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OUT AND ABOUT:

A Study of Policework in
Palmerston North

J.F. JONES
1992

OUT AND ABOUT:

**A Study of Policework in
Palmerston North**

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of the degree of Master of Arts.

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1992

The work of the thinker, is not to mould
the political will of others.
Rather, to work, is to undertake to think.
Something other, than what one has thought
before.

(Foucault, 1989:305-306)

Abstract

This study offers a new conception of policework. It does so by utilizing Foucault's idea of knowledge as power in an empirical examination of front-line policework. Rethinking policework in this sense necessitates a break with the orthodox view of the police as 'the law' and instead, this study considers that knowledge/power relations might form a fundamental component of policework. It shows how such relations reinforce one another and inform the routine work of the police.

In contrast to reactive law enforcement which targets crime, knowledge/power forms a generalized pro-active power which operates to induce compliance and order relations. Knowledge/power works through the implementation of surveillance, normalizing judgements and the examination, to provide what Foucault calls 'the technology of discipline'.

In rejecting the view of policework as a narrow response to crime, a major methodological issue lies in specifying the rationality of productive power. To this end, Foucault provides the necessary guidelines to recognize and understand the workings of power: power should be seen as creative and should be sought in its own field, aside from the state or law. Far from being repressive or a form of domination, power should be seen as discreet with decidedly humanist tendencies. These insights form a framework for the study of policework and power.

The fieldwork period of the study covered a time-span of eight weeks during which material was gathered through interviews and by observing police activities in Palmerston North. This permitted a structural interpretation of power and social practices and opened the way for fresh theoretical perspectives on the subject of policework. The findings of this study support Foucault's view that policework is not merely repressive and limited to law. This study portrays policework as productive with an unlimited capacity to manage social behaviour and relations.

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To those respondents who might recognize themselves in the study, I have attempted, as much as possible, to objectively record and interpret each case based on the facts and Foucault's theory. If any descriptions cause discomfort, please know my analysis is structural and not meant in any way to be personal.

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Police Humour: A Kind of Preface

- "I didn't join the job to be a Neighbourhood support person. I joined the police for the adrenalin, excitement and stuff like that ... so every man to his own" (female officer).
- "It worries me that Community Policing might mean strolling around the streets, greeting little old ladies, patting people on the head, saying 'Hello, how are you today'".
- "... Society in general is a problem ... I'm not just talking about the 'scum' you see walking down the road. I'm talking about people in business suits who have the same attitude towards the Police as the 'scum' walking down the street ... it's 'Joe Citizen' and 'scum'".
- "The public stereotypes the police. When I first joined, I believed the Police were very efficient, well drilled ... but experience has taught me their organization is bloody hopeless. It's hurry up and wait, hurry up and wait ...".
- "The cop who can keep on keeping on ... but a town like Palmerston North is really laid back ... on real slow nights you 'pop off' behind a building and go to sleep".
- "A busy night is full of action, locking up a few crims, catching someone on the job, doing a burglary, flogging a car ... catching them ... yeah!"
- "Fights, noisy parties, prowlers, incidents involving alcohol ... on Friday nights we go to job after job, but when we reach the scene, there's nothing happening. It's all over ... finished! We turn around and leave".
- "I like to turnover the real 'hoodie' types ... the decent ones are usually home in bed ...".
- "I might pull in a car because it's the only one around and I want someone to talk to ... my mates say 'Oh you must be a cop you've got nose trouble!'".
- "Sometimes arrests for minor offences are 'shit arrests'. Also if you make a real 'cock up' and you get in the 'pee' for it, it's on your own shoulders!".
- "A good arrest is when you know someone's done it and he should put his hands up and say 'yes I did it' and if he doesn't, well I lock them up anyway".
- "We shine our beamlight on snogging couples ... they've disappeared now ... gone to Pork Chop Hill. There aren't many lovers on the street now ... could be videos".
- "I joined the Police to meet people, because working with dead meat for seven years was boring" (ex freezing worker).
- "They say we should put ourselves in the criminal's shoes. But it's the thick heads, the hoons, who make up 90% of the criminal element in the city!".

- "You forget the Children and Young Persons Act in the heat of the moment ... They are the criminals, we are the policemen ...".
- "The worst job is attending a death. Turning bits and pieces of bodies over. A policeman soon learns how mortal he is ...".
- "I don't like having to get up in Court, then 'losing face' in front of 'the Beak'. That's bad!".
- "Defence lawyers are a breed apart. Many still believe everything their clients tell them over what the police say. You have to wonder about their credibility ... I mean, are they with us, or somewhere in the clouds!".
- "Students, well, there are only a few bad eggs ... bloody 'Scarflies' ...".
- "Then we have 'the boys who think they are men', the Cortina boys. They hoon around the Square showing off mainly. They don't listen to us. They tell us to 'piss off' ... This is the big wide world out there! The public don't realise on a normal shift, the amount of 'shit' we put up with. It's amazing!".
- "The Mothers: They pretend to be a motorcycle club, but they're not. They are a gang. The business that goes through their place is just amazing ... things we have no idea about".
- "The 'black jersey, black jean boys' ... you get to know who they are by working with them ...".
- "... I take their glue bags off them. I'm looking after their health so it's not theft ...".
- "... I stopped a real attractive female who hopped out of her car and was wearing a short mini skirt. She flashed her anatomy at me, she thought she'd put one on me ... so I arrested her!".
- "People who offend, sometimes just need a push in the right direction to get there. I pointed a student in the right direction recently ... I said 'go home, back to Mum, sort yourself out before you venture out again'".
- "... and with elderly people ... who knows what makes them tick. If they steal things, you just give them a ride home ... it's a service really".

INTRODUCTION

The work of an intellectual is not to mold the political will of others; it is, through the analysis that he does in his own field, to re-examine evidence and assumptions, to shake up habitual ways of working and thinking, to dissipate conventional familiarities, to re-evaluate rules and institutions and starting from this re-problematization (where he occupies his specific position as an intellectual) to participate in the formation of a political will (where he has his role as citizen to play).

(Foucault, 1989: 305)

The above quotation by Foucault summarizes the approach taken in writing this thesis, to re-examine our understanding of policework. The quotation is relevant because, in a sense, this whole study is an attempt to 'shake up' conventional explanations in the area of policework. I believe that as we permit legal rhetoric to actively construct policework, we not only ignore but grossly misrepresent fundamental differences which shape each field. Moreover, by viewing policework in terms of the law, we settle for a comfortable symbolism at the expense of understanding concrete political practices. In this thesis, I challenge the law enforcement view which has, to a large extent, determined the public character and perceived significance of policework. The dominant view of the police as 'the law' does not correspond to observable practice, yet we go on treating the police as if they are the law because we feel comfortable knowing we can rely on them to 'keep the lid on crime'.

As scholars of the police, we know that in 1500 B.C. there were efficiently organized police forces which kept the peace in Egypt and Mesopotamia. We learn that the term 'constable' derives from Latin and refers to the 'keeper of the stables' in Roman times and we also know that a locally elected constable kept the peace in Middle England. But somewhere in the historical development of the police, policework became entangled with law, a feature which has persisted to define the police into modern times. Hence, today, we tend to equate police powers with legal power.

This discursive alignment of the police as 'the law' can be seen in those texts which variously identify the police as being 'repressive', 'prohibitive' or 'oppressive'. Currently in Britain, legal and social theorists emphasize the element of repressive police powers in their arguments for a more 'democratic police' and the restoration of due process to policework. This has led to a widening gap between those who

expound on the police, and police themselves. Thus, as we enter the 1990s, relations between theorists and practitioners in the area of policework, are becoming increasingly adversarial. In Britain, and to a lesser extent in Australia, 'experts' joust with police over the central issue of repressive police powers. The experts of 'deviance', 'mismanagement' and 'occupational uncontrollability' seem set on restoring the law while the police are entrenched in an effort to maintain, or extend, their legal powers. The argument developed here, that police powers might be something more than repressive, would find little favour in this context.

The present thesis is an attempt to 'break the silence' surrounding the mystique of the police as 'the law'. In undertaking this task, I acknowledge the work of Glynn who, back in 1975, attempted to do the same. Nearly two decades ago, Glynn¹ in his book *The New Zealand Policeman: The Developing Role of New Zealand Police*, recognized the 'ineptitude of the law enforcement model' and called for its dismissal as a way of explaining policework. Referring to today's world of rapidly changing values and self-doubt, Glynn warned of the consequences for the police/public relationship, of neglecting to clarify the police role. Glynn believed:

Such a task was crucial to the nature of the on-going functional relationship between the police and the public (Glynn, 1975: 11).

But his words went largely unheeded. Glynn, rather than the legal model, was dismissed and we continue to conceive of the police as 'the law'. This has seriously retarded any attempt to develop a comprehensive sociology of the police in New Zealand. We tend instead to compensate for this lack of foresight by relying on American and British models to define our police. In this area, mere assumption replaces home-grown empirical study.

It is this problem that broadly motivates the research presented here. While I acknowledge that this study is only a 'snapshot' in time, I hope, by taking up Glynn's challenge, to contribute towards clarifying the modern role of the police in New Zealand. The task in this study will be to demonstrate, by way of a concrete historical analysis, the utter incongruity of referring to the police as 'the law'. As events and

1 J.F. Glynn currently resides in Port Moresby where he works in the area of training and development for the Papua-New Guinean Government.

experiences unfold in the study, I provide what is hopefully ‘sufficient evidence’, to justify this claim.

Having said this, I should clarify my own position regarding the legal model of policework. Legalism, as I will show in Chapter Five, operates as a specific mode, in a particular sphere of influence. In this respect, legal power forms an important component in policework. My argument is that we should not identify legalism as the determining characteristic of policework. I argue that the activities which comprise policework are various and ordinary, and are grounded in their own technologies of power.

The aim then, in writing this thesis, is to examine policework on its own terms: Foucault’s ideas permit us to make critical distinctions between the law and police (Chapter Two), and to provide us with an intellectual history or logic behind each police practice (Chapter Four). Using such a theorist to inform the study meant it was possible to move away from a focus on symbolic law and instead analyse actual police practices as these occur in front-line policework.

A central concern of Foucault lies in his insistence that each social relationship is an interplay of knowledge and power. Such a conceptualization permitted an analysis which was, at once, critical and reflexive. In the emergence of power as strategic thoughts and practices, police activities became processes in the making (or possibilities), rather than a set of empirical facts. The reflexive nature of policework will become clearer as the chapters unfold. By taking a step in this direction, I aim to show the different ways in which knowledge/power relations come to define one another in the autonomous discourse of the police. In choosing to use Foucault’s ideas, I provide what I hope are fresh insights on the old problem of repressive power. This thesis specifically addresses power as a central component of policework. The primary objective is to look at power in terms of its tactical relevance for the police and for the wider social order. More specifically, this involves asking the following questions:

How do the police utilize power?

What form does power take?

How does power exert itself?

What are the consequences of power, if any, for individuals and society?

Ultimately, the thesis addresses the question of how police power produces and constitutes certain social behaviour and relations.

Theoretical and Methodological Concerns

The central problematic for this thesis then, involves a concrete examination of power. In the opening Chapter One seek to:

- (i) demonstrate the inadequacy of existing explanations which draw on the legal model;
- (ii) show how these generalizations have worked to deny the development of an autonomy of police discourse;
- (iii) re-think policework on Foucault's terms and raise for consideration, the importance of a focus on mundane, everyday practices.

In Chapter Two, the focus is epistemological. Here, the 'grounds' of the legal model are laid bare and I argue against using it as a general explanation. I provide theoretical and empirical arguments to support my claims. I then advance the importance of using both words and deeds, in a fairly abstract discussion. Foucault's point is that we should never try to close the gap between words and deeds but instead treat each sphere as unique and distinctly autonomous. This means seeing policework as connected yet distinguishable from the law. The issue is one of how to describe and specify the rationality of police powers. In this chapter, a view emerges of productive power which emanates from the police and which directly targets the body. Discipline, as deployed here, is not understood to repress or prohibit but instead produces compliance. Unlike legal power, discipline is politically and economically useful as it procures obedience. The final section examines the structures of surveillance, normalizing judgements and police assessments as essential components of discipline. Together, these components structure my analysis of pro-active policework in Chapter Seven.

The methodological premises and practices of the study are described in Chapter Three. My intention in investigating policework is to observe and record, as much as

possible, everything said and done in certain observed circumstances. In line with Foucault's view of the importance of attending to the local, I have chosen to focus on one provincial police department and will examine a wide range of practices from as many contexts as possible. On the premise that power is multi-dimensional, I believe this broad approach will produce a most comprehensive analysis.

Having described my approach, I go on in Chapter Four to unravel the complex nature of power and how it is borne of something other than itself. In contrast to those studies which leave both power and the police 'dangling' somewhere in law, I situate both within a particular historical context in time. In the course of this chapter, power and the police emerge aside from the law.

In Chapters Five, Six and Seven, I present my findings. To capture the full range of policework, reactive policework (Chapter Five) and pro-active policework (Chapters Six and Seven) are described in police terms, then analyzed according to the conceptualization of power as knowledge. In the analysis, I endeavour to show that in a society such as ours which routinely utilizes surveillance, the extraction of compliance does not depend on the law.

Overall, the study produces findings which tend to support my argument that when it comes to understanding policework, exclusive reliance on the legal model is inappropriate. The everyday reality of the police is infinitely more complex in their capacity to manage social life.

As was the case with Glynn, the present study offers no solutions for those who seek to improve the police. My motives are minor and lie in providing necessary insights in the area of policework. Such a project is not meant to be a finished product. Hence it may conceivably raise more problems than it can solve. However, despite the possibility of unforeseen consequences, I happen to believe, like Mathiesen, that:

... the alternative lies in the unfinished, in the sketch, in what is not yet fully existing. The 'finished alternative' is finished in a double sense of the word (Mathiesen, 1974: 13).

Having introduced this thesis, I now invite the reader to venture 'Out and About' in the domain of policework.

CHAPTER ONE:

A REVIEW OF THE LITERATURE

The Police Position

The literature on the police has, since the mid-1960s, been largely dominated by the influence of early American studies. These studies which were evaluative and reformist in orientation have set the parameters for research and debate on the police, have delineated the relevant issues for study and have established their salience and priority in an implicit agenda.

That police studies have yielded little by way of explanation about the police beyond the mere hoarding of facts is confirmed by Black (1980).

Black generalizes, however, as some solid work has been produced (Banton, 1964; Cain, 1973; Lundman, 1974). Despite these exceptions, inertia is said to characterize research on the police (Terry, 1985). This has been compounded rather than resolved by a shift in emphasis in recent years to theoretical arguments about the police by British socio-legal theorists. Under the umbrella of 'radical criminology', explanations concerning police activity have been left largely untested against alternative information and empirical study. One author to express concern about the on-going lack of clarification about police issues is Terry who states:

... although the police organisation is profound and exerts powerful pressures on society; pressures that can shape the source of social development, today after nearly three decades of empirical study the claims made in early studies, still require clarification and the issues remain alive, unclear and unresolved (Terry, 1985: VIII).

One writer, Bittner (1974), has gone so far as to suggest that among the institutions of modern government, the police occupy a position as the best known and the least understood. Best known because even minimally competent members of society are aware of their existence and are able to invoke the services they provide. But least understood because when people are called upon to explain on what terms and to what ends police services are provided, they are unable to go beyond the most superficial and misleading commonplace. What is true of people generally is true of the police

themselves. Police have not succeeded in formulating a satisfactory justification of their existence that could recognizably relate to what they actually do and it is this problem that the present thesis proposes to explain.

In a recent attempt to address these, the 'unresolved issues' highlighted by research relating to the police presence in society, Grimshaw and Jefferson (1987) have argued that the problem lies with the empirical emphasis of research. Empirical studies, they say, have set definite limits on the types of analyses that have been adopted, on the capacity to handle certain questions and on the 'theoretical' answers the studies have arrived at.

Elaborating on Black's claim, Grimshaw and Jefferson (1987) suggests that the problematic (theoretical starting point) is a crucial factor which determines any systematic account of the police. The adequacy of the problematic resides in its ability to produce accounts and to answer certain questions in ways that are productive of new knowledge and critical questions. With Grimshaw, it is contended that the two main problematics informing police studies - 'sociological liberalism' and 'class functionalism' - fail on the above criteria.

Approaches to the Study of Police

(i) Liberal Sociology

The liberal sociological studies of the police said by Grimshaw to be problematical can be divided into three broad approaches: the administrative, the subculturalist and the attitudinal. In the following overview, the aim is to demonstrate the extent to which these approaches, together with class functionalism, constitute a continuous dialogue, a rationale of the police in terms of repression and crime.

The first liberal approach to display an inadequate problematic is:

(a) The Administrative Approach

As the name suggests, this approach to the study of the police is concerned with how police organisations can function in the most 'adequate' and 'efficient' manner.

Collectively, the intention of administrative studies is to examine pragmatic managerial goals relating to police within the broader context of criminal justice. The focus of the approach is on individual actors within the organization who mechanically execute the directives of superior authority, while the context within which this occurs is taken for granted. According to Grimshaw and Jefferson (1987), the administrative approach is built on the assumption that knowledge of the formal organization - its rules, procedures and policies - is a sufficient criterion to understand the functioning of the organization since 'individual behaviour will logically follow organizational dictates' (Grimshaw and Jefferson, 1987:6). The approach is therefore simplistic and non-critical and has been widely criticized for failing to examine concretely the relationship between individual behaviour (at a micro-level) and broader organizational dictates (Etzioni, 1964; Bunyard, 1978).

In keeping with this 'how to improve efficiency and effectiveness' approach to the police, the job of the constable is discussed in crude essentialist terms where the police are reduced to a unitary essence, i.e. the law. The administrative approach does not view the police as autonomous political agents who, through their exercise of discretion and authority, have the power to decide 'who gets what kind of justice' in everyday life (Wilson and Boland, (1978); Cameron and Young, (1986)).

Because the relevant political issues are not addressed in the administrative approach, Grimshaw and Jefferson (1987: 282) state:

The idea that the law or the organisation, idealistically conceived, determines rank and file behaviour, leads to a politics of endlessly tightening formal processes - legal or organisational - and to constantly blaming a lack of success on 'poor leadership', 'lack of professionalism', or 'a problem of communication between the ranks'. Unaware of ways in which formal structures may be less than efficacious as determinants, the 'scientific administrative' approach, is committed to a cycle of reform which is as weak on insight, as it is sharp on moral prescription.

The second approach to the study which displays an inadequate problematic is:

(b) The Subcultural/Interactionist Approach

Framed largely in response to the simplistic administrative approach, the subcultural approach sets out to observe the police within their 'own milieu'. The aim is to

discover, through the subjective meanings of its inhabitants, the 'real world'. The underlying assumption of subculturalism is that only those within the police can know the reality of policework. Within this approach, the informal police subculture based principally within the rank and file is set up to oppose the organizational emphasis of the scientific administrative approach by an inclusion of 'context' as a construct of the constable's mind.

Using a range of ethnographic techniques, such studies attempt to define and explain the nature of norms, customs, values and practices which shape the police 'occupational culture' (Westley, 1970; Skolnick, 1966; Holdaway, 1983). The theoretical thrust is situational - 'the shifting dynamics of situational encounters - as these explain police behaviour' (*cf* Grimshaw and Jefferson, 1987; Punch, 1979).

A recurring theme of subculturalist police studies, according to Grimshaw and Jefferson (1987:8), is that of the embattled occupational group (the constables) at odds with both the public and senior officers. Further, this embattled self-image is explained as stemming from an 'impossible mandate' (Manning, 1971) which demands a high productivity from constables (plenty of arrests) while, at the same time, insisting that they adhere to strict legal rules. The contradictory organizational dictates of the police mandate are then resolved deviantly in illegal 'corner-cutting' by constables. As routine deviance requires a 'cover-up', the subculture develops norms of secrecy and loyalty to cope with doing the job. According to subculturalists, constables are 'all round' deviants. Besides having to cope with the contradictory demands of management, they must also routinely confront a hostile, volatile public and so further develop deviant norms to defend themselves. Across studies and through time, such criteria as deviance, cover-ups, secrecy, colleague loyalty, mistrust of outsiders, cynicism and violence recur as characteristically opposed to legal due process, senior administrators and the public (Grimshaw and Jefferson, 1987: 8).

The focus by the subcultural approach on the police working milieu and on 'real' influences affecting individuals and situations, avoids the blanket assumptions that the police 'blindly enforce the law' which characterize the administrative approach. However, like their counterparts, the administrationists, the subculturalists can be read as another 'how to' approach to the police organization. As Grimshaw and Jefferson declare (1987: 283):

While political problems of efficiency motivate the administrationists, the normative emphasised by subculturalists, is just the reverse side of the coin. Regarding the latter with its fragile legal and organizational prescriptions, the real question becomes one of 'how to square the values of ordinary constables, so that they accord with those of management'. The favoured mode is to reform constables by rewards and training. But however 'enlightened' the rank and file become, this does not address the centrality of structure ...¹.

The third group of studies to come under the umbrella of 'liberal sociology' are the prolific:

(c) Attitudinal Studies

What characterizes 'attitudinal studies' is their focus on arrest which they see as the core of policework and, by using a variety of social-psychological variables such as individual demeanour, level of co-operation, etc., attitudinal studies attempt to show how the attitude and status of the individual citizen affects police decision-making in areas such as education, ethnicity and class. Driven by an objective to rationalize arrest procedures, researchers have used both quantitative and qualitative techniques to test hypotheses and discover connections between arrest practices and context. A variety of studies have used 'education' as a variable to measure levels of tolerance between educated officers and their less educated colleagues in relation to class, ethnicity and gender, but the results in the area of arrest have been inconclusive. According to the researchers (Wilson, 1968; Chackerian, 1974; Finkenbauer, 1975), education seems to have had no definite bearing on police decision-making in the area of arrest. One can only conclude that it was these attitudinal studies that Black was referring to at the beginning of the chapter as 'merely hoarding the facts' on policework. Within this approach, however, a more consistent theme does emerge when 'the community', as a whole, is the focus of study. When police officers confront informants, victims, complainants and suspects, the studies suggest they typically have little information to go on so they develop a series of socio-economic 'status cues', i.e. personal appearance (Ericson, 1982: 17), to determine the action they will take in areas such as arrest (Werthman and Piliavin, 1967).

1 'Structure' in Grimshaw and Jefferson's case means the codified law rather than subjective norms and values.

The Focus on Arrest

In these descriptions, the majority of arrests enacted by the police are not serious but petty, marginally legitimate and largely determined by subjective circumstances such as troublesome behaviour rather than strict legal criteria. In keeping with the theme of normative policework emphasised by subculturalists, these attitudinal studies suggest that for police, who a person is might be more important than what a person has done and to a large extent, this demonstrates that it is subjective factors rather than legal ones which determine whether an arrest takes place. These studies repeatedly confirm the finding that members of society can be and are routinely arrested on normative interpretations by constables based on class (lower class, disrespectables), 'race' (black as opposed to white) and attitude (how co-operative an individual is). In their summation of these non-legal criteria said to shape arrest, Singer and Francis (1980: 70) maintain:

In situations which warrant their attention, the police will most likely arrest members of society who refuse to show deference, who refuse to be humble and who have previous convictions or no fixed abode.

That a citizen's 'level of respect' for the police is a major determinant shaping arrest has been confirmed by a number of studies (Sullivan and Siegal, 1972; Pepinsky, 1975).

In his critique of attitudinal studies, Ericson (1982: 195) has argued:

... studies such as those, inadvertently put the onus on citizens to conform to police expectations and in doing so, they push an implicit message for 'the community' to 'do as they say'. Yet it is not citizens and their characteristics that shape arrest but rather, it is the police themselves who control the construction of what or who is the problem from among a wide range of offending and offensive behaviours, at all levels of society ...

The influence of personal characteristics and factors such as socio-economic status have also been shown to vary by how the police are mobilized in a particular situation and the nature of the matter in dispute. Reiss (1971) introduced the distinction between proactive (police-initiated) and reactive (citizen-initiated) mobilizations based on a differential police response to citizens. Pro-active policework, according to Ericson (1982), is directed at the lower class who present public disorder problems or who are 'out of place', and also occurs in traffic regulation where the middle class are

the object of police intervention. Because the more affluent members of society view the police largely as reactive agents responding to their complaints (as opposed to proactive pursuers of minor technical violations; Cressey and McDermott, 1974), proactive traffic regulation has been identified as a major area of conflict between the police and the public (Willett, 1964).

Yet despite these insights regarding certain areas of policework, there has been little effort on the part of attitudinal studies to systematically examine the police function in any critical sense. Like their colleagues in the other approaches, the attitudinalists aim to reform the police rather than to shed light on the police function. A major weakness of this approach is its focus on 'community characteristics' as a major influence on the constable whose job it is to invoke the law. And in this approach, even though the police do not invoke the law 'mechanically', they are seen as primarily legal agents (as was the case with other approaches).

The Influence of Empiricism

Finally, there is the influence of empiricism. The origin of the focus on arrest as 'the core' of policework is traced to the late 1960s and the arguments of those sociologists who saw the police as a legal institution, bereft of civility and in need of reform. One such protagonist of the reform era to address arrest as a 'moral panic' was Black (1980²) who, using a large sample (5,713 arrests), undertook to analyse reactive policework. Black believed that reactive policework would be 'more democratic' than proactive policework, and on this basis, he hypothesized that the police would be lenient and display a reluctance to wield their powers over citizens. But Black's findings revealed the opposite; intolerance rather than tolerance abounded within policework and, in an eloquent condemnation of police incivility, Black declares:

As an individual's status declines, the level of respect and concern shown by the police, will also decline. But regardless of a citizen's status the police will always show less respect than members of the public. Even rude complainants are penalized by the police, in that their complaints are less likely to receive official action. Though not yet formalized in law, there exists a crime of 'contempt for police' where in to question or assault the legitimacy of the criminal process, is to invite legal invocation, sanction or more serious sanction. The law seems to lash out at every revolt against its own integrity (Black, 1980: 291).

2 Blacks actual study was carried out in 1968.

To get to the bottom of this moral dilemma, so that it might be 'resolved' in the true style of an empiricist, Black sought 'the cause' of police rudeness in arrest and this was to become the theoretical focus for on-going empirical study. Arrest, argued Black:

... caused more public controversies and more conflicts, than any other mechanism in the criminal justice system and as such, 'arrest cried out for empirical study' (Black, 1980: 292).

In response to Black's call for the study of arrest, Lundman (1974) and Cain (1973) amongst others, undertook to examine arrest situations in proactive and rural-urban policework respectively. As was the case with Black, these writers saw the abuse of arrest as an institutionalized feature of policework working against all citizens but especially those who fitted 'the disorderly behaviour tag'. In Cain's case, the most vulnerable groups were drunks, the belligerent and the poor (Cain, 1973: 96).

The empiricist influence upon early studies provided an organized discourse around the idea of police as repressive legal agents in need of reform. This 'moral dilemma' that the police are said to pose for democracies has been continuously highlighted in research.

(ii) Marxist Approaches

Another approach to police studies derives from Marxism. As reviewed by Coleman (1980:50-51), Marxist studies of police can be divided into two main schools:

First, there is the 'instrumentalist' school which sees the police as taking direct orders from a monolithic ruling class. 'Instrumentalists' believe the police are directly used by the latter to control 'the masses' and protect private property. Reflecting a form of class functionalism which reduces the complexity and diversity of policework to fit with fundamentalist Marxist economic theory, the police are seen as mere tools of the capitalist state (Parenti, 1974; Quinney, 1979; Silver, 1967) and become a simple reflection of class struggle. According to Coleman, 'instrumentalist' writers who take policework largely as a 'given', spend little time observing or interviewing the police and polemic is frequently presented in lieu of analysis.

Another Marxist approach is 'structuralism' which rejects the notion of the police as 'lackeys' of the ruling class. Instead, 'structuralists' position the police within the class structure and its economic and ideological contradictions. In doing so, Coleman says, the 'structuralists' have a more refined view of the police because they are seen as a dynamic force capable of change. Yet according to Coleman, like the instrumentalists, those who subscribe to the structuralist framework place less importance on fieldwork in comparison to other approaches to the field. Coleman suggests there is a tendency within Marxism as a whole to theorize about the nature of the capitalist state and then to fit the police into the analysis. Coleman believes Marxist ideas on social reality are informative but should be investigated and not merely assumed (Greer, 1978; Platt, 1978; an exception to Coleman's view is a non-reductionist study of arrest by McBarnet, 1978 and 1981).

Although Marxist writers have been slow to advance beyond a crude reductionist view of policework, a recent study by Grimshaw and Jefferson (1987) comes near to breaking through such reductionism. This British study of unit and resident beat policing draws on such theorists as Gramsci (1971) and Foucault (1977) to examine power and social formation, constructs rarely mentioned in previous studies. Grimshaw's theoretical analysis is rigorous and, at the same time, it is grounded in descriptive material drawn from observations of police decision-making at all levels.

In their critique of the dominant class-functionalist studies, Grimshaw and Jefferson (1987: 13) maintain, as did Coleman, that Marxists have over-simplified policework by relating it solely to a dominant 'socio-political' order. As such, the relationship between Marxism and the police has become fraught with political ambiguity:

... since law is ultimately bourgeois law, and the strategic political struggle is for socialism, under the latter law would play a radically different role and so would the police. In some versions, the police will gradually 'wither away'. Within such a classless scenario, the politics of police reform are merely tactical and subordinate to the revolutionary strategic objective. The relationship between tactics and strategy then, tends to be based on a 'politics of exposure'. The tactic of engaging in reform, is to expose the inability of the system to reform itself ... the result, ironically is a vested interest in the failure rather than success of reform initiatives, since the latter merely incorporate more successfully (Grimshaw and Jefferson, 1987:283).

The weakness of Marxism in Grimshaw's view is not due to any theoretical deficiency of rigour but rather to its indirect consequence - a poverty of sociological imagination arising from its negation of the existing system and the police.

Civil Libertarianism

Finally, the literature review would not be complete without reference to the recent rise of polemical arguments regarding police powers such as arrest. There has been an increasing trend by social and legal theorists, particularly in Britain, to shift the emphasis from the police and to examine statutory law and the principles of due process.

These arguments start with the 'original powers' of the constable (the constable's historical operational autonomy from political interference³) and move on to highlight the extent of inconsistency and lack of law concerning police powers (Telling, 1973; Baldwin and Kinsey, 1982; Lambert, 1986). Because a clear articulation of the law is largely absent in relation to its administration by police, civil libertarian writers such as McCabe and Wallington (1988) argue that increasingly, within modern bureaucratic systems of government, police actions in areas such as arrest, are posing problems of legitimacy. According to McCabe:

As one becomes familiar with the extent of police powers, the traditional image of 'policing by consent' epitomized in the 'Dixon of Dock-Green' image, begins to fade. Quite simply, those who challenge or resist police orders, are liable for arrest (echoes of the empiricists). Sometimes, in instances of public disorder, the mildest objection might lead to an arrest; but it might not and this, is the extent of legitimate discretion of the ordinary constable, to arrest or refrain from arresting. To this end, the law provides the offences of assaulting, obstructing and resisting a constable in the execution of his duty and these give total protection from the public" (McCabe and Wallington, 1988: 42).

What is most problematic, according to McCabe and Wallington (1988), is the high discretionary nature of police decision-making, versus the right of citizens to fair and equal treatment in procedures surrounding arrest. In some instances, she insists, demands for fairness are irreconcilable with an acceptance of discretionary practices.

Within New Zealand, this theme of 'cops rules' versus principles of 'due process' and the consequences of an absence of the latter for 'democracy' have been taken up by such legal theorists as McBride (1985) and Arnold (1986). Recently, Arnold argued that:

3 See Orr (1986: 46-66) for an excellent argument of the police independence from the executive.

In New Zealand, as elsewhere, the majority of arrests end in guilty pleas and this leaves judges with no information, nor opportunity to assess police behaviour in a case. The significant decisions concerning arrest will always occur before cases come to court, in informal settings, closed to outside scrutiny. Not only are these pre-trial decisions not subject to review themselves, but they also serve to mask or cover up any other irregularities in police conduct (Arnold, 1986: 79).

The above approaches, both empirical and polemical, have delineated the field of policework. Yet placing these arguments for civility and due process aside, it is also repeatedly acknowledged in the literature (despite the emphasis placed on arrest) that the police may use other methods to solicit compliance from citizens. According to Westley:

Police powers have two aspects; one involves the discretionary power of arrest and the use of force in making arrests, and the other involves the power of withdrawal of legal protection, often as punishment for non-compliance (Westley, 1970: 118).

Writing within the American context, Westley states that the police are entitled to the first source of power but are forbidden the second. In New Zealand, both are used. For example, in the current study, it will be seen that the police routinely make decisions not to invoke the law in cases of student offending. On a national scale, the Michael Lermontov Case which involved the death of a crewman on a Soviet ship, provides another example. In this last instance, although police had a *prima facie* case to charge the harbour master with manslaughter, factors such as the cost of bringing out witnesses from the Soviet Union coupled with the cost of the enquiry (and perhaps political costs), were seen to be sufficiently exorbitant not to proceed.

In this ambiguous area, when the police choose not to invoke the law, they can apply their 'summary justice' and when this happens, Goldstein (1960) claims, they do so on subjective imperatives, and not on some legal norm (as was seen to be the case with routine arrests). Goldstein maintains that when police detain individuals temporarily or seize and destroy their property, they are using harassment as an extra-legal punishment. Ordinarily, claims Goldstein, this activity is restricted to persons who are unable to afford the costs of litigation and who would command little respect if they were to complain. In this respect, Goldstein considers the guardians of the rule of law are making a mockery of law. The practice of not invoking the law and instead, using harassment, originated in the area of detection and has developed in a 'hit and miss'

fashion over time according to Goldstein. In modern policework, argues Goldstein, this activity is extensive and is fundamentally lawless.

The Theme of Repression

This review has attempted to cover major aspects of the 'police studies' field. Those writers and discourses which are seen to have made significant contributions to the literature have been included. Within the literature, there exists a general project which points to the police as legal agents who routinely stray beyond the law (McBarnet, 1981) and act independently of it. This theme is reinforced by a sub-theme which regards police powers in areas of arrest and non-arrest as repressive and employed with negative effect on members of society (or 'the community'; whatever rhetoric one prefers).

At the beginning of this chapter, it was proposed that the problematics which underpin the studies of policework fall short of providing an adequate explanation. By using a series of non-critical, essentialist notions such as 'the law', 'civility' and 'socio-political order', the administrative and subcultural studies have investigated the nature of policework selectively while taking its form as 'given'. Alternatively, the attitudinal studies which belong to the realm of empiricism have to a large extent misrepresented the production of knowledge by denigrating the place of theory. What these approaches have done in the words of Garland and Young (1983: 38) is to make:

... unwarranted generalizations which wrongly suppose the possibility of a direct access to the real world. The experiential 'facts' which make up this empirical realm are not simply given by 'reality'. No matter how receptive or impartial the observer, 'the facts' are always the product of definite theoretical and ideological practices.

Finally, whilst instrumental Marxists assume that the police are knaves serving the requirements of capital against a recalcitrant working class (a naive assumption to say the least), structural Marxists assume the centrality of the legal structure as an essential problematic. Within this approach, the police are either 'hard-pressed' guardians of the rule of law (McBarnet, 1981) or, in the last instance, the law is seen 'to be the fundamentally determining structure' of policework (Grimshaw and Jefferson, 1987).

Thus, despite a time-span of nearly three decades of research about the police (involving generalist, subjective, reactive and abstract arguments), there has been little

real cognitive shift in the subject of analysis. In the words of Cohen (1985), despite the various theoretical and political reorderings of the subject, seldom do we get much sense out of what is happening in social control. The discrepancies and gaps between ideals and 'the real world' remain. The fact is that these doubts, however interesting intellectually, emerge from the margins of a moral enterprise. At the heart of the knowledge enterprise is a 'discursive fact': the police are an agency of repression as a simple, fearful consequence of crime.

As a departure from this 'conventional wisdom' regarding the police, the question becomes why, despite an implicit awareness by sociologists of the importance of power as a central determinant of policework, has power as a conceptual tool been neglected as a starting point for analysis?

The Neglect of Power

Commenting on this neglect of power by sociologists, Holdaway (1983: 2) argues that the police should be of major interest for those studying social control as it is they who largely mediate between law and other institutions of social control, and who (with the aid of the media), officially construct deviant activity, who sustain the boundaries of moral tolerance in relation to particular acts and who are a major source of public conceptions of imputed suspicion, immorality and criminality. Yet in Britain, according to Holdaway, sociologists have shown themselves resistant to attempts to develop a sociology of the police which incorporates power relations as a central determinant. Sociological resistance to developing power as a key concept of policework is mainly due, states Holdaway, to the age-old pattern of relying on American problematics to develop a starting point. However fine these American studies are, they provide poor substitutes for a deeper or more focused analysis of power relations. The particular characteristics and unique historical contexts of local police institutions ought to be the preferred base for initial research on such relations.

Although policework within western social systems tends to display similar historical trends and techniques, the idea Holdaway raises of the 'local' is important in two respects. First, because it is central to police thinking and it justifies 'local' ways of handling things (Alderson, 1979; Grimshaw, 1987). Second, because quite a different response to the idea of power in the 'local' domain emerges in the critical theories of Nietzsche (1874) and more recently, Foucault (1977).

Introducing Foucault

Taking his cue from Nietzsche, Foucault offers a way of looking at social practices which stands opposed to the dogma of empiricism, polemics and class functionalism. Rather than accept the self-evident or natural quality of 'systems of thought', Foucault endeavours to record and establish a range of phenomena which has been denied a history. In doing so, Foucault sets out to 'invalidate', as it were, the dominance of organised discourse/scientific 'truth'. In this respect, Foucault sees the 'local' as all that is 'low', 'small', 'disorganized' or 'discredited' in social life (Smart, 1983: 75-76). In place of the self-evident structures created by systematic discourse, Foucault gives importance to the singularity of events and the factors which lie behind and shape them. By focussing on the 'local' in this way, Foucault seeks (as did Nietzsche) to uncover 'the small of historical events' and he prioritizes the 'local' in theory and in practice.

Re-thinking Policework

In order to break with the 'discursive fact' of the police as legal agents the thesis will adopt Foucault's ideas for three reasons. Firstly, Foucault's preference for the particular in social life allows for a range of phenomena which he identifies as important in policework as opposed to focusing on a single phenomenon such as arrest.

Second, because his emphasis on discourse as a legitimate object of knowledge contrasts sharply with those ideas outlined in the literature, new insights may be gleaned to further understanding about the police. Fresh ideas on the police are sorely needed according to critics of the police studies field.

Third, Foucault, in providing an analytical framework, views power at the centre of social relations. Agents such as the police are seen not so much as wielders of power over others but as subjects through whom power passes and who are important in the field of power relations. This manner of viewing the police breaks with the 'discursive fact' of the police as figures of repression.

Finally, the significance for the thesis of using Foucault is that it is not just the police who are the object of investigation but knowledge itself is called into question in choosing to reject the current dogma.

In replying to critics such as Holdaway, Foucault would argue that the difficulties and contradictions encountered by agents like the police have never been deeply examined. Instead, what prevails according to Foucault are:

... the same old notions, the same theories, the same reproaches, the same criticisms and the same demands. They are being repeated as if nothing has changed ... and in a sense, nothing has (Foucault, 1989: 282).

To overcome the impasse in social theory, Foucault puts subjective modes of analysis (based on the actor, psychological variables, decision-making) aside in order to focus on broader sociological concerns of social formation and power. By opening up the structure of an event (in order to excavate the details) and by linking practices with words, policework moves from being a flat empirical fact to becoming an interplay of words and deeds and the effects of both on police/public relations.

The work of research according to Foucault (1989:305) should be

... to re-examine the evidence and assumptions, to shake up habitual ways of thinking and working; to dissipate conventional familiarities and to re-evaluate rules and institutions.

Because Foucault raises doubts about the authenticity of knowledge itself, a second question concerns what we actually know about the police and crime.

CHAPTER TWO:

THE POLICE AS 'THE LAW'

Where there is a sign, there man cannot be, Where one makes signs speak, there man must fall silent (Nietzsche in Foucault, 1989: 8).

Crime-fighting

There is a common view of the police role as one of law enforcement wherein police actions are determined by a legal base which authorizes their behaviour. MacKay, Cameron and Young, (1986: 176) argue that:

Police authority stems from their legal mandate and this mandate lies at the very root of every police-citizen interaction. Police officers are mobilized and intervene precisely because they have access to the unique resource of the law.

Alongside this view of the police as 'the law', there is another that policework is about crime. It is the public's opinion that the main role of the police is to control criminal behaviour. That policework equates with crimework is also repeatedly emphasized by sociologists and legal theorists who have based their arguments around crime fighting techniques such as arrest. In the literature review, it was argued that while the administrative have sought to tighten arrest procedures for the police organization, the subculturalists have sought to pinpoint police deviance from the law. Alternatively, legal theorists focused their debates on excessive arrest powers and the consequence of this for civil rights and due process.

All of these arguments involving arrest have emphasized crime fighting as the crux of policework. These notions, both lay and 'expert' of what the police do, are given a legitimacy by the formal police bureaucracy itself wherein the image of the crime-fighter and its confrontational components of search, chase and capture, are strongly endorsed within the force. Uglow (1988:58) claims:

Internally, the police see themselves as 'crime-fighters'; the 'good cops' make arrests for 'proper offences' like catching burglars rather than speeding motorists. Worthwhile convictions enhance an officer's promotion and career prospects.

Smith and Gray (1983:87) add:

... the idea of violence is often central to conceptions officers have of their work. The central meaning of 'the job' for most officers, is the exercise of authority and force, rather than knowledge and understanding ... 'good cops make good pinches'.

That the police, first and foremost, see themselves as crime-fighters is also acknowledged by Bittner (1974) who claims that this is demonstrated by the emphasis on criminalistics¹ and criminal law in police training and in the naming of special units by types of offences (vice, fraud and crime squads). Police records prioritize crime control and convictions enhance police careers (also see Uglow, 1988: 58).

The Media: Cops and Robbers

The 'cops and robbers' ethos of the police is also given public legitimacy by the media whereby as much as 25 percent of all copy in newspapers comprises law and order news (Uglow, 1988: 116). The police, Uglow claims, organize their relationships with the media in a highly professional manner and journalists rely on their police contacts to provide interviews, information and interpretations. To present alternative versions is to risk such sources drying up. Most of the time, the press are willing allies of the law and order discourse - that is, they accept assumptions about the 'problems' of crime, about who represents the 'dangerous classes' and about 'proper' sanctions.

Uglow cites Stuart Hall's analysis² of the press coverage of the 'mugging' panic of 1973-4 as a compelling illustration of co-operation between police, press and judges in the manufacture of a crime wave (despite the flimsy statistical evidence), of the image of unsafe streets, of the stereotype of the young black mugger and of the call for stiff, deterrent sentences.

According to Ericson (1982:5), in television 'cop shows' (Hill Street Blues, Top Cop, The Bill, Crimewatch) and in reports of individual criminal cases, the notion is

1 'Criminalistics' is the scientific study of techniques which lead to identification and comparison i.e., the physical scientist as 'expert witness'. See Kirk 'Crime Investigation Physical Evidence and the Police Laboratory', 1953.

2 Hall, S., Critcher, C., Jefferson, T., Clarke, J., and Roberts, B. Policing the Crisis (Macmillan, 1978).

constantly reinforced that crime is, after all, almost everything the police are concerned with. Although there is talk of the police as a social service agency, in the minds of police officers and in keeping with the public perception, real policework is crimework.

The importance of the 'cops and robbers' ethos is that it serves to sustain a deep-rooted belief in society that 'what cops do about crime' is synonymous with the more general need 'to do something about crime'. The expectation is that the police, as 'protectors of the weak and respectable against the rough and unruly', will 'handle the problem' and this provides the base for arguments which call for stronger policing and increased resources - personnel, legal powers, weaponry and computer equipment.

The Image and the Observed

Yet the notion of the centrality of crime in policework is made problematical by research findings which suggest that crime fighting is an overestimated aspect of policework (Uglow, 1988: 6). It has been repeatedly demonstrated in studies that only a fraction of the activity of the police is dedicated to fighting crime. According to Morris and Heal (1981:9-13):

... we know that a concern with crime is a pervasive feature of the rank and file view. However, we also know that most police work is concerned with peace-keeping and police social work as much, if not more, than it is concerned with crime.

The fact that the police spend most of their time on matters unrelated to crime or even something that could potentially be made into a crime is detailed by Ericson (1982:5-6) who cites the British Home Office Survey (1981) which found that only 6 percent of patrol time was spent on incidences finally defined as criminal. In an American study, Reiss (1971:96) showed that only about two-tenths of 1 percent of the time spent on preventative patrol was occupied in handling criminal matters. Similarly, ethnographic studies document the majority of pro-active incidences as non-crime related (e.g., Cumming and Cumming, 1970; Punch, 1973; Cain, 1973) while Reiss (1971:73) reported major discrepancies between the complainant's view of the event and the view of police. In his Chicago study, Reiss found that 58 percent of complainants saw their complaints as criminal matters but of these only 17 percent were finally classified as criminal incidents.

New Zealand Context

The historical situation in New Zealand, according to Glynn (1975:29), is little different. The traditional notion that the police have the power and ability to prevent crime is an overstated myth. According to Glynn, the concept of crime prevention assumes that the police will be physically present (or soon will be) where and when offences are intended to be committed. This combination of circumstances is a rarity. Even allowing for an inordinate increase in police numerical strength, police can only cover a fraction of a city or rural area at any particular time. With increasing urban sprawl, this inability is becoming more acute. What is more, the time, place and circumstances of crime cannot be predicted with any certainty. Prevention of crime through police action is based largely upon the projection of the threat of detection. However, once a mobile patrol (or beat constable) passes a particular spot, the probability of a police presence in the same spot is so slim, and the speed at which a crime is committed generally is so fast, that the perpetrator's apprehension 'risk' is quite low.

Glynn (1975:29) adds, there are additional restraints which preclude mechanical crime prevention by police. It must be stressed that 'street crime' to which police might, in ideal circumstances, have access, makes up only an infinitesimal portion of the total crime committed. Successful crime, after all, is secret crime. The bulk of this is committed on private premises to which police do not have normal access. Moreover, crime is often of a type which is committed on impulse without regard for the presence of the police or other consequences. In any case, crime which is carefully premeditated is likely to be committed in a manner that mitigates against physical prevention by the police.

Glynn's arguments regarding the prevention and detection of crime by police in New Zealand are borne out in a recent study by Robinson and Hutton (1989) which examined "I" Car activity within the Wellington district. From their observations, Robinson and Hutton (1989: 75) argue that: '... very few situations are encountered in reactive police work which display any real threat of serious offending'. Instead, the majority of reactive work engaged in by constables, according to the authors, consists of 'ordering relationships amongst people who call upon them to handle their trouble'.

Taking their theoretical 'cue' from Ericson (1982:63), Robinson and Hutton (1989: 75), conclude:

... patrol officers are sometimes faced with emergencies or encounter life-threatening situations, but these are not part of their everyday experience. The majority of calls for police assistance do not mobilize officers as crime-fighters, but more as negotiators, manipulators and coercers of social order.

The argument that the police deter crime by a visible presence on the street is also said to be difficult to sustain. Studies suggest that neither preventative patrols (Kelling and Pate, 1974) nor flooding the streets with patrol officers (Wilson and Boland, 1978) have a significant impact upon the level of crime. In a small number of violent incidents where citizens need reassuring, Pate (1976) found there is only minimal value in having more patrol cars available for a quick response. Ericson also notes, with regard to the technological refinements of mobile patrol operations, that police technology has no appreciable effect on the incidence of crime (Ericson 1982:6).

All of this tends to suggest that statements regarding the 'police/crime' connection are indeed theoretical. Paradoxically though, as Bittner (1974) claims, such statements provide us with the rationale for a general conception of police work and, as part-and-parcel of contemporary thought, they provide for the police an aura of consistency with the rule of law itself.

Theory and Practice

The above references reveal, as Ericson (1982) has suggested, a situation which is ripe for contradiction. Elaborating on ways the police utilize this contradiction between notions of what they think they do and what they actually do, Ericson (1982: 10-11) maintains firstly, that there is a pressure on police to show that they can keep the lid on crime and generally keep the streets clean, yet not so successfully as to suggest that they do not need more resources to fight crime. Secondly, the very existence of crime-control in the community indicates, according to Ericson, that other means of control have failed and is testimony to the degree of 'communal' conflict. Moreover, high levels of crime control mean that the symbolic aspects of the wider institutions of law itself are failing. Thirdly, the more repressive the action becomes, the more visible are the main contours of conflict and contradiction. In these circumstances, the police are most able to increase their own powers, even to the point of having an effect on the

legislative process itself (see also Chambliss and Seidman, 1971; Hall *et al*, 1978; Cohen, 1979).

Ericson (1982) therefore suggests that police, like other control agencies, are not out to eradicate the crime phenomena but to classify, record, contain and use it in perpetuity. Ericson concludes that the police 'crime fighting' mandate distorts more fundamental processes than it can solve. The popular conception of the police as crime-fighters, he argues, must itself be treated as creating a problem for both the public and the police. Crime control is an impossible task for the police alone. They are expected to handle a phenomenon caused by forces (social, economic, cultural and political) beyond their control. Thus, there is bound to be a gulf between the structured rhetoric about the police and crime and the everyday reality of police work.

All of this raises an obvious theoretical question about the difference between the discourse which structures police work and its actual practices. A conspicuous feature of the literature thus far is the abysmal failure to provide an adequate theoretical understanding of policework in modern times.

The Police Mandate

One writer to challenge the dominant model of the police is Bittner (1974), who argues that the law enforcement view of police is one of modern history's greatest mistakes. The effect of this view is that it has served to misinterpret a mandate which permits very broad discretionary powers. The real basis of the police mandate, according to Bittner, is an authority to use force in those situations requiring an immediate response. Against those who would suggest otherwise (i.e. that the law prescribes police powers), Bittner insists that the true domain of police influence can extend to encompass all 'emergency' situations which do not exclude 'any person, anywhere or any place'. Contrary to, for example, legal theorists, Bittner claims, that debates over the origins of police powers are a fruitless exercise because historically, police activity has evolved more by 'chance' than from any legal code or administrative guidelines. Unlike other modern control agencies with legally prescribed spheres of competence (public health, welfare, fire service, etc.), the police mandate has never been encoded by penal law. Therefore, it is unique in its discretionary freedom. The police, state Bittner, have a virtually unlimited mandate and there is no human problem, real or

imaginable, that does not come under their jurisdiction. If the police decide that something is their proper business, they are empowered as peace keepers to impose a provisional solution upon the problem. They do so without having to brook or defer to opposition. This mandate to intervene in human affairs extends to every kind of situation from assisting the elderly to murder. In a nutshell, according to Bittner, 'the police can be all things, to all men without exception. This and this alone is what the existence of the police uniquely provides and it is on this basis that arrests may or may not occur, depending on the circumstances' (Bittner, 1974:18).

Bittner's theory, which challenges the idea of the police as a law enforcement agency, is given substantial weight by research findings which reveal that normative considerations, rather than legal judgements, determine outcomes in both arrest and non-arrest situations. Indeed, if Bittner is correct and expectations concerning the police function are at variance with reality, it follows that claims by legal theorists and others that 'the police routinely stray beyond the law' gives the misleading impression that police strive in anyway to uphold the law.

To the present day, Bittner's theory regarding the real nature of the police mandate remains untested by research. Consequently:

The police continue to be the best known and least understood of all agencies in modern urban society. It is not only the public who do not know on what terms and to what ends, police work is furnished, but also the police themselves are not able to formulate a justification for their existence (Bittner, 1974: 17-18).

The preceding arguments raise doubts not only about the relationship between crime and the police, but more importantly, they raise doubts regarding the very reason for the existence of police in modern society. Moreover, this brings into question legal and jurisprudential thinking which has assumed the right to determine theoretically, the character and significance of policework. A narrow and technicist form of discourse, that of legalism, has combined with a pervasive 'scientific' empiricism, to silence discussion on contentious areas such as politics and social control. These have remained secondary to the pressing question of crime and its solution. While not denying the importance of crime, the present thesis is premised on a view by Garland and Young (1983: 17) that:

... to analyse an institution on its own terms is always to limit radically the questions which can be asked of it and to pre-determine the answers which will be given.

This thesis seeks to depart from legalist and empiricist analysis by adopting Foucault's ideas on knowledge and power. Such an analysis requires a suspension of conventional thought along the lines of facts, evidence and 'truth' in favour of the task of attempting 'to imagine something other than what is'. To this end, a first step will be to describe how Foucault sees theory and practice.

A Departure From Legal/Empiricist Thought

Foucault and the Social

The focus on the inter-relationship between power and the production of knowledge is a central feature of the position developed by Foucault, whereas within social science, the dominant view is that the social world is a reality that can be made 'orderly' through rational intervention. In the work of Foucault, the implied relationship between 'the ideal' and 'the real' is of a different order. It is important to understand the nature of the interplay between the rationale (words) and their specific institutional practices (deeds).

In his work, Foucault demonstrates that the rationales provide for the development of programmes of social intervention through the generation of institutional practices, towards specifically constituted objects, and that such interventions have consequences or effects. This seems straightforward enough, yet, Foucault argues, that programmes offering formulas for regulating behaviour are never fully realized in practice. Therefore, there is always an evident 'lack of fit' between procedures and practices (a gap or non-correspondence).

This idea of a non-correspondence between theory and practice should not be taken (in Marxist terms) to mean an ideology or false consciousness (crime-fighting is not merely a myth with little relation to 'the real'). Rather, what Foucault indicates (as does Bittner), is that the relationship between theory and practice is problematical and that no general formula can prescribe it. Theories and practices are always partial, regardless of any success or failure. In using Foucault to examine police work, there is no wish to seek a harmony or synthesis between theory and practice. Instead, theory and practice are seen as distinct forms of knowledge in the sense that words may not

necessarily correspond to practices, but this does not mean that theory and practice are of a different ontological order. This distinction between theory and practice then, is revealed in contradictory social processes.

The Complexity of Social Practices

However, it is necessary to re-conceptualize thought itself in broader terms. This means thought (we are asked to see thought as a material structure with material consequences) must be analyzed in every manner of speaking, doing or behaving, wherein individuals act as subjects of knowledge, conscious of themselves and others. In this sense then, thought is understood as the very form of action. The study of the development of forms of experience can proceed from an analysis of practices, discursive or not, as long as one qualifies that word to mean 'practices in so far as they are inhabited by thought' (Foucault in Rabinow, 1984: 334-335).

The failure of the police to stem the rising crime rates could be interpreted as an apparent lack of correspondence between 'what the police say they do' and 'what they actually do'. Instead of seeking to analyse 'the gap', Foucault would read failure as constituting 'the procedural norm' of policework and he would respond by inverting the problem if crime-fighting has failed to stem crime, then what positive value does it serve?

In this way, the focus is shifted from 'failure' to the productivity of policework and to a strategic utilization of its 'successes' (Foucault, 1977: 272).

Foucault's idea of failure and success as implying one another stands in sharp contrast to functionalist or systematizing thought. Whereas orthodox sociology assumes there can be a direct relationship between discursive formations, social and institutional practices and their effects (a conception that implies the possibility of 'successful' social programmes producing intended consequences), Foucault argues that the complexities of institutions and human behaviour escape programmatic formulations, so there is always a difference between the way we think and the way we act. This includes the exercise of power itself which is equally defective, as seen in the lack of fit between words and deeds.

With this in mind, Foucault would do more than simply chart the gap between 'the ideal' and 'the real' in policework. What his analysis requires is an examination of the effects (both institutional and individual) produced by unrealized programmes. These effects will not be anticipated by or in discourse.

Knowledge, implies a certain political conformity in its presentation ... you are asked to learn certain things and to ignore others: thus, certain things form the content of knowledge and its norms ... It is not specific processes that have been excluded from knowledge, but a certain kind of knowledge. The nature of events and the fact of power are invariably excluded from knowledge as presently constituted, in our culture (Foucault in Bouchard, 1977: 219).

Foucault's position requires that we reject the 'totalising' nature of dominant discourses such as those which offer the police as 'the law'. Rather than being universal, Foucault argues that 'truth', any 'truth', is always local and this applies to crime fighting which is only a particular presentation of the police role. In its operation and its effects, this notion belongs in a particular realm - the discursive.

According to Foucault, the discursive (the realm which informs general knowledge), has its own 'rules of formation'. These involve thoughts, ideas, policy statements, political rhetoric and policing philosophy and these are quite removed from the less visible institutional practices. At the discursive level, states Foucault, problems are defined, priorities are constituted, possibilities constructed and legitimations offered. These should be analysed in terms of their meanings and consequences, intended or otherwise.

For Foucault, there is always an incongruity between what is said and what is done, whereby the logic of one does not necessarily flow onto the other. The 'gap' exists between words and action, primarily because the objectives which structure the practices of policework are rarely explicitly stated in the rhetoric which introduces and accompanies them (see also Garland and Young, 1983: 19). Therefore, the level of practice can only be identified by concrete empirical analysis and not the discourse behind it.

Foucault and The Police

Not only does Foucault oppose the orthodox view of the social world, but he also takes issue with the common view of the police function, namely that the objective of police work is to contain criminals through imprisonment and other means.

In order to appreciate the complex social functions and effects of policework, Foucault suggests we should stop seeing it as simply a negative response to crime and criminality. Although 'the crime problem' and 'anti-social behaviour' do play a role in determining police practices, they do not form the basic and constitutive element from which these practices are constructed.

General accounts which assert the existence of crime and then go on to determine its reduction by policework as sanction, can be argued against logically and historically. The police play a major role in defining and determining criminality, as part of a productive field within which they operate. They do this by specifying types of behaviour which count as crimes, by identifying the behaviours which fall into these legal categories (through selective policing and targeting), and through producing a social knowledge of the official significance and character of criminality.

Once the idea of policework as a narrow response to crime is rejected, the issue becomes one of 'how to describe and specify the manner in which the police exercise productive power'.

Having proposed there might be a different kind of power to negative power, Foucault uses the term 'bio-power' to refer to such a power which takes two forms.

The Concept of Bio-power

First, 'bio-power' has a disciplinary aspect which does not punish the body in a physical sense but rather, influences human conduct in subtle ways so as to produce persons who are docile and politically useful. The second characteristic of 'bio-power' lies in its broader administrative purposes, namely in the supervision of the whole population and its general well-being. The broader 'welfaristic' intentions of bio-power ('healthy communities', 'cleaning up neighbourhoods' etc.) inhere in the basic social conditions affecting human processes of life. Together, these two aspects of 'bio-power' constitute, in a nutshell, a power which is constitutive of life itself.³

3 For an excellent summary of 'bio-power' see Smart, 1983, pp. 90-91.

Through the workings of 'bio-power', a knowledge of human beings is constituted and it is this knowledge that enables agents such as the police to control those considered to be in need of punishment and correction.

Contrary to the contemporary, often secret torture of political prisoners and older, more dramatic forms of punishment which were often violent and public, 'bio-power' does not punish swiftly. Rather, Foucault conceptualizes 'bio-power', this power to create life, as a continuous 'gentle' exercise, its rationality and methods 'circulate' in society and cannot be appropriated. 'Bio-power' then, is not a property which can be anchored in relations between classes, nor in relations between the state and its citizens. Nor is it a code reproduced in law, nor possessed by persons per se. Instead, 'bio-power' constitutes a series of strategies such as surveillance and examinations which agents of the penal field utilize. Remembering that power flows from those who have knowledge of their objects, Foucault applies the analogy of a 'perpetual battle' to make sense of 'bio-power' as an intelligence which is exercised rather than possessed.

The importance of discipline and knowledge for Foucault is that it is not encapsulated by an empirical focus on state organisations. Discipline and knowledge is an expression of his conception of social life as an eternal struggle for power (Dandeker, 1990: 204).

But it is essential in this analysis to recognise that the modern power struggle is not exercised as a repression. It is not violent, excessive, wasteful or prohibiting on 'those who do not have it'. Instead, bio-power invests the powerless and is transmitted by them. Because it exerts its pressure this way, it can permeate into the very fabric of society. I refer to the self-monitoring undertaken by those individuals who think they may be under suspicion and who restrict their movements accordingly. Also I refer to the taking of an individual's body constituents for experimentation and data banking, without their informed consent. The accelerating use of such practices are covert in the sense that they are largely unrecognized due to our inability to conceptualize power relations as productive.

According to Smart (1983:111) 'bio-power' is a general amplification of power which does not curb or limit social forces, but rather produces their enhancement. That Foucault's analysis is transformative can be seen in the shift in focus from the

polemical 'cops and robbers' to a method of analysis that has as a central tenet, the power to judge and its corollary, the politicised body on trial. For Foucault, it is the fact of being constantly seen (by the eye of authority) that maintains individuals in subjection. As a largely covert exercise, 'bio-power' has as its constituent, surveillance, the capacity to make visible, and subtly regulate a mass of behaviour untouched by law.

Within the penal field, Foucault states:

It is a major if not exclusive function of the police, to ensure that discipline reigns over society as a whole (Foucault, 1977: 216).

As failure and success imply one another, so for Foucault do power and knowledge. This relation, he argues, should be analysed on the basis of the subject who knows the objects to be known. This means that agencies like the police should be seen less as a consequence of legal theories and coded law and more as norm administrators, technicians of productive power.

To understand more fully how 'bio-power' politically invests the body, it is necessary to consider three techniques which Foucault identifies as functioning at its core: 'surveillance', 'normalizing judgement' and 'the examination'. According to Foucault, these techniques which invest and produce the body, exist independently of legal statutes and codes and have their own laws, specific offences and judgements. As such, they are sought within the discretionary powers of the police (and in varying degrees, within other agents of the penal process such as psychologists, probation officers, etc.).

Discipline and its Characteristics

First, surveillance punishes by forming a visible field around individuals and groups and it objectifies the latter by subtly partitioning their behaviour (through classification). Quiet, continuous and expansive, surveillance, argues Foucault, is synonymous with policing and it operates on the basis of 'optical laws' without recourse, in principle, to excess force or violence.

The term surveillance, as it is used here, does not mean the narrow sense of 'spying' on people. Surveillance is a means of administrative power and it refers more broadly

to the gathering of information about, and the supervision of, subject populations. It behoves this thesis to go some way towards explaining how surveillance has become the administrative basis for the effective operation of the police as a key institution in society.

Second, 'normalizing judgement' punishes those whose conduct is non-conforming (the disobedient, abnormal or shameful). Proceeding on the basis of surveillance, normalizing judgement judges and classifies in terms of the norm (good decent folk, respectables, Joe Straight). Normalization produces conformity and is essentially 'corrective' (it aims to close the gap between troublesome behaviour and the programmed norm).

According to Foucault, normalising judgement (a general task of police, social workers, psychologists etc.) functions in opposition to law whose function it is to condemn by classifying acts according to set legal codes. Along with surveillance, normalizing judgement classifies by indicating a range of degrees of normality and therefore who will be included (the desirable) and who will be excluded (the undesirable) from membership of a 'homogeneous' social body.

Thirdly, in order to normalize individuals (and offenders), a knowledge is required of their lives, the crimes they have committed and the surrounding circumstances of these crimes. Hence the 'examination' which punishes by introducing individuals and their offences into a field of permanent documentation. For Foucault, it is through the registering of information on people that people are judged, measured and compared to others so they may be classified, normalised, corrected or excluded. As Foucault sees it, the everyday biographical accounts of people's life histories places them in a field of surveillance (a network of writing), and this operates for the norm by 'capturing' and 'fixing' their values. It is through delinquent case histories and the continuous practice of writing and interrogation that individuals are recognised for the study of criminology rather than being ignored. Within an ever increasing field, Foucault argues that the work of making individuals visible justifies the expansion of methods of surveillance throughout society.

The Power to Normalize

A Foucauldian analysis of 'bio-power' and its techniques then allows for the notion that power may lie at the centre of police-public relations. Implicit in Foucault's argument is the assumption that 'what police actually do' will bear little relation to the general rhetoric on the police function of law enforcement or even order-maintenance.

Rather, in its natural, observable role, police work is seen to constitute, re-constitute and articulate its own power namely, a knowledge over the population with a sole purpose to discipline conduct and by example, society in general.

The particulars of any analysis must await the gathering of empirical information. The theoretical framework and concepts which will inform the explanation have been set out here.

CHAPTER THREE:

THE FOCUS OF THE STUDY

Productive Power and Front-line Policework

The concern of this study was to explain the procedures of frontline policework which means the work done by uniformed police on the street. The aim of the study was to highlight the way police exercise productive power and to contrast this practice with their public image as crime-fighters. Methodologically, this encompassed a broad investigation of a range of situations some involving arrest and some involving the use of police discretionary power. Random patrolwork where officers remained inside their cars and had no direct contact with the public, was also observed and detailed. Those situations which involved officers using informal (non-legal) methods to deal with citizens instead of arrest, included such techniques as warnings, 'detoxification'¹ and the modification of behaviour to alleviate trouble.

In line with Foucault's emphasis on the importance of words and deeds, the thesis utilized, as its major sources of information, observation and interviews which focused on routine frontline policework. Written official police reports were not deemed useful for the thesis, as existing research literature suggests these do not fit the requirements of academic research. Existing studies reveal that police reports are not thorough and tend to meet police organisational requirements. Chatterton (1979) and Seabrooke (1987) note that constables, in the course of their work, have been known to protect themselves by 'gilding the lily' (constructing the appropriate account in line with force rules rather than the representativeness of the event).

The problem of the reliability and validity of police accounts is often compounded by the uncertainty of many events. Police/public relations are seldom free of ambiguity and, as Chatterton (1983) notes, constables can avoid evidence of mishandling an incident by reporting it with a 'certain caution'.

1 Detoxification ('detox') is when the police place a person into custody temporarily in order to sober the person up or restore order to a volatile situation. Persons placed into 'detox' are not formally charged nor brought before the courts but are released on regaining sobriety or when order has been restored.

Smith and Gray (1983), claim that this practice is part of routine policework. The researchers state that police records are kept largely for getting things done and not for providing information. They are little used by management and may be seriously defective as raw data. Many interviews are not recorded, while less than half of all stops are recorded in stop books. More importantly, police records are not organised in a way convenient for systematic analysis. Personal experience with these sources supports this general conclusion.

Reliability and Validity

Qualitative studies such as the present one are based on a series of analytic judgements on what is observed, heard and said. This gives the study a low reliability in favour of depth of meaning which could not be otherwise gleaned. Having said this, however, it should be noted that there is a measure of reliability to be gained by observing and recording the full range of practices, even the most insignificant of events (see Foucault's comments (Chapter 4: 50) on the importance of attending to trivial details).

Although the fieldwork period was short, every endeavour was made to gather as much information, on as many officers, in as many contexts, as possible. Foucault, and other published studies, helped to identify the specific issues.

Another factor which tends to enhance the reliability of the study is its deductive approach. Rather than just recording everything at random, then letting the facts speak for themselves, information was collected in a deliberate sense, in terms of the two modes of control: the legal and the disciplinary. Of incidences observed involving the police and the public, the question was kept in mind as to what specific rule had been broken? What was the infraction which was being policed? Answers to these questions were to give an immediate meaning to the investigation and at a later stage, were to form the analytic framework for the thesis.

On a personal level, it was felt that being a sole researcher minimized inconsistencies in gathering the information which would have occurred otherwise. In a major study of Canadian patrol work, Ericson (1982:39-40), cites initial problems of reliability arising from different interpretations of events by his team.

Overall, during the fieldwork, there was a sense in which validity was heightened by 'staying the distance' (sharing the slack times along with the busy times). This earned a measure of respect from those constables involved in the study which may have enhanced their willingness to be serious in the subsequent interviews.

Stage One: Fieldwork

The collection of information during the observational stage involved riding with constables in "I" Cars and observing their work.² This included pro-active patrols, responding to dispatched calls and attending 'after the fact' enquiries. The recording of information was a continuous activity (which even covered tea breaks). Being present during particular situations required the researcher to be as unobtrusive as possible. During encounters between the police and the public, and in sensitive circumstances such as the processing of prisoners, it behoved the researcher to be keenly aware that her presence might influence events, and precautions were taken to avoid this. At all times, in manner and appearance, an attempt was made to 'blend' in with the environment as much as possible.

During the fieldwork, there were no observable adverse reactions from the public to the presence of the researcher as an outsider. Rather, it was the case that constables 'did what they normally do' and members of the public gave no indications of being disturbed by an 'onlooker'.

This initial stage was an essential first-step to the success of the study in the following ways: First, it provided a breakdown of the daily police routine, which reflected the pervasive quality of police/public relations. Police forces reflect their local environments which are historically, spatially, geographically and culturally unique (Terry, 1985). The unique local site provided the anchor for further analysis through indepth interviews. Second, on a personal level, this stage provided the crucial factor in establishing on-going relations of trust and rapport between the researcher and those studied. An initial involvement in the work setting helped to dismantle barriers which was conducive to the task of constables providing items of information at a later date.

2 See Appendix A for a copy of the Statement of Intent: A contract between the researcher and the Police regarding conditions for fieldwork.

Third, the information obtained at this stage provided the necessary insights and directions for subsequent interviews. The foreknowledge gained here assisted the researcher to conduct the interviews in a more competent manner.

The observational stage covered a three week period wherein constables were accompanied on patrols and when responding to callouts. In order to gain insight into the organisational side of the job, time was also spent at the station observing a variety of tasks (administrative and operational) and engaging officers in informal conversation. Observations at the station were made in the operations room, the interview rooms, at the switchboard and in the watchhouse. In addition, a day was spent accompanying a community constable on a local beat in order to gain some idea of policework in its broader context.

During the three week fieldwork stage, a total of eight shifts were covered to include four night shifts, two early shifts and one day shift in "I" cars. A night was also spent in the dog van providing back-up for ordinary constables and an additional police presence in a pro-active sense. All told, approximately 76 hours were spent gathering information whilst accompanying section staff.

As a prelude to the fieldwork, a pilot shift was conducted with an experienced officer (in this case a Section Supervisor of 22 years service) and the value of such an induction to the ground cannot be overemphasized in terms of easing an outsider into the field. On this first 'night shift', areas of special interest were pointed out to the researcher on a city-wide guided tour.

Also, as a prelude to the research, decisions were made on other matters such as the length of time the researcher would be present during a shift. For the study's purposes, to capture the range of policework, a decision was made to accompany constables for the entire period of each shift to experience policework in all settings, including the processing of prisoners.

Over the course of each shift, notes were written as events unfolded. Thus, a broad range of information was generated which encompassed as much as possible, everything said and done. Constables facilitated this task by reiterating events when asked and by providing the researcher with a clip-on torch in order to write during night patrols.

At the completion of this first stage, the field notes were refined by a chronological ordering which relied basically on written observations. The relevant details of each shift were then isolated to facilitate the analysis (i.e. volume and type of arrests, types of incidences, offences and the outcomes of events as these related to policework). Here and there some ideas for analytic direction were added to the material which was then filed for later analysis. Prior to moving on to the interview stage, it was considered both strategically and ethically advantageous to present to those constables involved in the fieldwork, copies of the relevant fieldnotes.

As a matter of principle, copies of the field notes relevant to their particular patrols were returned unaltered to those officers who had willingly placed themselves 'under surveillance' for the study, to allay possible fears or anxieties. This had strategic benefits for the validity of the study in that officers themselves were asked to verify the information.

Stage Two: Interviews

The collection of oral data involved a sampling of 12 constables in a series of indepth interviews by way of a structured interview technique. In accordance with Foucault's emphasis on 'thought' as the very form of practice (Foucault in Rabinow, 1984:335), these indepth interviews formed an important source of information and involved constables talking about what they do (especially how they constitute their experiences around the police/crime couplet with its concepts, theories and rules, e.g. the division of law-abiding citizens from others). There were no problems locating constables willing to be interviewed and of those who agreed to undertake the task, seven were pre-selected through their involvement in Stage One while the remaining five were chosen to further reflect the demographic makeup of the department as closely as possible (see Appendix D, Table 4). Before commencing the interviews, an agreement was reached with police supervisors over matters relating to the voluntary nature and the privacy and confidentiality of those being interviewed.

In keeping with the test run procedure conducted in Stage One of the study, a pilot interview was conducted with a Sectional Supervisor. By using the questionnaire which would be administered to constables, information was collected from the 'upper

ranks' to form a valuable resource should comparable studies between the latter and the 'rank and file' be undertaken at a future date.

The interviews which stretched over two weeks at various times of the day and night were for the most part, conducted in side rooms at the station. At the request of some constables, however, interviews were also conducted in the watchhouse and at the researcher's home. To allow for an uninterrupted dialogue, each of the interviews were tape recorded and probes were used extensively to encourage constables to think deeply about the questions.

Subjects were given twelve open-ended questions (see Interview Schedule, Appendix B) to allow them as much freedom as possible to structure and define their view of what they do. At the start of the interviews, some constables were a bit hesitant but in all cases as the interviews progressed, nervousness vanished and they got down to the serious task of recalling their experiences. At the completion of each interview (on an average each lasted about one and half hours), most said they had enjoyed the experience and a volume of material was generated. After the interviews were completed, each was transcribed by the researcher and typed copies were returned to the constables in sealed envelopes.

The material generated from the above methods was read and familiarized, then filed to await thematic analysis: a careful searching out of the material to discover how power constructs routine policework.

To counter the notion of power as essentially repressive and a possession of property relations or state agents, Foucault conceptualizes power as being multifarious which he suggests operates according to specific conditions and consequences within western social systems.

Within this concept of power as multifarious we can identify certain aspects of power. First, there is the legal penalty. This strictly legal mode of punishing those who break the law is predominantly identified in the courts which have historically tended to exercise legal power to the exclusion of discipline. The legal penalty was therefore repressive focussing on the act as it did, with secondary regard for the personal circumstances of the individual. Within this specific domain of influence, it is the act (criminal offence), that is judged as forbidden rather than the person.

Next, within recent history, there has been a more 'productive' mode of control introduced, which Foucault calls 'discipline'. Disciplinary power, which arises from attempts by reformers to 'humanize' criminal justice is said to shape activity such as policework more so than the former legal mode. Discipline, says Foucault, actually opposes and contravenes the latter in its application.

Whereas the legal penalty is narrow and event-specific (it does not socially constitute but merely 'enforces'), the disciplinary mode is a generalized penalty, its effects being all encompassing. There are no limits to discipline, its exercise is continuous and expansionist and it targets the person rather than the offence. In the sense that discipline targets the person, it is productive of knowledge and therefore power. Foucault suggests that these two strategies, the legal and disciplinary, co-exist as penalties within western control systems. However, it is the disciplinary mode which has come to play an increasingly dominant role over the legal, which is thus residual. What Foucault means is that punishment, the old province of judges, is now the domain of a variety of administrators such as the police within and around criminal justice.

This concept of discipline (the elements of which have been previously described) is the principle Foucault uses to replace the 'repressive hypothesis' of orthodox thought with what could be termed a 'welfare hypothesis': the principle characteristic of agencies such as police has not been the fact of repression, but a growing concern with the 'quality of life' of the population, as well as the individual. In contrasting the importance of 'welfare' within internal policing structures at the expense of repressive law, Foucault (1984: 266) argues:

Law cannot help but be armed, and its arm par excellence is death; to those who transgress it, it replies, at least as a last resort, with that absolute menace. The law always refers to the sword. But a power whose task is to take charge of life needs continuous regulatory and corrective mechanisms. It is no longer a matter of bringing death into play in the field of sovereignty, but of distributing the living in the domain of value and utility. Such a power has to qualify, measure, appraise, and hierarchize, rather than display itself in its murderous splendour; it does not have to draw the line that separates the enemies of the state from the obedient subjects; it effects distributions around the norm. I do not mean that the law fades into the background or that institutions of justice disappear, but rather that the law operates more and more as a norm and that the judicial institution is increasingly incorporated into a continuum of apparatuses (medical, administrative, and so on) whose functions are for the most part regulatory. A

normalizing society is the historical outcome of a technology of power centered on life.

This concern with life or 'the social' (see Donzelot, 1979) denotes a 'community' concern and should not be seen as a coherent strategy emanating from some unequivocal source.

Before moving on to look at the target of power, it should be added that in choosing to examine policework in terms of a 'welfare hypothesis', it is not intended to deny the facts of crime nor repression. Rather, it is that widening the focus of the task at hand enables us to question the importance accorded to repressive tactics by drawing attention to the facts neglected by common sense. It is also important to emphasise a point made before, that rather than see common sense as misrepresenting policework, it should be rendered intelligible in terms of 'a project' to silence some discourses in favour of others (Smart, 1983:91-93).

Data Analysis: Conceptualization of the Body and Power

The study takes the view that policework cannot be entirely explained in terms of its apparently self-sealing logic: 'that police, as agents of the State, uphold the Rule of Law places policework at the centre of law enforcement even though the various suppositions (positivist, Marxist, legal) are based on different notions of the law' (Grimshaw and Jefferson, 1987:6). Instead, policework in its current form is seen as a complex phenomenon, primarily characterized by power (or rather the exercise of power). By Foucault's reckoning, power lies at the heart of agencies such as police in a covert sense, producing material effects not immediately apparent to direct observation in a functionalist sense (i.e., in the sense that the facts speak for themselves). Yet, Foucault claims power can be known and he provides the format in terms of the elements that structure it, namely surveillance, normalizing judgements and examinations. These three elements which define power provide the potential structures for the study.

To locate these structures and as a framework for the analysis, Foucault (1977:23) provides four analytic steps. He proposes:

1. That power should not be seen as simply a force which excludes, prevents, or eliminates (it is not just a repression) but is a creative process. Therefore, there

should not be a concentration on the 'repressive' effects alone or on the punishment aspects alone, but they should be situated as a series of positive effects, even if these seem marginal at first sight.

For instance, the routine practice by constables of 'turning people over' is not done with the express purpose of making an arrest. The prime function of a 'turnover' (stopping people and subsequently questioning them on their current movements) is to add more knowledge to that already accumulated on a person rather than to invoke repressive law. That the law is sometimes invoked in a turnover is an additional element.

2. That power should be analysed not simply as a consequence of legislation nor as an indicator of social structures (corrective punishment does not stem from law, the economy or the state), but as a political tactic possessing its own specificity in a more general field in terms of the exercise of power.

Aspects of a specific police technique surfaces in the way constables handle traffic offenders such as drunk drivers. Over the course of a 'drunk driving' stop it is the broad play of discretion which shapes the event, more so than legal procedure. With traffic stops largely considered by constables to be 'non-crime' work, non-offence related criteria such as who the person is, what he or she does and his or her display of character, form a series of value judgements about who will remain in a 'homogeneous community' (the respectables; those reprimanded re-socialised then released), and who will be excluded from it (the disreputables; those who don't get re-socialised). Such instances reveal a long established political structure, a binary principle which operates to sort out 'the wheat from the chaff' via the appropriate forms of treatment (discipline or punish).

3. Instead of treating law and the social sciences as two separate realms it is argued that they should be seen as deriving from a single process of epistemologico-judicial formation - in short, make the technology of power the very principle of both the humanization of the penal system and social science.

The new diversion programme, introduced into New Zealand's criminal justice system in 1988, is an example of law and humanism working progressively

together. Introduced to humanize the face of criminal justice, diversion is a preventative mechanism aimed at 'at risk' 'pre-offender' individuals such as students and other 'first offenders'. As a new facility, diversion is available to those who have not yet been before the courts, to treat the problem in more humane ways. But diversion contains a coercive element in its net-widening effect on previously untouched populations. Whereas the police used to have two options - screen right out (the route for the majority of encounters) or process formally, they now have a third option of diversion into a programme. Whereas in the past, a 'scarfie' (or Massey University student) could simply replace the nicked items from the pub, apologise to the indignant manager and remain in the community, now with diversion, he or she is brought into the system as a pre-condition to being re-integrated back into 'the community'. Paradoxical? Not really. Net widening (the process by which the system expands to encompass wider and different populations) occurs because diversion is used as an alternative to screening out and not as an alternative to processing. It has the effect of including those in the programme who, if the programme had not been around, would not have been processed at all.

4. To try to discover if the entry of 'the individual' (character, specific needs, conditions etc.) onto the scene of penal justice and with it, the insertion in legal practice of a body of 'scientific' knowledge, is the effect of a transformation of the way in which the individual is constituted by power relations. For example, pre-trial analyses done by a bevy of 'judges', probation officers, police, lawyers and psychologists, give a diagnostic category to the individual (mad, sick or bad).

According to Foucault (1977), the displacement of the importance of the legal penalty (on exact scale of sentencing based on the gravity of the offence) by the importance of 'the individual' refers to the moment in history when 'crime' (an infraction of the legal code) ceased to be the object of judicial judgement (judgement by a magistrate) and became the domain of 'expert opinion'. With the rise of scientific discourse based on the person ('the criminal mind', 'maladjusted delinquent', 'problem child' etc.), the act of judging moved from a focus on innocence or guilt to a concern with the non-legal factors which lay behind the act (motives, desires, background, life history). Nowadays when a

person is judged, rarely is it just the crime which is at issue. Rather, Foucault insists, it is mostly the individual character itself which is judged and punished in a case. Mental and emotional states, Foucault argues:

... are judged indirectly as 'attenuating circumstances' that introduce into the verdict not only 'circumstantial' evidence but something quite different which is not juridically codifiable: the knowledge of the criminal, one's estimation of him, what is known about the relations between him, his past and his crime and what might be expected of him in the future (Foucault, 1977: 17-18).

Thus, by an analysis of penal leniency, one might understand how the normal or the abnormal, the depraved or the deprived, have come to 'duplicate' the criminal act as objects of penal intervention and the way in which a specific mode of subjection has given birth to human beings as objects of knowledge.

These four rules provide an analysis of what power might mean in concrete terms. Foucault's thought on discipline and punishment forms an important break with reductionist conceptions of the totality of power and social formation.

(a) The Body as the Target of Power

The human body is, for Foucault, the most accessible target of power. Even when lenient methods such as correction are used, it is always the body and its forces which are at issue - the body's utility, its docility, its distribution and submission.

In contrast to orthodox texts which locate themselves historically in moral codes and legal structures, Foucault argues for the legitimacy of 'writing a history of the body', not so much in biological terms but in political terms. The body is located in a political field and is directly involved in this field. Power relations have an immediate hold upon it; they invest it, mark it, train it, torture it, force it to carry out tasks, to perform ceremonies, to emit signs (Foucault, 1977: 27).

The body is useful politically and economically, Foucault suggests, only when it is productive yet subjected and within western control systems, the subjection of the body is not obtained through violence nor verbal distortions but through a more subtle instrument - knowledge. Knowledge masters the body and its forces in a concrete sense.

For Foucault, knowledge and the way it is used constitutes a 'political technology' that is hard to pinpoint. Being diffuse, multi-formulated and rarely explicitly pronounced in discourse, knowledge remains largely in the esoteric realm of its producers yet has material effects on the 'real' world.

It is an important feature of Foucault's thought that he does not 'point the bone' at any particular organisation. Although the object of inquiry is power/knowledge, Foucault insists that no one agent is responsible for power, nor wields power over others. Rather, different agents have recourse to power and impose certain of its methods, the effects of which are to be discovered in certain dispositions, manoeuvres, tactics, in a network of relations constantly in tension and in activity (rather like a perpetual battle).

If one takes knowledge/power and its application on the body as the target of analysis, one should therefore reject the notion that 'power makes mad or bad'. Power and knowledge serve each other and directly imply one another. Put simply:

There is no power relation without a correlative field of knowledge, nor any knowledge which does not pre-suppose and constitute, power relations (Foucault, 1977: 27).

If one investigates knowledge as a relay for power and visa versa according to Foucault, one can see how one's basic character is transformed by such methods as supervision and correction and, around this reality-reference, arise a variety of concepts (personality, attitude, abnormality), as domains of knowledge on which have been built scientific techniques and moral claims (behavioural diagnoses and attitude tests).

(b) Analysis of Information

To meet the requirements of Foucault's interpretative method, this study uses a series of case studies to examine the subject of power on the body. In line with Foucault, the orientation of the thesis requires a qualitative approach, such as the case study, which refuses to be bound by the rigours of positivism regarding 'correct measurements' and 'proof'. Foucault is opposed to universalisms and truth with a capital "T".

Multi-form power (power structured by the constituents, surveillance, normalising judgements and examinations) calls for a multi-faceted investigation, an investigation of policework which yields for analysis, significant contrasts and connections, within the range of practices. Unlike the chosen method, quantitative methods do not produce the variety of data, imperative to the study. Rather than strive in the direction of 'science for science's sake', what is sought in this study is the enhancement of knowledge and an indepth understanding of policework over the mere production of generalizations from a collection of variables.

Besides the requirement of a broad approach to its study, multi-form power requires an historical location within structures rather than 'meaning'. Whereas interactional (or subcultural) approaches examine connections between structures only in terms of an actor's meanings (see Glaser and Strauss, 1967), this study, using Foucault, recognises the importance of social structures and their interrelationship in determining what police do.

Grimshaw and Jefferson (1987), in a recent study of British policework, advocate the case study as a method conducive to the structural analysis of policework. The researchers not only emphasise structures (the law, work and policy) as determinants of policework but also emphasise the importance of developing theory in the analysis. Unlike traditional inductive case studies, Grimshaw and Jefferson, adopt Foucault's (1987), use of the example to systematically examine concrete events. The chosen method, they suggest, should include enough empirical cases from the range of information (this study selects six cases) to substantiate without significant contradiction, a theoretical point.

In contrast to the 'scientific' logic of empiricism which sets out to confirm or disconfirm an existing hypothesis via statistical sampling, Grimshaw calls for a 'theoretical sampling' of information. A variety of comparative theoretical categories, they argue, can produce creative theoretical insights. The dimensions of the 'theoretical case study' according to Grimshaw are equally empirical and analytical ...

...marking distinctions and limits, setting out conditions and reducing processes to their details (Grimshaw and Jefferson, 1987:7).

On this basis, the present study aims to collect as much information as possible from a variety of distinctive milieus (dominant areas of police activity). Once collected, the

sets of information will then be examined to draw out the significant similarities and differences according to Foucault's notion of multifarious power.

A feature of the 'theoretical case study' approach to policework is the requirement that the site chosen should possess a sufficient range of empirical differences and similarities to constitute a starting point for the task of illuminating the theoretical concepts. To this end, the current study chooses to examine a provincial police force which exhibits range and diversity as necessary structural features. The Palmerston North police operate in an urban environment which displays a variety of demographic characteristics necessary for the fullest range of police responses and with its population of approximately 70,000, Palmerston North is ethnically and socially heterogeneous. It comprises a mixture of suburbs of varying degrees of wealth and poverty.

As the chosen local site meets the above requirements, both legal penalties and disciplinary techniques will be used as a basis to investigate routine policework in the city. Constables, arrestees, the policed and complainants will all provide empirical indicators of the functioning of the police role in society.

From the information gathered, strategic sites of police activity will be selected for a detailed analysis of power. The disciplinary elements (surveillance, normalising judgement and the examination), will be employed to structure observations of police practice.

CHAPTER FOUR:

THE HISTORICAL LOCATION OF DISCIPLINE

Locating Discipline

Having provided for the distribution of power and located policework in its physical space, the final task before undertaking the actual study is to locate power in social space. An historical analysis is necessary to counter the claim that disciplinary power exists in some esoteric realm of its own, abstracted from political and material interests. In rejecting a preoccupation with 'the pursuit of the origin' and ideal-typical representations, according to Rabinow (1984:76), Foucault opts for a genealogy because it rejects evolutionary development and instead records ...

... the singularity of events outside of any monstrous finality seeking them in the most unpromising places, in what we tend to feel is without history - in sentiments, love, conscience, instincts.

Minson, citing Foucault (1985: 264) insists that if there is no metaphysical design to life but only "the iron hand of necessity shaking the dice-box of chance", then under the constructed unity of things there is only disparity, dispersion, difference and the play of dominations. Thus the determinants of institutional or ideological developments are various and ordinary.

Second, it should be reiterated that it is not the police per se who are under investigation but the exercise of power itself. Foucault perceives power as the pervasive influence moulding every facet of social life. The police, like any other modern agency, strategically utilize power. The form of this utilization is primarily shaped by organizational dictates. (An account of the historical development of the police in modern times is provided by Dandeker, 1990).

That power has always been a problematical feature of Western social relations is argued forcibly by Foucault who declares:

We have yet to fully comprehend the nature of this enigmatic thing which we call power, which is at once visible and invisible, present and hidden, ubiquitous. Theories of government and the traditional analyses of their mechanisms certainly don't exhaust the field where power is exercised and where it functions. The question of power remains a total enigma. Who

exercises power? And in what sphere? We now know with reasonable certainty who exploits others, who receives the profits, which people are involved, and we know how these funds are re-invested. But as for power ... we know that it is not in the hands of those who govern. But, of course, the idea of the "ruling class" has never received an adequate formulation, and neither have other terms, such as "to dominate", "to rule", "to govern", etc. These notions are far too fluid and require analysis. We should also investigate the limits imposed on the exercise of power - the relays through which it operates and the extent of its influence and the forms of control, surveillance, prohibition, and constraint. Everywhere that power exists, it is being exercised. No one, strictly speaking, has an official right to power, and yet it is always exerted in a particular direction, with some people on one side and some on the other.

It is often difficult to say precisely who holds power, but it is easy to see who lacks power. Yet the history of this struggle for power and the manner in which power is exercised and maintained remains totally obscured. Knowledge keeps its distance: this should not be known! (Foucault in Bouchard, 1977: 213).

Yet despite this masking of the nature of power by systematic discourse, the logic of discipline is not new and can be traced to 'patterns of punishment and classification, laid down in the early nineteenth Century during the period of the 'Great Confinement' (Cohen, 1985:84). According to Pratt (1987:6), Cohen is referring to the confinement of populations into institutions which emerged as an overall project with the advent of industrialism wherein thieves were placed in prisons, lunatics into asylums, conscripts into barracks, workers into factories (or workhouses) and children into schools.

Institutionalisation

The prisons, architecturally and operationally, resembled factories, schools, barracks and hospitals, all of which resembled prisons (Foucault, 1977:228). The internal techniques of these new institutions were designed to sift out those considered suspect in society from those seen as normal, dutiful citizens.

Those classified as being abnormal, deficient or troublesome in some way became objects of a range of penalties and remedial interventions so enabling a more efficient regulation of the 'social body'. The modern forms of administrative interventions which emerged during this time were to continue expanding and consolidating their control over the social world.

Taking a broad view of the emergence of modern control structures, Foucault insists that marking the rise of institutions of confinement, qualitative transformations

occurred not just in punishment, but in every aspect of the relations between the state and its citizens. In the period of transformation from pre-capitalist society to capitalism, madness, along with poverty, unemployment and the inability or refusal to work, was for the first time perceived as a 'social problem' to be dealt with by an institutional response in the new bourgeois state. Elaborating on this, Dews (1984:74) claims that by locating his analysis of modern power in specific institutions of confinement, Foucault is not denying the importance of the economic dimension of this process but was more concerned with the effects and implications of what he saw as a new conception of the liberal democratic state as the preserver and augments of welfare and the manner in which this concept of 'welfare' intersected with projects of the homogenization and moralization of the populace.

Further points regarding Foucault's approach to the economic dimension in the historical transformation from feudalism to capitalism, are iterated by Smart (1983) who claims that the approach of the genealogist to historical events is to see each event as specific, yet constituted by a series of processes. In this context, according to Smart (1983: 136), Foucault's historical approach is non-reducible to the conception of a binary division of social forces, in class terms. But Foucault should not be misconstrued as being a pluralist. The implication in his work is that relations of power are not secondary nor subordinate to the mode of production. In relation to the processes of power and production, Foucault has commented:

If the economic take-off of the West began with the techniques that made possible the accumulation of capital, it might perhaps be said that the methods for administering the accumulation of men made possible a political take-off ... In fact, the two processes ... cannot be separated; it would not have been possible to solve the problem of the accumulation of men without the growth of an apparatus of production capable of both sustaining them and using them. Conversely, the technology that made the cumulative, multiplicity of men useful accelerated the accumulation of capital (Foucault, 1977: 220-221).

Smart maintains that in Foucault's view, an adequate account of labour-power, a prerequisite for the capitalist mode of production, should necessarily recognize the specificity of work under the modern factory system of production and that on which it depends for its possibility, namely discipline. Discipline - the methods of observation, recording, calculation, regulation and training to which the body has long been subjected in monasteries, armies and workshops - is a power which infiltrates the consciousness of individuals and transforms their lives and time into labour-power. In

order to integrate individuals into the apparatus of production a significant proportion of human energy or life, must be transformed into a commodity which is continuous and constantly available in the market place. This is achieved through disciplinary methods which enhance the operations of the body as a useful force while at the same time, reducing the body's political force (Smart, 1983: 114).

It was in the course of the eighteenth century that discipline became a general formula of subjection. Initially discipline took hold inside total institutions (i.e., workhouses, asylums and prisons) at the edges of society, then later it began to diffuse out of institutions and permeate into society in the forms of a generalized surveillance, infiltrating groups, communities and physical spaces (the street, the classroom, the courtroom and the police who are responsible for the routine internal pacification of the population). According to Smart (1983: 114) the process of the diffusion of discipline over society, entailed a concomitant process - the undermining of other modes of power such as sovereignty and law.

The Impact of Capitalism

Although Foucault underplays the mode of production as one aspect of power, its role in the rise of centrally regulated social control systems is accounted for by Scull (1984). According to Scull (1984: 24-5), the transition period from feudalism to capitalism prompted a fundamental shift in relations between the rich and the poor. Whereas under feudalism relations between the propertied class and their labourers were defined by paternalism, deference and dependence, which constituted a system of patronage, under an emerging capitalism, these responsibilities and obligations which marked relations between the propertied and the poor, were undermined and replaced by new market relations based on class domination and subordination. Under the new capitalism the labourers became "proletarianised" and increasingly detached from the means of providing, at worst for a bare minimum of their own subsistence. The now precarious relationship between the rich and the poor which under the old system had rested on some sense of social obligation, was worsened by the tendency of the primitive capitalist economy to oscillate between conditions of boom and slump. The unpredictability of market forces, coupled with the rising power of the bourgeoisie and their increasing intolerance towards the poor, greatly exacerbated the strains on the family-based system of relief.

By the late eighteenth century, with steady urbanization, almost all regions in England had been drawn into a single, national economy. The period saw a continuing movement of people out of self-sufficiency, into the market system. The impact of the universal market of capitalism was felt everywhere, forcing a transformation of the relations between the rich and the poor, the propertied and their labour force, into a purely market relationship between employer and proletarian (see also Segwick, 1982; Ebringer and Christie-Brown, 1980). With the new class society, politics became matters of naked self-interest rather than heteronomous issues of paternalism and patronage.

These changes in structures, perceptions and outlook which marked the transition from feudalism to capitalism provided a direct source of bourgeois dissatisfaction with the traditional non-institutional response to the problem of the indigent. With the decay of traditional patronage came an increasing anonymity of social relations coupled with increasing numbers on poor relief (see also Langsley, 1980). An institutional response to the indigent, it was felt, would in theory, permit close oversight of those on relief and, by establishing a regime sufficiently harsh to deter all but the truly deserving from applying, an institutional system, would be efficient and economical (Scull, 1984:26).

The Mad and the Bad

Thus, the new total institutions, workhouses, prisons and other houses of discipline, developed. The hallmark being harsh disciplinary regimes which aimed to establish "proper" work habits amongst the marginal elements of the workforce, those who were the most resistant to the monotony, routine and regularity of industrialized labour. To the bourgeoisie the institutions would be:

"mills to grind rogues honest and idle men industrious" (Rose, 1979: 431).

According to Dandeker (1990:133), the emergence of these 'carceral regimes' marked the substitution of systems of discretionary terror directed at the body by a universal tariff of incarceration concerned with the mind. The development of institutions also ran parallel to the substitution of private enterprise by the state and developments in policing (these will be described later in the chapter). A crucial aspect of the new institutions, according to Scull (1984:26) was the differentiation they effected of a

previously amorphous mass of deviants into distinct species of pathology, each requiring specialized treatment in an institution of its own. With the emergence of a market in labour, there was a new need to distinguish the able-bodied poor from the rest (the non-able-bodied unemployed). Scull suggests (1984:27) that in market terms, it was felt that the abled-bodied should not go on relying on 'hand-outs', because to do so would undermine the very notion of a 'freely-available' labour market by removing the threat of starvation and therefore the crucial incentive to work:

Raw hunger or "want" would counter the abhorrence of early labourers towards the factory where they felt degraded, tortured and reluctant to work (Segwick, 1982: 198).

'Want' it was considered would stimulate those capable of work, to work and thus distinguish the productive elements from the helpless. According to Scull (1984:27) this simple distinction between the abled-bodied and the helpless formed part of the change over from a view of the population as unchangeable, to a view of the population as modifiable and manipulable human material whose yield as surplus value, could be steadily enlarged through careful management and improved techniques (such as discipline) designed to qualitatively transform its value as an economic resource.

To this end, the workhouse was developed and functioned as an important practical means of operationalising this vital theoretical separation between the treatable and non-treatable. Increasingly, workhouses acted as centres of moral instruction, to instill into the minds of the able-bodied, the wholesome value of work. According to Scull (1984:28) the aims of the workhouse were twofold: to engender good work habits in idle minds and, by a physical presence within the community, deter potential shirkers by providing an example of the consequences of segregation and punishment if they did not work.

However, as Foucault claims, programmes do not always work out in practice and this was the case with the workhouse. Scull (1984:29) notes that although this institution was initially developed as a repository for segregating the able-bodied from the rest, over time it was to become a dumping-ground for the unemployable. And, with increasing numbers of mentally disabled and physically infirm as inmates, workhouses progressively became unmanageable. This rendered problematic the whole question of what was to be done with those who could not or would not abide by the rules of the

house - such groups as criminals, orphans, the infirm and the mad (see also Rose, 1979: 448).

Thus, to solve the problem, a second institution, the asylum was developed in order to instill 'correct attitudes' of docility and obedience, in the minds of the troublesome. First, the workhouse had taken on the basic task of instilling a new ethic that work is morally good then, the asylum emerged to inculcate introspection and self restraint in those seen as defective or deviant. According to Foucault (as cited by Dews, 1984:83-4), with the birth of the new asylum, violent, brutal incarceration (in places like Bedlam¹) vanished and in its place arose new techniques of social and psychological control which aimed to transform consciousness itself. The focus of control shifted from human bodies to targeting people's minds in order to subdue their 'natural impulses'. Asylums thereby became new repositories of 'moral imprisonment'.

It was in this institution which sprang up throughout Europe that the value of 'bad conscience' or guilt was systematically incorporated by medical 'experts' as a pre-condition for subduing spontaneity and 'madness' (Dews, 1984: 84). With the disappearance of classical confinement (Bedlam), Foucault suggests that 'madness' lost a certain freedom it once had to be replaced by a new regime of treatment, remorse and the stifling anguish of responsibility wherein:

... freed from the chains that made it purely an observed object, madness lost, paradoxically, the essence of its freedom which was solitary exaltation. Madness became responsible for what it knew of its truth and in remorse, it was finally chained to the humiliation of its own object (Foucault, 1973: 84).

Within the new asylums, 'lunacy' which now assumed the status of a major social problem, began to be subjected to incessant observations and judgements. These formed the conditions for the internalization of morality as a prerequisite for treatment. Foucault repeatedly argues that it is only the concrete exposure to 'the gaze' of others which enables a corresponding self-surveillance by individuals as they are compelled to monitor their own behaviour. In the emerging asylums, according to Scull (1984:29), a new breed of manager arose in "the dirty workers" (or psychiatrists as we now know them). These "dirty workers" firmly cemented their ties to the

1 Bedlam was a small privately run lunatic asylum founded in the thirteenth century whose inmate population had grown from 45 in the seventeenth century, to over 300 by the mid eighteenth century (Defoe, 1724-1726: 329-330).

"respectable" profession of medicine in order to minimize the stigma of close association with the poor. In the view of Cohen, (1985: 166), the success of psychiatry was to establish a radical, legally formalised monopoly on its services which enabled this profession to claim esoteric knowledge, effective technique and the right to treat. According to Scull (1979:424), in Victorian England, asylums emerged as state directed, funded and inspected organizations for the incarceration and treatment of the insane. This intervention by the state in the business of deviancy control, together with the emergence of the medical and psychiatric 'professions' as occupants of strategic positions in these organizations, were matched by the apparent willingness of all sections of society to confine the afflicted in the new carceral institutions. Furthermore, despite the emergence of the asylum as a 'curative' institution, its organizational routines were characterized largely by custodial practices. As a result, inmates of up to 1,000 in the larger asylums were confronted by an impersonal, bureaucratized total institution.

As the asylum emerged to administer mental states, so did a third institution, the hospital, emerge within society to administer physical states. With the advent of hospitals and medical centres, surveillance of the population was again the central feature. But unlike mental institutions which were set up as sites of moral instruction, the predominant function of general medicine was epistemic. With the establishment of the hospital, argues Foucault, a new mode of medical knowledge was formed - modern clinical medicine - which converged in the formation of a centralized institution whose task it was to monitor the health of the nation (i.e., by experimental research) and politically supervise its members (i.e., by developing treatment techniques and registers: Dews, 1984: 85; Foucault, 1977: 144).

The Rise of Surveillance

Against the view that under a new capitalism, the role of the state was limited to upholding the law and maintaining order to secure economic stability, Foucault insists (cited by Dews, 1984: 74-5), that from the very beginning, intervention and administrative control have been the hallmark of the modern state. The dictates of a new market liberalism did not produce a de-regulated, freelance status for medicine. This was defeated by a more fundamental demand for the surveillance of the nation's health. And in order to facilitate this, hospitals set up to function as 'a point of

centralization of knowledge, an authority for the recording and assessment of all medical activity' were from the outset, accountable only to their own dictates (Foucault, 1973:28).

The surveillance of physical disorders in modern medical institutions made possible for the doctor at the bedside of the hospitalised patient, intersecting with a system of monitoring of health and hygiene established at the level of the state, (in schools, workhouses etc), combined to produce a politics and regulation in people's lives by agencies of welfare and control. This, according to Foucault, was to become a more fundamental characteristic of modern societies than an economy released from absolutist rule to liberal democracy (Foucault in Dews, 1984: 75).

Foucault's accounts of the emergence in the early nineteenth century of asylums (Madness and Civilisation, 1967) and hospitals (The Birth of the Clinic, 1973) as institutions for controlling the mind and the body highlight the depth to which surveillance was implanted in key institutions as a general control mechanism. The above description of 'the medical gaze' is a necessary precursor to his historical account of punishment because it was in one key institution, the prison, that the techniques of surveillance and classification first formulated and used in the asylum, hospital and workhouse, were to become crystallised as a general formula of control. As it was with asylums such as 'bedlam', prisons in the old society were relatively marginal mechanisms of punishment based on indirect rule and discretionary terror (Foucault, 1977: 73-103). However, under an emerging capitalism traditional imprisonment changed its form to become the central means of punishing crime.

Elaborating on the structural changes which occurred in prisons Dandeker (1990: 34) maintains that the traditional administration of prisons was 'full of loopholes' being marked by a 'system' of corruption, tolerance and power-sharing between wardens and inmates. This included inmate pay-offs of guards and the latter turning a 'blind eye' while prisoners maintained regular relations with the outside world. The old system of pay-offs ensued such illegalities as the consumption of alcohol in prison, the pursuit of conjugal rights and the acquisition of food and clothing which made life for inmates sustainable. But under a new capitalism these relations were not seen as efficient. With the rise and spread of bureaucratic discipline local prisons became 'total institutions' (Goffman, 1961) with new techniques which overlaid the old liberties and

illegalities with an unrelenting regime of discipline and control. According to Dandeker (1990: 134) within the receptacles of the prison under a 'humanized' penal code life became enclosed and subordinated to a detailed round of surveillance. Time and space were now organized to facilitate the monitoring of behaviour through the collection and evaluation of data on 'cases'. These case studies began forming a generation of classification grids which constituted inmates as particular types of deviant, in a map of disorders. Each individual was to be located within a specific category and each 'identity' was to be 'ordained' by 'those who knew' (the specialists). In the new 'ideal society' of the prison marked off by high walls, constant body searches and checks were introduced to ensure a minimal amount of contamination by the outside world and to maximize the deterrent value for prisoners, of the deprivation of liberty. Within the new prisons, power-sharing arrangements between prisoners and custodial staff were replaced by a continuous, close, personal surveillance and the imposition of timetables under the control of wardens. The wardens themselves were subjected to a bureaucratic discipline and everyone on the inside wore uniforms, as visible expressions of these new social relations. In Britain, America and France by the 1840s, a 'silent routine' (where each inmate was segregated in the singular cell) had been imposed to stamp out association amongst the confined and to wipe out a sub-culture which was held to 'corrupt the novice and foster criminal behaviour' (See also Ignatieff, 1978:81). Within this new silent routine marked by forbidden communication and cellular isolation, inmates were exposed to behaviour modification (through bodily discipline), or their consciences were administered to by prison chaplains. The excesses of this separate system of solitary drudgery which produced hallucinations and suicides (Ignatieff, 1978: 208), were to become tempered by more associational disciplinary elements such as prison workshops and skills training.

Punishment

The dramatic changes in control over the last two centuries are usually represented as a movement away from the arbitrary, barbaric power of the absolutist monarch to a contractual order.

But Foucault rejects the idea that penal change is about an ethical shift from barbarism to more humane penalties, suggesting instead that the old arbitrary power worked with

a particular political and ethical rationale. This rationale was shaped by forms of knowledge, procedures and techniques which reaffirmed the superior strength of the Crown or Parliament in the eyes of the masses (Foucault, 1977: 35-6).

Foucault substantiates this idea by examining and comparing how, why and on whom power is exercised in pre-capitalist and capitalist societies. Within feudalism, he suggests, monarchical power was crude, savage and wasteful ...

... a discontinuous, rambling, global system with little hold on detail (Foucault, 1977: 78-80).

The old forms of public torture were an exercise of monarchical vengeance by the King who justified his power and privilege by reference to 'blue blood' or ancient lineage. Torture and execution, argues Foucault, produced an effect of irrational terror on those who witnessed it (in town squares, at the crossroads, in village markets) which acted as a general deterrent and restored the old monarchical law (Foucault, 1977: 56-9).

In feudalism according to Dews (1984: 75-7), the notion of crime was not fully distinguished from that of sacrilege, so that punishment took the form of a ritual intended not to 'reform' the offender but to express and restore the sanctity of the law which had been broken. The more one stood out from 'the norm', the more one's fame and conversely infamy and notoriety spread, thus giving the King or Queen an unlimited, incomparable 'right of death' over an anonymous body of subjects.

Against these excesses which became increasingly dangerous politically, it is argued by Pratt (1987: 6-7) that the rise of capitalism demanded a 'political economy of the body' organized around bourgeois rational principles of heredity and life. In modern society, power is not used to take life or to destroy (except in war and in acts of terrorism) but to manage bodies and render them docile and productive. It is used in such a way as to ensure no wastage because in capitalism, no one is permitted to stand outside society as outcasts, villains or rebels without being labelled as subnormal in some way (see Foucault, 1977: 92).

The transformative move in punishment from 'an eye for an eye' to the management of populations, Pratt (1987: 7) argues, entailed a shift away from the old penalties of

'exclusion' (such as death and banishment for law-breaking), in what was essentially an unpoliced society, to penalties of 'inclusion' which began to develop and permeate the new policed society. Initially, these inclusory techniques took shape in the prison but eventually spread to include a range of community-based 'alternatives' to it. According to Foucault, social control changed its form when the bourgeoisie staked its claim, not by reference to 'blue blood', but by how much wealth it could accumulate and pass onto its heirs. Life, he writes, had to be managed in such a way so as to reproduce this wealth and consequently to secure it against vagabondage.

Thus, the change from 'death' to 'life' necessitated new, more efficient policing strategies over previous arbitrary forms of punishment and interventions. These took the form firstly, of a general surveillance, including for example the production of dossiers, statistics, social surveys, the collection of public records, of storing information and the development of a whole set of by-laws and regulations. This surveillance began to affect and shape the spaces in which ordinary, everyday life is conducted. And secondly, throughout nineteenth century institutional life (in prisons, asylums, medical centres, schools, barracks and families), disciplinary training was introduced in order to produce obedient subjects conforming to habits, rules and orders (Foucault, 1977: 227).

In modern societies, according to Dews (1984: 77), the agencies of punishment which were also agencies of surveillance became part of a pervasive, impersonal system. This system pays ever-increasing attention to the idiosyncrasies of the particular case and above all to the psychology of the individual, since it is now the intention (the guilty mind) rather than the transgression (the act), which becomes the central criterion of culpability. Whereas power in feudal society was haphazard and imprecise, today the effects of power 'circulate' through progressively finer channels gaining access to individuals themselves, to their bodies, their gestures and all their daily activities (Foucault, 1977: 151-2).

The purpose of such an exercise of power is to re-constitute those now seen as departing from 'the norm' as 'docile bodies' who will then be able to conform and contribute to patterns of production. This, Pratt (1987: 7) argues, is where Foucault's conception of the change in the object of punishment away from a purely jurisdictionally defined subject, the offender, to a disciplinary subject, is so important. For instance,

whereas in feudalism, control was located in the law and was repressive, today the law as a site of control has faded into the background and departures from 'the norm' are the reason for intervention and regulation. No longer the hallmark of fame and infamy argues Pratt, such behaviour simply marks the extent of one's deficiency from ordinary standards and the degree to which one will be institutionalised or 'treated'. Today, 'Normal Man' should avoid eccentricity, ostentation, excess and distinction of any kind, anything which might make him 'exceptional'. Instead the policy is to be as anonymous as possible which, by the same token, will be the more appropriate demonstration of one's conformity and adherence to 'the norm'. Conversely, Pratt states the policing of rule-breaking is now organized around social rather than legal infractions which as sites of moral instruction, classification, normalization and judgement, offer a much wider scope for 'correction' than law-breaking per se and the courtroom ...

... the Courts and laws, previous modalities of power, are now only a facet of a more general disciplinary apparatus which has as its focus, the whole indefinite domain of non-conforming, irregular behaviour (Foucault, cited in Pratt, 1987: 8).

The direct target of modern power is now 'knowable man'. Conceptualised in terms of psyche, subjectivity, personality, consciousness, and individuality, 'knowable man' is a product of the emergence of new forms of power and concomitant new forms of knowledge. 'Knowable man' is the ordinary man - a calculable object, in contrast to those infamous individuals of the past who could be seen as heroes (Smart, 1983: 108-9).

Under the 'classificatory gaze' of the disciplinary network, the object of power is the very character of the individual and the exercisers of power are the 'ones who know', such experts as social workers, teachers, lecturers, probation officers, psychologists and work instructors.

The Concept of the Criminal

The new prisons and asylums did not simply involve new techniques of organization and surveillance; they presupposed a major restructuring of how criminality, insanity and deviance generally were conceptualized. In contrast to the christian view of crime as an outcome of innate wickedness and to the classical view of crime as rule-breaking,

there arose a new view of the offender as a subject to be invested by discipline. In this view the criminal is seen as an environmental product amenable to social transformation (Dandeker, 1990: 138).

This shift, in the object of punishment away from the legal offender to 'the criminal' or delinquent was dependent upon the emergence of scientific knowledge (psychology, psychiatry, sociology, pedagogy, criminology).

In sociological terms, the criminal was constituted as a person who could be saved and returned to society as a moral, productive citizen (like the rest of us). In the mind's eye of Foucault, where once the King or Queen had wielded power over death, it is now the academics who exercised power by providing theoretical models and policies, for the practitioners of discipline.

With causes and solutions at the centre of the new criminological enterprise questions of rationality, motive and reasons for action began to be posed. It was then only a short step to the concept of the 'dangerous individual' - the individual who may suddenly erupt in a transgression of the natural and legal orders - and the movement of psychiatry into the judicial system. And, as psychiatry moved into the judicial system, according to Philp (1985: 72), the courtroom moved into the community in an attempt to detect such as threatening pathology.

As crime came to be seen as a function of personality, character and mental states, the agents of discipline increasingly came to concern themselves with the potential for deviance among those who had not yet transgressed the legal order but who may do so (the 'at risk' populations). When this happens, the focus of control shifts from the application of the legal penalty to the investigation and treatment of personality and an associated shift occurs from the enforcement of legal rules to 'the rules of life' itself and its potential sources of delinquency. As Philp (1985: 73) suggests, with the replacement of the criminal act with the category of the 'social pathology of delinquency', we have gradually shifted from the rule of law to focus instead on the creation of a normal and healthy community.

According to Pratt (1989: 210), a crucial factor underlying this shift in punishment, from law-breaking to norm-breaking has been the pervasive influence of positivism, a

branch of scientific inquiry which studies human behaviour, by using the same methods as natural science. Using similar techniques to botanists or zoologists, positivist social scientists such as Count Lombroso (1911), believed that they could study criminals to find out what special features they might have and what it was about them that made them different from supposedly 'normal' people. Pratt maintains that up to this point, there had been no reason for any such study because the only point of issue in any criminal inquiry had been whether or not an individual had broken the law. Now positivist social scientists began to ask why they broke the law.

The work of Lombroso and others, Pratt states, has helped to establish a particular tradition in criminological thought which has continued to the present: the belief that criminals are different from normal people, whether this is manifested in physical stigmata (tattoos), body types (short and swarthy), personality (loners) or family background (ill-bred). In such ways, criminals have come to be seen not just as different but deficient from 'normal people'. By isolating such deficiencies, the positivists thought it was possible to:

- (a) discover the causes of crime (the Holy Grail of most positivists) and to
- (b) provide remedies or rehabilitation to alleviate such problems.

With this focus on the 'special features' of the individual criminal, positivist social scientists have always argued that the punishment should fit the criminal rather than the crime (a converse logic applies to the old classical theorists).

According to Pratt, the interest shown by positivists in behavioural problems goes much further than that which contravenes the law. Law breaking he argues, may go hand-in-hand with other behaviour which breaches social norms and is likely to stem from the same 'malfunctions' in those individuals considered to be deviant. As such, positivists are interested in deviance as a whole and not just the criminal behaviour. Crime is seen as just one facet of the broader area of deviance.

Panoptic Society

The depth to which the image of 'the gaze' is implanted in Foucault's thought is seen in his view of contemporary society which he argues, constitutes a panoptic system of

moral, epistemic and political surveillance. This idea of an anonymous panoptic system which isolates individuals, then transforms them into possible objects of knowledge is crystalised in his description of that ideal prison; the panopticon (Foucault, 1977: 202-3).

The panopticon was an architectural device advocated by Bentham² towards the end of the eighteenth century. The device consisted of a central elevated watch-tower surrounded by a circular disposition of cells. Each of these cells traversed the entire thickness of the building which permitted each inmate within, to be caught and silhouetted in the light which passed through the cell from the outside. This arrangement made it possible for a lone observer in the central tower to supervise a multitude of individuals, each of whom was cut off from any lateral contact with his or her fellow inmates. Furthermore, the guard, although unable to literally observe every inmate at once, could not be perceived from outside the tower. Thus, an effect of constant, omniscient surveillance was obtained. Since no prisoner could be certain of when he or she was not being observed, the prisoners were obliged to constantly police their own behaviour for fear of possible detection.

In Discipline and Punish, Foucault affirms that the prisoner ...

... is seen, but does not see; he is the object of information, never a subject in communication (Foucault, 1977: 200).

According to Dews (1984: 75), Foucault's references to this panoptic society of which imprisonment is the omnipresent armature (Foucault, 1977: 301), suggest that the description of the panopticon is intended as far more than an account of one form of the exercise of power. It not only condenses the argument of Discipline and Punish but may be seen as a summation of the analysis of modern forms of social administration which combines the themes of a centralization and an increasing efficiency of power with the theme of the replacement of overt violence or repression by moralization. Power in contemporary societies is portrayed as essentially oriented towards the production of regimented, isolated and self-policing subjects.

2 Jeremy Bentham (1748-1832), a leading reformer of the English criminal law, held that human conduct could be influenced by science. More specifically, Bentham held that punishment should be calculated to negate whatever pleasure or gain, the criminal derived from "hedonistic" pursuits such as crime (Allen and Simonsen, 1981: 19).

Professionalism

The structures of confinement which emerged during the eighteenth century to control different varieties of deviancy provided the breeding ground for a new type of manager, 'the professional', claiming to possess expertise in the management of each type of deviance. According to Scull (1984: 29), institutional bureaucrats (such as prison wardens) and 'specialists' (such as psychiatrists) not only became efficient controllers of the morally disreputable but moreover, they formed a buffer between the dominant classes and those the latter sought to control, deflecting antagonisms and obscuring links between social control and class domination. The buffer, created by professionalism, between the rich and the poor did not constitute a conscious conspiracy; the experts had their own agenda to secure their domain as did the pragmatic state in reconstituting market relations. The availability of professionals did however, mean that the propertied classes no longer had to discharge personally, the sordid task of supervising the dangerous classes, as was the case in feudalism.

The emerging professions made much of their ability, not simply to manage deviants, but to rehabilitate them: the mad were to be cured, criminals reformed and delinquent youths saved (Scull, 1984; Fogel, 1979). On a general level, Scull (1984: 30) claims, the receptivity of the propertied to such ideas reflected the growing secular-rationalization of western society incorporating the methods of science which demanded that esoterism be replaced by calculation (see also Martinson, 1974). The idea that people could be changed scientifically lent an aura of objectivity to the control of deviance which served to rigidify its sub-categories (dangerous, sick, at-risk, deprived).

It is claimed (Scull, 1984: 33) that if workhouses, asylums and reformatories did not transform their inmates into upright citizens, they did at least provide a convenient way to get rid of troublesome and inconvenient people. (See Chapter Three, thesis for Foucault's view of the lack of fit between principles and practices.) Within the institutions, the dangerous and the derelict were for the most part harmless because they were kept out of harm's way. The treatment of those so confined served as an omnipresent example, a reminder of the awful consequences of the inability or refusal to conform (see also Hall *et al*, 1978; Bottoms, 1983).

The Emergence of Modern Policework

In England during the eighteenth century, with an increase in commercialization came an increase in criminalization, a growth in crime and a need for security. With an eye to urban interests, legal penalties were tightened and became more meticulous taking into account a mass of minor offences such as theft and vagrancy and a concomitant public belief in a constant and dangerous rise in crime. The shift was now underway from a criminality based on 'blood' to one defined by property offences and fraud.

According to Foucault (1977: 77-80), this included the development of capitalist production and an increase in wealth, a higher moral value placed on property relations, stricter methods of surveillance, a more efficient punishing of the general population and more efficient techniques of locating and obtaining information (with the appearance of criminal statistics). In short, the shift in illegal practices coincided with an extension and a refinement of punitive practices. Following a circular process, the threshold of the passage to violent crimes rose, intolerance to economic offences increased, controls became more thorough and penal interventions at once, more premature and more numerous.

With the appearance of new illegalities (pilfering and the theft of moveable property) by 'the dangerous classes' there emerged the need for a novel police force concerned essentially with the illegality of property (the mobile, disposable goods of the bourgeoisie) and the perceived need to prevent crime. In the new capitalism, the right of the sovereign to take life and the 'eye for an eye' principle was overlaid by the need for prevention of disorder. With the establishment of the new police in England in 1829, punishment began to anticipate crime in order to prevent its occurrence and the penalty became 'an art of effects' based on deterrence and the need for vigilance (Foucault, 1977: 93).

According to Dandeker (1990: 117-18), there was little reason to doubt the fear held by the propertied in relation to this issue. Their fear was rooted not just in a perception of 'more crime', but also in a recognition of the emerging and politicized working classes. In this context of class relations, those concerned with social order sought to introduce new disciplinary techniques appropriate to a more anonymous age. A further

ideological influence on the creation of a new police, lay with the reformers of criminal law. Both Beccaria and Bentham proposed that the old 'arbitrary' punishments were inappropriate in a democratic age as they reflected the system of autocratic absolutism rather than an age based on a social contract. Furthermore, Beccaria realized that the moderation of the penal code and the substitution of a regime of productive labour and financial penalties for a system of spectacular terror, required a means of effective police surveillance. This would provide the basis for the certain apprehension of offenders and thus allay the fears of the law-abiding about any apparent humanizing of law and order (Dandeker, 1990: 118).

Thus, justice was duplicated by surveillance in order to prevent crime or arrest the perpetrators. Within market liberalism, the police and the law formed a partnership, the police assuring the operative social interest against the individual and justice, the rights of individuals against society (Foucault, 1977: 96).

In this context of ideological challenge to the old system of indirect rule and the birth of class society, the systems of policing and punishment in Western societies were transformed.

The Nature of Police Powers

Foucault holds a unique view about the nature of police powers. Against the common view of a centralised police as the most direct expression of the state, Foucault insists that from the outset, the functions of the police have been disparate (also see Bittner, 1974) and based on surveillance. In the nineteenth century the police 'portfolio' included the search for criminals, urban surveillance and the economic and political supervision of public life. More importantly although in principle the police were linked to the state in their crime fighting capacities, the type of power they exercised was local and directed at everyday life. Police power Foucault writes, consists of ...

'the dust of events, actions, behaviour, opinions ____ everything that happens' (Foucault, 1977: 213).

Here Foucault is talking about the non-legal power of supervision, a power which is actualised the perception, inspection and documentation of forms of behaviour, attitudes and bad conduct. Foucault argues that from the beginning, this disciplinary

function of the police has run parallel to their role as legal agents but is not superceded by the latter. Foucault implies that in their entirety, police powers are broad, extensive and stretch to encompass virtually any type of behaviour. (See also Bittner, 1974.)

According to Foucault (1977: 246-53), in this age of surveillance the offender is no longer someone to determine the degree of guilt alluded to in the act, or on whom to extract revenge, but is someone who in some sense is worth knowing. In the change from vengeance to deterrence, knowledge has altered from being primarily legal, to biographical knowledge. The biography establishes 'the criminal' as existing prior to the crime and in effect, even outside of crime, as defective or dangerous, to be known in order to correct or punish. Today the individual is no longer simply responsible for the act but is linked to it by his/her potential for crime or risk to society. It is within this normative framework that the criminal is specified.

Thus with the emergence of a preventative police force a 'positive' knowledge of delinquents and their species, very different from the judicial definition of offenders and their circumstances, was established. And, from an accumulation of the biographies which began in the eighteenth century, three types of 'criminals' can now be distinguished:

- i) The dangerous repeat offenders whom one should isolate.
- ii) The petty offenders who are led into evil by indifference and who need to be shown the right direction and,
- iii) the no-hopers, who are so beyond redemption that its not worth doing anything to save them. (Foucault, 1977: 254).

These last offenders, who lack resistance to 'bad incitements' and who do not have it in them to struggle against their personal instincts, should live in common, but in such a way as to form small groups, constantly stimulated by collective operations, and subjected to surveillance (Foucault, 1977: 254).

Thus a 'positive' knowledge of the delinquents and their species, very different from the judicial definition of offences and their circumstances is gradually established. The task of this new knowledge is to act 'scientifically' qua offence and above all the individual qua delinquent. Criminology is thus made possible.

In this ranking of criminality, the dangerous repeat offenders are marginalised on the edge of society while the 'no-hopers' represent a threat to be managed within society. At the soft-end the delinquents are pursued and corrected.

Foucault is also suggesting that in a 'policed society' control does not eliminate its objects. Rather it produces, distinguishes and distributes them on a continuum of general economy. This establishes in civil society, (a) a localised, politically harmless, economically negligible delinquency and (b) the operational supervision of marginal groups such as the disruptive and the disorderly. In turn, this useful, low-level illegality once constituted, provides society with a guaranteed surveillance and docility (Foucault, 1977: 272-82).

Thus, the practice once established within institutions of grading bad conduct, is one which today operates throughout society. 'Bifurcation', the practice of categorising one person from another based on the norm, is at the core of control and forms one of its major functions.

On the basis of this argument, Foucault claims if there is a political issue around the police, it should not rest on whether the police should be reactive (focus only on crime-fighting as and when it occurs) or pro-active (the production of power-knowledge) to anticipate the crime. Nor should the issue be whether we should have police or something other. Rather, in current terms the issue lies in the steep rise in the use of disciplinary mechanisms of normalization and the wide-ranging issues they bring (Foucault, 1977: 306).

Foucault's account of modern policework and the nature of its powers behoves us to consider the important role of the police in society. The police institution is neither 'the daughter of the law' nor is it subordinate to the court. Yet in the central position that the police occupy, they are not alone but linked to a network of disciplinary measures intent on supervising the quality of life itself. In this sense, ideas of the police as repressive, exclusive or excessive, are inadequate and stem from an erroneous view of the police as 'the law'.

The Dispersal of Discipline

Since the 1970s, in most western societies, there has been a trend to de-institutionalise centres of corrective training whereby prisons, mental institutions and welfare 'homes' have fallen from political, ideological and physical grace. However, while de-institutionalisation has occurred, the prison remains but is used ideologically as a 'last resort' to warehouse the incorrigibles at the 'bottom of the barrel'. This trend, according to Pratt (1987: 8), is acknowledged by Foucault who argued that increasingly, surveillance procedures would expand at the expense of disciplinary institutions, to include society itself. Thus today, Pratt claims, the disciplinary techniques have been dispersed and re-located in the various agencies of the criminal justice system. State agents acting in 'the community' therefore, now employ the same normalizing principles of intervention, originally located inside the institution.

Furthermore, current technological developments such as electronic monitors, audio and visual surveillance devices, data banks, hidden cameras and computer records, allow for an increasingly more systematic surveillance of the population as a whole. At present, technological control is big business. It has a wider orbit, is more effective and being increasingly fine-tuned, it is said to be more economical than the older forms of institutionalised disciplinary training.

Thirdly, Donzelot (1979), drawing on Foucault maintains that the very emergence of the 'social sector' with its various laws, regulations and provisions directed to maintaining 'the quality of life' reduces the need for the institution. Through the deployment of mechanisms of insurance and security, it is as if "a principle of cohesion" has been inserted into the fabric of society itself (Donzelot cited in Smart, 1983: 80).

Classical Punishment: The 'Unrealized Project'

Foucault claimed that during the transition period from barbarity to modern discipline, there was another project belonging not to the practitioners of discipline, but to the eighteenth century classical reformers who envisaged a punishment network of a different order, 'a punitive city'. In the punitive city, power was to be dispersed not in a vengeful, arbitrary way but discreetly through 'hundreds of tiny theatres of

punishment'. Each locus of punishment was to be a perfect arithmetical representation of the bourgeois social contract. In this Beccarian³ vision, punishment would fit the crime, no more and no less.

However, according to Foucault, this classical project was never fully realised being superseded by positivist theories of Bentham, and others, and by the concern with discipline. The offender was to be observed, judged and normalized. He or she would be returned to society, not as a re-qualified subject of the social contract, but the corrected, obedient subject.

However, a recent work by Cohen (1985) challenged Foucault's claim that Beccaria's classical project was overlain by discipline. Contemporary trends and tendencies in social control, according to Cohen, give a clear indication that the 'punitive city' does co-exist as a control mechanism, along with discipline. In a re-tracing of the development of punishment from the transition period, Cohen (1985: 179) maintains (as did Foucault) that by the end of the eighteenth century, the move from the body to the mind was well underway. 'The social' had been constituted as a special domain in which people could be scrutinized, supervised and changed. As the mind rather than the body became the object of control, the actor rather than the act became the object of criminological attention. Cohen endorses Foucault's argument that although developments such as rehabilitation, the treatment ideal and the medical model are generally seen as products of the twentieth century, they are fully continuous and consistent with the original transition ...

...from the files of the early asylum managers to the case histories and diagnostic tests of contemporary therapeutic agents runs an unbroken thread of knowledge and power (Cohen, 1985: 140).

Yet, as pervasive as discipline maybe, Cohen (1985: 85) claims that recent broad changes in western societies indicate the presence of another mode of punishment beside discipline. In the 1990s, in a time of so-called 'minimal statism' and of worsening economies, a new pragmatic realism is pervading the control system. The

3 Cesare Beccaria founder of the "Classical" School, held that the purpose of punishment is to deter persons from committing a crime and not to provide social revenge. Not severity, but certainty and swiftness in punishment best secure the result. Punishment must be sure and swift and penalties determined strictly in accordance with the social damage wrought by the crime (see Allen and Simonsen, 1981: 17-18).

right and the left, Cohen argues, have combined under a conservative banner to attack positivism in the name of 'neo-classicism' or 'back to justice' (the early Beccarian vision).

This shift in control towards a punitive structure can be seen in a laissez-faire individualism and a law and order rhetoric which re-emphasises a revival of old fashioned moral virtues and hierarchies. As Lerman (1984:5-30) notes:

It is increasingly being suggested that the 'promised' orderliness of conventional social democracy can only be assured by a reversion to the use of containment and coercion.

As far as policework goes, (Cohen, 1985: 143), this re-orientation from rehabilitation to punishment can be seen in recent innovations which emphasise crime prevention and which denote a move from the individual offender to the use of behaviourist techniques, environmental engineering (to design out crime) and the control of groups.

This change in focus from the individual to groups is (Cohen, 1985: 31), in line with the rise of the 'minimalist state' which is said to rest on the self-regulation of the market and on the need for security. Cohen claims that there is a diminishing patience with psychology of 'the criminal mind' because treatment and rehabilitation have not offered any positive solutions to 'crime on the streets'.

Thus, with two dichotomies at play (the disciplinary and the punitive), what is currently happening is an increasing trend to partition populations by way of a bifurcatory principle based on the norm (Cohen, 1985: 143).

This means that at the 'hard end' of the system (the end which deals with the incorrigibles, the 'no-hopers') there is a withdrawal from a concern with the person and a corresponding move to incorporate behaviourist techniques oriented towards the strict enforcement of rules. Conversely, at the 'soft end' of the system which in the end deals with those who are malleable, discipline continues to intensify and expand by making incremental gains as the system itself expands. Hard and soft, re-socialisable or not, treatable and non-treatable, to discipline or punish. Cohen argues that ideologies of control have always sustained these contradictory images and have oscillated between using both. Moreover, these dichotomies, (the mind or the body, thought or behaviour, actor or act, positivism or classicism), were pre-figured exactly

by the early nineteenth century battle which occurred between the two forms of control (the punitive and the disciplinary).

But the point Cohen makes is that where once it was discipline which usurped barbaric and repressive power, today repression is beginning to usurp discipline but in the form of behaviourism. Increasingly at the 'hard edge' policing is concerned with simple compliance (Cohen, 1985: 144-5). Behaviourism is an efficient technology and is uniquely suited to certain settings. Unlike mental processes which are hard to observe, behaviour can be surveilled with ease. It requires no verbal skills and little if no communication. When it comes to the 'hard core', there is little need for esoteric psychologizing and the need to view them as deprived and in need of help. What is more with its modest goals, behaviourism is acceptable to the 'hard core'. Those who have not learned 'the rules of the game' are not asked to change. Compared to treatment programmes which set out to change attitudes, all that is required with behaviourism is segregation, containment and contingency management. The 'hard core' are simply re-programmed to conform to the outer limits of the norm through the use of modest, repetitive techniques, the effects of which are closely observed.

There is a bonus for control agents in the use of behaviour modification, argues Cohen (1985: 146), in that it offers intensive methods of monitoring and supervising groups. As long as the 'hard core' are watched carefully, who cares what might be going on in their heads?

According to Lehtinen (1978: 31-8), intensive surveillance in the community of 'the actions of incorrigibles', is being held out as the alternative to rehabilitation in the prison. The advantages of such a method is that it is neither permanent, stigmatizing, expensive nor cruel. Screening and surveillance depend on the identification of certain wrong behaviours which are then tied to particular people. The whole point of the exercise then is to identify and contain those intractable offenders who are beyond change (see also Bottoms, 1977: 70-96).

This chapter describes the original foundations of the deviancy control system during the eighteenth century and then traces their historical development to the present. The final stages of this chapter introduce into the process of punishment, current themes of change and discontinuity. The cumulative picture given rests on the following key points:

- The emergence of centralized control structures for managing crime and deviancy. Total institutions emerge as dominant instruments for changing undesirable behaviour and as favoured forms of punishment.
- The decline of arbitrary, public forms of punishment with the fading of the monarchical system. With the rise of a new capitalism, the mind began to replace the body as the object of penal intervention. With the move from torture to humane treatment, positivist theories emerge to justify the focus on the individual offender rather than the general offence, on the process of judging over the execution.
- The increasing segregation and classification of deviant and dependent groups into separate categories, each with its own body of 'professional' knowledge and its own recognised 'experts' with specialized monopolies.
- The dispersal and expansion of mechanisms of management away from closed institutions to penetrate more deeply into the community, the process of discipline being overlaid by surveillance and the appearance of mechanisms of repression.

It now remains to ground the study of social control talk in terms of its actual working functions because as Cohen (1985: 240) cautions in respect of sociology, there is a distorting tendency to overgeneralize:

By concentrating on systems, structures, patterns and trends, by talking glibly of societies, systems and epochs, sociological analysis is often quite insensitive to variations, differences and exceptions. Not all programmes, projects and strategies ... are relentlessly the same nor fitted equally into general patterns.

This thesis now addresses the task of examining local policework.

Criminologists such as Wilkins (1973: 13-20) have argued that 'the game is up' for all policies directed to 'the criminal' as an individual, either in terms of detection (blaming and punishing) or causation (finding motivational or causal chains). Instead, the focus is increasingly towards cybernetics, management, surveillance, information-gathering and opportunity reduction: the radical prevention of the act of crime by the direct control of groups, categories and the physical environment.

And, according to Cohen (1985: 149-50), at the heart of all therapeutic and punitive systems is the principle of Calvinist bifurcation, the separation of those who can be saved or helped from the doomed who are beyond help. The persons who can be helped (the young, nervous, verbal, intelligent ones) can be found in the soft counselling-type procedures and programmes, whilst those beyond help must be subject to traditional custody or else strict surveillance and supervision in the community. The current moves which increasingly focus on effects rather than causes, on containing crime rather than rehabilitating criminals, are an attempt to face the inevitable that human beings are not very easily changed after all and that solving social problems by changing people is simply unproductive. In Cohen's view (unlike that of Foucault), the current shift from causes to consequences, from inter-states to behaviour, is an indication that we are now moving back to a revised version of crime as infraction; pure illegality.

Having devoted sometime to explaining the historical development of modern power, it is timely to return to the present; to the familiar routine of policework. I will attempt, in the forthcoming chapters, to apply the arguments thus far, to the local practices of front-line police. In order to identify the legal model the study begins by looking at reactive callouts. It then goes on to examine the more general pro-active activities of the police in search of disciplinary power.

CHAPTER FIVE:

CALLOUTS: REACTIVE POLICEWORK

The Legal Penalty

This chapter examines the nature and importance of the legal mode in reactive policework. The task is to show, by way of words and deeds, that in some cases the legal mode which focuses on the act, does occur. However in line with the premise of the thesis that legalism is not the basic characteristic of policework, it will be shown in subsequent chapters that such a mode cannot be generalized as the fundamental or definitive characteristic. The implications of Foucault's approach to legal power are spelt out as follows:

In Foucault's view, the purpose of the legal penalty is to punish those who willfully violate the law and to do it in the public interest. The legal mode is narrow and focuses on two conditions: 'objective circumstance' (i.e., clues and sufficient evidence) and 'intention' (having a motive which points to a guilty mind). These legal requirements must be present in the act in order to qualify it as a legal wrong (Foucault, 1977: 74).

A crime is any act deemed harmful and punishable by the state. The only acts which can be called criminal are those which are defined by law. Neither particular, observable phenomena surrounding an act nor personal idiosyncrasies relating to the offender (i.e. his or her nature, lifestyle, attitude, past) will pass the 'legal test' (Foucault, 1977: 100).

Therefore, when legal agents apply the law, their judgements should be confined only to the prohibited act, its perpetuator and the punishability of the crime by law. These conditions make it possible to ground a judgement in 'truth' (Foucault, 1977: 86). This should entail an arrest and charge in the case of the police.

That the police 'catch criminals' in the reactive rather than pro-active side of their work is well documented by research. Crime-fighting occurs when the public alerts

the police to the possibility of a crime being committed (see Cameron, 1986: 24) in contrast to police patrols which rarely encounter a crime in progress (Uglow, 1988: 68-9).

When the police formally intervene in a case, intervention should occur only where they have 'reasonable belief' that a breach of the law or the peace has occurred. Although this section of the study will observe and record a range of callouts¹, the focus of attention will be those calls characterized by formal intervention with the possibility of an arrest.

Foucault's method requires that a careful analytical distinction is made between legal and non-legal powers. Thus, each incident will be approached bearing in mind the specific conditions which constitute legality as opposed to discipline. It is the task of this chapter to identify legalism and to confirm its limited nature in reactive policework.

To begin with, the Palmerston North Police Station is described which is followed by a description of the work context of front-line police. Next the range of callouts are detailed and particular attention is given to those incidents involving the presumption of crime. The crime-related callouts are detailed and two cases of crime are examined to locate legality. The conclusion coincides with the view of the thesis that legal work forms only a part of the overall police enterprise.

The Palmerston North Police Station

Internal Structure

Sections:

Forty front-line² staff are assigned to the Palmerston North Police Station. Police constables form the core of the police force and operate in 'sections' which form close

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- 1 Details of the nature of crime-related and non-crime-related incidents are provided in Appendix D: Tables 2 and 3.
 - 2 The concept of 'front-line' is a military usage adapted by police to mean the main body of activity; the foremost line on the scene (in general military terms, the scene of battle).

knit units. On a full 'muster', there are eight constables per section, each section working a five week rotating shift (every five weeks the set pattern of shifts is repeated). The rotating shift entails seven night shifts followed by three days off duty. Next, a series of day shifts (early shift and late shift) are commenced. The working of night and day shifts are followed by a 'swing shift', so called because the time-frame within which it operates 'swings' between two ordinary shifts. Constables assigned to the swing shift operate in pairs to provide a maximum coverage for any one night. Each section on duty works for eight hours and over the five week period each constable is granted ten days off.

Operational Command:

Each of the five sections undertaking routine police duties is supervised by a senior sergeant. Senior sergeants act as section leaders. Their main task on any one shift is to run the station and oversee the functions of the operations room and watchhouse, each of which is staffed by a constable. For the rest of the section on the street, supervision by 'the senior' is less direct. Only rarely does the latter routinely patrol or attend 'at the scene' as events unfold.

Second in the command structure is the sergeant whose tasks are divided between attending to administrative matters at the station and supervising the front-line. The sergeant's supervision of constables is somewhat more direct (being at an incident in person) or indirect (wherein contact with constables is carried out by radio communication).

Patrols:

In line with other urban centres in New Zealand, incident ("I") car patrols in Palmerston North form the bulk of routine policework which, as it currently stands, is largely a nighttime phenomenon. Ideally in Palmerston North on any one night, there should be five vehicles on the street; four "I" cars (including the swing shift) and the dog van for extra backup and the tracking of offenders.

However, in practice, contingencies often take over and when sectional staff are absent (on training courses, temporary specialist duties, taking accrued or sick leave), it can

mean as few as two cars on the street especially on less busy days (Sunday to Wednesday).

Constables work in pairs and tend to patrol in preferred areas of surveillance. In accordance with policy, probationers or 'rookies' are placed with experienced constables, so that training and familiarization with the working context occurs 'on the job'. From their "I" cars, constables are directed by 'operations' to respond to calls for assistance from the public or act on their own initiative without direction from the station. Acting on initiative might involve the checking of cars, licensed premises, nightclubs, buildings, car parks and conducting 'turnovers' (i.e. the stopping of a person or vehicle on the basis of reasonable suspicion to converse with the detainee, check the vehicle or conduct a search of the person or vehicle).

Constables prefer working the night shift because it provides them with arrests and convictions and other actions which spell success. From 9.00pm until 5.00am, activities which provide action include crowd control (of pub and picture crowds), traffic offences (undertaking breath tests), noisy parties, suspected prowlers, domestic related incidents (ranging from complainants wanting spouses out of the house to assault) and the conducting of 'turnovers'. Usually after midnight, the pace tapers off and then it picks up around 3.00am. From 3.00am onwards, anyone on the streets is 'fair cop for a tip' (likely to be turned over).

In contrast to the night shift, during the daytime, patrolling is not a high priority activity and constables remain at the station attending to other duties. These might involve the taking of particulars on reported offences, undertaking enquiries, catching up on paperwork, court duty and spending time conversing in the tearoom. During the daytime, relevant work primarily involves responding to shoplifting incidents. When on patrol during the day, constables use the non-urgent query ("Q") car system, wherein one constable is solely responsible for the patrol. The number of "Q" cars on the street during the day can range from one to three.

When constables arrive in Palmerston North on graduating from the Royal New Zealand Police College, they tend to remain in the locality for an average time span of 7 to 11 years. However, in line with other provincial centres, the city has a fairly high turnover of sectional staff as constables move to C.I.S. (the Criminal Intelligence Section), Youth Aid, take promotion or transfer out of the district.

The Palmerston North Police station polices a population of roughly 70,000 and has jurisdiction over surrounding rural areas including such satellite centres as Ashhurst, Pahiatua and Shannon. The furthestmost boundaries of the Palmerston North Police District extend west to encompass Bulls, north east to encompass Ekatahuna and south to include Levin. The rural outposts are typically staffed by small numbers of officers directly responsible to local rural area controllers. Palmerston North, which is administered by a city area controller, is divided in 17 topographical sectors. These analytical partitionings are designed to facilitate the identification and location of criminal offending, but are primarily for administrative purposes and do not affect the normal way the city is policed. When an incident occurs in a particular sector (for instance in the centre of town), constables, being the first on the scene, are required to record all relevant information regarding the incident. This is then fed into the Document Locator subsystem of the Wanganui Computer. The information routinely submitted into the system by constables is fed back to the front-line only on request and in rudimentary form. Thus, the relay of information from the Wanganui computer to constables does not greatly facilitate the crime prevention side of their work.

Palmerston North is considered by 'the front-line' to be a good place to police because it does not display those problems relating to unemployment, gangs and racial conflict more obviously manifest in other provincial cities such as Gisborne, Napier and Rotorua. Also, because Palmerston North is not a tourist centre like Rotorua, it does not experience the policing problems posed by sudden increases in the population. The city is considered to be 'well to do' financially, displaying sound business and commercial confidence.

According to constables, a significant geographical feature of the city is its distance from the main arterial routes. This means it can be bypassed by the criminals. All told, constables believe Palmerston North is a good place to reside in and police because it has less unemployed, fewer gangs and less racial conflict. An absence of these factors in their view encourages less extreme friction and more straight-forward crime fighting.

The Working Context of Front-line Police

The front-line system of the police is currently geared to react to public calls for assistance. Constables must be available at all times and may be called upon to assist the public in a number of ways. Most calls from the public for police assistance are received in the evening hours (from 5.00pm to 11.00pm).

The frequency of callouts largely determines the weekly rhythm of policework in Palmerston North. On Sundays, Mondays, Tuesdays and Wednesdays for 24 hours around the clock, callouts are infrequent and, according to constables, 'a lot of time can be spent doing nothing'. During the day, constables spend their time filling in offence reports, following up on previously gathered intelligence, undertaking foot patrols in town and later in the day, there will inevitably be some shoplifters to pick up.

Then its night time again.

In sharp contrast to the slow tempo which characterizes the first four days of the week, according to constables, at the end of the week on Thursday, Friday and Saturday nights, they find themselves 'virtually on the go the whole time'. Then it is back to Sunday again.

The nature of the constables' working week is thus predictably patterned. Despite the fact that for a large part of the week there is little to do, they must be available for dispatch at all times to assist the public. In consequence, it is often hard for constables as the core of the police to get their teeth into substantial criminal investigations because as one constable aptly puts it:

'You can be driving around or sitting down doing nothing and if you're not doing anything, then take it while it's going because in the next five minutes things might change and you might not be going home for the next 24 hours'.

Such is the constables' interpretation of the effect of the current reactive structure of policework.

Calls for assistance from the public may be criminally related but most are not:

‘... the hospital might ring for us to attend a sudden death or old ladies, as mad as, ring us to say hello ... or hubby’s fallen out of bed’.

Often calls can relate to a civil or neighbourhood dispute, barking dogs for instance, and these will not normally involve the legal powers of the constable, nor mobilize the law.

In these circumstances, constables prefer to ‘take a back seat’ and assist or advise the parties concerned, their primary intention in such cases is to prevent a breach of the peace from occurring. Although in a direct sense, resolving disputes is not part of a constable’s perceived working agenda, ‘keeping the peace’ is the first principle of an historical mandate. That the police are almost always ‘the first port of call’ for members of the public in any civil emergency, (especially those emergencies which may require the use of force) is aptly put by one constable:

‘There’s horses bolting down Walker’s Road, quick call the police ... the public have a notion that we are the police so we can handle anything. We are the first port of call ... the advice givers ... they are asking us for a broad knowledge of everything’.

Yet there is a disjuncture between the routine nature of callouts and the constable’s view of their job. Despite the fact that the average callout is non-crime related, ‘fighting crime’ is felt to be the most important component of the job. As ‘agents of the law’, constables typically see their basic duty as ...

‘... the protection of persons and property by the detection and apprehension of criminals’.

Thus, although it is an undeniable reality that the front-line perform a variety of non-crime related tasks for the public, in the first and last instances the proper role of the police, according to constables, is a legal one. That this view of their role takes precedence is aptly described in the following statement:

‘Our job is to grab the guys who break the law and bring them before the courts to punish them ... this is what the police do in a nutshell’.

Implicit within the notion of a good callout is the possibility of an arrest, any type of an arrest, as constables thrive on excitement and are well aware that their effectiveness and chances for promotion will be measured by the number of ‘crims’ they catch. During tea breaks, ‘police talk’ centres on ...

‘... the buzz of being busy all night ... when the adrenalin is flowing and they are going from job to job, non-stop, not even for a coffee break’.

And on perceived busy nights when constables’ expectations of excitement does not eventuate, a collective disappointment reigns amongst the front-line. Constables consider that ‘there is nothing worse than being out there with no jobs on’ even though on a quiet night their presence on the street could indicate a measure of effective police deterrence or it could mean that nothing is happening (i.e. that no one is offending). But from the front-line, the refrain is:

“The busier our customers are, the better the nights are”.

In the constables’ view ...

‘... the best jobs are those which involve humour, adrenalin and are short and sweet ... a good car chase is excellent as it stops a lot of cops getting bored.’

Ultimately, the top jobs are those which involve catching someone like a burglar in the act of crime or a known drug dealer carrying a decent amount of drugs. But in the normal course of events, these aspirations rarely come to fruition and instead, as one constable put it:

‘... you are just a clerk taking notes for administrative purposes. We rarely catch burglars. It’s the same old story - sometimes on a night shift, we just go from burglary to burglary, just writing down all the details. By the time, we get to the third, that person isn’t going to get the service he needs ... there are no offenders present, so what’s the point’.

Beside the ‘paper crunching’ which comes with most reported burglaries, other callouts, such as those to attend a domestic, are considered to be ‘bummers’ by some constables. Domestic incidents can be ‘bummers’ because more often than not they are inconclusive and frustratingly cyclical (constables repeatedly get called to the same couples with the same problems although there are exceptions to this rule) Even rape cases are looked upon with disfavour by the odd male constable because ‘they can take hours and hours to sort out’ and thereby detracting from important patrol work. Generally, in such cases as domestics and rape, there is no guarantee of a conviction and clearance. The complex, private and often ambivalent nature of these (predominantly male) offences goes against the strict working ethos of the front-line, which is to get things done so it’s ‘short and sweet’. Being adverse to ‘wishy-washy

social work' which they see as 'dilly-dallying about' and a waste of time, the nature of rank and file assistance to the public is thus pragmatic and culminates in an ethic of 'getting the results' in the here and now of events.

Callouts can be on residential properties or in a more public domain. A noticeable feature characterizing callouts of the private property type (which comprise such things as squabbles, burglaries, prowlers, and student pranks) is that they involve a relative absence of the essential elements police see as necessary for decisive action and getting convictions. Typically, on a normal shift, constables discover that most burglaries are 'history' (i.e., the crime has occurred sometime ago) or 'burglars on' (i.e., someone reports a person going through a window and it turns out to be the owner of the house who has lost his key). Pranksters such as students are difficult to apprehend, having moved on after kicking in a letter box to the safety of their own flats and neighbourhood squabbles fester and are monotonously repetitive. Lastly, there is little hope of action with prowlers because they tend not to tarry preferring to move on quickly to better prospects.

What all of this indicates is that opportunities for on-the-spot crime fighting are not forthcoming in citizens' calls from the suburbs. Where then, on busy nights, do constables satisfy their preference to 'get things done' or 'clinch a result'? According to the front-line, real crime work does not emanate from residential locations, but rather, is found downtown around the pubs, near the takeaways, at the nightclubs and in the Square:

'Where the crowds are, the jobs are'.

It is generally agreed, when people (the respectable element and the rough element) come to town on Thursday, Friday and Saturday nights, they are after a good time and there are always a number who invariably get drunk. Then there is trouble. Constables maintain that alcohol is the main contributing factor to lawless behaviour which invokes their response. When crowds are drunk and disorderly on busy nights, callouts to locations on the city's streets are frequently marked by urgency and a sense of chaos.

'... there's a fight in progress ... a brawl's going down ... close the place ... someone's getting hurt ... a girl is screaming ...'.

Here in the midst of public disorder, constables act swiftly to put down these heat of the moment, volatile, street situations. In these dynamic, often short-lived emergencies, the police exercise their authority to use force and sharp, often aggressive activity characterizes the public side of their work. More often than not, these street situations culminate in an arrest. On a Friday or Saturday nights, the police station cells can be filled with brawlers and drunks in custody to cool down, sober up or face charges on one or more counts of disorderly behaviour. Thus, at the end of a night shift, constables share a feeling of satisfaction, even though

‘... very few of your average callouts produce quality arrests - Crimes Act arrests where you catch someone on the job or the guy has come across and it’s clear cut and dry and the public are happy’.

These accounts of constables highlight the significance of peace-keeping in reactive policework. Disorderly behaviour on the streets generates an urgent response by constables and behaviour such as brawling is easily ‘solved’ since the only required evidence is the normative assessment of the constable. In the vague area of peace-keeping, variables other than the act in question, come into play. These may include the setting (especially those public spaces constables define as their territories), where persons are disturbing the peace, where alcohol appears to have prompted unreasonable behaviour and the nature of witnesses (for example, where non-respectable peers challenge the police). These non-legal variables which characterize incidents of public disorder, play a decisive role in shaping police judgements of an incident as ‘law enforcement’ or ‘peace-keeping’ or a combination of both.

A further feature highlighted here is the preponderance of police activity in the Square rather than in residential locations such as suburbs. The view of constables that ‘where the crowds are, the customers are’ points to the Square as being the ‘number one trouble spot’ of the city. On ‘buzy nights’, the Square is seen as a place of high level conflict involving ‘the rough’ and non-respectable and, in this instance, the police tend towards becoming ‘the thin blue line’, the bulwark against discord and chaos. In light of this unfavourable view of the Square, the police understandably use ‘fire-brigade’ reactive tactics, to gain respect and make arrests on groups such as youths, brawlers and drunks.

These arrests do, however, provide constables with an opportunity to return to the warmth and congeniality of the police station and do carry with them some prestige

since in their view, 'an arrest, any arrest', is central to the constable's notion of 'real' policework (Cain, 1973: 73).

'The roughs' (youths, drunks, brawlers) stand outside the value system of the constable and the most appropriate response in many cases to such people is not peace keeping but law enforcement (Stevens, 1988: 6-7). Typically, it is control over the streets that concerns the police the most and in Palmerston North, the Square is the prime target for the maintenance and restoration of order. In order to achieve their order-maintenance goals, the police do not have to resort to force but their capacity to do so whenever necessary is ever present (Reiner, 1985: 114-15). Thus, in the Square on busy nights, constables are driven single mindedly to control their territory. As Stevens (1988: 24) puts it:

... law enforcement activities are not simply mounted as a means to reduce crime, but rather as a means of exercising a police control over that area and its inhabitants. The police respond from a sense of 'territorial control' wherein the value of law enforcement lies intuitively in the police view, of order-maintenance (Stevens, 1988: 24).

Because the notion of control is central to the role of the police, any violation in the Square will be perceived as a challenge by them as guardians of law and order. To this end, the police maintain a high profile in the Square and under-police elsewhere. The effect of this according to Holdaway (1984: 37) is

to create a rationale for policies which use the imagery of confrontation and, at times, virtual war against crime ... a world which sustains the rank and file rhapsody of crime fighting, search, chase, and capture, of action and hedonism.

Such are the internalized concerns of constables which help to explain their preoccupation with control in the Square.

The issue of control and how disorder challenges the police view of order is linked to certain groups and events. The police appear to take a moral stance toward these groups which will be examined later in the thesis.

Reactive Crime Fighting: A Description of Events

The study period involved the observation of eight shifts spread across five nights, two mornings and one afternoon.³ Except for one night shift spent accompanying the dog van, all observations were of the "I" patrols. During the period, 39 callouts were attended. These callouts or requests for assistance ranged from those involving non-crime related matters (i.e. delivering information about a death) to those involving serious crimes (i.e. assault, burglary, possession of an offensive weapon). (For details relating to the callouts, see Appendix D: Tables 2 and 3). Requests for police assistance included calls from members of the public reporting events or requesting assistance, calls from other public agencies (i.e. the city council and the hospital, other police, and several calls from private security agencies). The latter group accounted for approximately 17% of calls for police assistance. All of the crime-related callouts, barring one, occurred at night.

Of the 39 incidents observed, approximately half (20 out of 39) were potentially crime-related. The concept of crime was taken from the complainant's perception of the incident, even though some incidents, such as those involving suspicious activity, changed to being non-criminal during the course of events. For example, in one case a complainant suspected prowlers on a neighbouring property, but upon investigation, 'the prowlers' turned out to be a puppy scratching inside a garden shed. Another case, involving a 'suspicious vehicle' at the airport, turned out to be none other than airport security itself on patrol. These examples show that in the course of investigating an incident, the classification of an event as crime-related can change.

The incidents ranged in seriousness from those involving crimes such as burglary to wilful damage to non-crime. The full extent of citizen-initiated activity observed is set out below.

3 night = 9.00pm - 5.00am
 morning (or early) = 5.00am - 1.00pm
 afternoon = 1.00pm - 9.00pm.

Table 5.1: Crime-related incidents observed during the study

<u>Incident Type</u>	<u>Statute</u>	<u>Total Number of Incidents</u>
1. Assault	Crimes Act	1
2. Burglary	Crimes Act	3
3. Theft of Vehicle	Crimes Act	1
4. Attempted burglary	Crimes Act	3
5. Shoplifting	Crimes Act	1
6. Obstruction of a Constable*	Police Offences Act	
Possession of Cannabis	Misuse of Drugs Act	1
7. Wilful Damage	Summary Offences Act	1
8. Minor Theft	Crimes Act	2
9. Suspicious Activity	-	7
		—
	Total	20
		—

* an offender in one incident is jointly charged with two offences.

Of the classified offences above, eight culminated in an arrest while twelve resulted in the police taking other action. The incidents handled by way of discretion ranged from the police reassuring female citizens in cases of reported suspicious activity involving prowlers (two cases), cautioning students for 'silly' behaviour (one case), conducting area searches in instances of attempted burglary and minor theft (six cases), to warning inebriated students in a case of wilful damage. In one incident of attempted car conversion, the offender was disturbed by the owner's dog and ran off prior to police arrival and finally, in another incident, involving wilful damage by students, the police chose not to invoke the law.

The police response to incidents involving student offending, such as those described above raises the point that anomalies do exist within law enforcement. This was particularly striking in the latter case wherein the police, in response to a call from a landlady that students were wrecking her flat, after deliberation chose not to arrest the perpetrators. This decision was reached by police even though some students were present at the scene and there appeared to be 'good cause to suspect' they had indeed wrecked the flat (i.e. piles of timber were scattered around the flat and spray paintings splattered the inside walls). But the landlady was advised to 'sort it out with the students concerned' and no further action was taken.

This incident involving student offending and reluctance by the police to mobilize the law highlights the influence of 'good attitude' on police decision-making in the area of arrest (in this case the complainant was 'agitated' and 'very verbal' while the students present were deferential, quiet and co-operative when questioned). That the police choose not to enforce the law in such cases demonstrates that the use of discretion is far more important to police than the exercise of arrest. Arrest, therefore, is of limited value in determining the true state of law enforcement. Even though the police 'catch criminals' in the reactive side of their work, incidents such as those above are frequently resolved as order-maintenance issues. Discretion can be exercised for a multitude of reasons, because police have the power to do so.

Arrest

Throughout the study, constables made eight arrests. These arrests occurred on a perceived basis of reasonable cause and the observable presence of sufficient evidence of an offence. Of the eight persons arrested and charged with an offence six were Caucasian, one was Maori and one a Pacific Islander according to police definitions. The alleged offenders were all male, unemployed and ranged in age from their late teens to 45 plus. Half of those arrested were known to the police on the basis of previous convictions.

Despite the tendency by constables to under enforce the law, incidents involving crime fighting typically constituted an agenda of action and inquiry. It appeared to be a prime concern of constables that they interpret and apply the law as outlined in the following summary of events.

Incidents Involving Arrest:

1. **Assault:** In this incident, a male reports that his sister is being punched and kicked by her boyfriend. The boyfriend is threatening to use a knife and there is a child in the house. The police enter the premises and arrest the offender who confesses to the assault. He is taken into custody and charged with assault.
2. **Burglary:** (a) In one incident, a burglar alarm alerts the police to a burglary of a suburban dairy. On arrival, the police are presented with physical evidence of

a crime. This evidence, supported by a positive identification by witnesses, enables the police to arrest the perpetrator fleeing from the scene.

(b) In a second incident, a male reports an intruder in his bedroom. A subsequent inquiry by police locates the suspect who confesses to the crime. He is arrested and charged with burglary.

(c) In a third burglary, a city retailer reports the theft of goods from his shop. The police conduct a search and locate the suspect shortly after with the stolen goods in possession. He is taken into custody and charged with burglary.

3. **Theft of a Vehicle**: In this incident, the police receive a report from Levin of a stolen vehicle heading towards Palmerston North. A road cordon is set up on arterial routes into the city. Later that day, the vehicle is spotted on a city street by the Ministry of Transport. The offender is arrested placed in custody and charged with theft.
4. **Obstruction of a Constable/Possession of Cannabis**: In this incident, the manager of a liquor outlet observes a male with a marijuana bullet and notifies the police. The offender is apprehended on the premises after a struggle and is taken into custody. Joint charges are laid for obstruction and possession of cannabis.
5. **Shoplifting**: In this incident, the same manager of a liquor outlet also reports that a male has taken some cans of beer. The police arrest the offender and place him in custody. He is charged with theft.
6. **Suspicious Activity**: In this incident, a taxi driver reports that four gang members in a vehicle are acting suspiciously in a residential area. The police arrive and detain the suspects. After searching the vehicle they locate a shotgun and the driver, on whom warrants are outstanding, is arrested and charged with carrying an offensive weapon. The driver is taken into custody and the vehicle is impounded.

The above cases appear to support the notion that crime fighting occurs when the public (or security) alert the police to criminal activity. In these instances, time spent by the police fighting crime, although a small part of their overall performance

provides a crucial role in assisting the public. Overall, the response by constables to crime-related callouts is best described in the words of Grimshaw and Jefferson (1987: 73-74) as being ...

... marked by a thorough pattern of action from inquiry to arrest, to custody ... Such legal work included ... the interpretation of situations, the making of inquiries, the invocation of powers, the taking of statements, the process of reporting or charging suspects and the compilation of case files for court.

In these incidents, the police were primarily concerned to uphold the law where there was significant risk of a possible breach (i.e. as in the offensive weapon case) or carry through the formal business of dealing with a suspect (i.e. the incident involving the bedroom intruder).

The eight incidents involving arrest thus represent instances of relevance, germane to law.

The Legal Penalty

Having cited eight instances of law enforcement the final task in this section involves taking two of the arrests as 'test cases'. These two cases will be described then interpreted according to Foucault's criteria of the legal penalty laid out on page 77. The burglary of a suburban dairy and the case of domestic violence will be chosen for analysis as the behaviour in both cases is prohibited by law. Foucault expects the police to 'restore the law' by way of a strict legal framework to punish the offenders. According to Foucault, the judgements of constables pertaining to culpability should be based only on the violation and not on subjective criteria about the offender nor the particular idiosyncrasies surrounding the event.

If the intervention of the police in the two cases is strictly legal, then Foucault's criteria of evidence and intention should determine each case. If the police take a judicial stance, the alleged offenders will be imputed to have transgressed the law not in a 'deviant' sense but as rational agents willfully engaging in crime.

A point to note prior to the analysis relates to the possibility that cases can change in the course of events. Whether or not those arrested were deemed innocent or guilty by the court is not the issue here. The analysis is primarily concerned to emphasize the actions of constables at the point of an arrest.

The following accounts of reactive policework go some way towards demonstrating the invaluable nature of police service.

Case One: Burglary

It is nearing 1.00am on a night shift and we are in the police canteen for a tea break. A jovial traffic officer with us is just declaring that 'it's time to get out and fight crime' when a call comes in informing us of a break in at a suburban dairy. The dispatcher informs us that 'an alarm had gone off and alerted security'. The security officer, in turn, had alerted the police to the offence. Our "I" car is asked to help form an area cordon as someone was seen running from the dairy and could still be in the vicinity.

On route to the scene, we hear of two witnesses who say they saw a person running from the dairy when the alarm went off. The witnesses provide some details of the suspect and these are passed on to us. 'The suspect is male, Caucasian, in his late teens/early 20's, has brown shoulder-length hair and is wearing a bush jacket', says Dispatch.

Nearing the scene, we encounter an "I" car, lights flashing, on the side of the road. The "I" car crew have already detained a suspect who, at first glance, appears to fit the description of the 'running person' given by the witnesses.

We do not stop but head towards the scene of the offence. The dairy is lit up and is a bustle with people - "I" cars, constables, the owners of the dairy and two youths, a male and female, stand outside. I see the police dog tracking but so far, he has not located a scent. Parked up against the side wall of the dairy, I see a late model car which I am told is the 'get away' car. On closer inspection, I see a gaping hole in the wall of the dairy. The implements used to smash the hole lie on the ground near the car.

We enter the dairy via the hole and join the owners who are now inside with other police. Although items have been clearly disturbed, the owners tell us nothing has been removed. An alarm only recently installed had frightened away the burglar. A constable then does a computer check on the get away car's number plate and 'as he

suspected', it checks out as stolen. The tools (a crowbar and other implements) used to gain entry into the dairy are placed in the boot of the car which is then driven back to the station for fingerprinting.

After a brief talk to the dairy owners, the constables I am attached to ask the witnesses to do another ID on the suspect. They agree, so we pile into the "I" car and return to the spot where the suspect is being detained. I see the youth under the lamplight with two constables. Our car pulls up opposite the scene and the witnesses are asked to verify the suspect as the perpetrator of the crime. They remain seated in the "I" car and peer back. 'It looks like him', they tell the constable. He gets out of the car to confer with his colleagues, then returns. The witnesses ask to be taken home and the police are agreeable. Their particulars are taken and they are thanked for their assistance. We return to the station.

Charge: Burglary (Crimes Act Sec: 241)

Maximum Penalty: 10 years imprisonment

The Analysis

In the case of burglary, the law requires one condition: that 'a breaking and entering with intent to commit a crime' is present in the act. The analysis will show that the police had access to a series of 'clues' which enabled them to fulfil this legal condition.

The first clue to inform constables of the likelihood of a crime was the presence of a hole in the wall of the dairy. The hole in the wall provided evidence necessary to constitute a breaking of the building. Another clue pointing to the commission of a crime was the presence of implements used by offender to smash the wall. The third clue relates to the items which had been disturbed inside the dairy as they were able to provide the investigating constables with knowledge that someone had entered the dairy. Together, the three sets of clues constituted objective indicators that someone had indeed intended to remove the property without the owner's permission. A final clue in this case was the presence of a stolen 'get away' car parked next to the hole in the wall. The get away car reinforced the belief of the constables that the person who broke into the building (a) had no right to break in and (b) intended to deprive the owner of his property.

Because the police arrived on the scene 'ex-post facto', they could not observe the crime actually being committed. They did, however, have access to the independent observations of two civilians who were able to provide an identification of the alleged offender. Once this evidence was obtained, adding to the 'proof' of the offence, the police were certain that a crime had been committed. Their own observations and judgements were in a sense 'ratified' by on-the-spot witnesses who not only identified the offender, but also linked his behaviour to the factual element of the burglar alarm ringing inside the dairy. The legal value of such evidence lies in the fact that 'the suspect' is transformed into a 'probable perpetrator' through the perceptions and observations of those judging the event.

The combination of sufficient evidence at the scene (the hole, the implements, the car, the disturbed items and witnesses accounts), would create a situation where the suspect if charged, would be obliged to explain his behaviour. On the above criteria, the police had obtained sufficient evidence for a prima facie case. Thus, if the defendant was not able to account for his actions (i.e. by providing an explanation for his running from the scene at the time of the alarm ringing or by providing an alibi or other evidence to disprove the identification), the police would have sufficient evidence for a conviction to be entered.

The evidence present in the above case was 'physical' in nature and it was the availability of this material evidence which facilitated a legal intervention by the police. It is suggested that in this case, prohibitive law addressed the offence rather than the offender and that strict legal conditions were appropriately applied.

Case Two: Domestic Violence

On another night shift, we are patrolling an inner city area when a call alerts us to a 'domestic disturbance' in Takaro. 'A guy is punching and kicking his girlfriend and is threatening to use a knife', says the dispatcher and adds, 'there's a child in the house and the caller, the female's brother, fears for their safety'.

We 'bluelight' and are the first to arrive at the scene. As two other "I" cars arrive, a male appears and identifies himself as the complainant. He is very agitated and the

constable asks him to sit inside the patrol car to calm down. The male tells us he is the victim's brother and he relates the incident to the constables. A strong smell of alcohol permeates the car. The 'brother' says he is afraid of what the boyfriend might do to his sister and the child. 'He has been kicking and punching her and has a knife', he says and then adds, 'he will kill me for sure now'.

The constables waste no time. All six descend upon the house, batons poised for action. I remain outside and I observe the brother duck behind the corner of the house. The police enter the house and the door is closed. I get a glimpse of a male sitting inside on a chair. He is surrounded by police and beer bottles litter the floor.

Within a short time the door opens and a constable appears on the porch with a female. She looks to be in her late 20s/early 30s and is visibly distressed. The constable questions her about the incident and she confirms the beating although I do not see any visible signs of injury. She begs the constable to 'take him away because of the child'. The activity is arousing the curiosity of neighbours and I see faces peeking from behind curtains on nearby properties.

Then the door re-opens and I catch the brother of the female whimpering from behind the house 'I'm a gonner now', he says, 'I'll be killed for sure ...'. The offender appears and is handcuffed to two constables. He is solidly built and looks to be in his late 20s/early 30s. The police escort the prisoner to the patrol car. One constable carries the knife. I sit in the front and a constable sits in the back with the prisoner. The knife is placed in the front. It is a large 'butchers knife'.

At the station, the offender is taken into processing. He is stripped to the waist, searched and his tattoos are detailed. The sergeant registers the information relating to the incident on an arrest sheet. Before the charge is finalized, a computer check is made to see if there are any warrants pending on the offender. None come up, so the charge is read - simple assault. I hear the offender comment: 'its the best of a bad deal because she asked for it'. He is led to the cells for the night.

Subsequently, I hear that the female victim (according to the offender) had provoked the assault by going out with the offender's mate. Then, to add fuel to the fire, 'she had played the wrong song on the stereo' - that was the final straw, and it merited a good bash, it was at this stage the victim's brother phoned the police.

Later that night, the victim arrived at the station carrying the offender's clothes. She tells the police that she does not want the man back. But the plain fact is he will be bailed in the morning - then it will be out of police hands.

Charge: Common Assault (Summary Offences Act 1981, Section 9)

Maximum Penalty: Six months imprisonment/\$2000

The Analysis

In the crime of assault, the law requires that 'the intentional application of force to another person' as the condition of the offence. Linking this requirement to the 'domestic' above, the following scenario unfolds:

In this case, the female victim makes a complaint which is corroborated by her brother. The brother who is also a witness to the incident summons the police. At this point, the intervening constables have an allegation but no physical evidence (i.e. no injury). However, when the constables speak to the defendant, he admits to kicking her (an intentional application of force to the victim) thus providing the police, by his own admission, with all the elements of the offence established.

On this basis, the police do not have to look for independent physical evidence to support the complaint (i.e. injury, a medical examination, signs of a struggle inside the house, torn clothing, furniture in disarray), nor do they have to contend with a complaint matched with a denial. Instead, the defendant pre-empts that otherwise necessary inquiry with an admission of guilt. In this instance, the offender and the victim 'agree' to the fact that he did kick her and, in the police view, this constituted sufficient proof of an assault based in law.

The conditions of the case qualify as legal, according to Foucault's criteria of 'intention'. Interestingly though, the allegation by the complainant that the offender was threatening to use a knife was denied by the offender. And while the presence of the knife (on the living room floor according to police), indicated 'good cause to suspect a crime', the more serious charge of 'assault with a weapon' was not laid. The police 'gave the offender the benefit of the doubt' that he did not intend to use it.

Secondly, although the analysis confirms a legal stance on the part of police, the presence of the element of provocation by the female in the latter stages of the event, points to an ambivalence in modern power. Although, at the point of arrest, intent was proven and the police had good cause to arrest during the processing of the prisoner, motives and passions appeared which did have a bearing on the charge. The seeming appearance of discipline at this stage gives some weight to a view by Nelken (1989: 245) that perhaps modern control agencies fuse together legal and disciplinary power.

That this may well be true does not diminish the significance of the legal mode at the point of arrest. In Foucault's view, nothing is ever as straight-forward and unambiguous as it seems and while pure legality has all but disappeared in today's society, it cannot be assumed that control stems from the exercise of unequivocal power. Foucault (not unlike Nelken), is firmly against all forms of absolutism and suggests that within agencies such as the police, both legal and disciplinary power co-exist but it is the disciplinary mechanism which is increasingly coming to supplant the legal.

The key word here is the dominance of discipline today, an assertion which will be examined in light of pro-active policework.

Concluding Remarks

In spite of a limited sample of observations it would appear that cases involving such strict adherence to legal penalties are not as common as the disciplinary practices described in subsequent chapters. Such a conclusion is supported by those studies which have employed the relevant concepts of power and discipline (e.g. Bittner, Garland, Cohen and Dandeker).

CHAPTER SIX:

THE SEARCH FOR DISCIPLINE: PRO-ACTIVE POLICEWORK

Reactive and Pro-active Policework

In the previous chapter, a selection of police actions were seen to depend on legal principles. These involved, firstly, the presence of crime which provided the impetus for official intervention and secondly, a focus by the police on the event in question (i.e. its objective circumstances and the gathering of sufficient evidence). The third principle which defined reactive policework relates to the non-intrusive nature of police interventions into citizens' affairs. When responding to callouts, constables actions were: (a) based on legal dictates and; (b) done with a view to the wishes of the complainant or agency requesting police assistance. In sum, reactive policework was seen to be an objective, event-specific enterprise.

In contrast, pro-active activities undertaken by police are largely self-initiated with little if any input from citizens and other agencies. Pro-active policework contains few if any of the legal requirements specified in reactive policework and operates independently of the commission of a crime to form a crime prevention activity based on surveillance (Cohen, 1983: 24-5). The thrust of pro-active policework generally is to observe individuals without the participation or even awareness of the individuals being targeted. And, because it is a product of subjective assessments, it is presumptive and intrusive. But non-intrusive measures also shape this side of the job. For example, the visibility of police on the street is said to deter criminals and ensure a steady response to complaints.

Having briefly sketched the differences between reactive and pro-active policework, the next step is to outline the pattern which emerged while on patrol. In Palmerston North pro-active activities were observed to take place mainly at night and these encompassed a relatively short timespan from between 11.00pm to 3.00am in the morning. Within this timespan, the following pattern became manifest:

Reactive demands on police time were seen to 'peak' at 11.00pm, then taper off around 11.30pm. During this period, the pubs began to close and constables were

called to clear drunks off the street, investigate smashed windows, attend domestics and incidents involving wilful damage to property. Between 11.00 and 11.30pm was also a peak concern time for attending to reported incidents of suspicious activity.

At midnight, however, the city quietened down and the nature of policework began to change. This entailed a shift in the police perception of their role from being readily available for callouts, to a greater surveillance of public spaces. While the notion of pro-active crime prevention implies an extensive use of self-initiated activities such as stop and search, observations undertaken while on patrol proved otherwise. Despite the fact that police do spend considerable time on the streets - spotlighting industrial premises, patrolling carparks and especially circling the Square (with the odd trip into the suburbs) - time spent talking with people on the street was minimal. This was seen to be the case despite police perceptions that their time is consumed by on-going trouble groups such as brawlers, drunks and street kids. However, the analytical distinction made between pro-active and reactive policework, coupled with the emphasis police place on on-going trouble in the streets, provides a firm basis from which to initiate a search for discipline. The intention in this chapter is to utilize police perceptions of their pro-active role in such a way as to 'lay the ground' for a more thorough theoretical interpretations in the final chapter. It remains now to draw on some key points Foucault makes concerning the government of discipline in society.

Foucault argues that discipline is a general exercise, a strategy, not bounded by any one structure nor is it the property of any one agent. Disciplinary mechanisms (surveillance, normalizing judgements and examinations) are said to have emerged from within institutions on the outskirts of society and in time they became diffused throughout society to form a general panoptic principle. Within a society based on the norm, the role of the police as public agents is to 'pick up' those public spaces where others (parents, teachers, welfare agencies etc.) cannot discipline. In other words, the police 'pick up the fallout' as it were, those people who have fallen out of the observation grid of educationalists or the workforce, and who can no longer be supervised (Foucault, 1977: 215).

The Concept of the Norm

A second point Foucault raises concerns the concept of 'the norm' which is taken to mean the prevailing view of how life ought to function. The norm is a powerful

influence made manifest in certain conceptualizations such as the majority of 'law abiding citizens', displaying 'the right attitude' and living 'the good life'. Implicit within these conceptions is a moral view of what is worthwhile and what is not. Those who fall short of the norm, are seen as unworthy and are spoken of by obedient subjects as being 'bad eggs', 'idlers', 'no-hopers' etc. To promote moral order in society, the 'law abiding citizen' is upheld as the standard or ideal to which we should all aspire, to maintain the quality of life. The strength of the norm is sustained by the dominant discourses of the media and politicians who consistently portray the majority as good and only a minority, as bad. The minority in our midst who break the rules, it is held, should be helped to mend their ways (via correction, training, rehabilitation) or pay for the consequences of their intractability. In this way, discipline is exercised to sort out 'the wheat from the chaff'.

Finally, one of the primary effects of discipline which works to separate those who will conform from those who will not or cannot conform can be seen in the values allotted to individuals who are slotted into what Foucault terms 'knowable characters'. This means that individuals are labelled according to their degree of 'badness', then ranked on a continuum of social disorder. This happens, for example, inside prisons where 'lifers' are treated differently by inmates and administrators, to petty thieves who, in turn, are treated differently to sex offenders. What this hierarchical ordering of life does is to fix certain identities because people tend to conform to their allotted identities. Ultimately, the disciplinary processes effect a hierarchical ranking of society itself wherein members are either socially accepted or socially excluded from its ranks (dole bludgers, dunces, deviants, the insane). It is the aim of those who exercise discipline to induce compliance or, in its absence, punish disobedience.

Pro-active Patrols

When front-line police are not at the station, they are patrolling the streets and waiting for calls to come in about crime and disorder. The management of public space and public enterprise - the Square, nightclubs, pubs, crowds, every public space - is very much police business and they are judged on the quality of order in public life. The good thing about doing patrols, say constables, is the knowledge they glean about 'What goes down in the city' and, at night especially, its good to know who else is out and about'. At night virtually anything unusual, strange or out of place (for example

any person still on the streets at 3.00am in the morning) will capture their interest for a possible stop and search.

Constables claim to know their territory and the public well, and divide the latter into two broad groups - those who are respectable and the non-respectable element. Persons are classified into one or the other category according to how well they fit with the constable's notion of the average citizen. The term 'Joe Citizen' (or Joe Straight) is frequently heard and is used to refer to the respectable person who makes the laws and does not commit crime. Joe Citizen would be the sort who is gainfully employed, who lives anywhere but in Highbury and who does not hang around the Square at night. A person of regular habit, Joe Citizen, in the constable's view, is always off the street by midnight. This being the case, any encounters which may occur on a proactive basis between average citizens and front-line police are infrequent. Joe might visit the station every so often but usually only to report items of stolen property as these affect him personally. Being private and respectable, the ideal citizen dwells somewhere on the far edge of the constables' perceived field of interest being prone only to the occasional lapse in character (as will be shown later in the section dealing with drunk drivers).

In contrast to this ideal of the law-abiding citizen, constables speak of other elements in the city who constitute trouble for the police. Such groups who dominate their discourse include:

The Courts

The most troublesome element by far is the court. Judges, constables say:

'Have a habit of distorting simple and straight forward cases to the point where you can't even recognise the outcome. Frequently, by the time court has sat, the result is justice for no one'.

Causing the same amount of trouble as judges are the city's defence lawyers who are said to be naive because they believe everything their clients tell them. As one constable puts it:

'When you've got a lawyer who actually believes what his client is saying over what the policeman is saying, you have to wonder about the guy's credibility ... I mean, is he with us or somewhere in the clouds!'

'Lowlife'

Besides the troublesome behaviour of the courts, there are various 'lowlife' types who most certainly do not sit at the city's benches. The lowlife, say constables, are groups of youths who hang around the Square and threaten its decorum and good order.

The 'lowlife' ...

'... get themselves arrested sometimes several times in one nightshift simply because they won't go home. They have to stick around and do something - kick in a window here or stick someone in the head there. Whatever, they don't learn. They're always out there looking for trouble'.

The 'lowlife' are frequent customers of the police and it is the control of this group that constables are frequently engaged in, when out and about and being pro-active. Unlike reactive callouts which require deliberation (the taking of accounts from witnesses and the collection of evidence), the policing of the 'lowlife' is largely a mechanistic affair done without considerations regarding intentions or consequences. In this sphere the police typically maintain:

'Things happen in the heat of the moment; disturbances, brawls, smashed glass and other such occurrences which require a minimum of paperwork'.

And, in contrast to crime-related investigations which can be laborious and do require paperwork, the policing of the 'lowlife' is an instant affair wherein on busy nights the administration of 'swift justice' is often all that is needed. As one constable says:

'We just lock 'em up for the night. It's much more sensible than a charge because often it's all they need'.

Glue Sniffers

Glue sniffers, from all accounts, are a particular menace in this category. Glue sniffers, who are principally Maori youths aged between 15 and 18, are said to spend their time roaming the Square in small groups and respecting no one. Visibly flaunting their 'obnoxious' but legal habit, glue sniffers, in the police view, are dangerous enough to be accorded a high place as priority public disorder.

Police/glue sniffer relations in Palmerston North are no different to anywhere else and are fraught with antagonism. Even drunks the constables think, are pretty good in comparison to glue sniffers. Being consistently glued up, this group, they believe, are beyond moral and physical redemption and it becomes a police matter when, through their erratic behaviour, they scare good citizens and keep them from visiting the Square.

But although solvent sniffing is an affront to public decency, it is not an offence and this poses a frustrating problem for the police who must therefore handle this, the most visible of trouble, in other ways. Methods of dealing with glue sniffers include removing their glue bags, dogging them in the paddy wagon and moving them on and, in such instances, the glue sniffers often become hostile thus provoking the full thrust of the law and a subsequent lock up. Besides providing a frightening spectacle for some citizens or just being merely distasteful to others when glued, these kids, according to constables, damage property and are prone to 'nicking' items from cars. Thus predatory crime (eg. theft) is a likely activity for glue sniffers. Because they are sometimes so 'written-off', glue sniffers are not difficult to catch and can be dealt with swiftly. The police take a firm line with such visible trouble because from all accounts:

'They cannot be allowed to get away with it or it would undermine what we are trying to do'.

Constables know their locals are 'hardened little criminals who will play on a weak attitude', so they approach glue sniffers 'positively' (not as if they are rookies straight out of college). Glue sniffers, they say, should be treated as they treat others, then they will 'come to the party'. The police say they deal with glue sniffers so often that it is not worthwhile documenting the incidents anymore. Where previously they would have formally recorded glue sniffer incidents, it is now felt that this is a waste of time. In the view of the front-line, nothing was ever done to rectify the problem, so what's the point. When it comes to glue sniffers the best they can do is ...

'... maintain a high profile to let trouble know the police are out and about'.

As the law does little to enhance the effective policing of groups like glue sniffers constables tend to compensate for the lack of legal remedy by applying their 'cops rules'. Putting them in for 'disorderly behaviour' is one convenient way to deal with glue sniffing because as one constable explains:

‘When you put them in for disorderly behaviour, it means you can put them in for detox (place offenders in the cells to dry out). It is for their own good and the good of the public that they don’t remain on the street being offensive. Glue addles the brain and by the time these kids are twenty, there’s nothing left up top. It’s all gone ... the families don’t do anything and neither do the courts. They are an element no one can control and they do it in the most overt places’.

When glue sniffers are brought into the police station, a frustrating treadmill begins, of detoxification and release. This entails that glue sniffers are kept in the cells for a few hours at a stretch, then they are released back on the street to be picked up again the next time round.

In terms of the current drive by concerned citizens to promote a safer, happier, more healthy community in Palmerston North, the persistent presence of the glue sniffer forms an impediment to the actualization of this project. By hanging around and being ‘obnoxious’ glue sniffers are seen by the police as an indictment of their effectiveness and remain a potential danger to themselves and others. As a constable says:

‘It can be mugger’s city in Palmerston North on Friday nights for any citizen who’s silly enough to walk through the Square; and their numbers, all Maori kids with nothing to do, are growing’.

Yet despite their potential to be dangerous, glue sniffers rarely reach the courts. The police say if they were certain that judges would respond more favourably to a charge they would put them up more. According to some constables, this is being done with some success in other districts where judges favourable to a charge are ...

‘... getting to know who these kids are and what they are doing and sentencing patterns are being established’.

But in Palmerston North, due to a reluctance by judges to administer legal penalties, there is only the temporary measure of ‘detox’ and glue sniffers remain on the streets scaring Joe Citizen and doing damage. In the police view, this routine customer is an element no one can control.

The Cortina Boys

Running a close parallel to glue sniffers as on-going trouble are the cortina boys. Predominantly Pakeha, the cortina boys (or ‘boy racers’ as their peers call them) to all accounts ...

‘... have nothing better to do than hoon around the Square in their plastic-leather jackets and souped up cars’.

The brazen behaviour of this group, like the offensive behaviour of glue sniffers, ranks high as priority public disorder (especially when according, to one constable, they drag race in front of the patrol car). In the police view:

‘The cortina boys piss everyone off with their endless fixation on the Square. These Friday night guys create merry hell for the public especially in summer when they stay out and do it till all hours of the evening’.

At such times or on Friday nights when the cortina boys are out in ‘full force’, the police show little hesitation in pursuing them and ordering them off the street. The cortina boys, they say, are like glue sniffers, they have no respect for authority. As one constable put it:

‘In my day we didn’t do it. In my day when a policeman spoke to you, you would listen. But these days they just tell you to piss off. These kids should know better but they never learn’.

To counter this bad attitude, the police make routine stops on the cortina boys ‘just to give them a flea in their ear’. Maintaining a high profile in the middle of town lets everyone know the police are about. There are a number of ways used by police to put a rein on the cortina boys bad conduct. One way of dealing with them, according to constables, is to apply the Transport Act to check their cars while another involves confiscating their keys which gets them off the street. Sometimes all that is required is a warning, something along the following lines ...

‘I’ll give you half an hour to get your car home and if you don’t heed it, you’re gone’.

In theory, when the police use the Transport Act to stop someone suspected of committing an offence, they are required to complete a file on the incident. Sometimes however, when dealing with the cortina boys, it is more convenient for all concerned to bypass the paperwork and just use the ‘Fish and Chip’ Act. The Fish and Chip Act ...

‘... is the Act we use when there is no other to use. You just get them talking ... can I have a look in your car, whatever. They might say ‘nah’ being a bit boozed but you just bullshit really ... the Fish and Chip Act covers anything’.

As an alternative to the Transport and Fish and Chip Acts, constables say they can always fall back on a disorderly behaviour charge to put the reins on the malconduct of dragsters and, when all else fails in the fight against crime, the Square can be cordoned off to prevent such activities as drag races and wheelies from occurring. 'We've done it before and we'll do it again', they say.

Palmerston North's disreputable elements, the glue sniffers and dragsters, occupy the Square in common and according to the police, the close proximity of the two groups is less than congenial:

'...they frequently scrap, the glue sniffers throw rocks at the cortina boys' windows ... it's a black versus white thing, sad but true'.

It is not only the courts and 'lowlife' types, who create trouble for the police. Another, less significant but nevertheless troublesome category, are drunk drivers.

Drunk Drivers

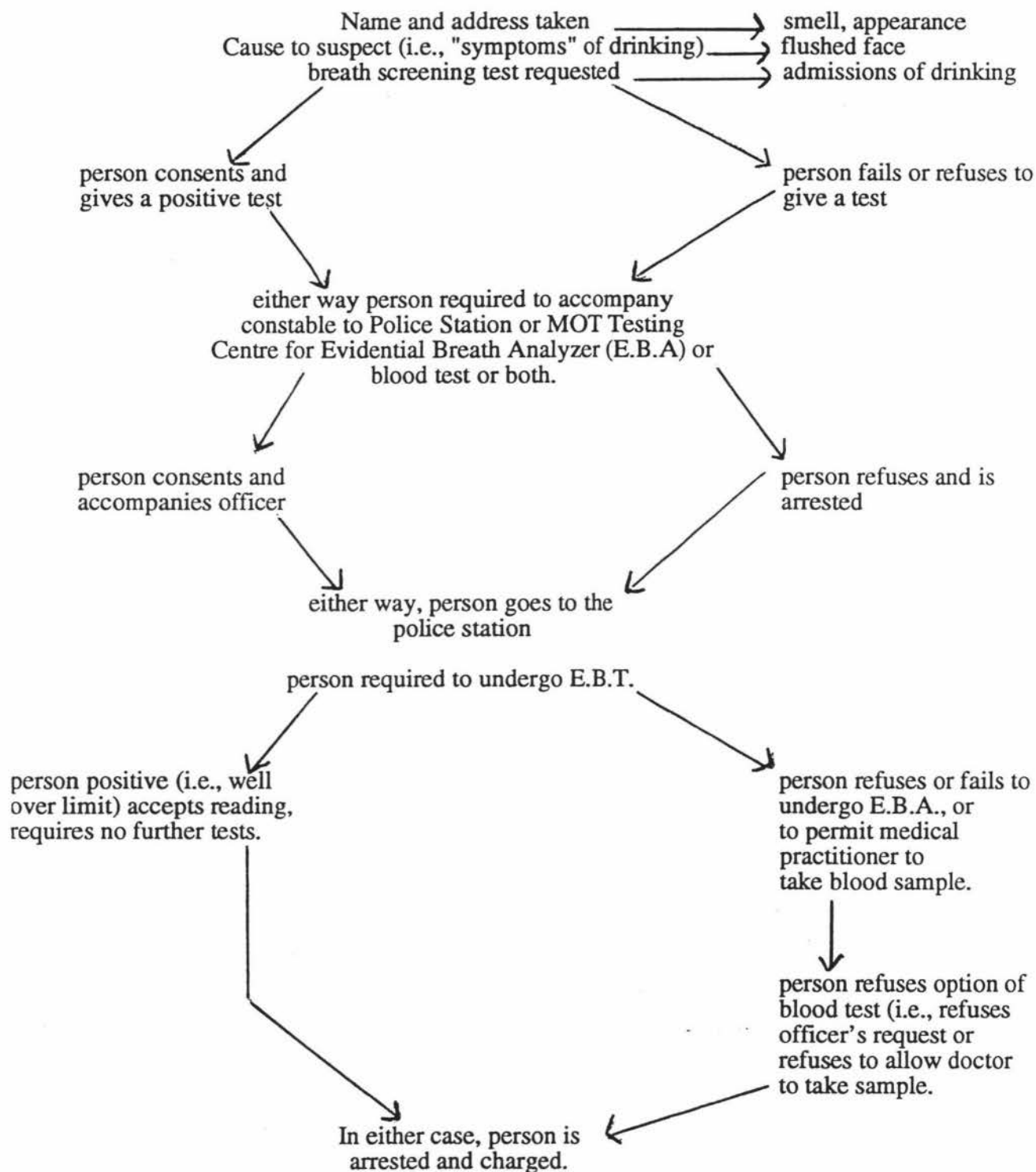
While out and about on patrols, one of the ways the police use their initiative is to detect drunk drivers. Although drunk drivers are not seen as 'substantial trouble' (a term reserved for judges, lawyers and 'lowlife'), they are nevertheless a public menace to be dealt with on the spot. Being frequently drawn from the 'respectable' element, drunk drivers are more often than not first offenders and constables know that such encounters will not bear the seeds of confrontation and dissent which mark other encounters with less 'respectable' people. Easily identifiable in their up-market cars, drunk drivers tend to be ordinary citizens whom the police spot slipping away from the R.S.A. or pub, having 'sunk a few' with the lads.

In cases of suspected drunk driving, it is again the duty of the police to administer the Transport Act and in so doing, they take a firm yet flexible approach to the job. Uppermost in the constable's mind is the need to get Joe Citizen off the street for his or her own good and for the safety of others. In some cases, the stop might go like this ...

'Look go straight home before the Ministry of Transport catch you'.

But this is not typical and in most traffic stops when a suspected drunk driver is 'flagged down', two sets of criteria come into play. The first is the legal requirement of a breath test which is set out as follows:

Figure 6.1: The legal requirements on the constable undertaking to administer a breath test
are:



The availability of these legal measures means that traffic offences such as drinking and driving can be unambiguously and easily solved since the only evidence necessary is a set of objective facts produced by technology and the observations of the constables.

There is, however, a second set of requirements of a non-legal kind which comes into play in the handling by the police of drunk driving incidents. In these 'on the spot' situations, whether the incident culminates in an arrest, a summons, or to a formal warning, constables bring into effect a series of normative judgements based not in law but on the individual offender and on idiosyncratic factors surrounding the incident. In the vast majority of drunk driving cases, the decision of a constable to arrest or not ultimately depends on three things: the offence (whether the offender is well over the limit); the state of mind of the offender (whether he/she has a good attitude); and relevant personal circumstances which are seen to be pertinent to the event. Together these requirements shape the outcome of most drink-driving cases. As the police confirm:

'With drunk drivers you weigh up the circumstances and a person's attitude goes a long way as to what a policeman will do. If they are well over the limit they have to go (undergo an arrest). But if they're just over the limit and nice enough, that's sweet'.

On the other hand:

'If he's smart-mouthed and staunch it really sets me against him and if the offence is in some way arrestable, because of his bad attitude he'll have to go!'.

It can be gathered from these statements that the onus is, to a large degree, on the offender as to which way the stakes will fall. According to constables, when they pull people over for drinking and driving, the first thing they do is a computer check to determine whether there are previous convictions (for traffic and non-traffic related offences). Then suspects are asked to give an account of their earlier activities which may have led to the offence. As these earlier activities are being recalled, constables ask persons to state the amount of alcohol they believe they may have consumed and they are also asked to give reasons why they were induced to drink and drive. Following on from this examination of background variables leading to the offence, suspects are then asked about their occupational status. If they happen to be students, future career prospects are also taken into account. Then, if the computer check has

shown no previous offending and the drunk drivers show 'true remorse' or offer a good excuse (it was observed while on patrol that males commonly cite girlfriend or wife problems as the cause of their offending), in all probability they will escape the full thrust of the law and a subsequent conviction. Sometimes, constables might take the opportunity to strike a bargain with the odd drunk driver to supply information at a later date which could lead to a more serious conviction in return for his/her freedom. However, this is not a frequent practice and the normal pattern of managing drinking and driving is that outlined above.

Traffic stops enacted upon suspected drunk drivers are registered on police Minor Offence Notices (see Appendices). The information taken in these cases is basic and involves straightforward items such as name, address, the type of stop and result of the breath test (if administered). 'No further action taken' is added if the stop does not involve further testing or if it fails to culminate in an arrest. The information provided by constables is entered into a specific filing system which is kept separate from the more serious criminal files. An infringement such as drinking and driving, therefore, is not normally perceived to be a serious criminal offence.

When they speak of stops on drunk drivers, constables reveal an inclination to perceive such offenders differently to the way they perceive the cortina boys for example. In cases of drunk driving, they admit to using their discretion broadly especially when suspects are seen as suitably contrite. Such 'once-off' offenders they say, are normally good about owning up and are sorry for having so foolishly strayed from the norm of sobriety and good citizenship.

The average drunk driver knows full well the consequences of not complying in these awkward situations and neither the offenders nor the police want to invite trouble. So if they are not too 'stroppy' nor too drunk, they will generally receive the benefit of the doubt from constables. Ordinarily, this means that drunk drivers receive a stern lecture on the perils of drinking and driving and this is followed by (an often) long walk home on the part of the offenders. Constables hope that the procedures they apply in these cases will go some way towards helping such offenders to mend their ways. After all, constables have a broad discretionary power and believe that ...

"... people do make mistakes, they really do".

Apart from the groups mentioned who cause routine trouble, constables speak of a more dubious element who walk the streets at night. These 'known offenders' with established records, invite a radically different approach by police to the one taken with drunk drivers.

Suspicious Persons

When not reacting to callouts, apprehending offenders or managing the Square, the police spend time patrolling. Patrols enable them to check buildings (to detect burglars), show the flag (deter potential criminals) and reassure members of the public that they are out and about and near them. These are important aspects of the front-line patrol agenda. But aside from the deterrence factor and over and above a duty to secure buildings and premises, there is a more important reason why the police patrol. This is the judicious surveillance of suspects in order to prevent crime. In the words of one constable:

'When I am out and about I drive slowly around the streets looking for things that are suspicious ... not normally there ... suspicious people who are not normally about at a particular time and place. I patrol the good areas rather than areas of high unemployment like Highbury where people are at home. Hokowhitu is more readily accessible to the criminal because people are at work. But there is no set pattern as to where you go or what you might do. It depends on the mood you are in. If you feel like seeing who is around and speaking to people, speaking to criminals, that's fine. It's to see who is around'.

The suspicious persons the constable is referring to are generally perceived of as being 'the real hoodie types', those with more questionable intentions than the average 'lowlife'. These guys may be 'scrotes'¹, they say, but they are also known criminals with prison records. In Palmerston North, persons classified as suspicious are limited in number and fall into two main groups: the Mongrel Mob and more commonly, the black jersey boys. The Mongrel Mob are specified as problematical because they indulge in regular offending including drugs, car thefts and burglaries. Being highly visible in their red patches and beaten up old cars, Mob members, according to constables, stand out against Joe Citizen and are easily caught. The police exercise little discretion when it comes to Mongrel Mob offending and 'snap' charges are frequently laid for disorderly behaviour.

1 a person predisposed towards criminal offending.

Besides the presence of the Mongrel Mob, the other group the police refer to are the black jersey boys. Black jersey boys who constitute a regular focus of interest can be seen in the Square (fraternizing with the cortina boys), at trouble spots such as pubs and nightclubs or just on the streets at 3.00am in the morning. According to constables, the black jersey boys are regular offenders in burglaries, the fencing of stolen goods and quite a few are 'druggies'. Currently, the black jersey boys hang out at the back bar of the Fitz which, constables say, was once a fun place to be 'chocka' with students but is now full of 'scrotes'. The black jersey boys are of special interest to the police because of their connections. They are either associates of gangs or relatives of gangs and like gang members they are said to have a very anti-police attitude.

Yet despite their perceived closeness to gangs, the black jersey boys are an amorphous group, a fringe element not totally attached to any one fraternity. The one thing to distinguish them from others is their 'uniform', the clearly perceptible black jersey, black 't'shirt and black jeans. Due to their status as known 'lags' and because they are more numerous than gang members, black jersey boys are the main focus of turnovers by the police. As one constable confirms:

'I turn them over because of the way they dress more than anything else. If their uniform is a black jersey, black 't'shirt and black jeans, then that's it you're it ... the right jersey is woollen and black'.

Hence, not only is this category of offender distinguishable from ordinary trouble on the basis of dubious connections, a dubious past and dubious dress, but its members stand out by the way they are policed. Whereas there is now little formal registration of glue sniffer incidents and only basic details are taken from drunk drivers, the black jersey boys, in contrast, form on-going targets of systematic surveillance through turnovers. If black jersey boys are out and about at the 'funny hour' (3.00am in the morning) they will probably be stopped and questioned. Not in an awful way, according to one constable, but discreetly.

In their 'toe-rag' cars and black jerseys, these suspects constitute a steady source of information gathering by the police. According to constables, the priorities of the surveillance side of their patrols are influenced by the Criminal Intelligence staff of the police organization. Such persons direct the constable's attention to certain persons

and encourage the use of a range of tactics to fulfil this function. These include the use of civilian informants such as taxi drivers and within the police organization, the use of 'wanted persons' lists and the 'weekly grapevine' (whoever has some intelligence passes it around). But the most routine method used to gather information on known offenders is the '3.T.' or turnover. A final way of keeping tabs on suspicious persons involves constables keeping an eye out for them when off duty. On a local basis, this appears to be an effective practice because as one constable puts it ...

'In a small place like Palmerston North you can't help but see them. This place is just an overgrown town'.

And when it comes to their knowledge of the population front-line police hold a staunch view. They are adamant that:

'Only street cops know what's going on and they are the only ones who do know. We are going to domestics all the time and we are with people in all situations. Every offender knows someone who lives with someone and so relates to several people. We will always run into people who know people or know of a person especially in a city this size'.

Turnovers: When it comes to tracking suspicious persons, constables take a positive view of the job. Stopping a known offender (whether on foot or in a vehicle) and giving him or her 'a bit of a toss' (questioning the person and/or examining the vehicle) is in their view, a good way to generate work. Turnovers, (which according to police policy are principle devices for 'detecting offences and offenders and gathering information on people and their activities'), are a mundane 'bread and butter' tactic used to police certain elements primarily because they bypass the need for complex electronic equipment and their enactments are not hampered by the necessity of having to secure a search warrant. It is generally agreed that often all these measures require is a good hunch or common sense about a particular person or vehicle. The basis of turnovers constables say, are:

'... the circumstances like time, date and place and how the person or vehicle looks to you. Generally most policemen know the difference between Joe Straight and someone who looks like he might need a bit of a toss'.

Turnovers can be instigated at any time of the day or night but the most suspect time is between 2.00am-3.00am in the morning. At 3.00am according to constables, the nightclubs have closed and they should have gone home. If, during the 'funny hour', constables spot a suspect vehicle they will get closer to the occupants to confirm their

hunch. Then if the vehicle is stopped, the constable will either do a thorough turnover or just have a chat then depart. It is generally agreed that the ability to be thorough in a turnover will depend on who the persons are.

Constables on patrol soon get to know which people are out and about on the city's streets. 'They are the same ones and they turn up time and time again'. Because the police rarely turnover persons previously unknown, not everyone has an equal chance of being stopped and whereas the average citizen might dodge being 'turned', known offenders such as black jersey boys are automatically suspect. In the constable's words:

'I target the black jerseys. I say "okay he's wearing a black jersey and black jeans, he looks untidy, unkept, what the heck is he doing out at this time of night!'.

Besides the 'hoodie types' constables make reference to carloads of youths, old men and drunks who are 'turned' not for intelligence reasons but pragmatic ones, to clear them off the street. It is the police view that:

'Unlike your hoods who are always going to be up to no good there are some types who just won't go home. Old men out and about after midnight could be perverts, the decent ones are normally home in bed. We also turn drunks to prevent them from hurting themselves or kicking in a window'.

Frequently when disorderly types such as drunks come to police attention they will be stopped, possibly detoxified or escorted home if they happen to have a 'fixed abode'. But all things considered drunks do not invite the same level of interest as suspicious persons. While drunks are considered to be a nuisance, they are not predacious.

Because the value of turnovers lies in their information generating capacity they do not generally lead to an arrest as the following case cited by one constable demonstrates:

'We were patrolling at 4.30am and we saw a car and made a stop. Three guys were inside and they had obviously been up to something or were planning something and we got a lot of information out of it. We found out where one of them was living and that we needed to know as these guys were bad criminals for drugs and burglaries. So if we hadn't of been out at 4.30am we would have missed them. As it was they were sober (therefore able to do a job) and were dropping one of their mates off. But they had been up to something though we didn't know what. But we got a lot of information from that stop'.

Constables have the notion that any information is good information, no matter how trivial it may seem at the time. 'Being a successful police station is having that information there ...' All front-line staff carry Minor Offence notices or '101' forms² on patrol and each time a turnover is conducted the details are registered on the '101' and passed into the system. Once, in the system, the information is logged into the computer where it remains until 'something goes down'. Currently, there is some concern amongst constables that information once in the system, is inadequately utilized. They say the in-house computer is filled to capacity and bungling occurs. As one notes:

'We provide the information and they (Criminal Intelligence) collate it. Then they come back to us and say "right our target for the week is so and so, do you know this man?" ... Well of course we know him because we are the ones who are dealing with him on a routine basis. Upstairs are just like law-makers out of touch!'

But despite an apparent lack of communication between the front-line and collators, turnovers continue to provide a good source of knowledge about persons and events. Information gleaned from turnovers includes particular items of information (names, addresses, the location and reason for the turnover) and information of a general kind (current movements, current associates and changes in a suspect's lifestyle). Before entering these details onto the computer, it is the collator's task to make value judgements on which items are relevant and which are not.

The more experienced constables speak of good turnovers as being 'works of art' perfected only through repetitive practice. Unlike some 'rookies' (recruits on probation) who tend to use minor traffic infringements (such as having no tail light) as an excuse to stop vehicles and converse with occupants, the experienced constable gets straight to the point. Using the 'Fish and Chip' Act, an experienced officer will just tell them ...

'Look we want to see who's out and about, and it's no problem'.

'Check out the booze and hello ... what have we got here' ... the police are unanimous about the productive utility of turnovers. Aside from generating knowledge about persons and movements they are advantageous for the police in other ways. For

2 See Appendix C.

example, they help detect stolen property and illegal drugs which is a bonus because such contraband is not often detected in the reactive side of their job. Turnovers also deter people from committing crimes ('people will think twice about doing it when they see us sussing them') and help clear up warrants pending which would otherwise hog the computer. As there is always an element of surprise in a turnover they can provide constables with an 'adrenalin rush' on an otherwise routine night. And ...

'... when they don't stop for you it might mean they have just left the scene of a crime and you have a chase'.

Any car which fails to stop when signalled by police to do so is automatically suspect and because it is an offence not to stop, an arrest is guaranteed at the end of a chase. Turnovers keep the pressure on known offenders who, if they can't be apprehended for burglary, can be apprehended for something else like possession of cannibals or driving while disqualified. In this way, turnovers are a good means of getting criminals before the courts and (temporarily) off the street.

Finally, turnovers are preferred by police because they by-pass the need for 'middle-men' or informants and aside from their cost saving utility (unlike paid informants), turnovers ensure a steady flow of current information into the system with as little distortion as possible. The information which is passed on is considered to be reliable being a product of sworn officers loyal to the police organization.

The variety of pro-active activities detailed so far would not be incomplete without reference to a final category of 'successful criminals' who rank foremost in the discourse of constables.

Successful Criminals

A certain section of criminals, say the front-line, inhabit a shadowy nether-world. These criminals wheel and deal but because they don't draw attention to themselves they don't get caught. As put by one constable:

'These guys get away with it unlike your drunken little hoons and average lowlife'.

The categories they are referring to are those covert elements, the white collar criminals (of the 'normal' world) and the boys on bikes (of the underworld). While the

first group are vast and complex and impossible to quantify, the boys on bikes they say, are easier to pinpoint having 30 to 40 permanent members in their 'gang'. Although the front-line have little to add by way of elaboration on white collar crime (corruption, fraud, extortion, embezzlement) they are aware of its impact upon society and admit:

'They (the white collar criminals) are probably raking off millions and doing a lot of damage to people'.

These persons (whose activities are inimical to developmental and social wellbeing) are often those who hold office and steps taken against them are minimal. This paucity of knowledge regarding white collar crime however, is more than compensated for when constables mention the boys on bikes who in a nutshell:

'... steal, deal and beat people up'.

The boys on bikes are profiled as quiet and well organized with accessible legal advice at their disposal. Having their own lawyer, constables say, gives their activities an aura of legitimacy which adds to their success. But despite this facade, people are not fooled by the 'nothing doing' attitude of the boys on bikes. In their view:

'People know them and know what they are up to. They maybe quiet but they are always going to be up to something you can bet your boots. Behind their legitimate front they are criminals not boy scouts. They are responsible for a lot of crime in the city, common sense tells you that'.

This hunch about the boys on bikes may well be right but the fact is that in the daily routine of the front-line, little if any actual contact occurs between the boys on bikes and the police. As one constable attests:

'In all my years in Palmerston North I could count on one hand the number of times I've dealt with them as a group'.

And according to another:

'I've only ever locked up one of their members for obstruction. These boys are no big deal ... the odd stop on the odd bkie might be made but it's just to get his name and address and not much else'.

From what is said, the 'successful criminals' are the ones who are largely immune from both legal and pro-active regulation. Because of the complex nature of

criminality and because currently the police are geared to react to ordinary crime rather than solve 'exotic' crime, they can do little more than speculate on covert criminal activity. The absence of deeds in this area means a corresponding absence of knowledge and power for further analysis. The reactive model leaves specific areas untouched and despite the enormity of the fraud 'problem' in the 1990s police work continues to focus on conventional property crime, committed by conventional burglars who are characterized as unemployed youths with previous convictions. Until the police and others take seriously the economic and social damage wrought by organised business criminals, there is (to use the words of Lévi (1987: 15),

'... little at the moment to redress the imbalance weighted heavily in favour of rich man's law'.

Concluding Remarks

This chapter has described a generalized pro-active policework which differs significantly from the crime-related callouts of Chapter Seven. Pro-active policework is more than just a reaction. Being a self-initiated activity it aims directly at crime prevention and deterrence by taking action where there is insufficient legal basis to do so.

To concretize their aims, the police utilize a subjective continuum to identify and classify various groups in the city. Arranged along the continuum, each according to a specific rank or position, three key groups have been identified: the incorrigible youth of the Square, the manageable black jersey boys and the correctable drunk drivers. What is emphasized here is the proximity or distance of each group from the ideal law-abiding citizen.

This distribution based on rank has a double function: It distributes individuals according to their degree of infamy (it orders the population) and through subjective judgements about rank, it tends to punish or reward, according to how far individuals deviate from the norm. Discipline, which is the play of rewards and punishment, can work both ways; it either opens the way to enhance rank or it can reverse the process by punishment. As seen in the differentiated methods used to control such groups rank in itself, serves as a reward or punishment.

Rank, which materialized in the constables' statements, decides the place of offenders according to their moral qualities and their generally recognized behaviour. Seen in this context the 'first class' offenders (the drunk drivers) enjoy the privilege of being treated according to their status. If they do not comply with police expectations, they have a right to arrest. The 'second class' (the repeat offenders), are marked by their obvious uniforms, past histories and bad characters. Members in this group are worthy of punishment and are kept track of until such a time. The 'worst class' (the shameful glue sniffers and rebellious dragsters) are subject to regulation and containment which as much as possible keeps them from others.

Not only did the interpretations of the police provide a classification of 'characters', but they were also able to provide a classification of the city itself on temporal and spatial dimensions: the pro-active activities of local police are limited, especially to the Square and are mostly undertaken between midnight and 3.00am in the morning.

The perceptions held by front-line police promote the view that their activities constitute a high level of control of the groups identified. In reality, however, the level of interaction with these groups was observed to be infrequent. Nevertheless, within Foucault's disciplinary model, these activities contribute to the creation of some form of control, no matter how sporadic.

The discursive foundation developed in this chapter will be used in the final chapter to provide a more comprehensive analysis of the exercise of power. The forthcoming analyses will be enhanced by the provision of case studies taken from actual working practices of the police.

CHAPTER SEVEN:

FROM WORDS TO DEEDS: INTERPRETING POLICEWORK

This chapter examines cases of policework drawn from dominant areas of police activity. The areas, involving three key groups, the so-called lowlife, drunk drivers and the black jersey boys, will be further described and then analyzed according to whether disciplinary power is present or absent. The presence of more detailed observations should enhance understanding of the analyses which follow.

A Continuum of Characters

In the previous chapter, the police were shown to rank offenders on a continuum of disorder. This had the purpose of categorizing and organizing police activity in relation to the groups identified. A crucial element about this ranking is how the police perceived each group of offenders. While on one hand, glue sniffers, Cortina boys were identified as incorrigible, black jersey boys were identified as being 'bad' yet manageable. Drunk drivers (the only group to actually violate the law on these occasions), were on the other hand seen as reliable and compliant, valuable attributes in the police view. Having a good attitude was seen to prompt the police to use their discretion to solve the problem rather than invoke the law. Drawn mainly from the respectable element where good character is a way of life, drunk drivers were deemed to accept the legitimacy of conventional values in contrast to members from the other groups who were largely 'beyond control'. In the previous chapter, the 'streetwise' elements required a more stringent approach to secure compliance. Measures utilised to control bad characters involved routine surveillance, instant punishments and the use of turnovers (the continuum of characters is illustrated in figure 7.1 on p. 123).

From Things to Persons

This continuum of 'characters', which constitutes a field of punishment, highlights the significance of subjective value judgements as opposed to judicial equations based on observable facts. This form of control based primarily on normative considerations has a different function to that based on crime control and the legal model. In this chapter, it will be shown how the uniform application of law which determines

criminal cases is superimposed upon by a system which includes or excludes individuals according to whether they pass or fail the character test. The system which ranks individuals in accordance with normative criteria is the disciplinary mode which Foucault argues came to the fore as a means of control inside institutions. The essential difference between legal punishment and normative discipline is that in the latter, the repressive element is superseded by more positive structures of reward, privilege and their withdrawal. These disciplinary mechanisms of promotion and demotion are said by Foucault to increasingly pervade society as a general control mechanism.

Before accounting for this mode on a local level, something should be said about the 'criteria of allocation' of the two modes of control (see Garland, 1985: 235) used to locate individuals. As previously argued (Chapter Five), the older mode of punishment was predominantly a legal one based on legal criteria - guilt, responsibility, evidence and proportionate punishment (the classical idea of the punishment fitting the crime). However, with the consolidation of disciplinary mechanisms during the transition to capitalism, these legal criteria were overlaid by disciplinary ones which opened up the way for forms of intervention unprecipitated by illegal acts and guilt. Aside from the question of 'guilt', interventions became increasingly premised on the person, that is, his or her character, background or lifestyle, all of which indicate personal failure in relation to mainstream life (depravity) or personal inability to meet one's social obligations (deprivation), rather than degree of criminality. Under the disciplinary mode, the legal concept of 'responsibility' changed from being a measure of culpability to being a measure of 'the normal case' against which there were exceptions and deviations in human behaviour to empirically examine and test. In the historical shift from legally prescribed punishment to discipline, the practice of 'laying down the law' (see Garland, 1985: 233) recedes behind an expansive practice involving the mobilization of norms, a practice which in effect, revises and extends judicial and police power (see Foucault, 1981: 144).

The importance of this distinction between 'law' and 'norm' is given further analysis by Garland (1985: 235-7) who states:

... Legal protocol (ideally) requires publicly specified offences, guilt and responsibility, publicly proven according to the specified conventions of evidence, fact and law. This involves an open adversarial trial, safeguards and limitations with regard to evidence, and the availability of review and appeal

procedures. But the norm, in contrast, bases itself upon expert decisions regarding the normality or pathology of 'characters', their mental or moral state and lifestyle. Normative decisions need not be publicly explained, and are perceived of as humanist so they are not easily challenged. According to the normative logic, sentencing becomes less a matter of justice and more a question of administration and diagnosis. The new system of laws-plus-norms, represents much more than legal knowledge because it requires a thorough going knowledge of the case before it. This knowledge is not so much interested in the 'immediate facts' and the legal provisions that apply, but is more interested in the background, history, character and corrigibility of the individual concerned. At the same time there is a subtle shift in the role of the judge, who becomes not just the arbitrator of adversaries, but also the ultimate interlocutor of various confessionals and processes of investigation.

Garland (1985: 237) contends that the probes and inspections which survey the character, lifestyle and history of the offender, produce a knowledge which goes well beyond immediate appearances and even beyond the understanding of the offender. With the aid of psychiatric techniques, the inquiries of law are transformed in their scope and form so that today the inspection has shifted from being concerned with 'things' to being concerned with 'persons' (Kirkman Gray 1908 in Garland, 1985: 237). The normalizing style of inquiry is not just about the enforcement of law but is more about the relaying of advice and directions for conduct (Garland, 1985: 237).

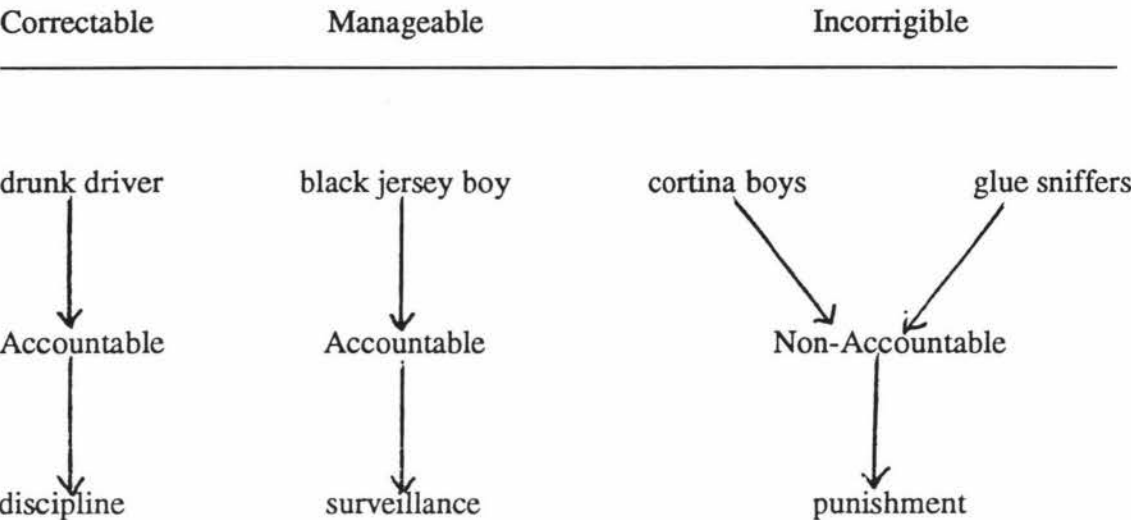
The Police and Discipline

From the outset, this study has rejected the purely legal model by advocating a broader, more constitutive approach to the subject of the police. Foucault's ideas were primarily adopted to extend the analysis of the police function by assigning to it, the productive power of discipline. The theoretical overlaying of the legal mode by one based on general administration advances the view of the police as an essentially corrective enterprise. Within such a view, police capabilities stretch to encompass the supervision of the population and directly impact upon the moral fibre of society: the quality of life.

Having said this, we turn to the project at hand: the constitution of key trouble groups in the city as seen by the police. Those who disrupt the social order will be classified and their corresponding modes of control, analysed along the lines provided by Garland (1985: 238-44) who acknowledges a similar pattern of control. In this study three modes of control stand out as significant: the normalizing mode, the intelligence

gathering mode and the punishing mode respectively. Ranged on a continuum these modes, we argue, characterize and regulate the pro-active side of policework.

Figure 7.1: Continuum of Characters



1. The Normalizing Mode: The Drunk Driver

The normalizing mode which reinforces character in those considered worthy to receive it was observed to structure the following case which occurred on a night patrol. The following case will show how the normalizing process reinforces discipline and the degree to which it aims to reintegrate the offender back into the community. Here, rather than exclude the offender by way of moral stigma or 'capture' his/her movements by way of surveillance, the police spend some time with this individual in order that (s)he might see the error of his ways and conform accordingly.

Discipline:

The Case of the Engineer

It is 10.45pm and the constables are on patrol in Albert Street. Near Albert Motor Inn in a late model Sunbird suddenly overtakes the "I" car. The constable immediately flags it down and orders the occupant, a male, out of the car. The constable then asks the driver to hand over his keys and proceeds to give him a stern lecture on the

foolishness of drinking and driving. The driver who looks to be in his twenties and who appears 'well presented', listens attentively and nods in agreement. The constable informs the driver that he must administer the breath test and explains the procedure as he does. The driver blows into the glass tube (colloquially known as 'the bag') then hands it back to the constable who holds it up to view. I observe the yellow crystals have turned green, a positive indication that the driver has indeed been drinking and driving. The constable then asks the driver to explain himself and I hear him confess 'my girlfriend went out with my mate so I had a few drinks'.

The constable controlling the process remarks to his partner that 'the guy's attitude is good'. He turns to the driver and asks him what he does for a living and the driver replies that he is an engineering student. 'Good future prospects', I hear the constable say. The constable then returns to the patrol car and does a computer check to see if the driver has any previous convictions but none come up. The student engineer is then cautioned 'not to do it again' and he promises that he won't. The engineer is released and the constable directs him to walk home (home being on the other side of town). As he moves off I note that he looks extremely relieved. We depart and the constable remarks: 'if he'd had a bad attitude he would have gone. Anyway it's a long walk to _____ Road'.

Analysis:

Inclusion

The argument here is that the police were motivated by subjective factors, to straighten-out this character, a process which commenced with a stern 'dressing down'. The act of lecturing to the offender enabled the police to establish their authority and bring the offender into line. By nodding and listening attentively, the offender in turn, signals his acquiescence to the police. This positive engagement between the two parties had the effect of establishing authority and compliance which 'set the stage' so to speak, for a series of tests.

The first test was the breath test and more than anything else, this legal device stood out as having the least influence on the final outcome of the case. At the point the breath test was enacted, despite the fact that the offender tested positive, the law was

not invoked. In the subjective judgements which followed, it will be shown that police attention was focused on the offender's behaviour and attitude and on the need to ascertain his character. It was to this end that the second test, a test of attitude was applied, a device which enabled the police to personally assess the offender's degree of conformity to the norm. In this case the offender 'proved' to have the right attitude, another positive signal to reinforce the initial view of the police that this individual could be set right. Having the right attitude normally equates with sound character and this was to become a strong determinant contributing to the offender's eventual release.

However, the police cannot release the offender immediately because the positive result of the breath test has created some thing of a problem: the factual proof of guilt evidenced in the green crystals conflicts with the constable's belief in the credibility of the offender so it becomes necessary for the police to 'stretch' the investigative process by probing into the background of the offender. Hardly 'your average loser', the conception of the offender as an 'okay person' raises questions about the very nature of life and about the power of the norm to influence thought on the fundamental matter of who is acceptable and who is not. Such questions, which bear on this case, extend beyond immediate appearances and attitudes to penetrate into the personal side of life. The police could conceivably bring social psychological factors into play which give weight to the subjective assessment of this type of offender, especially as they have an obligation to reinforce normalcy.

If this is seen as stretching the facts, there can be little doubt that the influence of 'character' in this case goes well beyond the legal criteria of factual evidence. Not only does character have a bearing in this case, but so too does the confession. By owning-up to having a few drinks, the offender establishes his guilt as a precondition for normalization. More importantly, the confession provided by the offender, paved the way for the police to diagnose the problem in terms of girlfriend trouble. The finding of a cause for the offender's behaviour in the female partner (whose fickleness causes the offender to seek solace in the bottle) makes his behaviour more forgivable and provides both parties with the necessary leverage to enter the normalizing process. The fact of being able to provide the police with a good excuse (the girlfriend caused it) meant that the behaviour in question (the drinking and driving) becomes less criminally responsible and more socially 'disorganized'.

That this case is more to do with discipline than legalism goes back to the issue of 'proof' of an offence. While initial proof had been established with the positive breath test which could have been more precisely ascertained with further testing (on the Evidential Breath Analyzer machine), this line was not taken by the police. Instead, they chose to go with their own judgements regarding the offender himself. From the utilization of their subjective logic, the police would draw a conclusion something along the following lines: under normal circumstances this type of individual wouldn't act irresponsibly. But under emotional duress, he has a propensity to do so. This is understandable given the fact that women can sometimes drive the best of men to drink.

With this in mind, the constable, a male, could empathize with the offender and move to help him rather than punish him. The desire to help in this case would have been enhanced by another pervasive determinant, that of social standing. This 'would be' professional was not found wanting on the social stakes but had the potential to be someone important, a productive citizen. This factor coupled with the willingness of the police to 'sort out the problem' gives the case its disciplinary flavour.

An interesting feature of the case relates to the computer check which searches for past offences. As a technique of surveillance the computer check permits the police to scan a suspect's history so that 'propensity to offend' may be linked to a present case. That the offender in this case showed no signs of having previously offended served to reinforce the subjective assessment of the police that the engineer was indeed, a 'once-off' offender, more of a mistake than anything else because 'good characters' don't make a habit of offending, that is the domain of the criminal. A further aspect of the computer check relates to the police themselves. The scanning of an individual's background to discover offending enables the constable in the current case to verify his personal judgements regarding the engineer. The process of computer checks is an effective self-monitoring device which utilizes a scientific standard to verify the normative assessments of individual constables on the beat.

The disciplinary process which marked this case culminated in a final warning, then release. The key to getting through the normative ordeal was summed up by the police themselves who insisted quite categorically:

‘... if he’d had a bad attitude he would have gone’.

Pro-active traffic work has been generally identified (see Ericson, 1982: 19), as a major area of conflict between the police and ‘higher-status’ citizens, a fact which was not borne out in the study. During the course of the research, all traffic stops enacted upon suspected drunk drivers were free of conflict and dissent as seen in the present case, whereby the offender in cooperating with the police, nodding and owning-up, clearly demonstrates his willingness to submit to authority. Yet in articulating and manipulating the norm, the engineer unwittingly assists in his own subjection to it. What is at play in such instances when the individual is culpable yet correctable, is a shared set of values and expectations grounded in the perceived mutual acceptance of normality. The assumption operating here is that persons like the engineer will recognize the problem and move to rectify it. Anyway, when such citizens (who can never really live up to the ideal) inadvertently find themselves caught by ‘the law’, they will have enough self-knowledge (either guile or acceptance) to play according to the rules of the game and accept chastisement without complaint.

This analysis has located and attempted to interpret the logic of normalization. This logic operates on a personal level. It is as if the agents have been driven by a logic which pushes and organizes life around the moral view of how it ought to function. What is especially significant about this case is the absence of repression which forms the essence of prohibitive law. In place of law, the police utilize a constitutive power to appraise and order human life. In normalizing terms, it can be argued that having girlfriend problems and drinking with the lads is entirely acceptable in the course of events. Drinking and driving, however, is non-acceptable in terms of public safety. Such irresponsible behaviour might be expected from ‘the disrespectful’ but not from someone of the engineer’s calibre. As agents of normalization, the onus was on the police to discipline the offender and reinforce a sense of social obligation which, if successful, would result in the student engineer altering his habits so as not to re-offend.

By Foucault’s (1977) reckoning, the techniques shown to operate here, involving the confession, character tests and diagnoses, articulate not only a social knowledge but also power. Knowledge and power imply one another and the consequences of this relationship multiply over time so that eventually, knowledge/power relations:

... facilitate the measurement not just of individuals, but of overall phenomena including groups, the characterization of collective facts, the calculation of gaps between individuals and their distribution within a given 'population' (Foucault, 1977: 190).

In cases such as this one where agents are motivated by a desire to discipline offenders, the student engineer and other like him, through their descriptions of attitudes, backgrounds, habits and emotions, produce themselves for analysis in a positive sense. When such individuals return to the community (unscathed) after having committed an offence, they will presumably 'fine tune' their behaviour so as not to drink and drive which permits a dispersal of the norm (the offender knows full well the consequences if he is caught again). In a single even such as the one above, the material effects of power might seem trivial, yet in terms of the law-abiding citizen they are meaningful, and lie as they do in the privilege of getting off lightly. The appearance of conformity and obedience to the 'rules' is the price of freedom. In his return to regular habits, the drunk driver has unwittingly internalized the 'punishment' and in doing so he has solved the problem.

Observations made during the study suggest that like student offending, in the area of wilful damage drinking and driving is under-enforced. As an offence, it does not routinely involve the courts, perhaps because according to police perceptions, drinking and driving does not compromise the social order to the degree burglary, theft or assault, for example, do. Whilst such crimes, where possible, will involve an arrest and charges, the deviant behaviour of drinking and driving is frequently dealt with aside from the court. In these instances, where the police use their discretion to discipline offenders, those of sound character are returned to the community (even though it might be via a long walk home).

This system which is seen to operate with drunk drivers displaying sound character, works well. It is efficient, economical and discreet. Experienced by both parties as being much less repressive than the court and sentencing, the favourable exercise of discretion is wholly positive: the offender does not become isolated from the mainstream nor their relations or work disrupted. Because such incidents are registered on separate files, there is no criminal taint, no loss of status and no association with run-of-the-mill offenders (the bad characters). On the contrary, the objective in cases such as this one is to make the individual more useful by reinforcing the norms of good behaviour.

2. Intelligence Gathering: The Case of the Black Jersey Boys

In this section pro-active policework moves away from those who can be disciplined, the good characters, to embrace a different group: a more sinister element known to police as 'black jersey boys'. As the following case will show, these 'suspicious persons' invite a more stringent method of control, the basis of which does not depend on normalization but surveillance.

It is Saturday night and the "I" car is on patrol in Botanical Road. At about 1.00pm the constable spots an older model car and flags it over. Although the suspect does not appear to be speeding or driving erratically the constable decides to undertake a thorough turnover on the driver whom he seems to know, and asks him to step out of the car. I observe that the detainee is probably in his late teens and is wearing a black jersey and black jeans. The constable begins to question the youth while his partner undertakes a computer check on the car. I hear the constable ask the youth to relate his recent movements and the youth tells the constable where he is living and with whom.

After questioning the youth, the constable turns his attention to the vehicle and begins a thorough inspection. First, the boot is searched and a motor mower is located. The constable records the number on the mower in case it has been stolen. He then moves onto the interior of the car and notes the contents, then the engine is inspected and the chassis number recorded. The serial numbers from the engine and mower are relayed to base for a 'match'. I note that throughout the turnover the constable converses with the youth continuously, the youth answering his questions in a cooperative manner. After about twenty minutes the constable tells the youth he can go. We get into the patrol car and the constable says, 'he's on the level this time' and we depart from the stop.

Analysis:

Exclusion

This case differs significantly from the previous one in the absence of the element of an offence or even reasonable cause to suspect the presence of crime. From this

turnover and others observed during the study, it appears that turnovers are not done so much to 'catch' individuals, nor are they primarily concerned with correcting behaviour. Rather the probable reason for this stop and search was the fact that the black jersey boy was known to police as a bad character. In the previous case, we saw how the engineer a person of good character was caught, normalized and ushered back into the community, but in this case, the black jersey boy is permitted to remain on the street and nothing is done to 'mend his ways' (even though they are presumed to be criminally inspired). When it comes to bad characters like black jersey boys, the police tend to the view that there is little point helping persons conform to rules they want no part of.

Indeterminate Surveillance

The black jersey boy in the case is selected for a turnover primarily because of his criminal history. Before undertaking the turnover, the constable knew the vehicle and knew the driver inside. On the basis of a propensity to offend, this 'bad character' (even though he is later found to be on the level) is subject to an intensive scrutiny, a search which focuses on movements, associations and current lifestyle. In as much as this interaction is marked by an absence of normalization, it is shaped by an intrusive surveillance; a surveillance which emphasizes movements and associations and which is based solely on the desire to extract information. The black jersey boy who is a known offender becomes the vehicle through which knowledge passes rather than someone worthy to receive discipline. The systematic relaying of information through turnovers provides a primary source of knowledge for police files and, according to police criteria, they ensure that information stored and circulated, is valid and relevant.

According to police perceptions, the black jersey boys tend to associate with the criminal world, a factor which marks them as potentially dangerous and in need of restraint. To this end, the turnover is supposed to function as a deterrent. In their dealings with bad characters like the black jersey boy, the police approach which utilizes surveillances for intelligence gathering and opportunity reduction, is pure control. When policework focuses on known offenders, the issue becomes one of vigilance. Good policework prescribes the boundaries of freedom for black jersey boys, through surveillance and the careful recording of their movements. The very fact of placing such types in the centre of a field of surveillance permits the police to accept

such bad characters as they are, for these are 'the types' who, when not in custody, are subject to the next best thing - a strict surveillance in the community. The ultimate utility of such indeterminate monitoring and turnovers (according to the Criminal Intelligence Unit) lies in the fact that when the bad characters are not routinely seen roaming the streets, then the police know something is up and act accordingly (this might entail a search to discover where the person is and what he is currently doing).

The Form of Knowledge

In this case, the information acquired by the police through the turnover was indiscriminate. What is chronicled in the Botanical Road incident is the ordinary life of the youth. From repeated turnovers, a 'banking' of trivial information occurs which is regarded by the police as an insurance against crime, should 'something go down' at a later date. The police take the view that 'any information is good information and having the information is the important thing'. Foucault refers to this practice as 'an art of effects' because it stems from a desire on the part of the police to 'anticipate' crime. This means that instead of reacting to after-the-fact complaints, the police look forward to, and anticipate, criminal activity even though it may not become manifest for months or even years later. To facilitate a future reduction in crime, persons (and places) are investigated not because of, but in search of, intelligence (Marx, 1988: 70). And, because surveillance is continuously applied the anticipatory mode (of which turnovers are apart), is able to provide:

... accurate and detailed information as to all persons, places and things which are, or probably may become, the subject of criminal prosecution (Johnson, 1979 in Marx, 1988: 23).

Yet despite arguments by Marx (1988) and Johnson (1979) as to the efficiency of surveillance in deterring potential crime, there are those like Thomas (1985) who suggest otherwise. According to Thomas, surveillance operations actually re-affirm the significance of illegal activity for those who engage in it. Thomas implies that by providing a latent status symbol (in the perception of being a target of surveillance), tactics, such as turnovers, may even enhance the credibility and efficacy of criminal activity.

Arguing from a Marxist perspective, Thomas (1985) insists that surveillance is not just an instrument of crime control but has a broader, more oppressive agenda in the

domination of many groups in the population. The effective domination of groups by surveillance he suggests, stems from its ability to control definitions of social problems and from its monopoly on information. By protecting existing power arrangements, surveillance reflects the relationship between techniques of social control and the thoughts and activities of those who are perceived to be in need of control. The relative autonomy of surveillance guarantees that the organizational self-interest of such agencies as the police, is protected and maintained (Thomas, 1985: 53).

But the view of surveillance as a domination is rejected by Cohen (1985) who argues against 'conspiracy theories' regarding the people processing activities. Rather than surveillance as efficient and sophisticated, Cohen maintains its operations are frequently arbitrary and unpredictable as organizations which utilize surveillance have no firm knowledge-base, little technology and no agreed upon criteria of success or failure from which to effectively and efficiently utilize intelligence. According to Cohen (1985: 101), for the most part, the massive amounts of information generated and stored in the system are less harmful than useless. Once in the system, information tends to circulate in a self-contained system of knowledge and power wherein its primary function is to facilitate system expansion. This, Cohen suggests, is seen in the acquisition of new and better computers, more statistics, surveys and analyses, all of which lead to new, more complex, methods of surveillance (Cohen, 1985: 101).

But the debate on whether or not surveillance is an effective domination, or just a clumsy set of tactics open to error, is not the issue for Foucault whose prime concern was to interpret the functioning of power/knowledge, a phenomena which he argues, originated in the asylums and medical clinics of old. While Foucault would not dispute the fact that surveillance has little to do with crime transactions, he does differ radically from Thomas (1985) in his view of surveillance as a micro-power rather than a domination. For Foucault, surveillance, the art of observation, is a discreet form of power, primarily concerned with recording in detail, ordinary, everyday life. And, as a political technology concerned with life, surveillance stems not from a desire to dominate but rather from a desire for knowledge. In the present case, we saw how the surveillance utilized by the constable took an inquisitorial form of questions and answers, with no overt oppression. What was occurring in this context of extracting information on movements, connections and lifestyle, was the gentle art of persuasion. According to Foucault, in such a context wherein power directly imposes upon the

body (the black jersey boy's state of mind was not the issue), the knowledge extracted becomes a direct extension of power (Foucault, 1977: 25). In events such as this one, both parties - the black jersey boy and the constable - reproduce and thus perpetuate relations of power.

Through an array of constitutive processes (reports, inquiries, documentations and case histories), ordinary lives like that of the black jersey boy, become formalized as static facts and marked as bad characters with a potential to offend. And, on a broader scale, from the detailed monitoring of everyday life, grows a political awareness of the utility for criminal justice policy and programmes, of such information.

Surveillance versus Normalization

Taking Foucault's point (in Hoy, 1986: 129-130) point that the sites where power is exercised are the sites where knowledge is constituted. What is evident from the cases so far is the fact that the drunk driver and black jersey boy, although constituted as different types of offenders, are both active participants in the production of power. Although the former is disciplined and made 'useful' while the latter is excluded and subjected to surveillance, both individuals, according to their particular degree of subjection, reproduce and legitimate the social relations which subjugate them. On one hand, the 'bad guy' is the target of formal surveillance without the component of discipline. Yet by participating in a turnover through which knowledge is extracted, the black jersey boy helps to maintain knowledge/power relations. On the other hand, the 'good guy', the student engineer, is not so much the target of surveillance but normalization. Because the student engineer is not labelled as suspicious, or dangerous, or bad, he could be specified positively as an object of knowledge. In each case, we saw how power was not imposed as repression or domination, but rather it was seen to permeate both characters as different aspects of normalization: discipline and surveillance. The effect of this differential application of power tends to be seen in the way it distributes such individuals. For example, because the drunk driver is able to comply with the tune of authority, he or she in effect, 'earns' his or her return to the community. He or she does so as a re-constituted subject capable of disciplining himself or herself. In as much as the engineer retains his identity (which is actually enhanced by the disciplinary process, by way of an unremitting surveillance and documentation, the black jersey boy has his identity selectively transformed in the registration process.

This is what Foucault means when he speaks of the technological and economical utility of knowledge and power. Technological because such relations are exercised in and through specific knowledges of individuals and groups (e.g. in the use of statistics, territories etc.), and economical because they infiltrate the mind so as to constitute such individuals and groups as self-monitoring subjects (we saw how the black jersey boy complied with his turnover and we can assume that the drunk driver, who normally conforms to dominant expectations, will not want to re-offend because he knows he will not get a second chance).

According to Knights and Willmott (1989: 550), although power has a tendency to stimulate resistance by virtue of its potential to expose and threaten existing identities, its mechanisms are sufficiently positive and productive of subjective meaning so as to undermine or deflect opposition.

From normalizing judgements to intrusive surveillance, power relations work to 'include' or 'exclude' individuals based on their degree of perceived proximity to the normal, regular citizen. The classificatory impulse of power is aptly described by Knights and Willmott whose remarks are adapted to fit the current context:

Against the humanists who view the police as 'the strong arm of the law' functioning to 'repress the powerless masses' ... Foucault perceives freedom and power as defining each other. Power therefore does not deny freedom, it simply directs it along distinct channels to be dispersed among the population ... (Taken from Knights and Willmott, 1989: 552-3).

This section has interpreted power as anything but an exaggerated process of repression. Power, according to Foucault,

'... would be a fragile thing if its only function were to repress, censor and exclude ... Far from preventing knowledge, power produces it ... The fact that power is so deeply rooted and the difficulty of eluding its embrace are effects of all these connections ...' (Foucault 1980, quoted in Hoy, 1986: 130).

Having examined two contrasting modes of control in pro-active policework, the final section looks at a third mode of control which targets the most disruptive element, the delinquents of the city who by virtue of their activities, are largely beyond reform and special interest. The forthcoming analysis tackles the police approach to glue-sniffers and dragsters who are perceived as misfits who warrant little more than punishment.

3. Punishment (a) Glue Sniffers

This interpretation is about those who will not submit to discipline and who are unworthy of documentation. Unlike the characters of previous cases, glue sniffers (to borrow an idea from Garland, 1985: 248) are not seen as being bad (like the black jersey boys) or weak-willed (like the drunk driver) and are therefore not punished because of the moral choices for which they are held responsible. Instead, glue sniffers are seen as being 'deficient' - mentally, morally and physically, their actions appear as incompetent rather than intentional and they are treated accordingly. In what follows, it will be shown how the police manage, within limits, such abnormal behaviour as glue sniffing rather than attempt to reform or expand upon it through documentation. The first case then, demonstrates an apparent need of the police to contain glue sniffers because of public disapproval.

It is 9.30pm on a Thursday night and I am on patrol with a police supervisor in an unmarked car. As we drive around the Square, all looks quiet. The supervisor tells me he thinks there should be more foot patrols in the Square at night. Not only are foot patrols a good deterrent, he says, but they also help to relieve the boredom of constables, especially in winter.

We drive through Coleman Mall and are turning into George Street when two youths, a male and female, wander in front of the car each clutching a bag of glue. The supervisor remarks that the youths are 'old hands at the game' and adds, glue sniffing is a hopeless situation for the police. Glue sniffers he says, take up valuable police time but because members of the public disapprove of them, the police have to respond. Yet due to an absence of legal procedure and because most of them are under 17, according to the supervisor there is little point in booking them. Anyway they just go out and repeat their behaviour.

We follow the two youths as they weave their way towards Main Street taking the odd sniff of glue. The male looks straight ahead but the female is visibly distracted by our presence and glares at the car. The supervisor tells me the girl has no fixed abode and could be aggressive if confronted. We round the corner and I see the youths join a small crowd outside a takeaway, other glue bags are displayed in the light. We stop

further up the street and observe the scene. The supervisor says the vendor will try and get some money out of the youths then send them on their way. If things get bad he will phone us, he adds.

Two other "I" cars then appear on the scene. One pulls up in front of the takeaway while the other circles the carpark next door. No one in the crowd moves. The patrol cars move off and so do we. The supervisor remarks that pro-active patrols are never aimless. They always achieve some good.

Having described containment in relation to glue sniffers, the next case describes how glue sniffers are punished. This is carried out mainly by confiscating their solvents or locking them up temporarily so they are off the street. The preference of the police for a punitive approach to glue sniffing, stems largely from a pervasive cynicism amongst constables that little can be done to remedy the problem of their presence other than containment or, if necessary, forcible removal.

It is 10.30pm on a Friday night when the patrol calls to collect me. The constables tell me that they have been dealing with a glue sniffer whom they had located in Vautier Park. She was spotted by the patrol clutching two cans of paint and was now in the cells. I ask how old the girl is and am told she is sixteen.

Re-embarking on patrol we head back towards the park. The shift want to check for more glue sniffers but there are none to be seen. The constables decide to pay a visit to the parents of the girl in the cells because 'as a minor she was taking up valuable cell space'.

We locate the house of the young glue sniffer in an upmarket area of town. The constables knock on the door and a middle aged man appears. The constable informs him of his daughter's arrest and requests that he uplift the girl from the station. But the man replies that he is only the girl's foster father and appears blasé about collecting his ward. He informs the police that 'she should stay in the cells as she is always glued up and heaps of trouble. 'Rather you than me mate', he adds.

The constables are getting impatient, 'she is only a minor and she has not committed an offence. You must collect her' they tell the foster father who still does not comply.

Instead, he suggests that the constables try the house next door where the girl's foster mother lives. 'You might have more luck with her', he says.

We approach the neighbouring house and knock on the door. A woman appears and, like the foster father, she does not look too pleased to see us. The constables repeat their request and insist that she goes down to the station to collect her ward. The woman looks dismayed. 'She is a DSW ward, always sniffing glue', she tells the constables and shakes her head, 'I've had it all before'. At this point, the constables have had enough and they order the woman to collect her ward. She nods reluctantly and we depart. 'A fine example of foster parents', remarks the constable as we get into the patrol car.

The patrol heads toward the Square spotlighting industrial premises en-route. Once in the Square the constables head for Coleman Mall and pull up alongside a crowd of youths. The constables observe the crowd and one declares:

'... these persons are so difficult to police. The only way to control them is by detox. At least with detox it is somewhere to put them so they are not being offensive on the street. It is all very well for do-gooders to kick up a fuss but they don't have to deal with them all the time'.

Analysis:

Containment and Punishment

The first feature to characterize these cases involving glue sniffers is the significant use of surveillance. Surveillance structures the policing of glue sniffers 'territorially' (in the high profile patrolling of 'trouble spots' such as Coleman Mall, takeaways, parks and reserves), and socially (in the identification of hard core glue sniffers or 'old hands' who are highly suspect). Together each form of surveillance, although non-interventionist, serves to make manifest a heavy police presence which causes the glue sniffers to be wary and monitor their own movements, particularly in the Square. An example of this was observed at the takeaway where nobody in the crowd moved as "I" cars circled in the vicinity. Yet, although it is continuous, the police monitoring of glue sniffers is non-intrusive. By this, I mean that rather than examine these persons up close, the police keep their distance and rely on observation, especially in the Square.

The non-interventionist approach which is characterized by an absence of interaction between the police and their subjects is also reflected in the words police use to refer to glue sniffers, such as 'difficult to police'. Because glue sniffers are seen as being largely 'beyond control' with a hard core unwilling to be normalized, the policing of glue sniffers is primarily a matter of limiting their propensity to be offensive in the Square and other public places. The pro-active endeavours utilized by the police to control the 'intractable' glue sniffers are based on containment. In case one, the glue sniffers are restrained by a steady police presence and in case two, the glue sniffer is temporarily put out of action through custody. In the constables' perception, glue sniffers who are 'at the bottom of the barrel' are not worth further effort because they keep repeating their behaviour so the punitive mode prevails. The punitive measures observed to structure the two cases involving containment signal the value police place on determinate deterrence to isolate such 'hopeless' behaviour. The limited types of punishment involving observation, the removal of inhalants and custody, are intrusive enough to punish, while at the same time, they permit the problem (glue sniffing in public places) to be temporarily removed. This 'just deserts' approach which the police operate, stems from a general cynicism amongst the front-line against the view that glue sniffers can, or will, change. The bitter reference to 'do-gooders' by the constable in case two, coupled with an emphasis placed by police generally on securing the Square, do much to support this view. By operating their no-nonsense approach in managing glue sniffers, the police exert their influence not in favour of discipline but more in favour of minimizing their offensiveness and the damage they might do.

As they currently exist, police/glue sniffer relations are explained by the police in normalizing terms in the following way:

As 'social failures', glue sniffers represent 'disruption', 'disfigurement' and moral contamination when set against the rest of the city's youth. By publicly indulging in glue sniffing, they stand opposed to all that is regular, healthy and proper. As unproductive individuals, glue sniffers are perceived as ostensibly marginal, embarrassing and residual to mainstream life. Within this context the police contend with glue sniffers by doing less harm rather than more good, that is, by containing such individuals whose 'defectiveness' means that it is improbable that they will become

responsible and conforming subjects. Labelled as 'beyond change' in criminal terms, glue sniffers who foul up the good order of the Square, are symbolic of individual pathology, rather than a consequence of the failure of social institutions. In this sense, the punitive mode stereotypes and punishes. In their control of glue sniffers the police do not utilize discretion but rather they administer a limited number of on-the-spot punishments which secure compliance. In the Square, and to a lesser degree other public places, an extensive system of containment places glue sniffers in the forefront of being known and predictable, in terms of control.

The above analysis attempted to interpret police efforts to control glue sniffers. It was argued that in the Square, policework takes a punitive form in contrast to the preceding areas of analysis structured by discipline and surveillance respectively. Before concluding the study, a final group to consider for analysis are the Cortina boys (or boy racers as they call themselves). The police take a similar line towards the Cortina boys as they do glue sniffers, that is that such delinquents ought to be punished rather than disciplined. The following case emphasises the tendency by police to stop, chastize and frequently remove the Cortina boys, who 'hoon round the Square as if they own it'. Key factors which distinguish this case from that of the drunk driver relate to an absence of normalizing judgements which mark a case as disciplinary. In the encounter which follows it is chastisement which prevails over persuasion and willingness to engage in rehabilitation.

Punishment (b) The Red Classic Car

Near midnight on Friday night we enter the Square and see a row of bikers lined up opposite MacDonalds. Suddenly brakes screech and a large red car¹ takes off in front of the patrol car, 'we'll get this one' says the constable and he immediately gives pursuit. Around the Square we go and into Rangitikei Street. The constable hopes the big red car will give him a race and says, 'they always do these flash types, they're always hooning around the Square'. He adds, 'what a gas guzzler!'

The car is flagged down outside State Insurance and the driver, who looks to be in his early twenties, is ordered out of the car. The constable then reproaches the man for

1 Although the vehicle is not a Cortina, the constables assign the driver to the 'Cortina boy' category because he is deemed to be 'hooning around the Square like the others who are always at it'.

drag racing around the Square and his partner joins in. 'We aren't going to tolerate it mate' I hear the constable say as he bends down to chastise the passenger who has remained seated in the car. The scene is dramatic; the flash looking classic car with its elaborate tapestry and protruding 'wings', alongside the patrol car, blue light flashing - the sublime and the functional. I think we are all slightly envious of the 'culprit car'. Then I hear the driver say 'the bikies were giving me a hard time' and he adds, 'I haven't done anything wrong'. I hear the constable reply 'that isn't the point mate we're tired of people burning around the Square showing off their cars, we're sick of it mate, it isn't on. Do you understand me?' he insists and looking rather wary the driver thinks he does.

The constable consults with his partner as to whether the driver should be to leave his car on the street and walk home and the driver suddenly realising this possibility asks to be allowed to take his custom car home, 'I just live down the street' he implores and much to his relief, the constables consent. 'But no more driving tonight mate' they tell him.

We return to the police car to escort the 'culprit car' home. 'It's time he was in bed anyway' I hear the constable say as we get in the car. We follow the driver to his house and watch as he eases his car into the garage. One constable gets out to make sure the car is securely tucked away for the night. As he approaches the garage, he expresses astonishment - there to add fuel to the fire, is another sleek black classic car inside. The constable in the patrol car does a quick computer check on the number plate but nothing comes up. We do learn however, that the owner of the cars is a polisher by trade. 'Must pay well' the constable says.

From the patrol car I hear the other constable reiterate the rule when putting someone off the street, 'you are not to drive until 8.00am in the morning'. As we depart from the scene, the constable radios base 'he's been put to bed Ollie!'

Analysis:

Containment and Punishment

The Cortina boys are, like glue sniffers, perceived of as an incorrigible element by the police because they are 'brazen' in attitude and persist in hooning around the Square.

Some types, street kids, glue sniffers and Cortina boys 'never learn' in the police view. As a consequence dragsters, like glue sniffers, are ranked in the high priority disorder category (not all like the average drunk driver and black jersey boy). To control such delinquency, the police keep a steady eye on the Cortina boys and actively challenge them through stops. By their practice of repeatedly circling the Square especially on Friday nights, patrols not only make their presence felt but more importantly, the persistent monitoring which occurs, serves to make the Cortina boys wary of using this public space for their misbehaviour.

When the police target dragsters by detaining them through stops, they do so in order to chastise them and to restore their authority and the good order of the Square. During a stop the police might check the Cortina boys' licences (to detect a possible offence) and if they think it necessary, remove them from the street. The level of intervention in such cases will depend upon the degree of shamefulness, or lack of character of the offender. The measures applied by the police of always 'keeping an eye out', chastising them and curfew are paternal yet punitive. In managing the Cortina boys, the police take on a traditional patriarchal role for the wider society. Their primary objective in stopping these youths, is to reinforce the view that such behaviour will not be tolerated and is indeed limited in how far it can go.

The policing of the Cortina boys is a norm enforcement enterprise which focuses on misbehaviour rather than crime. Yet in their efforts to get the Cortina boys to slow down and conform to regular driving patterns, the police, ironically, are not utilizing the persuasive disciplinary approach which would enlighten the Cortina boys about the virtues of better behaviour. In the case above a striking feature regarding the dialogue between the police and the offender, is that it does not involve an inspection of character nor even movement.

Instead, in this case, the desire to normalize the Cortina boy is replaced by chastisement and the shame of being publicly 'ticked off', escorted home and 'put to bed'. As was the case with glue sniffers, what is absent here is an allowance for 'benefit of doubt'. Instead the emphasis is on removal as 'banishment' rather than on a return too the social fold with character enhanced as was the case with the student engineer.

The argument that the policing of dragsters tends to be punitive rather than disciplinary can be seen in the lack of attempts by police to make the offender feel 'responsible' guilt. The constable could have instilled guilt by giving the Cortina boy a lecture on the dangers of hooning around the Square on busy nights, but he chose not to do so. In the case, even though the offender may have been prepared to be normalized (he does offer an excuse, 'the bikies were giving me a hard time'), the constable does not appear to be interested in hearing it as a basis for discipline. The constable continues to rebuke the offender. That the police do not treat the Cortina boy the same way as the drunk driver is actually reinforced further on in the case, by the Cortina boy himself who offers no apology, shows little remorse (looking wary is not contrition) and refuses to own up to having committed an offence. Normalization is a two-way process and if an individual is not willing to submit to discipline, change in attitude cannot be said to properly occur. In the case, corrective intervention is blocked by an unwillingness apparent in both parties, to engage in it.

The consequence of the absence of a constitutive approach to managing the Cortina boy lies in the fact that he was 'put to bed' believing he had done no wrong. In effect, the Cortina boy remains wilful and possibly resentful of his curfew. Whether or not the owner of the red classic car went out the following Friday night and repeated his misbehaviour was unfortunately, not within the scope of this study.

The argument outlined in this section gives weight to the idea that pro-active policework in the Square is less to do with crime prevention and more to do with deterrence. It appears from examinations of police/glue sniffers and Cortina boy incidents, that anti-social behaviour and delinquency are not intended to be solved as such, but managed within prescribed limits. This gives weight to a suggestion made earlier that the activity of containment indeed provides a justification for a high police presence in areas prone to disorderly behaviour, in the city. Alternatively, the activity of solving criminal activity is reserved for those persons, police perceive to be 'real' criminals whether these are first-time offenders like the student engineer or repeat offenders like the black jersey boy, in the cases chosen for analysis. These 'characters' are not brought before the courts as frequently as they are subjected to discipline or surveillance, and thus they are 'included' by the norm or 'excluded' respectively.

This analysis has shown that in their management of high priority disorder types, the glue sniffers and Cortina boys, the police seek to minimize the consequences of

behaviour they feel is 'mindless' rather than attempt to eliminate the causes of such behaviour. There are those who believe that anti-social and delinquent behaviour can be solved for the betterment of society but this is debatable and would involve a multi-disciplinary approach by police and other social agencies. In the meantime, the approach utilized by the police of containment with its relentless observation, stops, checks and removals, has little permanent impact in the problem of disorder. The persistent presence of glue sniffers and Cortina boys in the Square on Friday nights, bears testimony to this argument.

This final section, has looked at the way police constitute and order their pro-active activities. We have seen how they attempt to enforce compliance in those considered as 'lacking in character'. On a local basis, behaviour that offends morally and socially is contained and because of this, good order is generally maintained in the Square.

Concluding Remarks: From Words to Deeds and Back Again

This final chapter has shown how pro-active policework focuses on norm enforcement rather more than on the criminal law. In pro-active policework subjective factors take precedence resulting in a shift in focus onto offenders rather than criminal acts as such. Hence the argument is that the police are primarily concerned to order the quality of life. Allow me to elaborate this point: whilst their job in cases of criminal activity is to enforce the law objectively and uniformly, in the area of norm enforcement, their task is more subjective and variable. Whereas law enforcement depends on legal rules which govern the collection of evidence for prosecution, the enforcement of norms will vary depending on how the police rank disorder and more particularly, on the personal attributes of offenders. In this chapter we saw how police appear to 'measure' individuals by how well they fit or reject the image of the average law-abiding citizen.

To actualize this ordering of life, the police utilize three modes of power: First, there is a disciplinary mode which enhances life by correcting those who deviate from the norm. This is followed by the gathering of information, an activity which recognizes and utilizes knowledge as power. Thirdly, they employ a punitive mode which works to contain those anti-social elements most of us see as being 'beyond control'. Each kind of power is specifically applied to its particular sphere of influence yet over time, continuous applications of such modes come to extend across society to include an array of individuals: the good, the bad and the unruly.

Not only have we seen how power operates but we have also examined the way power affects different individuals. Those selected for analysis represented a variety of categories, namely, drunk drivers, suspicious persons and the delinquent activities of glue sniffers and dragsters. In these key areas of offending, police actions were seen to be based more on a concern for social order than any consideration they might have had to enforce the law.

The police are a powerful agency who are said to reflect the societies they serve.

Our society is one which places much value on regularity, conformity and above all, obedience to normal standards of behaviour. In our society based on adherence to labour and the pursuit of capital, it seems that the police act as moral guardians, to maintain and reproduce acceptable behaviour. This chapter has attempted to show how different members of society are treated according to their rank in the 'good', 'bad' and 'unruly' categories of perception. In the study the one individual to conform to social expectations of appropriate behaviour, was the student engineer (or drunk driver) who because of his reliable, correctable, nature, was given 'a second chance'. The utility for the police in choosing to deal with such individuals through normalization rather than punishment, lies in the leverage it gives them to adjust behaviour. Through the use of disciplinary measures such as the confession and attitude test, those good characters who deviate can usually be brought into line.

Yet despite the existence of powerful moral and social proscriptions which act to constrain behaviour and despite the prevalence of ideals and models, Foucault argues the inverse to be true, that social life is governed more by contingencies, accidents, ruptures, passions and errors. Social reality argues Foucault, is mixed and messy. Yet we continue to reward normality and punish deviance, a factor which was confirmed in the actions of the police as protectors of the norm against those who would abuse it. In the study those deemed to be unsuitable to be disciplined, the bad characters and anti-social types, were controlled in other ways involving intrusive surveillance and punishment.

Foucault presents a strong argument for knowledge as power and it is in this sense that surveillance is a crucial component of social control. By storing and retrieving

information the aim of the police is to enhance the quality of social life by reducing prospects for further crime and deviance. Their role as moral guardians stretches to encompass 'unmanageable types' like glue sniffers and Cortina boys who frequent the Square. It is here in the centre of town that the police place the greatest emphasis on order and guard the quality of life by a steady process of containment. Pure observation coupled with the stops, checks and removals which occur in the Square, ensure that the risk of moral contamination to the rest of the city's youth, is minimal.

In sum, the findings of this chapter support Foucault's view that power takes various forms: it can be repressive (legal power), yet constitutive (disciplinary power). It can be productive (of the quality of life), but it can also punish (in this case by removal). How power is exercised at any one time, will depend upon the mode police choose to operate and the problem they decide to target. The police have a broad mandate, their powers can be utilized in such ways as those described, to constitute an efficient, effective technology, a side from state power. Having examined policework across its spectrum, one would have to conclude that the legal model with its crime-fighting ethos, is inadequate when applied to the activities reported here.

CHAPTER EIGHT:

CONCLUSION OUT AND ABOUT

In this study, I have attempted to apply the theoretical ideas of Foucault to an understanding of local policework. Foucault's ideas, I believe, provide fresh insights, not readily available to conventional approaches in this field. It should be borne in mind that I have sought to use Foucauldian concepts as analytical tools or ideas, rather than apply them wholesale as a comprehensive theoretical system. Nevertheless, their deployment confers, I hope, a reasonable degree of methodological rigour on the descriptive material generated in the research process, thus providing the elements of a distinctive view of police practices.

Adverse to 'system-building' and the totalizing impact of 'solutions' which he sensed would always fail due to unintended (or intended) consequences, Foucault was mainly interested in the minute details of knowledge/power. The intention in carrying out this study was to bring such details to the surface in an analysis of the local operations of the police. The interpretation given here has attempted to parallel Foucault's historical view of the consolidation and refinement of techniques of modern power.

Not only did Foucault's approach provide for a new way of analysing the police but, as shown in Chapter One, it has done so avoiding the pitfalls of reductionism and essentialism, which characterized much of the 'police studies' field. It is now generally acknowledged (Bittner 1974; Ericson 1982; Sparrow, Moore and Kennedy, 1990), that attempts to reduce the police role to crime-fighting under a restrictive legal mandate, has created more problems than it can solve. The provision of crime-control as the primary police role has served to justify no one well. Police practices have been left with an image to uphold which is at once, blinkered, distorted and dangerously out of kilter with the daily realities of their job. As legal agents, the police have been expected to control criminal activity, the social, cultural and political dimensions of which, are significantly beyond their control. This has created a gulf between the structural rhetoric about the police and crime, and the everyday reality of their work. Against the backdrop of crime-come-law enforcement, this study was able to go some way towards casting doubt on the authenticity of the legal model as a means of

characterizing the police, and as a way of understanding their work. It did so in two ways:

The first way involved a re-thinking of the police role in terms of a broad administrative mandate, rather than simply law enforcement. Having done this we were then able to historically deconstruct the police role from its narrow 'origins' said to reside somewhere in law. The replacement of an essentialist legal view with a concrete approach to police power, revealed the vital connections which could be made between history, structure and the political implications of control, ignored in previous studies. By de-emphasizing legal logic and by promoting a productive logic - that of normalization - power could no longer be seen as a unitary repression but was revealed as a multifarious exercise with a range of consequences. These were seen to apply in the key areas of police activity raised in the study.

By de-emphasizing legality in favour of a normalizing logic, I mean that the conceptual focus was less on the police as judges of 'right' and 'wrong' and more on their role as administrators of normative standards about good, bad and unmanageable people. In as much as legal judgements aim to reduce crime, normative judgements through the technology of discipline, aim to produce internal restraint and obedience. Rather than have as the primary goal the reduction of crime, the goal of normalization is the management of the population in such ways, as to instill compliance and ultimately, good order.

It has been argued that, to a significant degree, police practices stem from moral considerations. In Foucault's scheme, social judgements about how life ought to function impact more on ordinary lives, than do legal penalties associated with the court.

The utility for the study of using Foucault lies in the fact that he opened up a dialogue which permitted an escape from the telescopic legal model. His initiatives were particularly enlightening in the following ways:

First, his approach meant we could focus on the importance of the so-called trivial day-to-day, minute-by-minute interactions of the police with the public. This enabled us to locate and explore the more intricate aspects of social relations as these applied to key

areas of crime and deviance. To this extent, the account is a realist account centred around the more mundane workings of power, through which ideas about identity were generated. The strength of this type of study lies in its particularity to the extent that it was able to record power as a specificity and to the extent that it was able to be situated at a given point, in a given place in time.

A further strength lies in Foucault's notion of knowledge as power. This facilitated an analysis which was at once, reflexive and responsive to the structures of power, human nature and practice. In this context, 'structure' was perceived more as a formation (as a process in the making) than as an uncritically accepted fact. We saw in the study how social relations became an interplay of knowledge and power, in an analysis which attempted to incorporate not just the facts, but information - intelligence - moral knowledge as the primary basis of power.

As the study progressed from the reactive gathering of evidence to the more generalized pro-active activities, police practices moved from being legal definitions, to become sites for the production of knowledge (in the constitution of characters) and of the maintenance and reproduction of power (in the utilization of surveillance, normalizing judgements and examinations). It was in the transition from callouts to pro-active engagements that policework emerged from a narrow legal base to take on a plurality of practices in their own right, without invoking an essence. These practices which actually constituted and ordered life, contained an assortment of inspections, assessments and classifications, which dealt with the welfare and security of the population.

A final utility is seen in the loose coupling of the two modes of control: the finite-legal and the infinite-normative. Amongst other things, the study shows that any model which aims to show that things are, or should be, tightly coupled, is misleading. It is a mistake to build models of morality, politics and law for the functioning of our technological society which assume the existence of tightly coupled systems. Put another way, using Foucault meant breaking with the common tendency within sociology to divide the social world into either/or models of thought, which has tended to create abstractions at the expense of concrete analysis. There are numerous studies of the police based on law enforcement, or its counterpart police deviance from the law. Such studies, rather than furnish critical thought, have tended to reify the

complex functions of the police. The main task in this study was to reject such simplistic models and to ask, by focusing on practices, how power actually operates in our society. It was the discreet manipulation of power exercised in the classifications of individuals and groups which directly addressed the question of function.

The study, by asking different questions, aimed to show that power is more than legal power. Even the reactive capacities of the police are not limited solely to law. In reactive policework the law is not a general phenomena but operates within a specific context as a discreet procedure. For example, during the period of the study, the police were accompanied to 39 callouts of these, only eight involved the police having reasonable grounds to arrest offenders. Although, crime-fighting proved to involve a fraction of their overall performance, when detailed, these crime-related cases were shown to be marked by a thorough pattern of legal work. Two cases involving burglary and assault were then chosen to test the legal precision of policework in instances of law enforcement. Upon careful scrutiny, each case was found to meet Foucault's legal requirements. Where the law operated within its specific context, the police had gathered sufficient evidence to prove that the offenders had intended to violate the law. From the account of reactive policework we were able to confirm the limited nature of the legal mode to cases involving clear illegality. The law then, is not a general model of the police. Policework cannot be equated with law enforcement. Law enforcement is one sort of procedure and is largely confined to the reactive side of their work.

Foucault's ideas thus served to provide a framework which could acknowledge and incorporate the complexity and variance of policework. The police function, is about morality, politics and law. In the study, the question of morality emerges most clearly in the normalizing judgements based on character. The police are members of the community and as such, they have the potential to interrelate with all members of the community, but in practice, they relate to only a few and this relationship is based on moral considerations regarding the wholesome quality of life. This is the intersection point of the political, moral and legal codes.

As key features concerning power, morality and political practice unfolded in the study, it was the sense of 'how we become who we are' which was to underpin and make problematical the central argument of a much broader function based on

surveillance rather than law. In this way, the study which began with the problem of a restrictive definition - the police as the law - ended with a different set of problems, much broader and more in tune with current moves by police to reclaim their mandate, a potentially unlimited one, from the yoke of the law.

Out and About: The Findings

Overall, the study was able to isolate two primary modes of control, the legal and the normative, each distinguished by the exercise of their respective powers, repressive and productive. Whereas legal power shapes the reactive fighting of crime, the depth of the power to normalize was seen in its triple utility to reward compliance yet control or punish deviance. There are, in Palmerston North, a range of characters whom the police regard as 'good', 'bad' or 'plain unworthy' when set against the yardstick of the law-abiding citizen. By constructing such characters on a discursive continuum, the police were able to reduce the risk of social disorder. They did this by applying a range of technologies to control each category, based on an appropriate form of surveillance.

Underlying this rational arrangement was a normalizing power, the effects of which were seen to depend on key questions concerning what is normal and what is not, rather than adherence to absolute measures of right and wrong. In various ways, we saw how such a power is attached to individuals and groups rather than a legal offence, and how the degree of control incorporated within this power, corresponded to normative perceptions regarding severity of deviant character. The ironic thing about this normative distribution lay in the fact that of those classified on the continuum, the only person to actually commit an offence - the drunk driver - was, due to his proximity to the norm, the least subjugated by the exercise of power. Others included in the bad and unruly brackets who had not committed an offence at the time, were, because of the awesome presence and utilization of surveillance, effectively subjugated.

But it was not only the fine inter meshing between character and criminality that gave rise to such discrepancies. On a broader scale, the power of the norm was also seen in the separation of different sectors of the community, to maintain and strengthen existing moral boundaries. The dividing practices present in the study, characterized policework in such a way as to produce the following pattern:

In the area of drunk driving, first offenders such as 'the student engineer' were put through a series of discreet tests which enabled them to return to the community with little status degradation. Alternatively, in the area of repeat offending, an extensive surveillance worked to isolate, objectify and degrade such types as black jersey boys, whose movements were made manifest within its field. Finally, in the area of inner city delinquency, neither the mind nor movements mattered much and containment was the norm. When it comes to glue sniffing and to a lesser extent, drag racing, the police appear to interrelate least with 'no-hopers'. As is the case with other agents of control, much time is spent trying to suppress rather than effectively deal with, mindless behaviour.

The loosely coupled modes of welfare and control which characterize the findings are argued to be part and parcel of a normalizing endeavour, operating aside from law. Such characters as drunk drivers, black jersey boys, glue sniffers and dragsters have been located within a political field which they are directly involved in. The study has shown how, depending on a particular category, the strength of normalization and surveillance lies in their utility to order such persons (and ultimately the social groups they belong in), in a useful political sense. This is how knowledge concretely masters social life.

The classifications of deviance into 'good', 'bad' and 'intractable' categories, each have their own technologies which can be said to parallel the historical structures of control identified by Foucault. In the time of change from feudalism to capitalism, control as exercised today, did not emerge as a uniform penalty, in the form of repression. Instead control took its current productive form inside of institutions and over time, came to be dispersed into the community, as a general exercise. In our 'panoptic' society founded upon surveillance, law breakers are tried and sentenced but aside from the court, in the realm of ordinary life, the willingness of the majority to conform to the norm, does not depend on law. It depends instead on the work of administrative agents such as police, who introduce economy and order into social life. In this respect, the police can be said to be political and legitimate, as normalization is part and parcel of modern life.

This account chose Foucault to study the police as something other than the law. However, the limitation in this type of study lies in its failure to advance explanations

of power, beyond the territory of the loosely coupled modes of morality and law. The study was unable to explore vertical linkages of power within the police and between local politics and the state, but this would be another study. More specifically, it does not investigate the more problematical horizontal linkages of power between separate sectors of the state, politics, the police and morality. It is worth noting also the limitations of the case study method. In as much as the study's strength is its particularity, its weakness lies in its lack of generality, a feature ascribed to quantitative research and the provision of surveys. With regard to the police, this meant that it was impossible to ascertain the degree of discipline operating within the police organisation and between various police jurisdictions. Nor could it be argued that the legal model is in recession as Foucault would suggest. The argument presented in this thesis is based solely on the material at hand. The local nature of the study meant that the requirement of Foucault to confirm the increasing more systematic influence of surveillance, was beyond the scope of the study. Despite these limitations, one cannot minimize the importance of the findings of the study. It has, I hope, been able to provide fresh insights into the way power relations can be explored and understood.

Having presented some key results and having noted some strengths and weaknesses of the study it would be fitting to conclude with Foucault's understanding of power and its effects. Along with Foucault, the writer believes power is an intrinsic part of all social relations and least we desire to pass judgement on any one agency or individual, we would do well to remember Foucault's disturbing reminder that:

... today, to a degree, we are all measured by how well we live up to the prominent image of the normal, rational, well-adjusted individual. This dominant image is to be found in every sphere of social life and no-one - (not the police, the writer nor those who make the law) - is permitted to stand outside of its influence (see Foucault, 1977: Part Four, 3).

This power Foucault speaks of, the power of normalization which disciplines and orders life, is such that in its continued utilization, we could eventually see the demise of law which prohibits and says NO!

APPENDIX A

STATEMENT OF INTENT BY RESEARCHER

For the purpose of this research I hereby undertake to abide by the following to the best of my ability.

During the Fieldwork:

1. To facilitate my acceptance on the street by dressing and behaving unobtrusively.
2. To understand that as an observer. I will not be required to engage in Law enforcement activities, although I will be prepared to assist in mundane matters not related to police work, if asked.
3. If asked, to remove myself, without fuss, from an incident which could be dangerous, or, if my presence might impede police procedure.
4. To keep in mind at all times that the setting is police ground and I am there by invitation, as a guest.
5. To be aware that my presence might affect the manner, actions and responses of people I may encounter during my fieldwork. I will endeavour to keep the effects of my presence in perspective at all times during the study.
6. To realize that I am also accountable to citizens who may encounter me with police and, if asked who I am, to give an honest account of my presence, as a guest of the police, undertaking a study.
7. To establish rapport with senior police personnel and to ensure that they have a clear understanding of the study and its requirements.
8. The research will be conducted in accordance with the guidelines and requirements of Massey University's Ethics Committee on research on human subjects. This includes a requirement to maintain strict confidentiality of all information generated, and also full compliance with the requirements concerning informed consent, during the course of the research.

Suggested Ground Rules for the proposed Study by Janine Jones
with the Palmerston North Police

Given the purpose of the research, the following matters need to be addressed if the field work stage is to be successful.

1. The time-span of the initial familiarization stage needs to be established, I suggest a two week period if intensive, or three weeks if protracted.
2. Getting to the incidents as quickly as possible.
3. Seeing a range of reactive and pro-active work.
4. Rostering of escorts to ensure a variety of shifts.
5. Reasonable access to the community constables.
6. Opportunity to talk with the constables at the scene without unduly impeding police procedure.
7. The confidential nature of the research.
8. Unless otherwise directed to do so under the law, I would prefer not to be involved in any prosecutions that arise from incidents that I observe.

INTERVIEWS

For the purpose of interviewing police officers involved in the study, I propose the following arrangements:

1. The appropriate setting.
2. Fitting in with officer's work schedules and inclinations.
3. Further details regarding the conduct of interviews will be worked out for discussion at the appropriate time.

APPENDIX B:

INTERVIEW SCHEDULE

August, 1990

Palmerston North
Police Station

Interview Sections

Questions:	1 - 7	Law Enforcement
	8 - 11	Variety of Function
	12 - 17	Classification of Offenders
	18 - 20	Position In Society
	21	Capability as an Officer

QUESTIONS

1. I would like to begin this interview, with a comment made in Wellington recently that:

‘In New Zealand, our knowledge of what the police do, is virtually non-existent’ (Robinson and Hutton, 1989: 56)

Can you identify for me, what you think are the major things that involve proper policework?

2. To police officers round the world, it is known as ‘the job’. In your view, what is most important about ‘the job’?
(Is it satisfying to you?)
3. While I was on patrols recently, officers frequently expressed the wish that they ‘hoped it would be a good night tonight’. What would a good night mean for you?
4. On patrols I discovered that Friday and Saturday nights are busy times. What situations are most likely to require your presence on these busy nights?
(Are there any other kinds of situations)

5. I'd like you now to think about the times you have exercised your discretion to stop a person on the street.
Why would you do a 'turnover'?
What sorts of things would attract your attention?
How useful are 'turnovers' for police?
6. I have heard officers make a distinction between a 'good arrest' and a 'bad arrest'.
Can you explain this for me?
7. We've been talking about policework, now I'd like to step back abit and take a look at the law. From what officers have said, there are some areas where the law appears to conflict with effective policework. One example officers cited, was the recently introduced 'Children, Young Persons and Their Families' Act. Are there other restrictive laws from your point of view?
(Are these laws necessary or unnecessary for you?).
8. Thanks. Now I'd like to consider the variety of things you do.
First, tell me how you would use your time when it is not being taken up with apprehending criminals and processing prisoners?
(describe your preferences).
9. Apart from those times when you are responding to calls from the public how do you exercise your initiative on patrol?
(What do you do?)
(Whereabouts in the city/ pinpoint the location?)
10. Do you think that taking notes at the scene of an incident, is an important component of your work?
(What might you want to detail in an arrest situation?)
(What about a situation not involving an arrest?)
11. Are there particular duties that you would rather not do?
(Like court work or prisoner escort duty?)
(Is that all?)
12. Are there groups in Palmerston North who are particularly troublesome for the police?
(Which ones would you put into this category?)
(In what situations would you encounter them?)
(How do you keep track of them?)

13. A fellow officer made an interesting comment to me. He said there are some groups around here who are known to commit a lot of crimes but who keep a low profile. But others routinely create a lot of visible trouble.
Who would you put in the first category of low profile criminals?
And who would you place in the second category of visible troublemakers?
What would be your response to this type of trouble?
14. What do you think can and should be done about glue sniffers and dragsters round the Square?
(Should there be a law against it?)
(Who should be responsible for it, the police or someone else?)
15. Now I'd like you to think about the following scenario: You've stopped someone and you could make an arrest.
Under what circumstances would you not make an arrest?
(What about a possible drink driving offence?)
(Or possibly a case of wilful damage like letterbox vandalism?)
16. Are there particular families that are known to cause trouble for the police?
(What is it about these families that makes so much trouble for you?)
17. Now I would like to ask some questions in relation to the system. Recently, a new policy was introduced which says certain people, under certain circumstances, should be diverted out of the system.
Is this sort of thing helpful to police operations?
Who do you think should be targeted by schemes such as this?
18. Can we turn to the move to introduce community orientated policing in Palmerston North.
Is community policing an extension of what you are currently doing OR is it a departure from your role?
(Would you care to elaborate any thoughts you may have on this subject?)
19. In 1990, do you think there's a growing Law and Order problem in New Zealand?
(If you do, what are the problem areas/why are they so?)
(How does this place you/is your role more uncertain?)
20. I'd like you now to think back over your career with the police. Can you recall any particularly significant incidents or events?
(Things you were particularly angered by, were concerned about or pleased with/ a rewarding experience or disturbing event?)

21. Finally, to draw the interview to a close. Briefly, what makes a good 'cop' tick?

APPENDIX C:
POLICE MINOR OFFENCE NOTICE ("101" form)

JOB										CODE				
DATE	1									TIME	1			
	2										2			
LOCATION:														
SCENE STATION				SECTOR										SCENE TYPE
SUBJECT - OFFENDER'S NAME:														
ADDRESS:														
BUSINESS ADDRESS:														
HOME PHONE:				BUS PHONE:				GANG AFFILIATION:						
SEX	RACE	AGE		DATE OF BIRTH				APPREHENSION		CLEARANCE				
ASSOCIATED NAME:													ASSOC	
ADDRESS:														
TEXT:														
<div style="border: 2px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;"> <div style="width: 10px; height: 10px; background-color: black;"></div> </div>		STATION		BRANCH		INITIALS		REG. NUMBER						
FILE		YEAR		MONTH		DAY		NUMBER						
POLICE 101 COM														
Checked by: _____ Date: _____														

APPENDIX D

Table 1: Number of dispatched callouts per "I" accompanied over the study period

<u>Shifts</u>	<u>Observation Time</u>	<u>Dispatched Calls</u>
<u>Night Shifts</u>		
1. Thursday	9.15pm - 3.15am	7
2. Friday	10.30pm - 3.30am	2
3. Thursday	9.00pm - 3.30am	5
4. Thursday (dog van)	8.45pm - 3.00am	13
5. Friday	9.30pm - 5.15am	10
		<hr/> 37
<u>Afternoon Shifts (late</u>		
1. Sunday	1.30pm - 7.30pm	1
<u>Early Shift</u>		
1. Tuesday	7.00am - 2.30pm	0
2. Wednesday	9.00am - 1.00pm	1
<u>TOTAL NUMBER OF DISPATCHED CALLOUTS</u>		<hr/> 39

Table 2: Nature of dispatched callouts**Night Shifts (Thursdays and Fridays)**

		<u>Shift Numbers (see Appendix 1)</u>					Total
		1	2	3	4	5	
1.	Social Service	3	0	0	0	1	4
2.	Suspicious persons/activity	1	0	2	2	2	7
3.	Domestic Related	1	0	1	3	2	7
4.	Public disorder	1	1	0	2	3	7
5.	Burglary/break ins	0	1	2	3	0	6
6.	Vandalism	1	0	0	0	0	1
7.	Theft of Vehicles	0	0	0	1	0	1
8.	Theft of property	0	0	0	2	1	3
9.	Disputes	0	0	0	0	1	1
TOTAL CALLOUTS		7	2	5	13	10	37

Early and Day Shifts (Tuesday, Wednesday, Sunday)

		6	7	8	TOTAL	
1.	Social Service	0	1	0	1	
2.	Suspicious activity/ persons	0	0	0	0	
3.	Domestic related	0	0	0	0	
4.	Public disorder	0	0	0	0	
5.	Burglary/break ins	0	0	0	0	
6.	Vandalism	0	0	0	0	
7.	Theft of vehicles	0	0	1	1	
8.	Theft of property	0	0	0	0	
9.	Disputes	0	0	0	0	
TOTAL CALLOUTS		0	1	1	2	

Table 3: Public disorder¹ callouts showing nature of incidences and outcomes

Nightshifts²

<u>No.</u>	<u>Disorder</u>	<u>Outcome</u>
1.	Fight in Progress	Fight dispersed on arrival. Suspects warned. Incident recorded. No further action.
2.	Fight in Progress	Fight dispersed on arrival. Suspects warned. Incident recorded. No further action.
3.	Fight in Progress	Fight dispersed on arrival. Suspects warned. Incident recorded. No further action.
4.	Partygoers harassing neighbour.	Occupants warned. Incident recorded. No further action.
5.	Fight in Progress	On route to incident pass returning "I" car who reports "fight a fizzer".
6.	Fight in Progress. Suspect resisting Arrest	Assist arresting Officers to subdue offender. Offender taken into custody and charged with obstruction/possession of cannabis.
1.	Public disorder incidents made up approximately 3% of all callouts. Disorderly behaviour is a night time phenomena which typically invokes flare-ups between youths.	
2.	There were no callouts of this type for "early" and "day" shifts.	

SAMPLE 1	GENDER 2	AGE 3	ETHNICITY 4	MARITAL STATUS 5	LENGTH OF SERVICE 6	YEARS IN PALM. NTH 7	EXPERIENCE IN OTHER AREAS 8
1.	Female	late 20's	Caucasian*	Married	7 years	7 years	CIB - Undercover General Squad
2.	Male	49	Caucasian*	Married	18 years	18 years	Armed offenders Law Rel. Education Recruits CIB
3.	Male	mid 20's	Caucasian*	Single	5 years	3 years	CIB
4.	Male	29	Caucasian*	Married	6 years	2yrs 18 mths	None
5.	Female	30's	Caucasian*	Single	11 years	11 years	Youth Aid Arms Office Bicycle Enquiries
6.	Male	29	Caucasian*	Defacto	7 years	5 years	Relieved CIU
7.	Female	28	Caucasian*	Married	3 years	3 years	Diplomatic Protection
8.	Female	21	Caucasian*	Single	3 years	2 years	None
9.	Male	20's	Caucasian*	Single	8-1/2 years	2 years	Team Policing CIB
10.	Male	late 20's	Caucasian*	Single	5 years	2 years	None
11.	Male	30	Caucasian*	Married	5 years	5 years	None
12.	Male	34	Maori	Married	3 years	9 months	Team Policing Unit

* "Caucasion" is the term used by the New Zealand Police to Categorize the ethnicity of those of European descent and/or appearance.

Explanatory Note for Table 4

Three-quarters of those interviewed were male and four were female. Ages ranged from 21 to 49 with about half of those interviewed in their mid to late twenties. Martial status was evenly divided with slightly more respondents married than single. As ages ranged broadly, so did length of service. This varied from nine months to 18 years with one female respondent still under probationary status. The Palmerston North police comprise a healthy mix of young and mature front-line staff, a large proportion of whom have served the district since graduating from the Royal New Zealand Police College. About half of those interviewed were born in the district and attended local schools. Besides patrolwork, most respondents had experienced specialist work. Those who had not yet served in other areas of policework expressed a keen desire to do so, especially if this meant joining the C.I.B.

A striking feature of the sample was its lack of minority representation, a factor which reflects the broader ethnic composition of the Palmerston North Police. At the time of the study, the Palmerston North Police Department consisted of approximately 40 front-line staff. Of those who routinely worked the street, only six were Maori, two were doghandlers and two worked normal front-line duties. Also conspicuous by their absence were Maori and Pacific Island women. The dominant Pakeha-male structure again reflects the social homogeneity of the local police department.

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