was initiated by the feminist lobby. Here it is the feminist experience of domestic violence that underlies the desire for change. It is based on a belief that perpetrators of domestic violence are not being punished. It also stems from a belief that the police are reluctant to charge domestic violence perpetrators. The feminists argue that the law is the only way to alter the habits of perpetrators and police, . Unfortunately these researchers seem largely unaware of the police experience of domestic violence. They do not perceive the complexity of the management decisions made by the police, such as: who attends a case; how to treat a case where both parties admit hitting each other; whether the court will question the evidence or the credibility of witnesses; whether it is worth proceeding with charges when the evidence is flimsy and where it will take the whole shift to complete the paperwork; and whether an officer should try and contact the DVCS, even though it is after midnight and there is no worker on duty.

Police management of criminal activity and the behaviour that creates 'social work' jobs is structured by a concept of pollution. The police gaze focuses with varying intensity on those categories of people, crooks and scumbags, who pollute the rest of society. Police who work in urban areas tend to concentrate their gaze on crooks. Scumbags are less intensively watched, although they are sometimes quite well known. This is different to the pattern in rural areas where the police gaze appears to be directed with equal intensity on crooks and scumbags. This difference is partly a consequence of workload: rural police have fewer people to watch, but a greater area. In urban areas the orientation of the police gaze is at least partly related to the 'institutional memory' of the types of pollution that can be successfully cleaned up.

Throughout my work with the police, I was aware of the importance of the courts in police decision making. As the servants of the court, responsible for selecting candidates to be initiated into the status of criminals, the police treat court decisions as indicators of the types of people who are best selected as candidates for the court ritual. The prominence of the courts and the legal ritual, in police management decisions needs to be integrated into any policy attempting to deal with domestic violence. It is worth noting that the programmes labelled as successful, for example the Hamilton programme (Victims Task Force 1992) and the Bellevue programme (Smith 1991), adopt an integrated approach to the handling of domestic violence. This type of integrated approach requires the active participation of the police, support services and the courts. My experience suggests that the police feel there is no sense of an integrated approach to domestic violence in Tasmania. There is certainly no sense that the courts are sending a consistent message into the public domain that domestic violence is a major concern.

The courts are an important, but not the only, form of 'institutional memory' used by the police. The radio room is another source of institutional memory. The police use the radio room to access records and information while they are on patrol. For example, I was impressed with the 'flags' warning police they were going to a call where there was a known violent person. I was also struck by the absence of this sort of information for domestic violence. This type of 'history' helps police make decisions at the scene. It is this form of historical knowledge that is absent in the urban policing of domestic violence. There is no reason why it cannot be provided to police attending a possible domestic. At the moment it would appear that the information is not treated as important enough for the institution to remember.

It should also be noted that the practices of support services and shelters contributes to institutional forgetting. Information given to these organisations is protected because of the need to maintain client confidentiality. Yet these organisations often have information about perpetrators that could be useful in the policing of domestic violence. The case of the violent man with his third partner in a shelter is a good example of this type of information. Although client confidentiality may be important, it may also be a form of sacred knowledge that signals the importance of the activities and knowledge of an organisation or profession. One would have to question the reasoning underlying concerns of confidentiality when it militates against the good handling of domestic violence cases. Treating information as sacred knowledge also undermines the development of an integrated approach to the policing and handling of domestic violence. It prevents the support services from providing information to the police that may help both the police and potential victims of domestic violence. One of the central questions that needs to be addressed by the support services is whether client confidentiality extends to the protection of perpetrators. Support services therefore need to address the issue of information flow between themselves and the police.

I now wish to return to the concept of 'victim' and 'perpetrator' that underlies many of the current policies for dealing with domestic violence. I have already suggested that the simplistic model of female victim and male perpetrator is as much about the power of particular lobby groups and the preservation of particular institutional arrangements as it is about helping people in violent relationships. Much of what I have written may seem an overly harsh criticism of feminist research. I do not, however, discount the importance of this work. By making domestic violence an issue that can be talked about and researched openly, the feminists are creating a climate where it is possible to develop a better social understanding of this category of behaviour. My experience with the police, however, suggests that opening domestic violence to public discussion and debate will ultimately undermine the gendered basis of most current models. As a result of my interest in domestic violence I have learnt of cases, outside my experience with the police, where women have violently assaulted their male partners. In these cases the women frequently described how the assault made them "feel good" or liberated them. Unless we as a society can cope with cases of women who are violent towards their male partners, we will continue to reproduce gendered stereotypes of the social world we live in. Advancing our understanding and resolution of violence in our society will require this wider recognition of violent behaviour.

The recommendations in this report broadly fall into the three following areas of concern:

- political will;
- communications; and
- training.

I begin by discussing each of these areas separately and giving some general recommendations. I then discuss specific organisations. It is under the latter section that I make the majority of the recommendations.

8.1 *Political Will*

The most significant fact to emerge from the research is the contradiction that exists between the political rhetoric and the working reality for those dealing with domestic violence. I have reached this conclusion through working with the police and through talking to employees in the service groups.

While it has become fashionable to be concerned about domestic violence, largely as a result of feminist pressure (MacGregor and Hopkins 1991), this has not translated into a corresponding will to provide adequate resources. The organisations I made contact with all work in a 'beleaguered' environment. Often, it is only the dedication and good-will of the staff that ensures the delivery of services. In this sector, funding cuts are the norm and many organisations believe this will get worse before it gets better.

A simple example here is the Tasmania Police. The reduction of numbers during the late 1980s and early 1990s put officers in the force under severe pressure. This was especially true for the uniformed police. In addition, the Tasmanian government pays its police substantially lower salaries than their mainland counterparts, even though they do the same work (cf. the recent case presented by Tasmanian nurses who have suffered the same problem). As a consequence, morale in the police force is low, moonlighting is not uncommon, and many good officers seek employment elsewhere after only five or six years' service. This makes it very difficult for the force to be a professional organisation, a goal that management is actively pursuing (Parliament of Tasmania 1993: 12).

The malaise of the government extends to all the services. Funding cuts usually occur by not meeting inflationary trends and no additional funds are allocated to extend services. A good example here is the attempts made since the inception of a crisis intervention service to have it function as a proper emergency service. Each time this is proposed government refuses to commit the funds (see Chapter 1, section 1.3). Another example is the withdrawal of funds from MOVE in the late 1980s and the current lack of government support for the Centacare programme for perpetrators. All the other support services are in the same position.

Funding cuts have occurred despite a number of studies around Australia into the cost of domestic violence. These studies suggest that the costs to government are high (e.g. N.S.W. Domestic Violence Committee 1991c; Queensland Domestic Violence

Task Force 1988; Tasmanian Domestic Violence Advisory Committee 1994). The reports probably give conservative estimates of the costs and rarely attempt to consider the social costs of domestic violence. Even in Tasmania, conservative estimates suggest that domestic violence costs nearly 18 million dollars a year (Tasmanian Domestic Violence Advisory Committee 1994: 64). If government put only a fraction of this money into services then there would be substantial improvements.

In Tasmania, the continuing low profile of domestic violence appears to be the cause of a lack of commitment on the part of successive governments to fund services adequately. This can be compared with, for example, more obvious areas of law and order, such as armed robberies. Armed robberies get substantial media coverage and invariably lead to a public outcry. As a result, politicians place law and order high on their list of priorities (consider, for instance, the attempt by both major political parties to co-opt the issue of law and order in the recent N.S.W state elections). While domestic violence has maintained a reasonably high profile at the national level, the Tasmanian media has largely ignored it since the mid 1980s. This lack of media coverage allows political complacency and suggests that domestic violence is not an issue.

Another factor in the low profile of domestic violence is the still largely hidden nature of it throughout large sectors of the community. Figures for cases of domestic violence can therefore only be estimated. In terms of police work, estimates vary from between 20% of police time for the Tasmania Police (S. Williams, pers. comm.) to 50% of all police call outs, as quoted by Minister Carmen Lawrence at the recent launch of National Stop Violence Against Women Day (*The Mercury*, 26 April 1995, p. 9). Estimates of police time usually lack any statistical rigour. However, work done with the N.S.W. police gives reasonable data for the western suburbs of Sydney (Hatty 1988: 99-104). For this area, in 1985, the percentage of call-outs to domestics was 23.6%. But there is no reliable evaluation of police time spent on these cases. My own data suggest that official figures substantially underestimate the time police spend on domestics, probably by 50% or more (e.g. Tasmanian Domestic Violence Advisory Committee 1994; but cf. N.S.W. Domestic Violence Committee 1991c).

As the police are usually seen as a last resort in cases of domestic violence, this can only give a very vague idea of occurrence levels (Poerio 1991). Many people never approach the police, but rely on some other service. There are also those who never call upon any service at all. In terms of the total number of cases of domestic violence, estimates are therefore completely unreliable.

No matter which technique is used to estimate levels of domestic violence, high estimates of occurrence are treated by those in power with scepticism, while low estimates are ignored. Probably the most revealing results come from the Hamilton programme in New Zealand where 1,000 cases passed through the programme in the first 2 years of the police adopting a pro-arrest policy. This equals one in every 100 men in the Hamilton population (D. Smith, pers. comm.).

Politicians will continue to ignore domestic violence unless pressure is applied for the adequate funding of services. The financial responsibility lies with both state and federal governments. Neither should therefore be allowed to claim immunity.

The provision of facilities and services for 'minority' groups is even less satisfactory, despite the size of the problem. For example, Atkinson (1990) has pointed out that more women in one Queensland Aboriginal community have died from violent assault than the number of Aboriginal deaths in custody for the corresponding period in two states. The deaths in custody Royal Commission has received, and continues to receive, wide coverage in the press. But there is no corresponding concern being expressed about domestic violence within Aboriginal communities (*The Weekend Australian Review*, 18-19 June 1994, pp. 1-2). While this is a complex social and political issue, this does not mean that it can be ignored. At the very least governments should be supporting community-based initiatives in dealing with it, something which is currently lacking in Tasmania.

Recommendation 1

That governments show a commitment to reducing domestic violence by allocating funds to the services, proportionate to the costs of domestic violence.

Purpose

- To exhibit a commitment, on the part of those in power, to making society less violent.
- To improve service provisions for domestic violence.

Recommendation 2

That governments support, both morally and financially, initiatives from disfranchised sectors of society to deal with the domestic violence.

Purpose

- To show that government is committed to equal rights for all Australians, especially with regard to reducing violence.
- To provide the means for empowerment of minority groups.

8.2

Communications

It is clear from data presented in this report that the lack of understanding and trust, both within the police force, and between the police force and other organisations, is a major problem. Poor communications are the source of this difficulty. This can occur at the level of the police not knowing the current policies or legislation regarding domestic violence, or at the level of the police not knowing about the role of the available support services.

I have placed most of the recommendations relating to communications under the specific organisations in the next section. However, two aspects ought to be mentioned here. The first relates to the police force and the second to the public domain.

At the time of undertaking the research, the police had difficulty in accessing copies of current legislation. In the past each officer had been issued with a copy of all the legislation and could refer to this at will. The cost of providing each officer with the legislation was so prohibitive that this policy was discontinued. In theory, each station had a readily accessible copy of all legislation. In practice, this was not always the

case. Sometimes the legislation was locked away at weekends and often bits of it were missing. This problem has been rectified with the computerisation of all current legislation. In early 1996 police officers gained access to legislation through the internal computer network (pers. comm. Commissioner Johnson).

Communication is also a factor that has affected the dissemination of information to the public. Often the reports made in Tasmania regarding domestic violence have remained unpublished, or their release has been delayed (see Chapter 1, section 1.3). A process should be instigated that avoids this happening in the future. The TDVAC would be an appropriate body to ensure that such a process is put into place.

Recommendation 3

That the TDVAC act as a co-ordinating body for the dissemination and publication of information on domestic violence. A process should be established that obliges the TDVAC to publish relevant reports within a twelve month period of their production, if no prior arrangement exists.

Purpose

- To ensure that information is freely accessible in the public forum.

8.3

Training

Communication and training are often interlinked aspects of an organisation's functioning. A great deal has been written about police training in domestic violence (Chapter 1, section 1.2). Once again, the main recommendations with regard to training are placed under the relevant sections below. However, it is worth outlining here the rationale behind those recommendations.

The first point I should make is that I do not see the police's role in domestic violence as being a counselling one. Rather, their role should be to enforce the law and provide protagonists with information about the services they can access if they require further support. This is not to say that it is always possible to separate out the roles, as has clearly been shown in this report, because of the messy nature of many of the cases the police attend. However police attention should focus on seeing that the law is upheld, regardless of personal reactions to a case. Management has adopted this approach and operational staff should be fully aware of this development. Where support services fail to provide adequate help for victims, this should be brought to the attention of those who can ensure the action is not repeated. The police should not feel obliged to act for the other services. The idea of an integrated service provision for domestic violence is increasingly being accepted throughout Australia (e.g. Hatty 1986; MacGregor & Hopkins 1991; Mugford, Easteal & Edwards 1993; N.S.W. Domestic Violence Committee 1991a; 1991b; 1991c; 1991d) and should be seriously considered in Tasmania.

In the light of these observations, the recommendations I present view the role of training as a means by which better understanding can be developed between those who deal with domestic violence. The framework for an integrated provision system already exists in Tasmania. The greatest need, therefore, is to see that each part of the system works well with the other parts. Good working relationships require the services to understand, trust, and respect each other so that they can co-operate. This

must not only occur at the level of management, but also at the level of the operational staff of the organisations concerned. At the moment the latter is lacking.

Legal reforms now give the police substantial powers regarding domestic violence. Where these powers are not being appropriately utilised the blame can be laid on a poor understanding amongst police of the nature of domestic violence. The frustrations they face with many of the cases they attend, and the cultural emphasis on catching crooks, undermines the efficacy of legal sanctions against domestic violence. Existing views of domestics as messy affairs are unlikely to change while the majority of cases that the police attend fit into the grey areas of policing. These are the cases that do not clearly suggest assault charges may be laid, where drug and alcohol abuse are common, where deciding who is the victim and who is the perpetrator proves difficult, or where the victim may renege on going to court or return to the perpetrator. These are not legal issues, but social issues. Thus, while I believe that the police should not play a role as counsellors in domestic violence, they should have a better knowledge of domestic violence as a social phenomenon. A better understanding will help the police conceptually separate it off from other forms of 'social work' and help to prevent the trivialisation of its seriousness.

The aim of the proposals made with regard to training is therefore twofold:

- to improve communications and understanding between organisations; and
- to improve the 'cultural' awareness of the police to domestic violence.

This could be achieved in a variety of ways, but I believe the idea of a Domestic Violence Awareness Programme (see Appendix 2) is particularly appropriate. The programme would aim to bring together representatives of all interested parties and would improve awareness and understanding of domestic violence. The programme's significance would lie in its ability to build links between organisations, while at the same time being educative.

Recommendations

(see section 8.4.3 and Appendix 2)

8.4 *The Police*

8.4.1 Working Conditions

From the fieldwork I found that many stations are under-staffed. This is a direct result of freezing recruitment in the late 1980s and early 1990s. What happens when officers are sick illustrates the impact of low staffing levels. At one station where I worked one night was spent mostly taking sick officers home and trying to locate other officers to fill their place. If any major incident had occurred on that night then police coverage of it would have been rudimentary. This situation compounds itself. Increasing stress leads to increased absenteeism due to illness, which in turn increases the stress levels of those officers who are not sick.

In early 1994 new working arrangements were agreed between the Police Union and the government. As a result, the idea of penalty rates for uniformed officers working unsociable hours was largely lost. This had caused a great deal of resentment amongst uniformed staff. They see that there is no longer a financial incentive for working unsociable hours. Part of the new arrangements was a change in the rostering system. For example, some stations have moved to ten-hour shifts from eight-hour shifts. This gives officers more days off at once, but also means they work for correspondingly longer periods when they are on duty. In what is already a stressful situation, because of low staffing levels, many officers are tired and unresponsive by the end a week on duty. At one station, where the uniformed officers had been an integral part of designing the new roster, this difficulty was avoided and the officers happily worked within the new regime. It is therefore suggested that involving officers in the process of establishing new rosters should help improve morale and the officers' perception of working conditions.

I have already commented on police seeing domestics as being violent (see Chapter 6). This has been commented on for other police forces (Federal Bureau of Investigation 1972, 1978; Swanton 1985). It has also been commented on with regard to the Tasmanian police (*The Mercury*, 19 August 1982, p. 22; *The Mercury*, 11 February 1989, p. 4). One of the informal techniques used by many police to handle this potential danger is to await the arrival of back-up before entering a property. While suburban police are meant to work in pairs after 9.00pm, the reduced numbers in staff means that this is often not viewed as feasible. Officers tend to split up in order to cope with the backlog of work. Officers then come together after midnight, or when there is a call to a potentially dangerous situation. Usually this involves officers arriving in separate vehicles and awaiting the arrival of their partners. Unfortunately, this is not an option available to the rural police. Alternative solutions should therefore be sought for rural police confronting dangerous situations.

The potentially violent nature of police work, not just in dealing with domestic violence, is one good reason why recruits should not be sent directly from the Academy to stations other than those where adequate supervision can be provided. This has been extensively discussed in Chapter 3.

Recommendation 4

That numbers of uniformed police be increased to levels that provide adequate coverage of the State.

Purpose

- **To improve policing.**
- **To decrease stress levels within the force.**
- **To provide better relations with the community, especially in the rural areas.**

Recommendation 5

That uniformed police officers be integrally involved in the planning of rosters.

Purpose

- **To improve policing.**
- **To decrease stress levels within the force.**

Recommendation 6

That police officers not be expected to attend cases of domestic violence alone.

Purpose

- **To improve policing by increasing the safety of officers.**
- **To improve the handling of cases of domestic violence.**

Recommendation 7

That all graduates from the Academy be sent to stations located in the major towns, where there is adequate supervision, before being transferred to other stations.

Purpose

- **To ensure adequate practical training of officers.**
- **To improve relationships between new and experienced officers.**
- **To reduce the potential dangers associated with attending domestic violence.**
- **To improve the handling of cases of domestic violence.**

8.4.2

Recruitment

The encouragement of appropriate candidates with tertiary education, despite comments to the contrary by some officers, is also a positive step towards making the police force a truly professional organisation. What is required to support this policy is good working conditions, adequate salaries, and easily accessible pathways for those without higher education to pursue further studies. At the moment these are not necessarily available or encouraged: the issue of salaries has already been covered (see above); working conditions are considered here; and improved educational opportunities should be handled through the existing educational structure at the Academy.

The current policy regarding recruitment of women is a good policy. The non-discriminatory policy could be publicised in order to continue the flow of female applicants into the force. Encouragement should also be given to candidates applying to enter the force from minority groups, such as the indigenous and immigrant communities.¹ These strategies will lead to a more diverse range of views in the police

¹ An unpublished report for the Tasmania Police found that 4.8% of the force are of Aboriginal descent (Tasmania Police Service 1993) which is above the national average. However only two of the 21 officers identified with the community. There are many officers from an East European background or who were born in the United Kingdom in the Tasmanian Police. The force is therefore more diverse in its cultural composition than it may at first appear. One group of people who are

force, thus improving tolerance of other cultural experiences. This is an important consideration in an organisation where knowledge of policing practices is gained by experience (see Chapter 3).

One area that causes friction in the force is the appointment of new recruits from the armed forces. While many of these candidates become good police officers, there are some who do not. There is also some feeling that officers who have been in the armed forces adopt a rigid, militaristic approach in their dealings with the public.

The belief that members of the armed forces will make good police officers is not appropriate. This is especially true at a time when society expects the police to change their attitudes and to become more culturally aware of their actions. The extremely regimented nature of the armed forces is unlikely to cultivate police officers who recognise changing societal views.

The organisation in the past has actively encouraged the appointment of these individuals. At the time of doing the research, a potential applicant from the armed forces can apply up to the age of 35, and other citizens up to the age of 33 (Anonymous, n.d.). The policy has now been altered and anyone who can pass the fitness test, regardless of age, can join the police force.

Recommendation 8

That the recruitment of female officers into the police force be actively encouraged.

Purpose

- To provide the source of an alternative cultural view within the force.
- To encourage, by example, an alternative policing style.

Recommendation 9

That candidates from the Aboriginal, ethnic and other communities, as well as from other minority groups, be actively encouraged to enter the police force.

Purpose

- To provide the source of alternative cultural views within the force.
- To encourage better cross-cultural awareness within the force.
- To encourage alternative policing styles.

8.4.3 Training

I have already discussed the importance of appropriate training for the police (see section 8.3). Existing programmes on domestic violence held at the Academy for recruits and other officers should be enhanced, without altering the basic structure of existing courses. If the force were to totally re-think the existing training programme then other options would be possible. As the training exists at the moment, a more appropriate addition would be a programme that increases awareness amongst the

difficult to recruit are individuals from Asian cultures: there are currently no officers with this cultural background in the force.

police of the phenomenon of domestic violence. Such a programme should be developed outside the current training framework.

While some attitudes are changing in the force, officers still have difficulty understanding why female victims return to perpetrators, or why they are unwilling to proceed with a case. *This is a matter that lies outside the legal framework of dealing with domestic violence.* I have therefore proposed the development a special awareness programme (outlined in Appendix 2). The programme design aims to reduce police cynicism about victim behaviour through a better understanding of the phenomenon of domestic violence. This should improve police handling of domestic violence.

Recommendation 10

That existing training of recruits in domestic violence encourage both a knowledge of the law pertaining to domestic violence, AND an understanding of the practicalities of policing domestic violence, by developing interactive educational approaches to the study of the phenomenon.

Purpose

- **To develop a better understanding of the practical nature of police involvement in incidents of domestic violence.**
- **To improve police handling of cases of domestic violence.**

Recommendation 11

That basic training of police recruits encourage programmes that emphasise the significance of good interpersonal communication skills as part of effective policing.

Purpose

- **To improve police handling of 'social work' cases (which include cases of domestic violence).**

Recommendation 12

That an advanced training programme be developed for police officers acting as supervisors, and for the domestic violence liaison officers.

Purpose

- **To improve police supervision of domestic violence cases.**

Recommendation 13

That appropriate cultural awareness programmes be maintained and further encouraged within recruit and higher officer training at the Academy.

Purpose

- **To improve cross-cultural understanding within the police force and how this affects the policing of domestic violence.**

Recommendation 14

That a domestic violence awareness programme be established (see Appendix 2).

Purpose

- **To refine police understanding of domestic violence.**
- **To encourage good working relationships between agencies.**

8.4.4 Quality Control

Mechanisms for assessing the quality of uniformed police work are currently handled through the command structure. Minor complaints are dealt with by a station head or duty officer at the time of the complaint. Serious allegations, involving criminal conduct or a breach of discipline, are dealt with by the Internal Investigations Branch. Both pathways involve the investigation of negatively perceived police activities. In the area of domestic violence it would be useful if officers were able to analyse cases after dealing with them. This would mean they could expand their understanding and knowledge of this work (see Case Study 20, for example). No such mechanism at present exists. The following recommendations, in combination with Recommendations 18 and 19 aim to fill this gap.

Recommendation 15 provides immediate access to a form of quality control for the officers. I base this on the assumption that attending a domestic violence case can be a learning experience. Debriefing sessions would provide a positive form of practical training in the handling of domestic violence and would reinforce appropriate actions that have led to positive outcomes in the past.

Quality control of domestic violence cases should also relate to the adoption of principles of best practice. It is clear from Case Study 20 that much can be done to improve police reactions at the scene. Recommendations 16 and 17, as well as the domestic violence awareness programme, cover these issues.

Recommendation 15

That debriefing sessions become part of standard procedure following cases of domestic violence involving more than one service, a dangerous situation, or where participating officers believe debriefing would be advantageous.

Purpose

- **To improve the quality of service delivery by the police, and allied services, in dealing with cases of domestic violence.**

Recommendation 16

That the existing policy regarding which officer takes responsibility at a domestic violence case be effected. The existing policy states that where two officers are working in pairs, the more senior officer takes charge. In other instances the first officer in attendance is responsible.

Purpose

- **To distinguish clear lines of responsibility for officers attending domestic disputes.**
- **To clarify the participatory roles of officers at domestic incidents.**
- **To improve the quality of service delivered by the police.**

Recommendation 17

That a policy of best practices be developed within the force for dealing with domestic violence cases, and that these be taught to officers, evaluated and modified on the basis of further experience.

Purpose

- **To clarify participatory roles of the police at domestic incidents.**
- **To improve the quality of service delivered by the police.**

8.4.5 Domestic Violence Personnel

The police force should dedicate personnel to training, and to the co-ordination of information, in order to provide better policing of domestic violence. The former will improve police understanding of the role they can play in the prosecution of domestic violence offenders, and the latter will increase the efficiency of communication, both internally and with external agencies. Both are crucial to the police handling of domestic violence. The establishment of a domestic violence unit (see Appendix 3) would also provide a sense of continuity to cases that currently is often missing.

Recommendation 18

That a full time position within the force be dedicated to training on domestic violence. This position should cover teaching at the Academy, outreach programmes to the stations, and community education. Community education should especially be oriented towards school children.

Purpose

- **To co-ordinate training on domestic violence within the police force.**
- **To provide in-service training for officers in the field.**
- **To provide a source of domestic violence education for school children and improve community relationships.**

Recommendation 19

That a unit be established within the police force to deal with issues relating to domestic violence (see Appendix 3).

Purpose

- **To centralise, integrate and co-ordinate all knowledge and information held by the police on perpetrators of domestic violence.**

- To collect and disseminate reliable statistical data on police involvement in domestic violence in Tasmania, with a long-term view to integrating this data with that collected by other support agencies.
- To use sophisticated statistical techniques to analyse the data in order to illuminate and profile the nature of domestic violence in Tasmania.
- To provide meaningful comparative information between domestic violence workloads and data relating to other police activities.
- To channel relevant information to police officers involved in domestic violence cases, both at the time of initial contact and following legal proceedings. This would cover such areas as any prior history of violence, previous restraint orders issued and other potentially relevant material that would assist an officer in laying charges.
- To monitor and act as quality control assessors of police involvement in cases of domestic violence.
- To co-ordinate and chair de-briefing sessions (outlined in Recommendation 17).
- To develop and refine protocols relating to domestic violence wherever appropriate.
- To continually overview legislative developments.
- To act as a resource centre on all matters relating to domestic violence for operational police officers.
- To liaise with other bodies within the State (such as the TDVAC, TAFVIP, the DVCS and the mental health working committee) on issues and policy development relating to domestic violence.
- To co-ordinate actions between agencies with regard to domestic violence, for example the collection of a victim's belongings from a house.
- To liaise with the police prosecutions' section, the victim and other involved parties in those cases where a victim wishes to withdraw charges against a perpetrator. In this role the unit would seek to achieve an outcome that satisfied all parties involved.
- To co-ordinate and liaise with appropriate inter-state bodies in cases of domestic violence that cross state boundaries.
- To act as advisors to rural police, through the domestic violence liaison officers, on issues relating to domestic violence in the country.
- To give logistical support for rural police, if called upon to provide it.
- To liaise with minority groups, as and when requested, regarding issues relating to domestic violence.

8.4.6

The Radio Room

With the introduction of a dedicated domestic violence team, the role of the radio room will be crucial. At the time of undertaking the research, the operators in the radio room were police officers. The force is now replacing police officers as operators with civilian operators. These operators work under the supervision of a police officer

Individuals ringing the police about instances of domestic violence often first make contact with the police through an operator in the radio room. Those ringing the police may be in a very emotional state and it is therefore important that the operators are well-trained in order to handle these cases appropriately.

For the uniformed police any information that the radio room can provide before they attend a case helps them to cope with the unpredictability of the situation. The involvement of firearms, for instance, is a crucial piece of information for attending officers. The development of a list of standard questions to be asked by the operator when a call is made about domestic violence, would help to improve this situation.

Recommendation 20

That operators in the radio room be provided with adequate basic training.

Purpose

- To improve the efficiency of radio operators.

Recommendation 21

That radio operators be given some form of domestic violence awareness training.

Purpose

- To improve the quality of handling of domestic violence cases by radio operators.

Recommendation 22

That a more sophisticated system of recording domestic violence cases on the computer be instigated.

Purpose

- To improve the information handed to attending officers at cases of domestic violence.
- To improve the data available on domestic violence.

8.4.7

Rural Policing

The difficulties confronting the rural police are different to those facing the police in the suburbs. While there was little evidence from this research of difficulties confronting the police in arresting perpetrators who were known to them socially, evidence from other areas of the state suggests this is not always true. In addition, rural police often work alone and can therefore find themselves attending a dangerous situation without back-up. A different strategy would therefore appear to be appropriate for rural police in handling domestic violence.

In Chapter 4 I suggest that rural police see themselves as being members of the community. They believe they can only effectively carry out their job if they have community support. It has also been suggested that domestic violence in the rural areas of Tasmania still goes largely unreported. Another key issue is the lack of resources in rural areas. Rural police are therefore unlikely to become effective in handling domestic violence without additional support.

The use of surveillance in cases of domestic violence (see Chapter 4) only works when the police are *officially* aware of the violence; that is, it has been brought to their

attention by a member of the public. I therefore propose that a community based strategy be adopted for the policing of domestic violence in the country, similar to that adopted in New South Wales. This would involve co-ordination with such groups as the Department of Community and Health Services and the establishment of local committees. Members of the committees must contain individuals who are known not to be perpetrators of violence and must represent both female and male sectors of the community.

The committees would:

- provide a forum for the discussion of issues relating to domestic violence in rural areas;
- develop educational programmes for their communities; and
- co-ordinate the dissemination of information about domestic violence.

In New South Wales the policy appears to have been very successful. Stewart (1990: 103) comments that the programme has led to "three women in country towns ... [having their lives saved] and who now feel safe because of the community support they have received".

The successful implementation of such a programme is entirely dependent upon the adequate training of police, a task that can be co-ordinated through the Domestic Violence Liaison Officers, the proposed Domestic Violence Unit, and the appointment of a full-time staff member at the Academy to deal with domestic violence training (see Recommendation 18). Adopting such an approach to domestic violence in the rural areas would also help to improve the image of the police and would enhance their role as respected members of the community (see Chapter 4).

Recommendation 23

That rural police be given appropriate training in the special factors affecting the 'presentation' of domestic violence in rural communities.

Purpose

- **To improve police understanding of domestic violence in rural areas.**

Recommendation 24

That an integrated approach be adopted for handling domestic violence in rural communities. This would involve the creation of local co-ordinating committees, consisting of a representative from the police and respected members of the community, both men and women, who are known not to be associated with violence.

Purpose

- **To provide a more appropriate and successful strategy to the policing of domestic violence in rural areas.**

8.4.8

Paperwork and the Legal Framework

Much has been said in this report about the paradoxical nature of the relationship between 'active' policing and the production of a case for the courts (see Chapter 3). Paperwork is an integral part of policing and cannot be avoided, even though most officers hate doing it (see Chapter 5). However moves towards simplifying this

process, which have already been initiated in the area of domestic violence, should be further encouraged. The computerisation of the police system, which has begun, should also be expedited.

Police discontentment with the reaction of the courts seems to be a problem that cannot be resolved by suggesting reforms in the courts, except in the area of family law court actions. Many reforms have already been instigated, such as the speedy hearing of cases and the simplification of the paperwork. Once again, the real need appears to be for better communications between the two systems. While this is currently covered at the Academy the police would find additional knowledge about the workings of the legal profession useful. The law reform commission could be an appropriate organisation to provide this.

Bringing cases to court is time-consuming. Because there can be long delays between the laying of a charge, and the hearing of it in court, victims often change their minds. Any programme that aims to improve the 'success' rate of cases passing through the courts is important. For the police, any indication of a decreasing number of victims withdrawing cases would provide a positive incentive to their role of prosecuting offenders.

In addition, attending court can be a traumatic experience for the victim. In order to help victims cope with this situation, a Domestic Violence Court Assistance Scheme was established in June of 1994, and was evaluated by the Department of Law of the University of Tasmania in 1995 (Baron 1995). However, any such scheme cannot successfully function, because of the limited resources available, unless domestic violence cases are heard in blocks by the courts. Adopting this strategy has been only partially successful to date.

Recommendation 25

That the computerisation of the police system, especially regarding the production of files for prosecution, be expedited.

Purpose

- To increase the efficiency of the force.

Recommendation 26

That suitable mechanisms be instigated, where appropriate, simplifying the paperwork associated with charges relating to domestic violence.

Purpose

- To improve the policing of domestic violence
- To reduce the friction between the police force and the legal system.

Recommendation 27

That a working committee be established to investigate ways in which the practical difficulties encountered by the police can be reduced in handling domestic violence cases involving family court issues.

Purpose

- **To reduce the ambiguity surrounding cases of domestic violence attended by the police that involve family court issues.**

Recommendation 28

That suitable mechanisms be established to improve understanding and working relationships between the police and the courts.

Purpose

- **To improve relationships between the police and the legal system.**
- **To improve the workings of the police with relation to the courts.**

Recommendation 29

That cases of domestic violence be heard in court as quickly as possible.

Purpose

- **To reduce the possibility of reneging on the part of victims and other witnesses.**

Recommendation 30

That the courts work towards hearing all cases relating to domestic violence in blocks.

Purpose

- **To utilise the time of police officers, crisis workers and shelter workers more efficiently.**
- **To increase the number of cases successfully brought to justice as a result of better availability of support systems for the victims.**

8.5

The Domestic Violence Crisis Service

The major problems that appear to exist for the DVCS in Hobart are the lack of personnel and facilities, as a result of a lack of funds. It is clear from the time I spent with the police that they resent the inadequate support that the DVCS provides, whether it be because there is only an answering machine at the other end of the line when they ring², or whether it be because it is after midnight and there is no crisis worker on duty. This discourages the police from using the service or referring victims to it.

The police also believe that the service only counsels victims who are women and this is resented. The DVCS say that while they do not currently provide a service for men

² The co-ordinator of DVCS in Hobart tells me that since March 1995 this is no longer the case during the hours when crisis workers are on duty (9.00-0.00 weekdays and 18.00-0.00 weekends). However, on a recent call to the service mid-morning one week day, my call was answered by a recorded message, and not a crisis worker.

who are perpetrators, they will counsel men who are victims. This is a point that the police are generally unaware of which indicates a breakdown of communications between the two organisations. As was pointed out in Chapter 6, many cases the police attend cannot clearly be delineated into a classification that says the woman is the victim and the man is the offender. Once again, their perception is that men are totally excluded from the available counselling facilities, and that this biases the presentation of violence in our society. As a result, they believe their intervention in domestic violence is likely to have a minimal impact.

I intended to include a recommendation suggesting the DVCS could employ both female and male counsellors, as occurred in the past. This is not a viable option given the almost uniform resistance to this idea amongst the DVCS crisis workers to whom I talked. The resistance of the DVCS crisis workers to this idea suggests a gendered view of violence. It is therefore recommended that an analysis of the culture of DVCS could be undertaken to gain parallel insights to those found on the police, contained in this report. This would also help in an understanding of how this gendered approach impacts on service provision to domestic violence clients who may be either female or male (see Chapter 7).

Often the police attend cases that reinforce this view. This is because they are most likely to be called to domestics involving scumbags (see Chapters 5 and 6). Whether these cases form the bulk of the domestics they attend or not, is irrelevant. The police believe they deal with the hopeless cases, where the victim keeps returning to the offender, or will withdraw a case from the courts. As a result the police are discouraged from playing a positive role in the handling of domestic violence.

Better communications between the DVCS and the police would improve this situation, especially if the DVCS made some attempt to update police officers on cases with which they have been involved. The current lack of trust between the two organisations, other than for some individual interpersonal cases, makes this impossible and needs to be addressed.

The following recommendations therefore aim at improving relationships between the two organisations through a combination of better communications and better service provision on the part of the DVCS.

Recommendation 31

That the service be extended to 24 hours a day, and not rely on contact being made with clients and other services through a recorded message.

Purpose

- To establish a genuine 'crisis' service.

Recommendation 32

That crisis workers work in pairs at night.

Purpose

- To ensure greater safety of the crisis workers.

Recommendation 33

That a full-time administrative assistant be employed to handle administrative tasks that are currently undertaken by crisis workers.

Purpose

- **To provide administrative support to the DVCS.**
- **To ensure that crisis workers spend their time in the role for which they are employed: that is, as counsellors.**

Recommendation 34

That the service be provided with an adequate office space to work from for 24 hours a day.

Purpose

- **To ensure that crisis workers are not involved in commuting from one office space to another within working hours, as currently occurs in Hobart.**

Recommendation 35

That each worker at the DVCS spends one rostered shift period (usually five days) per year on patrol with the police, each time at a different police station in a different area (e.g. rural versus suburban).

Purpose

- **To improve relationships and communication between the police and the DVCS crisis workers.**
- **To improve understanding of the respective roles of each body.**

Recommendation 36

That every police recruit spend one day before graduating from the Academy with a DVCS crisis worker.

Purpose

- **To improve understanding of the role the DVCS plays in the handling of domestic violence.**
- **To improve personal relationships between members of the two organisations.**

Recommendation 37

That a process be established that ensures the DVCS informs the police of the outcome of cases the police refer to them. This should be handled by administrative support personnel (see Recommendation 33).

Purpose

- **To improve communications between the police and the DVCS.**
- **To provide positive support to the police in their involvement in cases of domestic violence.**

Recommendation 38

That crisis workers from the DVCS be integrally involved in the domestic violence awareness programme for the police (see Appendix 2).

Purpose

- To improve relationships and communication between the police and the DVCS crisis workers.
- To improve understanding of the respective roles of each body.
- To provide a forum for the resolution of practical problems relating to the handling of cases of domestic violence.

Recommendation 39

That a study be undertaken of the culture of DVCS.

Purpose

- To increase our knowledge of how a gendered approach to service provision impacts on clients.

8.6

The Shelters

The research indicates the police commonly believe shelters are run by rampant, uncompromising feminists (see Chapter 6). This view probably derives from a parliamentary allegation made in the late 1970s against one of the Hobart shelters (see Chapter 1). Police stereotypes of shelters are outmoded, but also indicate a lack of understanding or appreciation of the significant role shelters play in dealing with domestic violence.

The shelters in Hobart are run in a variety of ways. In theory, the variation allows victims to choose accommodation to suit their individual needs. Most police appear unaware of this variety, and tend to treat shelters as though they are all the same. When calling shelters to find accommodation for a victim the police either call the better-known shelters, or one with which they have had dealings in the past. The actions of the police tend to be based on personal experience, rather than any knowledge of the shelter system itself.

From the police perspective, one of the problems is that shelters believe locations should be secret. For example, some shelters do not like the police to take victims to them, preferring to pick them up from a police station or an agreed location.

The police see this secrecy as being ineffective. They believe it is impossible to keep the locations of shelters secret in a city the size of Hobart. Some officers, for example, talked about their experience of being called to a shelter when a perpetrator has harassed the residents. Most of the officers know where the shelters are and believe they should be able to take victims directly to them. This saves time and ensures that the officers concerned complete the job before they become involved in another one (Holdaway 1983). Keeping secret from the police the location of shelters is a source of tension. This should be addressed.

Some officers also commented on the resentment they feel shelter workers exhibit when the police bring victims to the refuges. This suggests that there is antagonism on

the part of some shelter workers towards the police. While this might be justified in some cases, there will be no improvement in the relationship between the two groups as long as these attitudes remain. As with the other services, there is a need for the shelters and police to co-operate with each other in order to provide a good service to victims.

There is a need for both sides to develop a sense of respect and understanding for the other's point-of-view. While there are similar recommendations regarding the DVCS, the underlying causes of the disharmony between the police and some shelters are distinctly different. In the case of the DVCS the difficulties tend to revolve around practical considerations, while for the shelters they relate to the images each organisation has of the other.

The proposal to involve shelter workers in the Domestic Violence Awareness Programme for police is particularly important. It should provide a forum for the two sides to communicate with each other in an informal environment. This should create a better understanding of the other's viewpoint, a precursor to building a relationship of trust.

The recommendations aim to improve:

- communications and understanding between the two organisations, and
- awareness within the police force of the distinctive nature of each of the shelters with which they are likely to deal.

Recommendation 40

That each shelter establishes a 'neutral' area, if it does not already exist, where the police can bring victims and interview shelter clients.

Purpose

- To establish a better working relationship between the police and the shelters.

Recommendation 41

That workers from the shelters spend one rostered shift period (usually five days) per year on patrol with the police, each time at a different police station in a different area (e.g. rural versus suburban).

Purpose

- To improve relationships and communications between the police and shelter workers.
- To improve understanding of the respective roles of each body.

Recommendation 42

That every police recruit spend one day before graduating from the Academy at a shelter.

Purpose

- To improve understanding of the role that shelters play in the handling of domestic violence.

- To improve personal relationships between members of the two organisations.
- To improve police appreciation of the distinctive approaches of the various shelters.

Recommendation 43

That a process be put in place to ensure that each shelter informs the police of the outcome of cases referred to them by the police.

Purpose

- To improve communications between the police and the shelters.
- To provide the police with feedback regarding their involvement in cases of domestic violence.

Recommendation 44

That protocols be established of acceptable procedures to deal with issues of confidentiality and secrecy between the police, shelters and victims.

Purpose

- To improve relationships between the police and the shelters.
- To improve the service provided to victims.

Recommendation 45

That shelter workers be integrally involved in the domestic violence awareness programme for the police (see Appendix 2).

Purpose

- To improve relationships and communication between the police and the shelters.
- To improve understanding of the respective roles of each body.
- To provide a forum for the resolution of practical problems that might arise when dealing with cases of domestic violence.
- To improve police appreciation of the distinctive approaches of the various shelters.

8.7

Aboriginal Services

At the present time there are only limited services available for Aboriginal women who are the victims of domestic violence. Difficulties exist in the legal representation of Aboriginal women. This arises because of the Aboriginal Legal Service's policy to represent only one party in a case involving more than one Aboriginal. It is possible that a service for Aboriginal women, similar to that in New South Wales, could be useful in resolving this difficulty (*The Weekend Australian Review*, 18-19 June 1994, pp. 1-2; but cf. *The Weekend Australian*, 18-19 June 1994, p. 7). However, decisions to instigate specific programmes for Aboriginal women must come from the women themselves and not be imposed upon them by the wider community. The role of government and existing service groups should be to provide support to any initiatives that come from the Aboriginal women.

More significantly, the establishment of TAFVIP provides the police with the opportunity to build links with the Aboriginal community on matters relating to domestic violence.

Recommendation 46

That the police develop protocols on culturally appropriate actions for police attending domestic violence cases involving members of the Aboriginal community. These protocols should be produced in conjunction with the appropriate Aboriginal bodies, such as TAFVIP.

Purpose

- **To improve police handling of domestic violence cases involving the Aboriginal community.**

8.8

The Children

This report has said little about the impact of domestic violence on children. However, it is obvious from the findings that the police are particularly discontented with the role of the CPU. It should be of concern to the authorities that the police see the CPU as being so ineffectual that they prefer not to call them. My own experience suggests that the police only call in the CPU as a last resort. The experience of the death of Daniel Valerio in Victoria (*The Weekend Australian*, 12-13 February 1994, p. 22) should be taken as a warning by all those who are involved in protecting children. The poor relations between the CPU and the police in Tasmania suggest that a repeat of the Daniel Valerio case could easily occur here. Procedures should be instigated in order to avoid this happening.

Recommendation 47

That the police and the CPU develop protocols regarding the role of each body in those cases of domestic violence where children are involved.

Purpose

- **To improve the protection of children who are the victims of domestic violence.**

8.9

The Lack of Facilities for Violent Men

Of particular concern for the police is the lack of facilities for violent men. This concern arises out of their perception that police intervention does not stop domestic violence. For the police, the idea of a "cycle of violence" (Widom 1989) is *the* reality. They, as with shelter workers and the DVCS, are now seeing the second generation of perpetrators come to their attention.

There is also evidence to show that issuing a restraint order against a man does not necessarily change his behaviour. Rather it may mean that he moves to another location or to another woman. At one shelter a worker told me about a case where the man is about to come out of jail after bashing up his third *de facto* partner. He said he was going to get her and the children when he got out of jail. As a result an inter-agency meeting was convened where it was decided to relocate the woman interstate. While this may provide immediate protection for the woman this does not prevent the

man from becoming involved with another woman and beating her. No mechanisms exist to alter his behaviour. As the shelter worker put it, "We are using a band-aid approach to domestic violence."

It is cases like this that put into question the long-term success of any programme that emphasises, to the exclusion of all else, the criminal nature of assault. Incarceration for criminal activities has never been proven as an effective way of reforming behaviour: recidivism rates are high. The same is true for domestic violence. While the criminalisation of domestic assault is important as a signal to potential offenders that society no longer approves of this sort of behaviour, it does not necessarily act as an effective deterrent or 'cure' (Jenkins 1990, 1991).

An urgent need exists, therefore, to establish an appropriate programme for the perpetrators of domestic violence. This should form part of an integrated approach, aimed at impacting on the prevalence of domestic violence in our society. There are now several examples of programmes, both within Australia and overseas, on which such a programme could be modelled (Sherman and Berk 1984; Smith 1991; Victims Task Force 1992; N.S.W. Domestic Violence Committee 1991a). It is beyond the purview of the current research to comment on the form or nature that such a programme should take. However, in the context of the police's handling of domestic violence, it is important to draw attention to the need for such a programme.

Recommendation 48

That the government instigate an appropriate intervention programme for the perpetrators of domestic violence, within which evaluation is incorporated as an integral component.

Purpose

- **To provide a positive impact on the occurrence of domestic violence in society.**

8.10

The Medical Profession

The role of the medical profession in cases of domestic violence has received very little attention. From information collected during this research it is clear that some doctors are unwilling to treat domestic violence victims. Reasons given for this are an unwillingness to spend time in court and some doctors do not like giving evidence.

A doctor's refusal to see a victim creates difficulties for the police. It adds to police time spent on cases and could affect the outcome of a case, if the victim is intimidated by the reaction of the doctor. A need therefore exists to establish a process whereby the police can register complaints about doctors' treatment of victims when their behaviour is inappropriate, or unprofessional.

Recommendation 49

That further research be undertaken on the attitude and response of the medical profession to domestic violence.

Purpose

- **To provide data on the attitude within the medical profession towards treating victims of domestic violence.**
- **To establish the difficulties for the medical profession in treating victims of domestic violence.**

Recommendation 50

That a mechanism be established whereby the police can lodge complaints about the inappropriate treatment of victims by the medical profession.

Purpose

- **To improve the medical welfare of domestic violence victims.**

Recommendation 51

That the police and the medical profession develop protocols regarding the role of each body in those cases of domestic violence where a doctor's report is required.

Purpose

- **To improve the medical welfare of domestic violence victims.**

8.11

Mental Health

It is clear from the time spent with the police that a percentage of cases they are called to, and that both the DVCS and shelters may become involved in, relate to individuals who suffer from mental illnesses. These cases may not be domestics but often it is the resources allocated for domestic violence that are called upon to deal with them. For example, it is not unusual for the police to approach a shelter to accommodate an individual for a period who is not a victim of domestic violence, but for whom they can find no other accommodation. This is done when no other alternative exists for those cases where the individual cannot, or will not, be committed to either Ward 5A at the Royal Hobart Hospital or to the Royal Derwent. Here is a classic example of shifting a problem from one realm to another, without providing a solution. If these individuals are accepted at a shelter, which they usually are, then their behaviour can be disruptive to other residents, causing more tension for those who have already been through a traumatic experience. At the moment there is inadequate provision for these cases and they may utilise facilities dedicated to victims of domestic violence.

The whole area of handling individuals suffering from mental illness is currently being reviewed by a working committee established to develop protocols relating to mental health patients. However, a couple of simple recommendations can be made that would specifically assist the police in their handling of these cases.

Recommendation 52

That specific attention be given to the role of the police and the Department of Community and Health Services in developing a set of strategies and protocols for dealing with cases involving the mentally ill.

Purpose

- **To improve police methods of handling individuals and situations that involve the mentally ill.**

Recommendation 53

That there is an urgent need for the establishment of half-way houses for the mentally ill.

Purpose

- **To reduce pressure on resources allocated for other purposes, such as domestic violence.**

Recommendation 54

That the state government be encouraged to proceed with its current review of mental health policy.

Purpose

- **To reduce pressure on the police to deal with cases that should not be their concern.**

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APPENDICES

**APPENDIX 1: COPIES OF PRO-FORMA SHEETS FOR
ASSAULT AND RESTRAINT ORDER APPLICATIONS**

Pro-forma Sheets for Assault and Restraint Order Applications (current for 1995)

1. Statement (PD 110) - 1 sheet;
2. Domestic Violence Incident Report (PD 242) - 1 sheet;
3. Application by Police Officer for Restraint Order (Form 48B) - 7 sheets;
4. Brief (PD 105) - 2 sheets;
5. Criminal Offence and Modus Operandi Report (PD 32) - 1 sheet;
6. Fact Form and Antecedent Report (PD No. 108) - 2 sheets;
7. Authority to Supply Details of Medical Examination and/or Treatment (PD 33) - 1 sheet;
8. Prisoner Admission and Assessment Form - 5 sheets; and
9. STOP Card



Domestic Violence Incident Report

Tasmania Police

District Division

Station Date

Complainant

Name
Address
Telephone

Victim

Name
Address
Telephone
Sex Female ☐ Male ☐
Relationship to Offender

Offender

Name
Address
Sex Female ☐ Male ☐

Outcome of call (you may tick more than one box)

Offender arrested for a breach of an order..... ☐
Offender arrested on another charge(s)..... ☐
Offender detained to obtain an order..... ☐
Offender to be charged by summons for:
 breach of an order..... ☐
 other offence(s)..... ☐
Order currently existing..... ☐
Police to apply for an order..... ☐
Offender removed (without arrest)..... ☐
Victim removed to:
 Address
 Telephone N ☐ Y ☐
Complainant will give evidence..... ☐ ☐

Incident

Committed at
Division
Date committed
Time committed
Officer(s) attending
Time called
Time arrived
Time taken at scene
Offence(s) committed
Sufficient evidence No ☐ Yes ☐
COMO submitted No ☐ Yes ☐
Weapon involved No ☐ Yes ☐
Type of Weapon
Weapon removed No ☐ Yes ☐
Injury (specify)
Threat (specify)

Brief facts of incident

(Attach a separate page if necessary)

Domestic Violence Crisis Service (DVCS)

Does the victim require contact with DVCS

Information about DVCS given to victim

Contacted No ☐ Yes ☐

No ☐ Yes ☐

Pamphlet ☐ Verbal ☐

Reporting Police Rank Number

Distribution

Commissioner of Police (white); District Superintendent (yellow); DVCS (pink); Office of Origin (green).

P.D. 242

FORM 48B

Rule 58D(2)(a)(ii)

Justices Act 1959

APPLICATION BY POLICE OFFICER FOR RESTRAINT ORDER

TO: The Clerk of Petty Sessions
at
in Tasmania.

1. YOUR DETAILS

Surname Given Names
Rank Station
Number (if any)

2. DETAILS OF PERSON(S) TO BE PROTECTED

Full Name(s)	Gender	Date of Birth (if known or age)	Address
1.			
2.			
3.			
4.			
5.			

Have all adults who are to be protected been told that this application is being made?

☐ YES ☐ NO (Tick one box)

3. DETAILS OF PERSONS TO BE RESTRAINED

Full Name(s)	Sex	Date of Birth	Address	Relationship of person benefitting from order
1.				
2.				

**e.g. married, married/separated divorced, de facto, de facto/separated father, sister, boyfriend, neighbour, etc.*

4.

(Tick appropriate box or boxes)

- ☐

5.

- (1)

For each incident, include:-

- (a)

.....

.....

.....

.....

(If insufficient space, attach a statement of the conduct)

(2) Briefly state -

- (a) *the reasons for your belief that the person to be restrained is likely to behave in the same or a similar manner again; and*
- (b) *the names of any witnesses to be called and a brief description of the type of evidence they will give.*

.....

.....

.....

.....

.....

6. INTERIM ORDERS

If interim orders are sought, briefly state the reasons for considering the orders a matter of urgency.

.....

.....

.....

.....

.....

.....

.....

.....

7. SPECIFY THE RESTRAINT ORDERS YOU ARE SEEKING

Attach to this form a statement of restraint orders which sets out the restraint orders you are seeking. *For examples of commonly used restraint orders, see the example orders attached to the back of this form.*

8. DETAILS OF WARRANT

Has a warrant been issued under section 106C(1) for the arrest of any person(s) to be restrained?

☐ YES ☐ NO (Tick one box)

Name(s) of person(s) to be arrested

9. DETAILS OF CURRENT ORDER(S)

If you are aware of any orders (including Family Court Orders, agreements registered or judicially approved by the Family Court and Family Court Injunctions) currently in force between any person(s) to be protected and any person(s) to be restrained -

- (a) attach a copy of the order(s) (if you can);
OR
(b) if you are not attaching a copy of an order, give the following details (if they are known to you):-

Names of parties to the order	Name of court	Where court is situated	Details of the orders
1.			
2.			

10. DETAILS OF COURT HISTORY

If you are aware that there have been, or are still going on, any other court proceedings between any person(s) to be protected and any person(s) to be restrained (e.g. previous restraint orders, assault charges, trespass, relevant civil proceedings), give the following details (if they are known to you):-

Names of parties to the proceedings	Name of court	Where court is situated	What were or are the proceedings about
1.			
2.			

11. DETAILS OF OTHER RELEVANT MATTERS

Give details of any other matter you consider relevant:-

.....
.....
.....
.....
.....
.....
.....
.....

NOTICE TO RESPONDENT

To:

.....
(Name of respondent)

.....
(Address of respondent)

An application has been made asking the Court of Petty Sessions to make a restraint order against you. A copy of the application is attached.

THE APPLICATION WILL BE HEARD

at the courthouse at.....

on.....

at.....

IF YOU WISH TO DEFEND the application you must attend the hearing at the court on the day set out above. You may also, before the day of the hearing, file with the Clerk of Petty Sessions an affidavit replying to the claims made about you in the application.

IF YOU DO NOT ATTEND the hearing, the court may make the orders set out in the application or other similar orders in your absence.

ANY ORDER MADE can be registered in another State or a Territory without further notice to you and can be enforced against you there.

Dated this.....day of..... 19.....

.....
CLERK OF PETTY SESSIONS

MEMORANDUM OF SERVICE

I, ...of.....

have today served.....of.....

.....with a sealed copy of the Application which

this is a true copy by delivering it to him/her personally at.....

..... DATED:.....

SIGNED

12. STATUTORY DECLARATION

I
(Rank and full name)

of
(Address)

police officer, do solemnly and sincerely declare that to the best of my knowledge and belief the information contained in this application is true; and I make this solemn declaration by virtue of section 132 of the *Evidence Act 1910*.

Signed

Declared at this day
of 19.., before me, ..., *Justice
(Name)
of the Peace/*Commissioner for Declarations.

Signature:

*Cross out if incorrect.

Order (6)

must not damage -

- (a) the land, premises and contents of the land and premises at
.....; and
(Address)
- (b) any other land, premises and contents of the land and premises at
which
.....
(Name(s) of person(s) to be protected)
may from time to time be living or staying; and
- (c) the property of; and
- (d) the property used by and in the control of
.....
(Name(s) of person(s) to be protected)

Order (7)

must not go within
(Distance e.g. 100 metres)
of
(Name(s) of the workplace(s) of the person to be protected)
at
(Address(es) of the workplace(s))
or any other premises at which
.....
(Name(s) of person(s) to be protected)
may from time to time be working.

Order (8)

must keep the peace towards
.....
(Name(s) of person(s) to be protected)

Order (9)

must deliver any gun in his or her possession to a police station or a police officer.

Order (10)

must not apply for any licence or permit under the *Guns Act 1991*.

Order (11)

must pay the costs of and incidental to this application.

FURTHER ORDER

Order (12)

Any licence or permit held by
(Name(s) of person(s) to be restrained)
under the *Guns Act 1991* is *cancelled/*suspended while this order is in force.

*(Cross out if not needed)

TASMANIA



POLICE

FILE NUMBER

BRIEF

District		Division		Station		Date	
Surname		Age		Date of Birth			
Christian names in full							
Address in full							
CHARGE IN DETAIL—INCLUDING VALUE OF ANY PROPERTY:							
Arrested							
Warrant							
Time held in Custody							
Video							
Summons							
Jointly Charged		With Whom and Age					
Bailed to		at		a.m. p.m.		Court	
Name of Act & Section							
Committed at							Division
Day committed		Date	Hour				
Driver's Licence No.		Class	Date of expiry				
Registration No.							
Full Name of Reporting Police							Rank & No.
Checked by							Rank & No.
Prosecution Authorised by							Date
Hearing Date		Plea or Ex-Parte		Date of decision			
Chairman of Court		Defending Counsel					
Court and decision:							
DAMAGES CLAIMED							
DAMAGES ACCOUNTS ATTACHED							
P.D. 238 DISPOSAL							
Prosecutor		225		Rank		No.	

Witnesses and addresses	Police Leave	
	1. from	to
	2. from	to
	3. from	to
	4. from	to
	5. from	to
	6. from	to

EXHIBITS:

PARTICULARS OF OFFENCE OR INFORMATION
FOR COMPLAINTS ON MULTIPLE CHARGES:

TASMANIA



POLICE

FILE NUMBER

CRIMINAL OFFENCE AND MODUS OPERANDI REPORT

District		Division		Station		Date		
Offence						Class of premises		
Committed at (Address)							Division	
Day committed			Date				Hour	
Or committed between								
On whom committed (Business/Person)						Phone No.	Private	
Address							Business	
Complainants Age			Relationship to the Offender					
By whom reported and Address								
By whom visited			Date				Hour	

FULL DESCRIPTION OF PROPERTY STOLEN, DAMAGED, etc. (include identifiable or not)

Total value of property stolen		Value of damage	By Burglary		Any fingerprints	
			Other			

PARTICULARS OF CRIME OR OFFENCE AND DESCRIPTION OF SUSPECTS:

Reporting Police	Rank	No.
------------------	------	-----

TASMANIA



POLICE

FACT FORM and ANTECEDENT REPORT

District		Division		Station			Date		
Surname						Maiden name			
Christian names in full						Age		Date of Birth	
						Aliases			
Address in full						Nick-names			
Offence							Date		
Committed at							Time		
On whom committed and address Home (or business)							Phone No.		
Arrested	Without warrant			By summons		Date		Time	
	By warrant								
With whom arrested									
Present occupation							Wage		
Name of employer							Length of employment		
Receiving unemployment benefits				How long			Amount		
Objection to bail and reasons									
Marital status				Number and ages of dependants					
Description of clothing worn at time of offence									
Methods used in committing offences, and facts of case									
Arrested/Reported by					Rank		No.		

Hair		Eyes		Height	
Build		Race		Complexion	
Descriptive marks, including scars, tattoo marks					
Other peculiarities					
Where born (Country State and Town)		Citizenship (Australian or otherwise)			
Arrival in Tasmania (date and how)		Where from			
Standard of education and grade reached					
Home life and family environment, etc.					
Name of associates					
Places frequented by offender					
General attitude					
Property stolen		Value			
Property damaged		Value			
Property recovered		Value			
How offender disposed of property					
General remarks and probable defence					ARE DAMAGES CLAIMED BY VICTIM?
Details of motor vehicles used by offender whether private or in course of employment					
Defences raised in Court (to be completed by Prosecutor)					
Fingerprinted	Yes ☐ No ☐	By whom		Authorised by	
If not printed —reasons					
Photographed	Yes ☐ No ☐	By whom		Authorised by	
If not photographed —reasons					

TASMANIA



POLICE

AUTHORITY TO SUPPLY DETAILS OF MEDICAL EXAMINATION AND/OR TREATMENT

To:
Superintendent of Hospital or Name of Private Practitioner

of

Re:
Name of patient

of
Address

Date of Birth

WHEREAS, on the day of 19

.....
Name of Patient/Person Examined

was medically examined and/or treated by
Name of Medical Practitioner

at

in respect of
Offence or Incident

†... at the request of and
Name and Rank

Delete if not applicable under the Provisions of the Criminal Process (Identification and Search Procedures) Act 1976.

I hereby authorise you to supply, in writing, full particulars of the examination and/or treatment to the Tasmania Police Department.

Signed: (Applicant) Witnessed:

Date: Rank and No. (if applicable)

Please forward report to:—

..... Station

Attention of:

Complete if patient is under eighteen years of age.

I, ... being the Parent or Guardian of the within named patient hereby consent to and authorise the release of the necessary details of the examination and/or treatment to the Tasmania Police Department.

Signed: of

Date

COUNSELLING & SUPPORT

SHE 237 775
(Support, Help and Empowerment)

Support service for women in and from abusive relationships.

9am - 5pm Mon-Fri
answering service at other hours

SEXUAL ASSAULT

**Sexual Assault
Support Service** 311 811

24hr crisis counselling and support service for women who have experienced rape, child sexual assault or incest.

Calls to these services will be treated in strict confidence. If you wish, you do not need to give your name.

Prepared by the Domestic Violence Action Group Inc. PO Box 119 North Hobart Tas.

Printed with the help of the Department of Community and Health Services, Tasmania

002



DOMESTIC VIOLENCE

DO NOT THROW THIS
CARD AWAY—USE IT TO
SAVE YOUR LIFE OR THE
LIFE OF SOMEONE YOU
CARE ABOUT.

Domestic Violence is a crime...
You can get help

POLICE EMERGENCY 000
AMBULANCE

Police 302 111

CRISIS COUNSELLING

Domestic Violence Crisis Service
332 529

Will attend at crisis situations. Also provide immediate counselling and advice for legal and accommodation needs.

Weekdays 9am - midnight

Weekends 6pm - midnight

At other hours phone Police.

EMERGENCY SHELTER
Women and Children 24hrs

Hobart Women's Shelter 346 323

Jireh House 293 750

Caroline House 345 011

All provide telephone counselling.

McCombe House 345 777

Accommodation and practical support.

EMERGENCY SHELTER
Young Women 24hrs

Annie Kenney

Young Women's Refuge 72 7751



TASMANIA POLICE

PRISONER ADMISSION AND ASSESSMENT FORM

The purpose of this form is to provide information to supervisors of persons in custody to ensure the period of detention is as free as possible of any undesirable incident. TO BE COMPLETED BY THE WATCH-HOUSE KEEPER EACH TIME A PRISONER IS DETAINED IN A CELL.

STATION

CHARGE
BOOK NO.

DATE

TIME

FAMILY NAME

GIVEN NAMES

DATE OF BIRTH

ETHNICITY

NEXT OF KIN

EMERGENCY

CONTACT

AND ADDRESS

PHONE NO.

INFORMATION BUREAU CHECK

Does *Warning* indicate the Prisoner is at Risk

☐

Yes

☐

No

1. Observations of the arresting officer and/or the escorting officer (where applicable) relating to the health, welfare and risk assessment of the prisoner.

Comments to be entered by the Watch-House Keeper

2. **WATCH-HOUSE KEEPER'S OBSERVATIONS**

IF YOU ANSWER YES TO ANY ONE OF THE FOLLOWING SEEK MEDICAL ATTENTION IMMEDIATELY

2.1 Q: Is the person unconscious or unable to be aroused?

☐ Yes ☐ No

2.2 Q: Is the person unable to stand up without help, speak making sense or understand where he/she is?

☐ Yes ☐ No

2.3 Q: Is the person excessively agitated?

☐ Yes ☐ No

2.4 Q: Does the person appear to see or hear things that are not there?

☐ Yes ☐ No

2.5 Q: Is the person talking about suicidal ideas?

☐ Yes ☐ No

2.6 Q: Is the person displaying any signs of self harm and/or has he/she made any direct or indirect threat of self injury while in custody?

☐ Yes ☐ No

2.7 Q: Does the person show physical signs of significant trauma (e.g., head injuries, bleeding from mouth or ears)?

☐ Yes ☐ No

2.8 Q: Does the person complain of chest pains?

☐ Yes ☐ No

2.9 Q: Is the person persistently vomiting?

☐ Yes ☐ No

2.10 Q: Does the person have the shakes?

☐ Yes ☐ No

Watch-House Keeper to ask the prisoner the following questions -

but note, that as some questions are of a sensitive and personal nature, the prisoner is to be informed that he/she is not obliged to answer them.

If any answer is in the affirmative, record appropriate details and seek medical advice as soon as possible concerning the prisoner's answers.

Q: Are you presently receiving any form of medical treatment?

☐ Yes

☐ No

Record details and nature of the condition being treated and the nature and regularity of the treatment.

Seek medical advice if prisoner is being treated for depression, anxiety disorder, suicide attempt or psychotic behaviour

Q: Are you taking any medication?

☐ Yes

☐ No

Record details and the medication. Also note, does the prisoner indicate that the medication is required while in detention? Does prisoner have medication available?

Q: Have you ever been treated for heart disease, asthma, diabetes or epilepsy?

☐ Yes

☐ No

Record details of the disorder and when last treated - currency of disorder might affect risk assessment.

3.4 Q: Have you ever been treated by a Psychiatrist, Psychologist or medical professional from a mental health facility.

☐ Yes ☐ No

• Record the dates, treatment locations and reasons for the treatment.

A: _____

4. SPECIAL CONSIDERATIONS BY WATCH-HOUSE KEEPER

4.1 NOTE: Prisoner falling into one of the following categories might require constant observation or high frequency inspections

- | | | |
|---|------------------------------|-----------------------------|
| • First time offender: | ☐ Yes | ☐ No |
| • Aboriginal or Torres Strait Islander: | ☐ Yes | ☐ No |
| • Highly intoxicated: | ☐ Yes | ☐ No |
| • Exhibiting self harm behaviour: | ☐ Yes | ☐ No |

4.2 Prisoners demonstrating the following at assessment or during detention will require medical advice as soon as possible:

- | | | |
|--|------------------------------|-----------------------------|
| • Mood swings: | ☐ Yes | ☐ No |
| • Confusion: | ☐ Yes | ☐ No |
| • Trance like staring: | ☐ Yes | ☐ No |
| • Pain, injury or illness: | ☐ Yes | ☐ No |
| • Deterioration in condition: | ☐ Yes | ☐ No |
| • A known history of suicide attempts: | ☐ Yes | ☐ No |

IF DURING ANY OF YOUR FREQUENT INSPECTIONS YOU FIND:

- A marked deterioration in the prisoners behaviour or condition
- Any previously undetected symptom of injury or illness (e.g., alcohol withdrawal, a head injury due to a fall, breathing difficulties, snoring, vomiting etc.,)
- Any indication of possible mental illness (hallucination, disorientation, depression, persecution complex, fixed gaze, etc.,)

**MAINTAIN A HIGH LEVEL OF OBSERVATION AND SEEK MEDICAL
ADVICE PROMPTLY**

ADDITIONAL INFORMATION

**Q: Do you require the assistance of a representative of a health,
welfare, legal or other service?**

☐ Yes ☐ No

A: Record Details _____

Q: Do you wish any person to be advised that you are here?

☐ Yes ☐ No

A: Record Details _____

WATCH-HOUSE KEEPER'S NAME (Print)

T. NO.

SIGNATURE

Where the prisoner remains in custody but is later transferred to another agency for continuing detention .

**(a) Was a copy of this questionnaire forwarded
to the said agency**

☐ Yes ☐ No

**(b) State the name of the Agency and the person
(if known) who is to receive the prisoner**

**APPENDIX 2: A PROVISIONAL DOMESTIC VIOLENCE
AWARENESS PROGRAMME**

This programme is designed to create greater awareness in the police force of domestic violence, its causes, courses, and the effectiveness of police actions. The programme must not include instruction in the law regarding domestic violence. This instruction should be provided within the existing training programmes for police officers at the Academy.

The domestic violence awareness programme should be held on a regular basis (approximately every three months). It should be attended by all ranks in the force who are about to become actively involved in uniformed work. That means that a CIB officer and a recruit could be involved in the programme at the same time.

Aims

- To improve police knowledge and understanding of the social nature of domestic violence;
- To improve cultural awareness regarding the occurrence of domestic violence amongst ethnic and other minority groups within the community;
- To make explicit that police actions can positively affect the lives of domestic violence victims;
- To improve communications between sections and levels of the police service in their dealings with domestic violence;
- To improve communications between the police and other services dealing with domestic violence;
- To encourage the establishment of rapport between the various individuals and bodies involved in handling domestic violence;
- To clarify the roles of, and relationships between, the bodies involved in dealing with domestic violence; and
- To provide a forum for the discussion of issues pertaining to domestic violence.

Duration

For one weekend, from a Friday afternoon until a Sunday afternoon, in residence.

Location

On 'neutral' territory (definitely not the Police Academy) at a location where those involved in the session are able to socially interact with each other freely.

Timing

To occur after each group of recruits have done Module 1.20, Cultural Awareness, and Module 6.11, Domestic Crisis, in their training. It should occur before recruits graduate.

Frequency

Three or four times a year, subject to the number of potential participants, and changes in the policy relating to domestic violence.

The Participants

1. From the police:

- all recruits before graduating from the Academy;
- all officers who are about to transfer from other sections of the police into uniform or off the watch;
- other officers who have had inadequate training in the past, with the intention of all officers in the force having attended the course by 1999;
- police domestic liaison officers who wish to attend;
- representatives from the public prosecutor's office; and
- officers whom the police and/or the DVCS feel need a 'refresher course'.

2. Other individuals:

- two to three victims of domestic violence from varying socio-economic and ethnic backgrounds who have successfully extricated themselves from this situation;
- female representatives from the Aboriginal community;
- other interested minority groups, such as the gay and lesbian community, the migrant resource centre, or the Filipino community; and
- appropriate representation from rural communities.

3. Other bodies:

- staff from the DVCS, especially crisis workers;
- a representative from the TAFVIP;
- representatives from the shelters;
- a representative from the legal aid commission;
- a representative from the family court;
- a representative from the CPU; and
- an interested representative from the medical profession.

The Role of Co-ordinator

This should be an individual who does not belong to any of the interested parties present, but who is knowledgeable about domestic violence. As for the location, the individual should be perceived by those involved as being 'neutral'. The individual should have skills in managing a group of individuals from a diverse range of backgrounds, and be able to create a conducive atmosphere for constructive social interaction. The person should also be able to diffuse antagonistic reactions and defensive attitudes amongst those who participate.

Format

Arrival Friday afternoon, informal social introductions and meeting over drinks and a meal.

Saturday

9.00-11.00

- Introduction to weekend by co-ordinator, explaining the purpose of the weekend and introducing those present.
- Brief brainstorming session, with the police being the only individuals allowed to contribute. This will involve them in delineating what they think domestic violence is like and what is distinctive about it. These observations will be recorded and reassessed at the end of the weekend (by all participants) to see how the views of the police officers have been modified. The emphasis here is on self learning.
- Brief presentation by each of the victims attending of their case histories, followed by a discussion.

11.00-11.30 Morning tea

11.30-13.00

- Short lecture on the culture of domestic violence given by appropriately trained individual.
- Brief presentation by woman from the Aboriginal community regarding domestic violence in Aboriginal society.
- Questions and a brief discussion to follow, controlled by the co-ordinator or any other adequately trained individual who is present. In this period an attempt should be made to get the participants to delineate what are the characteristic signs or signals of a situation involving domestic violence (e.g. damage to the victim's property, restraints placed on the victim's social activity; economic constraints, death threats, etc.). This should be drawn out from the cases presented earlier in the day, plus a broader discussion of cases involving those present working in the services. Attention should also be given to the special circumstances affecting minority representations.

13.00-14.15 Lunch

14.15-16.00

- Participants split into small groups for role plays, involving all participants. Players create their own scenarios, decide who will be the actors and act out the scenarios with the help of a group leader. In each scenario a member of the police force should be cast as victim. After each role play a debriefing takes place and points of difficulty or misunderstanding regarding the scene are recorded. This record is kept for the late afternoon session when these difficulties will be analysed. A minimum of three to four role plays should be enacted within this period and each group should include at least one role play involving a male as a victim (e.g. a homosexual relationship, or a wife beating, or verbally abusing, a man). Other areas worthy of investigation in the role plays are cases involving: sexual assault within the family, abuse of children, a breach of a restraint order where the victim has 'invited' the breach, and verbal threats over the telephone.

16.00-16.30 Afternoon tea

16.30-18.00

- Groups come together and discuss the 'problems' identified from the early afternoon session of role plays.
- Attempts are made to reach solutions for these 'problems' in preparation for the following day's sessions.

Sunday

9.00-11.00

- Second session of role plays based on 'difficulties' encountered in first series of role plays. This undertaken by the whole group as one, with a discussion following each example in order to clarify the way in which these cases might be handled. The aim of the session is to establish a series of practical recommendations about the handling of domestic violence. Principles of best practice may be one of the outcomes. The recommendations from this session should be referred back to the appropriate bodies for future policy development.

11.00-11.30 Morning tea

11.30-13.00

- Representatives from each body present give 5-10 minute clarification of their role in domestic violence, and a summary of the outcomes from the exercises for their own field of work.
- Questions and discussion in remaining time.

13.00-14.00 Lunch

14.00-15.00

- Brainstorming session to revise initial observations on what is domestic violence.
- Summing up of findings of the weekend's programme by the co-ordinator.

15.00 Break up

Evaluation of Programme

Formal evaluation of the programme should be undertaken by an independent researcher. This should cover both an assessment of changing police attitudes and an assessment of the content and functioning of the awareness programme. The former could be tested using the model developed by Poerio (1991) for the South Australian Police. The latter could involve an independent facilitator.

APPENDIX 3: DOMESTIC VIOLENCE CO-ORDINATION UNIT

This unit should be established in order to gather information and co-ordinate activities within the police force that relate to domestic violence. The unit is *not* designed to play a role in counselling or mediation. These roles should be fulfilled by other agencies.

The unit would provide continuity to cases and would disseminate information. It would replace the current largely piecemeal approach that is taken to collecting information. It would provide a dedicated and focused approach within the police force to domestic violence. Close links would be maintained with all other services who deal with domestic violence.

The unit, which should cover the whole of the state, so that perpetrators who move from one area to another can be easily traced if they continue to offend, could be introduced in stages if funds are not immediately available for the complete programme. An initial unit, consisting of two to three officers, could be established in Hobart to cover the Eastern and Southern Districts. Assessment of the unit's functioning could be made before extending the model to the whole of the state.

Brief

The purpose of the unit, outlined under Recommendation 14, are the same as the brief for this unit. These are:

- To centralise, integrate and co-ordinate all knowledge and information held by the police on perpetrators of domestic violence;
- To collect and disseminate reliable statistical data on police involvement in domestic violence in Tasmania, with a long-term view to integrating this data with that collected by other support agencies;
- To apply sophisticated statistical techniques on the data in order to illuminate and profile the nature of domestic violence in Tasmania;
- To provide meaningful comparative information between domestic violence workloads and data relating to other police activities;
- To channel relevant information to police officers involved in domestic violence cases, both at the time of initial contact and following legal proceedings. This would cover such areas as any prior history of violence, previous restraint orders issued and other potentially relevant material that would assist an officer in laying charges;
- To monitor and act as quality control assessors of police involvement in cases of domestic violence;
- To co-ordinate and chair de-briefing sessions (outlined in Recommendation 10);
- To develop and refine protocols relating to domestic violence wherever appropriate;
- To liaise with other bodies within the State (such as the TDVAC, TAFVIP, the DVCS and the mental health working committee) on issues and policy development relating to domestic violence;
- To continually overview legislative developments;
- To act as a resource centre on all matters relating to domestic violence for operational police officers;
- To co-ordinate actions between agencies with regard to domestic violence, for example the collection of a victim's belongings from a house;
- To liaise with the public prosecutor's office, the victim and other involved parties in those cases where a victim wishes to withdraw charges against a perpetrator. In

this role the unit would seek to achieve a satisfactory outcome to all parties involved;

- To co-ordinate and liaise with appropriate inter-State bodies in cases of domestic violence that cross State boundaries;
- To act as advisors to rural police, through the domestic violence liaison officers, and rural community committees (see Recommendation 26) on issues relating to domestic violence in the rural areas;
- To provide logistical support for rural police, if called upon to provide it; and
- To liaise with minority groups, as and when requested, regarding issues that relate to domestic violence.

Personnel

A State-wide unit should consist of four to five officers. One full-time clerk-typist should also be appointed to the unit to handle data processing.

Ranking

The senior officer in the unit should be at the rank of inspector. This rank is necessary to ensure that fellow officers in the force respect the role of the unit. This officer should be supported by one officer, at the level of sergeant who could be officer-in-charge when the inspector is on leave. The other three positions could be held by constables. One member of the team should have good statistical skills in order to analyse the statistical data available on domestic violence, and the relationship between this and other areas of police work. Initially, it may be necessary to employ a consultant statistician to establish appropriate data bases and statistical analyses packages for the data. The personnel should consist of both male and female officers. A combination of male and female officers will reduce the possibility of the unit being perceived within the force as marginal (Sheptycki 1993).

Status within the Police Force

The unit should be placed in the Operations and Support section. This places the unit in close contact with both communications (the radio room) and the information bureau which are contained within Operations and Support. This would place the Domestic Violence Unit together with other sectors of the police force that are involved with the collections and compilation of data, a crucial part of the unit's role.

Functioning

The unit should be available 24 hours a day, seven days a week (by pager if necessary).

Interconnections within the Police Force

The unit would function as a support unit to the whole police force relating to matters regarding domestic violence (see brief). It would be able to interact with all districts and divisions of the force. The lines of communication with other sectors of the force would be a two-way process.

Interrelationships with Outside Agencies

The unit would interact with all outside bodies that deal with domestic violence, both on a casual basis and a formal basis. Issues relating to both policy and protocols, as well as questions relating to individual cases would be directed through the unit. The ramifications of this process are illustrated in Diagram 1. Diagram 2 illustrates the current interrelationship between the major agencies involved in dealing with domestic violence. With the new structure the SWPDVLM would become superfluous.