CHAPTER ONE

ORIENTATION

1.1   INTRODUCTION

The headline reads: "No place for bad apples in SAPS, top brass say." (Breytenbach in the *Cape Times of 28 September 2005*). This was in response to the release of the *Independent Complaints Directorate's Annual Report 2004/2005*, containing facts and figures on investigations conducted into police members during this period. The ICD had investigated 1731 criminal complaints against police members during 2004/2005 (a percentage were cleared of accusations against them). The Western Cape Police Commissioner added that theft and drug-related offences were the most common amongst those investigated. The commissioner added that: "it was important that members of the Service understood that there was no place for them in the Western Cape police if they engaged in criminal activities."

These statistics were released at approximately the same time as the South African Police Service released their general annual crime statistics (these statistics are only released for public consumption once a year - in a country with an unacceptably high crime rate). According to these statistics many areas of crime had decreased during the 2004/2005 period and the SAPS management and political bosses offered praise to their members for their good performance. The concomitant of these more positive crime statistics is the negative aspect of police corruption and crime. The latter undermines all the good work done by members of the SAPS to fight crime and it is a phenomenon that is paid scant attention by police management apart from the odd vociferous sound bite of "corruption will not be tolerated." The reality is that corruption is tolerated because the SAPS management do not have a comprehensive plan in place to deal with this problem. They have an oft-reworked strategy called *"The South African Police Service Corruption and Fraud Prevention Strategy"* which is yet to be implemented.

Police criminality, including corruption, is an international phenomenon. It is a problem that all police agencies face, in varying degrees, in all countries. Definitions of this institutional blight might vary, but ultimately the mistrust and lack of confidence citizens have in their police services as a result of police criminality and corruption, is universal.

It is essential that research be done regularly on this subject, essentially to get a better understanding of this phenomenon and to attempt to limit its harmful effects. South Africa, when compared to a country such as the United States of America, has a very

small research component focussing on police misconduct and criminality. Regular research will enable police management to establish and update corruption-combating policies, and it will assist with recognising types of corruption and trends more easily.

This topic is of particular interest to the researcher as she did her masters thesis on corruption in the South African public sector (including a strong focus on police corruption). This thesis is an expansion of the latter study, this time focussing solely on police criminality and corruption, which is both fascinating and deeply sinister.

This particular study concentrates on ascertaining the nature of police criminality, **what** crimes they commit. It will also focus on the risk factors that lead to crime causation and the reasons for this behaviour, the **why**? **How** police go about executing their criminal deeds will be illustrated by using examples from the media, literature and both police and offender interviewees.

It is important for the criminologist to look at the essence of these types of crimes and why they are committed by this particular group of individuals, in order to be able to provide an adequate scientific explanation for their occurrence.

This introductory chapter will outline the main aim of the study as well as the rationale behind the decision to investigate this particular subject. It is imperative that police criminality be researched in its entirety in order to highlight its seriousness and the negative consequences it has, particularly on the community it serves. The media reports on this phenomenon periodically and this perpetuates public awareness of the problem, but thorough, all-encompassing research needs to be done on the subject regularly, particularly in South Africa.

The extent of police corruption and crime in South Africa will be highlighted although the true extent can never be measured. Definitions of police criminality and corruption will be given. The methodology to be used in the study includes the research aim, research design, and an explanation of how data was collected and processed. The study includes a literature study as well as an empirical study, the latter including numerous interviews with knowledgeable people in the policing field and police offenders. The last part of this introductory chapter will give a breakdown of the remaining chapters in this study.

1.2   RATIONALE

As mentioned in the introduction to this chapter, police criminality needs to be researched thoroughly for an array of reasons, including highlighting the seriousness of this phenomenon. Police criminality is a significant problem in South Africa and its many facets need to be investigated. The extent of the problem is vividly highlighted in the figures below.

At present, the South African Police Service consists of approximately 148 970 members as per the *South African Police Service Annual Report 2004/2005.* During the period 1 April 2004 to 31 March 2005, 461 police members were suspended for alleged involvement in various **offences**, 413 were suspended without salaries and 48 were suspended with salaries. The alleged offences committed by these SAPS members include:

- assisting an escapee (33 members),
- armed robbery (35 members),
- attempted robbery (3 members),
- attempted theft of motor vehicle (1 member),
- bribery (1 member),
- corruption (177 members),
- defeating the course of justice (30 members),
- escape from custody (10 members),
- extortion (11 members),
- fraud (37 members),
- intimidation (1 member),
- possession of counterfeit money (1 member),
- robbery (13 members),
- theft (108 members).

Types of **misconduct** addressed at disciplinary hearings during this period include amongst others:

- performs any act or fails to perform any act, which constitutes an offence (661 members),
- fails to comply with or contravenes any National or Provincial Order or other lawful order or instruction (348 members),
- absents himself or herself from duty without leave (347 members),

- neglects his or her duty or performs his or her functions in an improper manner (329 members),
- without proper authority, releases a prisoner or other person in custody or wilfully or negligently allows him or her to escape (203 members),
- misappropriates, withholds, misapplies, makes unauthorised use of or wilfully damages or negligently loses any public property (196 members),
- renders himself or herself unfit for duty or for the performance of his or her functions by the use of liquor or narcotic drugs (153 members),
- fails without sufficient cause, to report for duty at a stipulated time at his or her station, place of work or any other place stipulated by a commander or his or her superior (133 members),
- unlawfully and intentionally partakes of liquor while on duty (84 members),
- performs any act or fails to perform any act with the intention to cause harm to or prejudice the interest of the Service, be it financial or otherwise (77 members),
- fails to comply with the official code of conduct of the Service (55 members),
- uses threatening or insulting language or adopts a disdainful, recalcitrant or insolent attitude to any other employee or person employed by the Service (51 members),
- contrary to an order or instruction or without first having obtained permission from an employee who is authorised to give such permission, goes off duty before being relieved (46 members),
- is under the influence of liquor in a public place and behaves himself or herself in a manner which is detrimental to the interest of the Service (44 members),
- assaults or threatens to assault any other employee or person employed by the Service (33 members),
- unlawfully and intentionally partakes in the use of a narcotic drug, regardless of whether the employee is on or off duty (29 members),
- takes part in, commits, incites or conspires with any other person or employee to cause mutiny, strike, riot or revolt and/or fails to report all the facts relevant thereto which the employee knows, without delay to his or her commander or superior (24 members),
- sexually harasses another employee or person employed by the Service (12 members),
- accepts or demands in respect of the discharge, or the failure to discharge

functions, any commission, fee or reward, pecuniary or otherwise (10 members).

The *Independent Complaints Directorate Annual Report 2004/2005* mentions that there was an 18% increase in reports of serious **criminal offences** allegedly committed by SAPS members from 1 April 2004 to 31 March 2005. A total of 1731 allegations were reported to the ICD nationally. The types of criminal offences reported include:

- assault,
- torture,
- murder,
- corruption,
- rape,
- defeating the ends of justice,
- driving a state motor vehicle while drunk and killing a pedestrian,
- bribery,
- pointing a firearm.

Incidents of **misconduct** reported to the ICD during this period decreased by 8.3%. A total of 3407 cases of police misconduct were reported to the ICD. These cases can be broken down as follows:

- neglect of duty by police members (86.4%),
- failure/refusal to perform duties (6.4%),
- gross discourtesy (7.3%).

The ICD received a total of 5790 complaints between April 2004 and March 2005 for criminal, misconduct and deaths by police action. There is a decrease of 2% in the amount of cases reported to the ICD from April 2004 to March 2005 compared to the same period the previous year (5903 cases). Of the cases reported during 2004/5, 59% were allegations of police misconduct. The more serious alleged criminal offences accounted for 30% of the cases. The main focus of the ICD is to investigate all complaints especially those related to deaths by police action. There have been 652 of the latter cases amounting to 11% of the national caseload.

The ICD adds in its *Annual Report* that for the sake of a fair assessment it must be noted that a large number of allegations against the police were found to be unsubstantiated. For

example, police were found not to be accountable for 85% of incidents of deaths in police custody or as a result of police action. Also, police were found not to be accountable for 80% of allegations of criminality made against them and they were found to not be accountable for 80% of misconduct cases against them.

Table 1.1: Accused Rank

RANK	2004/5	RANK SHARE
Captain	13	2.0%
Commissioner	1	0.2%
Constable	61	9.4%
Inspector	161	24.7%
Senior Superintendent	1	0.2%
Sergeant	48	7.4%
Superintendent	7	1.1%
Not Applicable	286	43.9%
Unknown	74	11.3%
TOTAL	**652**	**100%**

Source**:** *Independent Complaints Directorate Annual Report (2004/2005: 81)*

The 286 cases shown in Table 1.1 categorised as not applicable, pertain to death complaints where members of the police may not have been directly involved, for example where individuals died in police custody as a result of natural causes, suicide, injuries sustained prior to detention or injuries inflicted by other inmates.

Mahlangu, Msomi and Benjamin in the *Sunday Times of 13 February 2005* revealed that between **2000 and 2004, 53 740 police members had been arrested for criminal offences. An additional 6123 were convicted, 9699 were in the process of being prosecuted and 37 918 were acquitted.**

An example to highlight the damage caused by police criminality can be found in the editorial of the Financial Mail (1996: 47). Police officers are accused of issuing clearance certificates for stolen vehicles. This allows car thieves belonging to vehicle hijacking and car theft syndicates to re-register stolen vehicles and sell them on the open market. This scam works so well for corrupt officers that a sergeant at a Durban vehicle theft unit owned

his own second-hand car business, apparently with the permission of his superior. The obvious harm done by this practice is the contribution corrupt police officials make to the perpetuation of the high rate of vehicle hijackings and car thefts across the country.

Kinnes (2000: 32) mentions the "consistent allegations of police complicity with gang members in the Western Cape." This was backed up by gangsters claiming that they were usually tipped off by corrupt police members before raids took place in their neighbourhoods. Gangs recruit police officers to work with them and the latter provide gangs with policing information. They also assist during robberies and other types of crime. Police complicity in gangsterism is one of the main reasons police operations with illustrative names such as *Gangbust, Saladien, Recoil, Shaka* and *Good Hope*, have all failed to curb the gang problem in the Western Cape.

This brief synopsis of what is clearly a far-reaching problem, illustrates the necessity for further extensive research on police criminality.

1.3   AIM OF RESEARCH

The main aim of this study is to deal with two immediate goals, a primary goal and a secondary goal.

> The **primary goal** is studying police criminality and explaining this phenomenon from a criminological point of view. Police criminality is addressed from a scientific perspective. This is achieved by making use of scientific methods as well as applying recognised theoretical explanations.

> In order to achieve the primary goal, **secondary goals** are set and these include:
>
> - the undertaking of a comprehensive literature study on police criminality,
> - to gain expert information on knowledgeable sources in the field of police criminality, and finally
> - to explain police criminality from the viewpoint of the offender.

> After the achievement of the primary and secondary goals of the research, the researcher will make a **contribution** to the field of knowledge of criminology by developing an INTERVENTIONIST MODEL OF POLICE CRIMINALITY, including emphasising the main beneficiaries of this model.

In order to understand research done from a criminological perspective, it is important to primarily understand how criminology is defined, taking cognisance of the fact that there are varying definitions of criminology.

Brown, Esbensen and Geis (2001: 11) reiterate the difficulty of attempting to construct a uniform definition of criminology. Criminology holds different meanings for different people, therefore it is open to broad interpretation.

Criminology as a science has two important components, **theoretical and methodological.** The theoretical component focuses on explanations, the 'whys' of crime and criminality. The methodological component includes the techniques used by criminologists in their quest to find answers to the 'whys' of crime. According to Brown et al (2001: 11) "theories are developed to explain observed facts, while observations are undertaken to test theories."

The *Concise Oxford English Dictionary* defines criminology as the scientific study of crime and criminals. Criminology has also been defined as "the scientific approach to the study of crime as a social phenomenon, that is, the theoretical application involving the study of the nature and extent of criminal behaviour." The main objective of criminology is to develop general and testable principles. These principles should be used as building blocks of the body of knowledge that pertains to the process of law, crime, punishment and treatment (Dantzker in Hunter & Dantzker 2002: 24).

Siegel (2005: 3) defines criminology as "an academic discipline that uses scientific methods to study the nature, extent, cause, and control of criminal behaviour." Unlike politicians and media commentators whose opinions may be influenced by certain agendas, the criminologist remains objective as they study crime and its consequences. Criminology is an interdisciplinary science because it includes elements from sociology, criminal justice, political science, psychology, economics and the natural sciences.

1.4   DEFINITIONS

In order to better understand the subject being researched, common definitions of the key concepts in this study will be presented.

1.4.1   POLICING

Roets (2003: 3) defines policing as "those organisations and/or institutions in both the public and private spheres who are committed to preventing, combating and investigating crime, to maintain public order and to protect and secure all residents, to uphold and enforce the law with dedicated personnel and the maximum utilisation of all resources at its disposal."

Bittner (Newham 2001: 14) divides policing into three definite spheres. Firstly, criminal law enforcement (the primary function). Secondly, regulatory control (this involves issuing and monitoring certain licences and permits, for example, firearms). Thirdly, peacekeeping (handling emergencies and incidents of violence). Because police members get called out for incidents ranging from serious crime scenes to 'talking' to errant teenagers, the author has also described their function as having to handle "something-that-ought-not-to-be-happening-and-about-which-someone-had-better-do-something-now."

A different take on the policing concept is provided by Klockars, Ivkovich, Harver and Haberfeld (2000: 1). They equate the policing function with the opportunities it presents for misconduct. "Policing is an occupation that is rife with opportunities for misconduct. Policing is a highly discretionary, coercive activity that routinely takes place in private settings, out of sight of supervisors, and in the presence of witnesses who are often regarded as unreliable."

1.4.2   POLICE CORRUPTION/ MISCONDUCT/CRIMINALITY

According to some authors, misconduct and corruption are not necessarily mutually exclusive but symbiotic. The following definition by Smit (in Prinsloo 2000: 64) highlights this concept. "Police corruption may be defined as illegal conduct or misconduct involving the use of occupational power for personal, group or organisational gain." Conversely, corruption or misconduct need not always entail the use of power for personal or organisational gain, for example, police incompetence, which manifests in different ways ranging from conducting a poor investigation that fails in court to being drunk on duty.

Definitions of police corruption, criminality or misconduct are in danger of falling victim to semantics. To illustrate this, Sayed and Bruce (1998: 3) mention that: "one cannot be sure if corruption refers to all crimes committed by the police, or just any behaviour seen as inappropriate."

Police corruption includes activities, both criminal and those construed as unethical or misconduct, but not illegal. The criminal activities by police members include crimes ranging from theft, taking bribes, to murder. The corrupt acts, which are not illegal but are unethical, include dereliction of duty, excusing small transgressions, nepotism and accepting gifts for favours, for example, free meals in return for "improved police visibility," amongst others.

Punch (2000: 302) distinguishes between three broad, interrelated categories of police deviance.

- **Corruption**, "this is the conventional understanding of taking something (usually but not exclusively a bribe), against your duty, to do or not to do something, as an exchange for money or gifts from an external corrupter."
- **Misconduct**, according to the author, is an "occupational deviance that breaks departmental rules and procedures – sleeping on the job, absenteeism, fiddling expenses, informal 'perks' etcetera. These examples allude to the avoidance of work as well as poor control and supervision by superiors. Police misconduct falls mainly under disciplinary regulations, which are investigated and sanctioned internally.
- **Police crime**. "Here we have to face up to the fact that police officers not only accept bribes, but they also break the law in other serious ways – using excessive violence (including murder), becoming involved in drug dealing, theft and burglary, sexual harassment (of suspects and/or fellow officers) and violating a person's rights." The author adds that: "these are crimes committed by criminals in uniform."

The latter is the primary focus of this study, police who commit criminal acts, even if they are criminal acts that have been categorised as corruption. The focus will be more on the illegal nature of the crime, not the unethical nature, which is usually referred to as misconduct. **Misconduct consists mainly of legal but unethical acts, whereas corruption consists of illegal and unethical acts.**

Table 1.2   A synopsis of police misconduct, corruption and crime.

TYPE	FEATURE
MISCONDUCT **Corruption of authority**	Police officers receiving material gain such as free meals, because of their job.
CORRUPTION **Kickbacks**	Receiving material gains (merchandise, cash or services) in exchange for referral of business to individuals or companies.
Shakedowns	Taking a bribe for non-enforcement of the law – not making an arrest or not impounding property.
Protection of illegal activities	Police officers who protect illicit businesses to ensure their survival, such as prostitution, drugs or pornography.
"**The Fix"**	Sabotaging prosecutions or "losing" traffic fines.
Internal payoffs	Perks of policing available to officers, such as holidays, shift allocations and promotions, are bought, traded or sold.
CRIME **Opportunistic theft**	Examples include stealing from arrestees, stealing from traffic accident scenes and victims.
Direct criminal activities	Police officers who violate both departmental norms and the law by committing a crime against an individual or property.

"Flaking" or "Padding"	Planting evidence or adding to existing evidence in an attempt to ensure a conviction (mainly drug cases).

Source: Punch (2000: 303).

Describing the unethical behaviour that occurs in police services, Miller (2003: 2) also divides them into three interrelated categories. **Corruption** is defined as "a direct abuse of position in a relationship of implicit or explicit exchange with others, inside or outside the police organisation. It follows the common idea of corrupt police staff doing, or not doing, something for an external or internal 'corrupter' for some kind of gain (not necessarily financial). It will also be taken to include the breaking of rules and laws by police staff in order to achieve results."

Miller (2003: 2) adds that other forms of **police criminality** involve "breaking the law, but does not involve an exchange with a 'corrupter' or abuse of position as described above. This might include drug use, drug dealing, theft or burglary. It also tends to involve the activities of police officers off duty." **Misconduct/disciplinary offences** occur when police members divert from their departments' internal rules and procedures. Examples of this include taking sick leave when the officer is healthy and inflating overtime claims and expenses.

Maguire and Radosh (1999: 278) mention that police misconduct is a broad term. They also suggest that the two most pervasive and significant types of misconduct amongst police members are police corruption and police brutality. Goldstein (in Maguire & Radosh 1999: 278) defines police corruption as "acts involving the misuse of authority by a police officer in a manner designed to produce personal gain for himself or for others." This definition covers a wide range of corrupt activities. **Gratuities** are common phenomena in police work. These entail businesses that offer gifts such as free meals to police in exchange for good relations and extra patrols. A more serious form of gratuity occurs when a police officer starts demanding payments or services from businesses. The latter is known as **extortion** or a **shakedown.**

The same police officers that participate in the above mentioned practices are more likely to accept **bribes** from offenders. Bribes can be paid on a once off or on a monthly basis. **Theft**

is another type of corrupt act or crime, examples of this include police officers that find a shop door unlocked while doing a security check. While waiting for the owner to arrive, the officer/s steal items from the shop.

More seriously is the theft of expensive items, such as drugs or cash, by police from burglary scenes. **Poor job performance** is also considered to be a form of corruption by the authors. This includes dereliction of duty by not performing their duties or performing them so badly or incompletely that damage is done to the complainant (Maguire & Radosh 1999: 278).

Police services are perceived by the public to be the champions of the fight against corruption and organised crime. When they betray this responsibility, the public views them in a different light and the public have to start considering the possible existence of organised crime within police agencies. The question must be asked, who controls the controllers or who polices the police (Fijnaut & Huberts 2002: 92)? The authors identify the following categories of police corruption, stressing that corruption is a broad term that encompasses many forms of wrongdoing:

> **Incidental corruption:** "to ignore or neglect a given operation in the course of normal duty, for example, gambling."

> **Enabling corruption:** "a one-time bribe or another favour from organised crime when the criminal is wanting information on a particular subject."

> **Conjunctive corruption:** "relying regularly on organised crime to accomplish official goals (accepting kick-backs in exchange for organised crime control or a public construction project).

> **Integrated corruption:** "the official becomes part of the criminal enterprise."

When police become involved in corrupt or criminal acts, they break the trust the public put in them to uphold the law. Klockars (Newham 2001: 18) stressed this point by saying that "this 'special trust' becomes corrupted when either the ends or the means of police activity are perverted for illegal reasons."

Newham (2001: 75) adds that: "police corruption occurs when police members use or misuse their state granted official powers for their personal gain. **Consequently,** the more serious a police agency's corruption problem is, the less effective that agency will be able to deliver policing services in accordance with democratic standards. Corruption distorts the equitable delivery of police services as those who can pay police officials will benefit at the expense of those who cannot. Police corruption also undermines justice, as corrupt police officials allow criminals to escape prosecution in return for payment."

For the purpose of this study, the **operational definition** of police criminality will be: ***The transgression of statutes by designated upholders of the law.***

As mentioned previously, the focus of this study is primarily on the illegal acts committed by police members, including illegal acts that are also construed as corruption. As the operational definition given above is legalistic and for the sake of clarity, the general offence of corruption as prescribed by the *Prevention and Combating of Corrupt Activities Act (12 of 2004)* will be *highlighted* as it pertains to police criminality.

According to this *Act,* an individual is guilty of the act of corruption if he/she *"directly or indirectly:*

- ***accepts*** *or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person; or*
- ***gives*** *or agrees or offers to give to any other person any gratification, whether for the benefit of that other person or for the benefit of another person, in order to act, personally or by influencing another person so to act, in a manner that (i) amounts to:*
- *a) illegal, dishonest, unauthorised, incomplete, or biased; or*
- *b) misuse or selling of information or material acquired in the course of the; exercise, carrying out or performance of any **powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation**, that (ii) amounts to;*
- ***a) the abuse of a position of authority;***
- ***b) a breach of trust; or***
- ***c) the violation of a legal duty or a set of rules; (iii) designed to achieve an unjustified result; or (iv) that amounts to any other unauthorised or improper inducement to do or not to do anything."***

The contents of this statute and the consequences of violating it, are equally relevant to members of the South African Police Service who choose to engage in criminal activities.

1.4.3 POLICE CULTURE

One of the earliest proponents of a distinct "cop culture" was Skolnick (Wilson, Ashton & Sharp 2001: 134). The author suggested that police officers developed a "working personality." The latter occurred as a result of certain elements that exist in the policing process, such as danger and authority. Danger refers to the unpredictability of police work or not knowing what to expect when called out to an incident, which could be volatile. Authority refers to the power police officers have to use legitimate force, which could lead to police becoming a law unto themselves.

This framework has been criticised for being outdated and too broad (it was compiled in 1966). Also, it does not consider aspects such as differences of police cultures in various countries, police services, ranks and even officers in the same ranks with different functions.

Reiner (in Wilson et al 2001: 135) presents a better understanding of "*cop culture*" by mentioning the following characteristics, gleaned through interviews with a range of police officers:

- *mission – action – cynicism – pessimism,*
- *suspicion,*
- *isolation/solidarity,*
- *conservatism,*
- *machismo,*
- *prejudice,*
- *pragmatism.*

Mission relates to the career choice of police officials as not being just another job, but has the responsibility of protecting society from "forces of destruction." **Action** is required to achieve the latter. Police members sometimes develop **cynical** and **pessimistic** outlooks, as a response to new crime trends, which they feel could destroy the moral world. Police are trained to look for signs of trouble, clues and possible danger. They are therefore trained to be **suspicious.** The latter could lead to the stereotyping of potential offenders.

The nature of police work often leaves police members feeling **isolated** from society. As a result of this, there is a strong sense of **solidarity** between police officers who often help each other out of difficult situations. There are differences between "management cops" and "street cops." These differences arise from conflicts within the police organisation, such as the nature of the working environment and rank structures. Conflict also occurs between the "management cops" and the "street cops" because the former present the legal and rational face of the police service and the latter feel they have to bend rules to achieve results (Reiner in Wilson et al 2001: 136).

The author suggests that police are politically and morally **conservative.** The nature of a police organisation is bureaucratic, hierarchical and disciplined, therefore making it easier for an individual with a conservative outlook to fit in. If officers are too conservative on social and moral issues, this can lead to prejudice against certain groups, such as homosexuals or drug addicts. The author stresses that "cop culture" is not puritanical, but tends to be dominated by "old fashioned **machismo**." This is characterised by high divorce rates, stress and hard drinking.

Another consequence of conservatism is racial **prejudice**. Reiner (in Wilson et al 2001: 137) conducted research in Bristol (United Kingdom) and found that police were "hostile to and suspicious of black people." **Pragmatism** is the final aspect of "cop culture" mentioned by the author. This means that every police member wishes to get through the day with as much ease as possible, with minimal paperwork. Stress prefers to be reserved for the practical 'no-nonsense' aspects of policing.

Chan (in Brookman, Noaks & Wincup 1999: 130), a modern proponent of "cop culture," suggests that the following four factors must be taken into account when trying to define this phenomenon. Firstly, consideration must be given to the multiplicity of police cultures, rather than assuming all police have one culture common to all officers, regardless of rank. Secondly, not all police members blindly accept the cultural code. They interpret the code and behave according to their interpretation. Thirdly, more consideration should be given to the social, political, legal and organisational aspects of policing and how these affect the "culture." Finally, included in any approach to "cop culture," the possibility that this culture can change must always be considered.

There are aspects of police culture that can facilitate police corruption and criminality. According to Swope (2001: 80) "police officers do not enter the profession as an opportunity

to steal, extort or accept bribes. They do not take on the profession as an opportunity to beat people, violate individual rights or use excessive force. They do not take on the profession as an opportunity to plant evidence, lie and frame innocent individuals." The author believes that the above-mentioned behaviour is born and nurtured **in the barrel**, the culture of a few police agencies. According to the author, this corrupt behaviour is consistent with the nature of some police organisations and not inherent character flaws of certain police members.

- **Blue code of silence**

One of the reasons police criminality/corruption is so difficult to control is because of a police cultural phenomenon called the "blue code of silence." According to Skolnick (2002: 8) "because of the nature of police work, which is generally unpredictable and potentially dangerous, along with their ability to use legitimate force, police members develop their own interpersonal, close subculture. Whether corruption or criminality is an issue or not, loyalty to fellow police members is a key element of police culture." The author adds that "the unique demands placed on police officers, such as the threat of danger as well as scrutiny by the public, generate a tightly woven environment conducive to the development of feelings of loyalty."

Typical examples of how this code of silence manifests itself in police culture, is when officers refuse to report misconduct by their colleagues to management, or deny any knowledge of misconduct. Police officers often cover-up for corrupt colleagues by giving false testimony.

Klockars (Newham 2003: 1) adds to this by also mentioning that a code of silence is a characteristic of police culture. Because of the strong bonds between police members, fellow officers do not want to provide testimony against, or investigate a fellow officer as this will compromise their relationships and they risk being labelled a "sell-out." This is particularly relevant if the officer under investigation risks sanction or the loss of his/her job.

1.5   METHODOLOGY

1.5.1 RESEARCH DESIGN

a) The approach to this study is **qualitative** as opposed to the more traditional quantitative paradigm. A qualitative approach is less rigid and allows the researcher the

freedom to ask broader questions in a less formal environment in order to glean as much knowledge on the research topic as possible.

b) The **unit of analysis** in the study is the **individual,** either individual serving police members of the South African Police Service, ex members or any other individual knowledgeable about police criminality. Individual erstwhile SAPS members who were involved in criminality and are presently incarcerated, will also be interviewed.

 c) The **time dimension** of the literature used is from approximately 1997 or earlier, if the material is relevant to the study. The first interview (pilot interview) for the empirical study was conducted in April 2003 and the final interview was done in October 2005.

d) The **research aim** is to access as much information on police criminality as possible. This will be done by employing exploratory, descriptive and explanatory techniques.

Chapter Six deals with a more detailed exposition of the research process.

1.5.2   DATA COLLECTION

Data for this study were collected by means of a literature study and interviews. The literature study focuses on information concerning **why** police members commit crime, **what** crimes they commit and **how** they commit these crimes.

In-depth interviews were conducted with knowledgeable people in the policing field, such as a variety of serving members of the South African Police Service, ex-members including an ex-police commissioner and the erstwhile head of the defunct SAPS Anti-corruption Unit. Other knowledgeable individuals interviewed include criminal justice researchers, a criminologist, a reporter, the head of the Independent Complaints Directorate, police union personnel and a senior member of the National Prosecuting Authority.

Three international interviews were conducted, the first with the commander of the Employee Management Branch of the New South Wales Police Service in Sydney, Australia, the second took the form of a Digital Video Conference with the commander and a colleague from the New York Police Department's Internal Affairs Bureau, in which the researcher participated. The third international interview was with the director of investigations of the Independent Police Complaints Commission in London (the interviewee was an ex-

Metropolitan Police Assistant Commissioner). Eight incarcerated police offenders, convicted for a range of crimes were also interviewed (see Chapter Six: paragraph 6.3.2.3).

1.5.3   DATA ANALYSIS

This section of the research pertains to the compilation of all the information collected on the research topic. The information is then interpreted and analysed. The researcher made use of **interview guides** for both the specialist and the offender interviews. **Themes** covered in the **specialist interviews** (including the South African Police Service interviews) include the following:

- **Extent** of police criminality?
- Which **ranks** and **units** are the most susceptible to crime?
- **Types** of crimes committed by police members?

RISK FACTORS

- **Why** do police members get involved in criminality?
- What justifications do they give for their actions?
- Is police criminality a result of **individual or organisational weaknesses?**

RECRUITMENT

- Which SAPS structures are responsible for recruiting and vetting new recruits?
- Are the processes effective?
- Is illiteracy still a problem?
- How **professional** are the SAPS? Are they attracting good calibre individuals?

TRAINING

- Is SAPS training effective and ongoing?
- Are recruits taught to identify and avoid temptations that accompany police work?
- Do they receive **ethics** and **integrity** training?

CONSEQUENCES

- What are the consequences of police criminality?

INTERVENTIONS

- What needs to be done to minimise police crime and corruption?
- Does SAPS have random drug testing, lifestyle surveillance or integrity testing?
- Does SAPS have an Early Warning System to identify problematic behaviour by a member?
- How effective is the Code of Conduct as a deterrent?
- Is there sufficient/effective PSYCHOLOGICAL support for members?

POLICIES AND PROCEDURES

- **Grievance procedures:** are these adequate in dealing with policing or related problems that members have?
- **Promotions policy:** what is the promotions policy at the moment – merit or quota system? If so, does the latter lead to resentment?
- Do additional qualifications influence promotion?
- Are good cops promoted monetarily within their rank if there is no scope for promotion to a higher rank?
- **Disciplinary procedures:** incidents of unequal implementation – how common is this?
- Do members get charged criminally and departmentally? In which order?
- Who is responsible for disciplining members?
- Is there reluctance to discipline staff? Why?
- Are presiding officers experienced enough – intimidated?
- Standard of discipline generally in the SAPS?

INVESTIGATIONS/COMPLAINTS

- Is there an effective **complaints** system in place?
- How does the public go about laying a complaint against an errant police member?

- Who investigates these complaints?
- Why was the Anti-corruption Unit closed?
- Why does SAPS not have an insular, highly specialised unit for investigating police corruption/criminality as per International best practice?
- How effective are the Independent Complaints Directorate as an oversight body? How autonomous are they?

The interview guide for **offender interviews** include the following themes:

PART ONE

(BIOGRAPHICAL)

- Age, where did you grow up?
- When did you join the SAPS?
- Length of service?
- What units were you in?
- Why did you join the police?
- What part of the job did you enjoy the most/least?
- Do you have any family members in the police?
- What was the quality of the **training** you received?
- Did the training include the avoidance of temptations arising from police work?
- Any ethics or integrity training?

PART TWO

(THEORY/ LITERATURE)

- What is the EXTENT of corruption/criminality in the SAPS?
- Most common TYPES of corruption/crime?
- Which **ranks** and **units** are most affected? Situation in your unit?
- Which **shifts** are the most vulnerable?
- Quality of supervision?
- Individual or group corruption?
- Is assault/police brutality a problem? Gratuitous or part of policing?
- POLICE CULTURE?

- SAPS POLICIES AND PROCEDURES

    - Grievance
    - Promotions
    - Discipline
    - How effective are these in resolving workplace issues – especially the grievance procedure?
    - Is discipline applied fairly or selectively?
    - Is there enough quality support for police members who have problems – Psychologists and Social Workers?
    - **Why** do police members become involved in criminality?
    - What justifications do they give for their behaviour?

INTERVENTIONS

    - What is the official reaction to police corruption/criminality?
    - What should management be doing to curb the problem?

PART THREE

(PERSONAL QUESTIONS)
    - Are you prepared to talk about your own circumstances?
    - The crime itself?
    - How did you feel afterwards? Is the sentence too harsh?
    - What do you think of the police? Would you recommend a career in the police service today?
    - What did your colleagues think?
    - Why did you do it?
    - **Consequences** of your actions – where to from here?
    - Would you do it again?

    - REHABILITATION – is there any?

Questions were altered, added or removed depending on the expertise of the individual interviewed.

1.6 EXPOSITION OF CHAPTERS

This thesis is subdivided into two volumes. **Volume one** consists of five chapters focusing on the literature research pertaining to the subject of police criminality. **Volume two** represents the empirical study on this subject.

Volume One

Chapter One - Orientation

This chapter introduces the study to be undertaken to the reader. It explains the rationale behind the choice of subject and it identifies the aims of the research. Pertinent definitions are presented to illuminate the meaning of key concepts such as policing, police crime, corruption and misconduct, police culture and the 'blue code of silence'. A brief overview of the methodology to be used in the research is also presented.

Chapter Two – Illustrating Police Crime

Chapter two is the start of the literature study and it focuses on two pertinent questions: **what** crimes the police commit and **how** they commit these crimes. Extensive examples of police crimes will be presented in order to illustrate the different **types** of crimes committed. Illustrations of police criminality will not only focus on the South African Police Service (although this is the main focus), but on the New York Police Department, London's Metropolitan Police and the New South Wales Police Service in Australia as well.

Chapter Three – Risk Factors Associated with Police Criminality

This chapter highlights the risk factors that contribute towards the myriad police crimes committed. It focuses extensively on the **whys** of crime causation. It also emphasises the contribution of individual and organisational characteristics that contribute to police crime.

Chapter Four – Descent into Crime: Explanation and Consequences

Vivid and pertinent illustrations are provided in this chapter to assist the reader in understanding how some police members get involved in corruption and criminality. The "slippery slope" theory and erosion theory are presented by different authors to highlight this

phenomenon and good individual case studies are provided. The consequences of police criminality are discussed including the consequences on the individual, the organisation and the public.

Chapter Five – Interventions

This chapter presents many suggestions by various authors on what needs to be done to eradicate or to minimise and manage the occurrence of police corruption and crime. These suggestions also include individual, organisational and peripheral categories of interventions.

Volume Two

Chapter Six - Methodology

Methodology applied in this study includes the research design emphasising a qualitative approach to the study, the unit of analysis, which is individual, the time dimension and the research aim. Data collection will be achieved by means of a literature study, in-depth interviews with knowledgeable people in the field and with police offenders. The data analysis (processing) section will arrange and interpret all the information gathered.

Chapter Seven – International Interview Findings

A pilot interview was held with the commander of the Employee Management Branch of the New South Wales Police Service in Sydney, Australia. An interview was conduct in London with the Director of Investigations of the Independent Police Complaints Commission who was also an ex-Assistant Commissioner of London's Metropolitan Police. The researcher participated in a Digital Video Conference from Cape Town and Pretoria, held with the Chief of the New York Police Department's Internal Affairs Bureau and a colleague (participating from New York). This chapter reflects the findings of these interviews.

Chapter Eight – Specialist Interview Findings

In this chapter, data will be processed relating to interviews held with specialists in the field of police criminality. These specialists consist of two groups, serving members of the South African Police Service and a variety of individuals in other disciplines (including researchers, academics and ex-members of the SAPS) that have a good knowledge of police criminality.

Chapter Nine – Offender Interviews

This chapter deals with the findings of interviews the researcher conducted with eight police offenders while they were incarcerated in various facilities around the Western Cape. The interviews were comprehensive and gained significant insight into police criminality.

Chapter Ten – Interpretation and Theoretical Explanation of Data

In this chapter, all findings are interpreted and used to explain the phenomenon of police criminality by applying certain theories. Police crime is explained by integrating aspects of general strain theory and institutional anomie theory (on a macro level) and by using the general theory of crime to explain this phenomenon on a micro level.

Chapter Eleven – Conclusion and Recommendations

The final chapter revisits the secondary and primary goals (main aims) of the research. Were these achieved? The researcher's contribution by way of an INTERVENTIONIST MODEL is presented and suggestions are made for further, suitable research topics.

VOLUME ONE	VOLUME TWO
Literature Study	**Empirical Study**
Chapter 1 – Orientation	Chapter 6 – Methodology
Chapter 2 – Illustrating Police Crime	Chapter 7 – International Interview Findings
Chapter 3 – Risk factors Associated With Police Criminality	Chapter 8 – Specialist Interview Findings
Chapter 4 – Descent Into Crime: Explanation and Consequences	Chapter 9 – Offender Interview Findings
Chapter 5 – Interventions	Chapter 10 - Interpretation and Theoretical Explanations
	Chapter 11- Conclusion and Recommendations