Shaping Public Perceptions of Police Integrity: Conflict of Interest Scenarios in Fictional Interpretations of Policing*

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'Water Rats':

Teaser at start of episode prior to opening credits Scene — Police launch out looking for stolen yacht. Action — Call comes in from station desk officer

Desk Officer: The owner just called back to say that the yacht was back on its moorings. He asked me to convey his apologies and also suggested that he send round a carton of stubbies to compensate for all the trouble. I reminded him that that would get us into trouble with the Royal Commission.

Laughter and sniggers on the police launch.

Conversation between the two officers on the boat after this message:

Officer: How come getting McDonalds at half price isn't a conflict of interest. But getting a free case of beer is?

Action shifts to the sound of gunshots at a nearby marina

Police launch responds and finds three people with gunshot wounds.

Credits roll; Theme music commences ...

(Water Rats, 'The Man in the Moon' 12 May 1997).

This typifies the treatment of conflict of interest in Australian police dramas — at best as background to the 'main game'; not a central issue to the bread and butter of 'real' police work. One message is that at an operational level the concept of conflict of interest is not understood. It is operationalised as an inexplicable aspect of management double standards; an edict that has come from the hierarchy which is unreasonable. This paper examines the presentation of conflict of interest dilemmas through two top-rating Australian television police dramas: *Water Rats* and *Blue Heelers*.

Conflict of interest — the context

Conflict of interest has become a topic of major debate in many areas of the Australian polity and in society generally. Persons in positions of public authority and importance often find themselves in situations where there is a conflict between their public duties and their private interests. Such conflict may involve the use of an official position for private or

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personal gain, or for the benefit of family, friends, or associates, or may involve dereliction of their public duty, and of the interests of the constituency whom they serve, in the pursuit of their own private interests. Gain may be pecuniary or non-pecuniary. Conflict of interest may arise whether or not the person acts on their own interests at the expense of their duties. whether or not they are aware of the conflict, or whether they perceive there to be a conflict. The potential for a conflict of interest in any given matter, and public perceptions of the probity of persons in authority or public positions, are also matters for concern.

On the Australian political scene, federal, state, and local governments have been embroiled in notable conflict of interest allegations. In the field of policing, conflict of interest has emerged as a key concern for police forces/services around the country. This is part of a wider concern with police ethics generally, allegations of corruption in some jurisdictions, and findings of corruption in official public inquiries. Some commentators believe that conflict of interest in policing is part of a continuum of corrupt behaviour (see, for example, Wood 1997a-c, Kleinig 1996), while others see it as a separate category of misconduct from corrupt behaviour (Moss 1996), albeit one that may lead to corruption (see Kleinig 1996; also, Comrie 1995).

Whilst much has been written about police ethics, police corruption, and police culture generally, there is little work which deals with the specific issue of conflict of interest. This paper considers the depiction of conflict of interest in policing in major Australian television police dramas. The examination is conducted with the aim of discovering whether and how conflict of interest scenarios are presented in these programmes, whether they are identified or recognised as such, how key issues associated with conflict of interest are represented, and how these issues are interpreted and resolved.

The paper commences with a consideration of the context within which conflict of interest has emerged as a key concern for the management of police forces in Australia, focussing on examples of conflict of interest at a macro-political level, and consideration of the emergence of conflict of interest as a key issue for policing in this country. Drawing on the importance of police television dramas as a source of public knowledge of policing, and using analytical categories established by the New South Wales Ombudsman, the paper then examines conflict of interest scenarios as portrayed in Blue Heelers and Water Rats, the two top-rating Australian police dramas.

The importance of television as a source of public knowledge is considered by looking at the effects of television on the audience and on institutions generally. Television's role as a disseminator of national culture and its influence in the formation (or reinforcement) of public views does give the medium of police drama a significant role to play in informing the public about the identification, recognition, interpretation, and resolution of conflicts of interest in policing.

Conflict of interest at a macro-political level

There are major concerns at the macro-political level over cases of conflict of interest amongst parliamentarians, with ramifications for public service arenas more generally. Lord Michael Nolan, chair of the United Kingdom's Committee on Standards in Public Life, in Australia to deliver the Alfred Deakin Lecture at Melbourne University in 1996, chose the topic of 'Private Interest and Public Duty'. Lord Nolan identified conflict of interest as a major issue in Britain and the West generally, claiming the issue had received significant publicity. As examples, Lord Nolan cited cases where junior ministers in the United Kingdom government had been accused of accepting hospitality without properly declaring it, and where members of parliament had been prepared to accept money for asking questions on behalf of what they believed to be a foreign company (this was part of an investigative 'sting' operation carried out by a newspaper). These cases, along with a number of other incidents involving public servants, he argued, were bringing public institutions into disrepute and eroding the 'principles and values of public life' (Nolan 1996).

In Australia conflict of interest issues have also received widespread publicity in recent times. In the State of Victoria, the Attorney General, Ms Jan Wade, was subject to calls for her resignation over a share controversy involving the Solicitor General, Douglas Graham QC. Claims made in this case revolved around advice given to Ms Wade by Mr Graham, to not proceed with mooted charges of contempt against BHP Ltd. At the time of tendering this advice the Solicitor General failed to reveal that he had financial interests in four companies, including almost \$900,000 in BHP shares. The Attorney General herself had survived earlier calls for her resignation when it was revealed that she also had shares in BHP — her defence at the time was that the matter was out of her hands and that it was Mr Graham who had decided whether or not to press charges (Mayne 1996a).

Other allegations of conflict of interest during this period encompassed further claims against the Attorney General, Ms Wade and the Victorian Government in another legal matter involving a BHP/Esso joint venture and the issue of who would pay the federal resource rent tax of \$1 billion. Sections of the print media at the time argued that there was a strong possibility of a conflict of interest given that the dispute was likely to materially affect both BHP and the State of Victoria and both the Attorney General and the Solicitor General held shares in the company (Mayne 1996b; Hansen and Malakunas 1996).

Additionally, the decision to accept the free use of a BMW motor vehicle by Mrs Felicity Kennett, wife of the Victorian premier, in return for acting as an 'ambassador' for the company, provoked considerable controversy amidst claims that the Premier had used his public office to benefit materially himself and his family. Whilst there must, of course, be a separation of the role of Ministers of the Crown or Premiers and their spouses, critics claimed that Mrs Kennett acquired her car by virtue of the profile she had as the wife of the Premier, and, as such, the Premier was in breach of rules relating to the acceptance of gifts and that there was a potential ongoing conflict of interest (Gordon 1997).

Elsewhere, similar controversies emerged. In South Australia, the Liberal Party Finance Minister stood aside (and was later dismissed by the Premier) amidst three separate inquiries relating to conflict of interest breaches. One instance involved an accusation that 'he negotiated privately while Primary Industries Minister in 1994, to buy part of an 800 hectare parcel of land neighbouring one of his properties in the State's south east, while his department was also negotiating for the land. The question was whether the Minister had used his public office to advantage himself' (Kerin 1997; see also Abraham 1997).

In New South Wales, the Independent Commission Against Corruption (ICAC) also uncovered examples of conflict of interest outside parliamentary circles but involving the public service and these were eagerly picked up by the press. In one case a contract cleaning company gave a State Rail Authority official 'expensive shoes, alcohol, knives and envelopes stuffed with cash so he would not inspect dirty trains' (Sydney Morning Herald 1997).

Perhaps the most prominent case in recent times has been that of the Federal Small Business Minister, Mr Geoff Prosser, whom the Federal Opposition charged with both being in breach of the Prime Minister's Code of Ministerial Conduct which prohibits the involvement in the daily work of any business, and in having a direct conflict of interest in regard to his ministerial responsibilities. The Minister admitted to being involved in his businesses to the extent of (i) having regular (up to weekly) meetings with his brother, who managed the interests for him, and with the business manager appointed in relation to one of the minister's companies, to (ii) remaining a director of the companies, and to signing off annual accounts for a number of them. In regard to the specific conflict of interest, the Minister was the proprietor of three large shopping centres in his home town of Bunbury, Western Australia, at the same time as he held ministerial responsibility for small business tenancy and franchising issues (of key concern to his tenants and to him as a landlord). The Government response to the second matter, upon it being raised in Federal Parliament by the Opposition, was to place the responsibility for those specific matters in the hands of another minister, whilst in response to the first, the Deputy Prime Minister relied on a narrow reading of the meaning of 'involvement in the daily work of the business' and the Prime Minister has said ministers may carry on their own private businesses so long as this does not interfere with their ministerial duties (although what would constitute undue interference is unclear). After several weeks of pressure, the Minister ultimately resigned, although he maintained that he had done no wrong and hoped to return to the ministry in the future (Short 1997).

At the local government level, conflict of interest concerns have also become a focus of investigation in the State of New South Wales. An Independent Commission Against Corruption report argued the possibility that conflicts of both a pecuniary and non pecuniary nature will arise at a local government level and that these will at times be unavoidable (ICAC 1997). The report reiterated the generally held view that such conflicts must be resolved in the public interest, providing a model to assist local councils in the identification of circumstances which might produce a conflict of interest, and a framework and set of procedures for their prevention and/or management.

To summarise, recent times have been characterised by avid media interest in the ethical behaviour of politicians particularly those cases which evidenced material gain (or potential gain) arising from a conflict of interest. Prominent cases have sparked a debate about the ethical standards of Australian politicians and raised questions about the manner in which political considerations and material advancement are the likely determinants of where ethical boundaries would be drawn. As in Britain, a public debate emerged over standards of behaviour in public life, coming to a head in the Senator Mal Colston case, with claims that the expose of the travel rorts and other practices of the ex-Labor² senator had severely damaged both sides of politics (Millett 1997).

The emergence of conflict of interest as a key focus of concern for policing

Without entering the specifics of a State-by-State account of corruption inquiries and allegations or analysing the dynamics of change in each jurisdiction, it is reasonable to assert that the mid-1990s has seen a preoccupation in police management circles with broad issues of corruption and unethical conduct. Critics might assert that this is due to little more than cynical self-preservation instincts in the face of a series of legitimation crises, nevertheless whatever the cause or motivation the ethical terrain is now part of the landscape of contemporary police rhetoric and practice.

In terms of the corruption debate, some commentators believe that conflict of interest is just part of a continuum of corrupt activities and involvements (Wood 1997a-c), while others

One unforeseen, and untidy, impact of this was that the Minister was forced to withdraw himself from talks which constituted approximately one quarter part of a Federal-State Small Business Ministers meeting, when these particular issues were discussed (Walker and Forman 1997).

² Senator Colston resigned from the Labor Party to sit as an Independent, but he was generally supportive of the Liberal Government on key votes in the Senate. The members of the Government had supported his candidacy for the Deputy Presidency of the Senate after his resignation from the Labor Party.

see it as a separate category of potential misconduct (Moss 1996), and yet others see it as a 'slippery slope' (see Kleinig 1996: 174) or potential precursor or catalyst to involvement in corrupt conduct (Comrie 1995).

It may be the case that the number of complaints regarding conflict of interest scenarios could be the litmus test for the ethical 'health' of a police service. The special powers that police possess bring with them an accompanying obligation to behave ethically and professionally and to be accountable to the public when behaviour falls short of this minimum requirement. However a significant problem to date has been the often systemic nature of these breaches and an apparent unwillingness of significant numbers of police to see such behaviour as problematic. Until recently, there existed a void in terms of identification and action regarding conflict of interest breaches. Even now, the various policy statements are somewhat vague, given the often complex nature of these scenarios, and the various mechanisms and channels for dealing with this type of misconduct may lead to dissipation of culpability rather than organisational and individual responsibility.

Fictional interpretations of policing: Blue Heelers and Water Rats

To be sure, television programmeming is public culture and should be studied as such ... (Gans 1980:67)

Preliminary comments

In accord with increasing public comment on the ethics and integrity of various State police forces the author became interested in how these issues were being played out in contemporary police television dramas. For many years, television police dramas seem to have been ubiquitously popular, programmes such as Homicide, Division 4, Hill Street Blues, NYPD Blue, have been regularly watched by millions of viewers around the world. These and other programmes have held a key position in television schedules for a number of years, and continue to rate highly on Australian television. Currently, two police dramas regularly appear in the list of most-watched programmes on television. Whilst this paper does not attempt a deconstruction of the Australian 'cop show' (certainly an interesting pursuit in its own right), some preliminary comments are in order.

Police dramas can often constitute a key source of public 'knowledge' about policing for some sections of the public and they may be an important element in shaping perceptions of real police work in popular culture. Although crime is not central to the lives of most people (certainly not through direct lived experience) (Walker 1994), definitions, interpretations, commentary, and images of crime emanate not just from official agencies but extensively via the news media and increasingly through fictional entertainment. At various times, depending on television scheduling, it may be possible to watch a police drama every night of the week.

The important point here is that television dramas depicting criminality and police work may be just as influential as other sources in contributing to public understandings of crime and policing. Each episode tells a story and in it police characters define, interpret and respond to crime. Through various dramatic devices the viewer is taken on a journey, down a path populated by good and bad police officers (although there seem to be few of the latter category in Australian police dramas) and representations of good and bad police work (again, little of the latter in Australian police dramas). Police dramas borrow from their crime fiction literary counterparts, however in Australian programmes there appears to be little diversity in television representations of crime and its resolution, at least on commercial television 3

The programmes

For the purposes of this paper, the programmes *Blue Heelers* and *Water Rats* were selected for study, as these are the two top-rating police dramas on Australian television. Each programme has been screening for a number of years, each is significant in the scheduling of their network and rates highly, and each is made in Australia, with advisory input from local police.

Blue Heelers screens on the Seven Network at 8.30 pm each Tuesday. The programme has been a consistent ratings winner for the network, and is touted as Australia's number one television programme. In the period of research viewing for this paper (March through June 1997) the programme was not placed outside the top 10 ranking television programmes (ranked by viewing audience) Australia-wide, and was often in the top two, consistently achieving audience figures of well over two million. In addition to being the most watched police drama on Australian television, Blue Heelers has also demonstrated the popularity of the genre and its own production by taking out a number of 'TV Week Logie Awards' through the years of the programme's production. In the 1997 Logie Awards, Lisa McClune (as Constable Maggie Doyle) won the coveted Gold Logie for the Most Popular Personality on Australian Television and the Silver Logie for Most Popular Actor. In addition the programme won the award for Most Popular programme on Australian Television (Hallett 1997).

Water Rats is the key Australian-produced drama on the Nine Network screening on Mondays at 8.30 pm. The programme does not achieve the consistent top ratings success that Blue Heelers does for the Seven Network, nevertheless the ratings results are usually very respectable. In the period of viewing, the programme ranked in the top 10 programmes three times, although never above number eight, with a maximum audience of 1.85 million (The Australian, 18 June 1997). Lead actor Colin Friels (as Detective Frank Holloway) was awarded a 1997 Silver Logie for outstanding acting achievement. Water Rats has been very successful for its producers in terms of overseas sales, and is watched in 120 countries (The Australian, 7 April 1997).

Whilst the awards and ratings figures cited above do not necessarily reflect upon the intrinsic quality, production values, or realism of *Blue Heelers* and *Water Rats*, the audience reach and popular and critical acclaim for the programmes do emphasise their importance in shaping popular thinking about crime and policing, and understandings about their roles in the social order.

³ The genre of Australian crime fiction writing might be an interesting point of comparison for some of these issues but is outside the scope of this paper.

⁴ Based on A C Nielsen ratings figures, as reported in *The Australian* newspaper.

The lowest observed ranking during this period was at number eight with an estimated 1.79 million viewers (*The Australian* 9.4.97) and its top ranking was at number one with an estimated 2.67 million viewers (*The Australian* 18.6.97).

The Logies are regarded as the pinnacle of success in the Australian television industry, notwithstanding that they are awarded on the basis of votes awarded by send-in coupons obtained through the pages of the magazine which promotes the awards and after which they are named Combined with the consistent Logies success of *Blue Heelers*, this latter fact underlines the popularity of the programme with Australian television viewers

⁷ Friels' award was in the judged category, as opposed to the voted categories in which Blue Heelers achieved success.

The settings

Blue Heelers takes place amidst the daily business of a police station in the fictional country town of Mt Thomas. Perhaps only the cynic would suggest that this sleepy country town must be the per capita crime capital of Australia, with plots over the viewing period including an extraordinary number of murders, IRA infiltration in the town, bikie gangs and amphetamine production, kidnapping, and bank robberies, as well as the more usual 'breadand-butter' of operational police life such as domestic fights, pub brawls, assaults, and numerous petty crimes. However the latter category of less serious crimes are usually presented as sub-plots and don't really get in the way of the depiction of the 'serious' business of real police work.

The representation of 'real' police work on Blue Heelers is consistent with the stereotype-action-oriented and serious (and almost invariably involving the discovery of a dead body!). Perhaps in this one can see the influence of the antecedent crime/mystery novel where the detective or gifted amateur sleuth must see through what is ordinary and innocent, and unmask the guilty in order to resolve a major crime — a murder. This process is certainly still evident in television police drama but the action has shifted to the police station where the detection of crime has become 'professional' and where it has the backing of an entire apparatus of investigation.

As with traditional novelised crime fiction, the television viewer builds a picture of ('gets to know') the individual detective or police officer with his or her idiosyncrasies, personality, and a personal life which impacts on his or her ability to do the job. Nevertheless although we are encouraged to get to know and understand the officers and detectives as people, the primary task for each episode is to crack the crime or solve the murder. Blue Heelers carries with it a number of cultural markers: the language is characterised by a rough and tough country town - no nonsense, down to earth working class style; resolution of a case is by the uniformed officers with the equal contribution of the resident detective — egalitarian style; and humour is nearly always macho in style. The picture is of ordinary Australia, with very little in the way of disparity in displays of wealth between the public and the officers, whether it be in housing, lifestyle, or vehicles.

Water Rats takes place in Sydney and the action usually unfolds on the city's waterways and in the harbourside station of the Water Police. Thus, police cars are mostly replaced by police boats and the backdrop is the harbour, boats, and underwater dive scenes. The location of crime is thus always nautically connected — usually the bodies are fished out of the water although the crime itself may be committed elsewhere. This is media representation of big city crime so murder, abduction, extortion, organised crime are the bread and butter issues of weekly station life.

Characters and contexts

Commonly in the literature and in some overseas police dramas such as the United Kingdom's The Bill and Prime Suspect and the United States' NYPD Blue, or in Australia's ABC television's *Phoenix* or *Janus*, the police drama is used to play out or explore a number of tensions. Often the organisational apparatus is portrayed as unsympathetic to the 'cop on the beat', more interested in managerial and budget imperatives or furthering the careers of those on the way up. Other common themes involve an exploration of the 'good cop' bad cop' divide, providing insight and example of the 'verbal' or 'fit up' through to gratuities and corruption. Still other variants present a view of policing as 'the thin blue line' and the police station as a sanctuary against the anarchy and disorder of contemporary life in the world's cities. In the more sophisticated depictions of complex social structures the occupational culture of policing as a source of power itself is implicated as a problem. There is little evidence of this in Australian television police dramas (Janus and Phoenix excepted), however a recent episode of Water Rats had its female sergeant briefly falling for the tactician and key activist of a high profile Greenpeace-styled protest movement. 8 This character is also presented as a lesbian so not only was there a political dimension to her attraction but the object of her desire was a male — hence a brief dramatic flirtation with sexuality issues as a sub-plot. The rise of the 'deviant' detective is a development where the gender, sexuality, race, and ethnicity of individual officers or detectives reveals different dimensions and assumptions about crime and detection. Not only do they provide a dramatic ploy for exploring different realities within the theme but they demonstrate that the perception of the 'reality' of the social order is affected by the social position one occupies (Clarke 1996). However, whilst there are limited examples of the 'deviant detective' in Water Rats, such as a female lead detective, a lesbian uniformed officer, and an ethnic uniformed officer, Blue Heelers is steadfastly traditional, with its fatherly senior sergeant (the station boss), male (sole) detective, and junior female uniformed officers — to date not a hint of homosexuality or non-traditional gender roles in this station.

Furthermore Blue Heelers is almost haphazard in its response to crime. In the country town station the 'boss' runs the team of officers almost as a personal fieldom. His personal knowledge of, and connections with, the townspeople are a constant backdrop to how the case will be managed. In contrast to the traditional crime fiction formula whereby the detective or one or two exceptional officers solve the case through investigative brilliance, in Blue Heelers crimes are typically resolved through the involvement of everyone in an almost ad hoc way. Cases are nonchalantly discussed bar-side at the local pub and every officer seems to be involved in each case. The mingling of public and private lives in the country town location raises a number of issues and tensions, perhaps mirroring some aspects of real life country town policing. Many of the issues and tensions which underpin the portrayals on Blue Heelers are rarely explored in any depth as potentially problematic issues for policing. Consequently, the viewer may be left with an interpretation of these events as normal, commonplace, and acceptable. In a considerable number of scenarios, many of these issues go to the heart of conflict of interest concerns.

Representations of conflict of interest scenarios

Perhaps as a reflection of concerns in the public sector generally, and certainly as a subsidiary concern around more generalised police corruption and unethical conduct, the issue of conflict of interest has been gaining momentum in police management circles over recent times. The issue has also been recognised as a legitimate area for scrutiny in its own right, notwithstanding the general anti-corruption environment. Both the New South Wales and Victorian Ombudsmen have identified a large number of complaints involving conflict of interest issues in policing and both agencies have applied pressure on their respective police forces to address the issue. At least partly as a result, specific provisions have been included in these States' police codes of conduct. The Victorian Chief Commissioner of Police sent a message to all personnel regarding conflict of interest, focussing on the acceptance of benefits and gratuities (Comrie 1995), and the new Victoria Police Code of Conduct, issued by the Ethical Standards Department in late 1997, contains a section specifically devoted to conflict of interest problems. The Queensland Police force has also addressed the issue and instructions to police members regarding the identification and avoidance of conflict of

Incidentally, the sergeant in question was actively involved in policing this particular protest movement at the time so there was a conflict of interest. This is further discussed later in this paper.

interest situations forms a major part of that force's Code of Conduct (Queensland Police Service, undated). The New South Wales Police Service issued a revised Code of Conduct and Ethics in January 1997 which is quite general in tone, and allows an officer to explain a breach of the Code as an honest and reasonable mistake. The degree of culpability for misconduct and breach is serious in tone, but somewhat vague: 'you will be subject to a range of management options or remedies up to removal from the service' (New South Wales Police Service, 1997:3).

In June 1997 the New South Wales Ombudsman, Irene Moss, presented a special report to Parliament entitled Conflict of Interest and Police — A Service-wide Problem. Continuing a theme she discussed in her 1995/96 Annual Report to Parliament, the Ombudsman argued that conflict of interest continues to be a problem in the New South Wales Police Service, not just for junior officers but also for those who are more senior in the hierarchy. She contended that many officers in the latter category may be aware of key guidelines but do not appear to understand their meaning. In this report the Ombudsman identified five common areas where conflict of interest complaints continue to be made to her office:

- 1. Separating duty and friends.
- 2. Separating duty and family.
- 3. Separating duty and relationships.
- 4. Separating duty and employment.
- 5. Computer accessing (Moss 1997b).

For the purposes of this paper, these categories are used to explore examples from Blue Heelers and Water Rats which deal with similar issues, and thereby exemplify the treatment of conflict of interest scenarios in this form of fictional interpretation of policing.

1. Separating duty and friends

In an episode of Blue Heelers involving IRA connections to the fiancec of a prominent character in the series (the publican), the father of the prospective bride asked the sergeant (a good mate!) to check the police computer to see if the prospective groom, who was alleged to have an IRA history, was 'okay' - he didn't want his daughter making a 'terrible mistake'. The sergeant agreed to do what he could and in the context of the episode the request was presented as reasonable and almost the responsible thing to do. At no point was the issue of conflict of interest raised, given that the request had been made to the sergeant as a friend and at an unofficial level, nor was any concern expressed by the sergeant as to the appropriateness or legality of accessing confidential computer information on a citizen who was not connected to any current investigation (Blue Heelers, 'The luck of the Irish' 11 March 1997). The viewer may have been left with the message that such practices are something police will engage in, and that the request was reasonable given a valid real life problem. In the Ombudsman's report referred to above (Moss 1997b), a similar actual case involving the revelation of the criminal history of a man to his girlfriend as a result of unlawful access by an officer for a mate, was outlined as an example of a clear conflict of interest. This category of conflict of interest presents an area of major concern in real life policing.

Water Rats in the period of this study also provided an example of a problem of the need to separate duty and friends. The opening scene of one episode involved a body wharfside which appeared to have been shot by a security guard who was standing nearby. The security guard claimed he shot in self defence because the dead man fired at him. A plain clothes sergeant (McCall) arrived on the scene and quickly demonstrated that he had a personal connection to the deceased by attacking the security guard. The audience learnt later, via a sympathetic portrayal of the deceased, that he and the sergeant had been mates at school, despite pursuing different pathways (lawful/unlawful). Detectives Rachel Goldstein and Frank Holloway arrived on the scene and broke up the scuffle between the sergeant and the security guard. The sergeant, despite having no formal involvement in the investigation, continued to harass the security guard and generally hinder the investigation due to his belief that it couldn't possibly have been his mate who fired at the guard and who wound up dead. His belief was based on his personal knowledge of the deceased, who, although a safe-cracker, never carried a gun and 'wasn't violent'. In a key scene which took place on a ferry crossing the harbour, the sergeant was shown intimidating and grilling the security guard yet again. Operational uniformed members arrived at the ferry, having been summoned by the ferrymaster to restore order. They took the sergeant back to the station where he was given a dressing down by the Chief Inspector. However in a subsequent scene, after it had been shown that there was an anomaly in the story of the security guard which had unintentionally hampered the investigation, the two detectives were shown discussing with the chief inspector the actions of the sergeant on the ferry:

Frank: Dave's [the sergeant] instincts were spot on.

Rachel: You might not agree with his action this morning but at least he got a result.

Chief Inspector: Yeah, fine. Let's just wind this case up, shall we.

(Water Rats, 'Truth or Dare' 10 March 1997).

A message viewers may take from this interchange is that the anomaly in the security guard's story emerged due to the pressure applied by the sergeant prior to and on the ferry, thus enabling the crime to be solved. But other messages may also be signalled. For example, the reprimanded officer turns out to be a 'hero' because his 'instincts were right', and he had acted upon them, notwithstanding that these instincts were based on a personal friendship. The outcome of the case seems to illustrate that the means are justified by the ends, and there was certainly no recognition that there was a conflict of interest situation. As with the *Blue Heelers* example cited above, it is interesting to note that there is also an example of interference in an investigation by an overzealous detective cited in the Ombudsman's report. In the case cited there, despite evidence of intimidation of the victim and witnesses, the police chose not to take any disciplinary action against the detective, yet in the Ombudsman's opinion, the failure to take such action is in direct breach of Commissioner Instructions 3.02.

2. Separating duty and family

In one of the few episodes which clearly involved a conflict of interest and where the key players even recognised it as such, the chief inspector on Water Rats became involved in the investigation of his own son (who lived with the child's mother, separated from the father). The plot involved a death on a barge resulting from an explosion of fireworks which were loaded on the vessel. The inspector's son was seen with a group of boys on the barge prior to the explosion. Detective Frank Holloway spoke to the boy and his mates at their school, but the conversation was unfruitful, and the son used his parentage to attempt to intimidate the detective (by making Frank aware that his — the boy's — father was the detective's boss). The inspector, not formally involved in the case, subsequently went to the boy's house to inspect his son's room himself, justifying his action by saying he'd rather do it than one of the other officers. The son denied any knowledge of the crime, and the inspector believed the son's account. Based on the assurance of his son that he was not involved, the inspector ordered Detective Holloway to apologise to the son and to drop any further investigation of him. However, subsequent scenes brought forth an independent witness who was able to positively identify the boys on the barge, including the son of the chief inspector. The chief inspector was thereby forced to confront his son's involvement and told Detective Rachel Goldstein that he wanted the boy brought in for interview and that he wanted it 'by the book'. However he did not want Detective Holloway to conduct the interview because the inspector believed he was biased. In the interview between Goldstein and the son, the boy asked why his father wasn't interviewing him. The response:

Rachel: Personal conflict, you know how it is.

The inspector, despite not being involved formally in the case, went back to the boy's house where his daughter (the suspect's sister) told him that despite her brother's story, he had been involved in stealing the fireworks and was on the barge at the time. In a later scene, Holloway discussed with Goldstein the position of the chief inspector:

Frank: Bastard wouldn't break the rules if his life depended on it — charged his own son. (Water Rats, 'Fireworks' 26 May 1997)

In this episode, the conflict of interest inherent in the chief inspector's investigation of his own son was specifically recognised in the interview between Detective Goldstein and the boy, but the conflict resulting from the inspector's familial relationship with the suspect was seen to be an issue only at the formal interview stage, and was apparently obviated by the chief inspector removing himself from involvement in this stage of the investigation only. His informal involvement in other aspects of the investigation (including in directing that the investigation cease at the early stage) was never raised as an issue — indeed, it was portrayed as being entirely consistent with the chief inspector's 'by the book' adherence to the rules.

One possible message from this is that there is no need to seriously address conflict of interest issues, that it is acceptable for police to be involved in an investigation in which they are personally connected if their intentions are good, that, again, 'all's well that ends well', and that if you have 'good cops', justice prevails. Certainly, the viewer is given at best an ambiguous message as to whether and when the chief inspector should have removed himself from involvement in the case. Of course, one of the problems with the predication of good investigative procedures on the existence of good cops is the difficulty this creates in recognising or finding the 'bad cop'.

Blue Heelers also had an example where the person in charge of the station (Sergeant Croydon) allowed his familial connection to a suspect to influence his ability to pursue and possibly prosecute. In this episode the sergeant's legacy ward was suspected of vandalising the town graveyard. The sergeant did not believe that the boy would do it and effectively hampered the investigation. The female constable had a quiet word with the boss in his office and put to him the case that the rest of the station staff thought his personal connection to the boy was interfering with their ability to solve the case. However, rather than confront this as an example of a potential conflict of interest, the plot twisted — it was shown that, indeed, someone else was responsible for the vandalism, and the sergeant came out as a 'good copper' with accurate gut instincts:

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Female constable (to the sergeant): You must be pleased that Jed wasn't involved. You were
right all along.
(Blue Heelers, 'Grave Matters' 13 May 1997)
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Yet again, the officer was never required to address the conflict of issue at all, as the case turned out 'alright' in the end.

3. Separating duty and relationships

During the course of one murder investigation on Water Rats, Detective Frank Holloway compromised his independence by becoming emotionally involved with a key witness and potential suspect, the wife of the deceased. In a scene where Detectives Goldstein and Holloway were interviewing the wife as to her whereabouts at the time of the murder it was disclosed that Frank had slept with her:

Rachel: Okay so you say you were home. Can anyone vouch for that?

Wife: No. Frank: Yes.

Wife: Thankyou Frank.

Camera pans to Rachel who gives Frank a look of disbelief Frank: I can vouch for Mrs Campbell's whereabouts last night.

The scene switches to its sub plot. When it returns to the main theme we see Rachel trying

to get Frank taken off the investigation.

Rachel: I am not the one stuffing up this investigation because I can't keep my fly zipped If she gets caught and they find out you've been sleeping with her — the investigating officer — the case will get thrown out of court.

(Water Rats, 'Jilted' 3 March 1997)

As the episode proceeded, Frank was redeemed via the disclosure that he was just one of a line of men that the woman had conned and used (including another police officer investigating an earlier incident in Melbourne, and a lover who was presented as a gullible young man prepared to kill on the wife's say so). There was no direct mention of a conflict of interest that might produce a failure to fully investigate; no remorse by Frank that perhaps his behaviour was unprofessional or unethical, and certainly no hint of disciplinary action. The viewer saw Frank as a victim of his own machismo and of a scheming and manipulative woman, not as an officer in breach of a code of ethics or specific regulations.

Yet, in another episode of Water Rats, one of the uniformed officers (a senior constable) slept with a woman diver they had rescued. As this sub plot unfolded, the dive instructor boyfriend of the woman (former boyfriend in her view, current in his own), became involved in a brawl with the senior constable outside the station. The Chief Inspector called him in

Chief Inspector: There is a fine line between your duties as an officer and your personal life. Don't cross it. (Water Rats, 'Sex Games' 7 April 1997)

Certainly at the level of a junior officer, the viewer saw that the uniformed officer was not to allow personal relationships to create a situation where official duties were possibly or potentially compromised. In both Blue Heelers and Water Rats, viewers are given a sense that uniformed officers are subject to greater scrutiny and marginally more control than detectives, who are seen to act as an independent elite.

This portrayal parallels the comments of New South Wales Police Royal Commissioner James Wood in relation to his findings that detectives often operate with a different ethos and attitude with a seeming implicit authority to cut corners. Commissioner Wood was critical of the police service for leaving detectives 'largely unsupervised and adhering to a different set of rules', leading to a 'significant impediment to the creation of a healthy workplace' (Wood 1997b:211).

An episode of *Blue Heelers* involved an allegation raised against a uniformed officer by a disgruntled member of the public. He alleged preferential treatment by the female constable of a male friend at a breathalyser bus. The sergeant who took the complaint assured the complainant that:

Sergeant Croydon: Any police found guilty of such a thing would face a disciplinary action. If there is a case to answer we will deal with it.

The officer in question denied the allegation and, as the plot unfolded, the viewer saw that her explanation was indeed true. However, the booze bus was in the control of a Chief Inspector from out of town, who was putting pressure on the station chief. Before her story could be verified by subsequent events, the officer was called to account by the visiting Chief Inspector. The advice from her Sergeant at the time was given as follows:

Sergeant Croydon: Accept the caution with good grace. The Chief Inspector is not someone you want to make an enemy of. (Blue Heelers, 'The Long Weekend' 3 June 1997)

The message seemed not to be that the behaviour is either appropriate or inappropriate but rather that the officer take a rap over the knuckles and that is the end of the matter.

4. Separating duty and employment

This is an area in policing which historically has produced a large number of complaints, according to both ICAC and the New South Wales Ombudsman. In New South Wales, at least, it would appear that new regulations regarding the oversight and monitoring of secondary employment of serving police officers has produced an improvement and that there is now 'a measure of consistency and proper judgement in assessing which forms of secondary employment are permitted and in making decisions on individual cases' (Moss 1997b:10). Nevertheless it is still a difficult area because, on the one hand, police, like anyone else, should have the right to earn extra income, yet, as the Ombudsman argues 'there are few areas where a police officer can work without the potential for conflict of interest' (Moss 1997b:10).

In the period under review, neither programme offered an example of this type of conflict other than an offer of a fulltime security officer job to Detective Rachel Goldstein in an episode of Water Rats. No serious issues were raised other than the possibility of the station losing Rachel. Certainly, the scenario did not seem to conflict with her duties at any time.

5. Computer accessing

Perhaps the most salient example of this type of conflict was in the Blue Heelers episode citec earlier in this section where the concerned father had his mate, the sergeant, run a compute check on his daughter's groom to be. The scene unfolded thus:

Father: That bloke is a con artist, I can smell it.

Sergeant: This isn't a police matter but I'll make a few discreet inquiries.

Plot continues next scene at the station.

Uniformed constable: There is nothing on file on a Norm O'Malley. So you can tell Domin-

c that we checked.

Blue Heelers 'The luck of the Irish' 11 March 1997)

This is an area where the potential for abuse is high due to the quantity of personal information stored in both criminal records and through agencies such as the New South Wales Roads and Traffic Authority (RTA). Traditionally, inappropriate computer accessing of data has attracted a large number of complaints, and research indicates that access to this information by officers used to be commonplace (Moss 1996). Tightening up of access through mandatory registering of dates and codes by users and random audits of computer access by patrol commanders has reinforced the message that access is only lawful if it is in the exercise of legitimate police duties. Nevertheless the message to the viewer in this particular episode of Blue Heelers may be seen to be quite different. The request was portrayed as legitimate and something that a responsible father might reasonably do, especially if he is best mates with the local sergeant. It was also portrayed as a request that the officer might reasonably act upon. The interchange at the station between the junior officer and the boss indicated that both were quite open to and comfortable with the request.

Discussion

Fictional interpretations of crime and policing on Australian television are significant sources of information for millions of people each week. Explanations for the popularity of crime fiction and police drama have been offered by others (see, for example, Young 1996; Clarke 1996) and there is now a wide array of academic commentary on television culture and its impact on audiences. In the seminal work of Gerbner (1967), he argued that television was like religion, encouraging a homogenous outlook on social reality through a common set of images and symbols. Others saw television as having a narcoticising effect, replacing effective thought and action with passive absorption in portrayals (see Kottak 1990:chapter 2). In later work, Gerbner and Gross (1976) argued that television set agendas, directing attention towards some things and away from others.

Police television and the (public) audience

A principal task of television (commercial television, at least) is, after all, to deliver a mass audience to an advertiser, and to do so, a television production must appeal to many different kinds of viewer simultaneously (Tulloch 1990). Tulloch contends that it is a commonplace of the TV industry that the purpose of commercial television is not to deliver programmeming to people but rather to deliver audiences to advertisers (193), although if it is to be successful, television must have both *exchange* value (delivering audiences to advertisers) and use value (the repository of useful attributes to the viewer) (209).

Research on the impact of television on attitudes and behaviour of the viewing audience is somewhat ambiguous. Many writers contend that the impact of television is minimal, although it seems that this is a result of low viewer involvement — 'the extent and intensity of people's interaction (emotional and intellectual) with the small screen' (Gans 1980:55). Where viewer involvement is high (measured by the amount of attention they actually pay to the television and their level of *care* about what they see — see Gans 1980:56), the effects of television may be significant. Even where involvement is low, the cumulative effect of television over time may be significant, as the result of a 'drip effect' (Gans 1980:59), where effects are indirect, gradual, generalised, and symbolic (Gerbner and Gross 1976). Whatever the overall effects on the attitudes and behaviour of the audience, there can be no doubt that popular television is used in the daily interactions of people (Tulloch 1990:196–199). In this sense, television 'uniquely constitutes a domain in which, especially for popular programmes, people ordinarily share experiences of the same complex, social 'stimuli' (Livingstone 1990:1), building up a large set of shared knowledge.

Whilst television does not dictate the thoughts of the audience, it does nevertheless, at least partially, set the parameters for what to think about — the impact is on 'people's frameworks for thinking as well as the content of their thought' (Livingstone 1990:17). Gerbner's (1972) research into television content and its impact found that the more time people spent watching television, the more apt they were to perceive the real world as being similar to that of television. The extension of this research into the arena of fear of crime produced claims that people who watch television frequently tended to perceive real life crime as more commonplace than people who were less frequent viewers (Gerbner and Gross 1976). This finding has been criticised on a number of grounds. For instance the total amount of time people claim to watch television may be less important to anxieties or beliefs about crime than the particular programmes they watch; programmes may be differentiated by broadcasters into reality and fictional types but these programmes may not be perceived by viewers to be differentially realistic. Nevertheless, it has been suggested that frequent news coverage of crime may lead one to overestimate the probability of being a victim of crime, as television often does not explicate the unequal distribution of crime across society

(see Grabosky 1995:10). Where the viewer can identify with the location of the crime or the characteristics of the victim, fear of crime may be increased by media reporting (see Grabosky 1995). It has been suggested that the influence of television is strongest and most consistent in areas related to violence (Williams 1986), although research has shown that viewers are capable of making highly refined judgement about television violence (Gunter 1987:90).

More recent work has focussed on the 'active' role of audiences and the primacy of social relations in the development of 'readings' of television. Fiske (1987) has argued that the television text is 'a potential of meanings capable of being used with a variety of modes of attention by a variety of viewers. To be popular then television must be both polysemic and flexible' (cited in Philo 1990:190). Fiske argues for a variety of textual characteristics which may open up the text to polysemic readings. These include irony, contradiction and 'excess', and he cites the popularity of the United States programme Dynasty, which depicted a major gay character, among gays as an example of exaggeration to the point of cult status. Indeed, characters, relationships, images and styles in television, and forms of publicity for a programme and its characters, are chosen and developed specifically for their significance in relation to their 'practical consciousness' and to relate to different audience segments (Tulloch 1990). The second element of his argument raises the issue of the way in which texts are read by differently situated audiences. Fiske argues that we have to stop seeing television as a closed text where the dominant ideology asserts considerable, if not total, control over its ideological structure and therefore over the reader. He is interested in 'the working class reading' or the 'feminine reading', believing that the reader produces meanings that derive from his/her social history with the social forces structured into the text (cited in Philo 1990:191).

However, media research has for the most part skipped over the moral in favour of the cognitive and the aesthetic:

Cognitive issues of information and ideology, aesthetic concerns of representation and pleasure, and other permutations are quite familiar, but we see little attention to dimensions pertaining to the moral ... What is of interest is the 'the moral response' on the part of viewers ... This has to do with the viewers sense making at the normative level, particularly in a reflexive manner which includes their own moral subjectivity and potential practice (Dahlgren 1995:67).

Impact on public institutions and public culture

Whether or not television has a major impact on its viewers, there seems little doubt that it does have a major impact on institutions. Indeed, Gans (1980) suggests that the most important behavioural effects of television may be institutional. The 'public culture' of television programmeming 'may, by its very presence, produce societal functions (and dysfunctions) even when no one takes it seriously. Because the major institutions of society obtain little direct feedback from people they often use the public culture as an indicator of people's wants and preferences and act on these indicators ...' (Gans 1980:67). Insofar as modern institutions use polling and other forms of surveying to obtain feedback from the public (or pay attention to published polls commissioned by others), television may have a secondary role due to its influence on attitudes, as discussed above — an influence which goes undetected even in the most sophisticated of polls.¹⁰

The work reported by Grabosky relates to both print and electronic media reporting.

¹⁰ In the absence of specific questioning on this issue.

As an example of the influence of television on institutions, Gans cites the emphasis political parties and candidates place on their television campaigns as an example of how these institutions are impacted upon by television. Of course, insofar as television has this type of institutional impact, this is probably predicated on an institutional view about the effect of television on viewers themselves. The behaviour of advertisers with regard to their association with particular television programmes is certainly suggestive of their belief that television has a major impact.

Institutions are more likely to take the public culture of television seriously where viewer involvement, in terms of their level of attention, the extent and intensity of their emotional and intellectual interaction, and their level of care (Gans 1980:55-56), is perceived to be high. In such cases television content will be taken quite seriously. One indication of the seriousness with which institutions view the police dramas studies in this paper is the fact that one of the major characters in Blue Heelers, Constable Maggie Doyle, is frequently used in the media, in character and in police uniform, to promote police-related causes such as car security. For example, Doyle is used in an advertisement promoting car security in the Royal Automobile Club of Victoria's magazine Royalauto (see Royalauto 1997b), and has been used in television 'community service announcements' promoting 'good practice' in home security when leaving the house empty while on holidays. The use of the character in this way is seen to be a significant part of a campaign to promote anti-car-theft measures (see Royalauto 1997a). The continued use of the character Doyle in this way is certainly an indication that this fictional character is regarded as real by many, or, at least, as realistic. 11 By extension, it might be suggested that the television depiction of policing is also regarded as realistic. The use of such fictionalised characters in significant forms other than the drama series accentuates the exposure of these characters, and underlines their importance as '... a form of cultural oxygen (pollution?) breathed by all' (Hirsch 1980:95).

By the late 1980s, it was possible to note a shift in the relationship between police agencies and the news media, and some researchers noted an increasingly proactive trend by police agencies to use the media not just for positive promotional opportunities, but to push an interpretation of deviance and social reality (Ericson et al 1989). In Hatty's (1991) study of the relationship between the New South Wales Police and the local media, she argues that the New South Wales Police successfully co-opted the media as an extension of the policing apparatus. The need for significant involvement with the media has been recognised by police as fundamental to contemporary community policing models. In Hatty's view, this recourse to the media for the purposes of image construction and the management of the policing vocation have not been positive developments for the general public. For Hatty, 'the media is an extension of the policing apparatus in society, [and] visualising deviance assumes particular significance in the fight against crime: panopticism reigns alongside the spectacle in the repertoire of modes of social control' (Hatty 1991:189).

A further significant institutional effect of the television depictions of policing discussed in this paper is the involvement of police forces in the productions themselves. Victoria Police have set up a Film Liaison Office, with an officer provided to approve scripts and give technical advice to the producers of Blue Heelers, Water Rats, and other police dramas

¹¹ Of course, the use of the character Doyle could be the simple result of a 'bright idea' of advertising executives — an interesting sub-institutional effect in itself, perhaps — but the continued use of this character, for a variety of policing-related advertising, is suggestive of a broader effect in advertising, and is, anecdotally at least, suggestive of real or perceived success in such advertising. The popularity of the character, as indicated by its actor's 'Logie success' is also at least partially reflective of a public view about the quality of her performance.

(Mayhead 1997). 12 Furthermore, an officer has been seconded fulltime to Blue Heelers in an advisory capacity (Victoria Police Association 1997).

Television has become an inextricable, and often indistinguishable, part of everyday life for the populace at large (Livingstone 1990:4). In terms of the content of television programmes, some research suggests that, for example, the increase in violent content on contemporary television is not a cause of greater violence in society, but a reflection of this, or, at the very least, that the relationship between society and television is bi-directional (Gans 1980). 13 Television is 'influenced by, and influences, public opinion in artistic, social, and political matters' (Himmelweit 1980:145), but the impact of television does take place within the context of the existing culture of the audience (Kottak 1990:191–192). One conclusion with regard to the empirical evidence in this regard is that the effects of television content are in part dependent on the availability, understandability, and consistency of contradictory messages (Williams 1986). Where television is 'the sole, and trusted, source of information' (Livingstone 1990:30) on a particular issue or category, it is more likely to have a strong effect on viewers.

Television and depictions of conflict of interest

Just as research into the changing relationship between news journalism and police culture has altered notions of the way in which news is constructed and alerted us to the manner in which police can shape the 'problem of crime' in the public imagination (Ericson et al 1989; Hatty 1991), the impact of television police dramas is also worthy of far more research than it has hitherto received. Television is a prominent force in disseminating national culture, providing 'a set of common and consistent markers and normative reference points for all members of the population. It provides an 'official' framed version of expected sets and types of events, relationships, explanations, outcomes, and solutions' (Hirsch 1980:96). It is accepted that television can have an effect on the frameworks for thought and the content of thought of the audience, although this effect may be simply to reinforce the prior beliefs of viewers (see Livingstone 1990:30).

Clearly with competing needs for writers to be both 'realistic' and 'dramatic', the latter is still winning in both of the programmes under review in this paper. However, leaving the 'shoot 'em up' stereotypical depiction of police work aside, focussing on the depiction of a number of ethical situations outlined in this paper, the conflict of interest scenarios which appear in both programmes do appear to reflect the reality of much police work. That this is the case is apparent, given the explication of the concerns expressed by the New South Wales Ombudsman in her report on this very issue to the State Parliament. Specific examples cited by the Ombudsman are broadly reflective of those depicted in both Blue Heelers and Water Rats. The reality of policing portrayed by the New South Wales Ombudsman and the situations depicted in the television programmes are remarkably similar in case fact. However, there is a noticeable distinction to be made between the recommendations of the Ombudsman with regard to how such case facts should be recognised and dealt with, and how they are depicted in the fictional interpretations of policing herein.

Certainly, in both Blue Heelers and Water Rats, there is a failure to adequately come to terms with the identification and amelioration of compromising situations which, according

¹² This unit also provides, on a user-pays basis, police members as extras for filming, and uniforms and other police paraphernalia as required by producers.

¹³ See also Gunter (1987), who suggests that, even whilst television has often been linked to social perceptions and fears of crime, the case for television as the causative agent of specific perceptions and fears of crime is still unproven.

to current official guidelines, would constitute a conflict of interest. The depictions fall short on the recognition that certain situations give rise to a conflict of interest (or, at least, a potential one), and how such conflicts are dealt with and, ultimately, resolved. There is a lack of specific information about conflict of interest, as such, but these programmes do provide 'examples of ways of thinking and acting' (Livingstone 1990:30) in set scenarios, and may either reinforce or alter existing beliefs of the audience, depending on the level of congruence with those beliefs.

Given the popularity of both programmes, it would be fair to assume that there is at least a moderate to high level of viewer involvement in these programmes, and a consequent potential for a significant effect on the attitudes of viewers. With regard to conflict of interest in policing, the lack of attention to this issue and the failure to recognise and resolve such conflicts, leaves one to conclude that Australian television police drama does not significantly contribute to a broader public knowledge of this issue or of how it should be appropriately dealt with. The institutional involvement with *Blue Heelers* and *Water Rats*, significantly, by police themselves, has clearly done little to remedy this situation. This is perhaps not surprising, given that conflict of interest has been recognised as a police service-wide problem which police are not adequately aware of or educated about (Moss 1997b). The institutional effects of the television depictions discussed in this paper, no matter how significant or insignificant they actually are, must do little to develop public knowledge and public culture which recognises and appropriately deals with real and potential conflicts of interest in policing.

Conflict of interest remains a concept which is 'not fully understood in theory and ... [is still] ignored by many police in practice' (Moss 1997b:13). As indicated early in this paper, police forces are not alone in this — federal and State politicians also seem to have found conflict of interest a particularly difficult concept to come to grips with. Unfortunately for the public and for the broader practice of good policing, the identification of situations as potential conflicts of interest are usually ignored, or not specifically identified, in the texts of the television dramas examined herein, and, as such, their resolution often remains counterproductive ethically and not in the public interest.

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