

**CHAPTER TWO**

**ILLUSTRATING POLICE CRIME**

## 2.1 INTRODUCTION

Of great concern universally is the involvement of police members in the illicit drug trade. Commissions of Inquiry have been set up in various developed countries to attempt to determine the extent of police corruption and criminality in specific Police Services such as the New South Wales Police Service in Australia and the New York Police Department (USA). These Commissions found that the most serious criminality and corruption uncovered during the course of their investigations and hearings related to the drug trade.

Police involvement in the drug trade varies from stealing drugs from dealers or crime scenes to resell or use, to actually managing a drug dealers business for him. Drugs are but one of a myriad of crimes police members get involved in. Other crimes this chapter will illuminate include violent crimes such as murder, assault and police brutality. Public order crimes focus on drug-related criminality and sex crimes committed by police members. White-collar crimes (enterprise) include fraudulent practices and the ever-present informer fraud. Property crimes refer to the common crime of theft, vehicle-related crime and the South African phenomenon of abalone poaching.

Police members also abuse the criminal justice system by sabotaging prosecutions for a fee, by indulging in noble-cause corruption and by information compromise – selling information to criminals. Some police officials do not limit themselves to indulgence in one particular crime, but get involved in a variety of wrongdoing. Corruption is also either unorganised, which is referred to as individual corruption, members who commit their crimes or corruption on their own. Organised corruption usually refers to detectives or members of specialised squads who operate in groups when indulging in deviance.

The *Knapp Commission*, which was formed in 1972 to investigate police corruption in New York City, coined the terms “meat eaters” and “grass-eaters.” The former refers to cops who actively go out and create a situation conducive to criminality and the latter refers to cops who see a corruption or criminal opportunity (such as being offered a bribe) and taking it.

A comparative study with South Africa, United Kingdom (mainly the London Metropolitan Police), United States of America (mainly the New York Police Department) and Australia (mainly the New South Wales Police) will be done with relevant examples in this chapter to highlight police criminality more broadly and to try and gain a better understanding of this phenomenon. Each country represented in this study has a problem with police crime, it only differs in severity and example (dominant types).

This chapter will serve to illustrate police crime and criminality by providing selected pertinent examples from all four countries studied, in order to gain a better understanding of **what** crimes police members commit and **how** they commit these acts.

## **2.2 TYPES OF POLICE CRIME**

### **2.2.1 VIOLENT CRIMES**

#### **2.2.1.1 Murder**

Murder is by no means a common crime committed by police members, but it does happen, as the following South African media articles will illustrate. A former police inspector from Pretoria was sentenced to an effective 18 years in prison in December 2001 for the murder of a suspect and for defeating the ends of justice. The policeman arrived at a crime scene where two suspects had already been handcuffed by security personnel. The policeman assaulted the pair, told them to run, upon which he fired at them, killing one suspect. In his defence, a psychologist testified that this behaviour was out of character for the policeman, but that the level of stress he had experienced during his years as a policeman could have contributed to his actions. The latter was fuelled by self-medication and alcohol abuse (Sapa in *The Herald of 9 September 2003*).

An ex-police officer was sentenced to a custodial term of 12 years during July 1997 for the murder of a taxi driver who had refused to let the inebriated policeman smoke in his taxi. The police officer was convicted on murder and defeating the ends of justice charges. The latter charge relates to a false statement made to the police saying that the taxi driver had fired a shot at him and robbed him of his watch, cash and his service pistol, which was untrue. The judge added that the taxi driver's murder (he was shot in the head) was a "cold-blooded and

unprovoked attack,” inflicted when the taxi driver asked the policeman to put out his cigarette (Cavernelis in the *Saturday Argus* of 19 July 1997).

In another incident, the Cape High Court sentenced an ex-member of the Child Protection Unit to nine years in prison for killing a suspect arrested for the molestation of the policeman’s six-year old daughter. The judge accused the policeman of acting as the “investigator, prosecutor, judge and executioner” with regard to the suspect. The policeman gained access to the suspect’s cell on the pretext of wanting to question him. Once inside the cell, the suspect was kicked and eventually taken out of the cell by the policeman where he was assaulted and threatened with a firearm. The suspect attempted to run back to the cells, he had shots fired at him whereupon he ran outside again and collapsed in the courtyard, where he was shot again. When he finally collapsed near a gate, the policeman walked up to him and fired more shots at him. The judge in this case acknowledged the fact that the policeman had the support of the majority of his crime-weary community for what he had done (Van Hees in *The Citizen* of 20 May 1998).

An incident that occurred during October 2004 highlights the ferocity of revenge on a policeman who investigates his corrupt colleagues. It must be stressed that this trial has not been concluded. On 2 October 2004 a police captain from a Pretoria Crime Intelligence Unit was found dead next to an unmarked state vehicle he was using, he had been burnt alive. The vehicle was in flames and it was riddled with bullet holes.

At the time of his murder, the police captain was apparently investigating senior police officers and prominent businessmen in connection with the manipulation of tenders worth millions of rand. Three policemen were arrested in connection with this incident. One of the accused was a sergeant based at police headquarters in Pretoria, his job function included awarding police tenders for office supplies and catering for official functions. During the year prior to the murder, the sergeant contrary to police regulations, had become more involved with broader tenders for police and other government departments. Another policeman implicated in the murder was a Station Commander (Carstens in <http://www.news24.co.za>).

## 2.2.1.2 Assault and Police Brutality

### Australia

The *Royal Commission into the New South Wales Police Service* (1997: 84) henceforth referred to as the *Royal Commission* was set up to investigate police corruption and criminality in the New South Wales Police Service. The Commission came across numerous incidents where private citizens were on the receiving end of assaults and other abuses of power by the police. The Commission concluded that some members of the police service lacked an understanding of their responsibilities as police officials and upholders of the law. They were aggressive and ill disciplined. Many of these police officers tended to act defensively instead of addressing underlying problems such as a lack of professionalism and integrity.

Some specific cases the Commission investigated include the “**Kings Cross Assault**” case. During July 1990, an altercation occurred between a group of young men and members of the Kings Cross (Sydney) detective’s office, their spouses and colleagues. Each group had been on an evening out. The cause of the altercation between the two groups could not be ascertained, but it could be proved that after the men were arrested and transported to Kings Cross police station, uniformed police joined their off-duty colleagues in beating up the men with batons while in the cells. They were also assaulted individually while being processed and interviewed.

The officer in charge of the Sydney Charge Room was concerned about the extent of the injuries sustained by the young men and insisted that one of the Kings Cross detectives attend the Police Centre to record the injuries. The latter was done by way of a loose sheet occurrence entry that was left at the Sydney Charge Room upon completion. When the Commission requested this piece of paper for its investigation, it was “missing” with no explanation given for its disappearance. The statement made by the officer contained no reference to the recorded injuries, nor did it mention that a record had been made at the charge station.

Two police officers involved in the assault admitted that they had both given false evidence in the prosecution and in the appeal that followed. They also admitted to withdrawing charges against a witness so that he could provide a statement in court exonerating the police of any wrongdoing. The policemen mentioned that they were very angry at the time of the assault at the police station. The motives for the assaults appear to be anger and retribution. This assault

incident revealed the **lack of any meaningful supervision** at Kings Cross police station. A more senior manager may have been able to immediately suspect that the policemen's actions were fuelled by alcohol and anger and kept them away from the young men as opposed to the police officers on duty at the time, who joined in the melee.

This particular incident also revealed one officer's shock at his own anger, manifested in his actions that night, as well as his disillusionment with policing as a career. The officer felt frustrated with the system and the lack of support provided by the Police Service, including the Police Welfare Branch.

The **West End Hotel Incident** was captured by police video surveillance and showed off-duty members attending a function at this hotel forcibly remove an unidentified patron from the hotel. After being dragged out of the hotel and while lying on the footpath, the man was visibly kned in the face and kicked many times in the head and upper body, by two police officers. A detective inspector and a detective sergeant who were witness to the assault made no attempt to intervene or to help the victim lying motionless on the footpath. Although this incident may have been triggered by the civilian's offensive behaviour, the attack on him was inexcusable.

The evidence given before the Commission revealed that an officer involved in the incident received threatening calls while giving evidence. She was told to "stick to the story." The officers questioned about the incident chose to continue lying about what happened even after being presented with the video evidence. After admitting that she had lied to a police inquiry about the incident, one officer gave vivid evidence of the **code of silence**. After observing the treatment many police members received from their colleagues after assisting with internal inquiries, the officer decided she did not want to experience the same atmosphere of coldness and distance. She added that when she told her detective inspector that she had to attend a police interview on the matter, she was told - "you know what you have to say to them, and you saw nothing."

### United Kingdom

The British illustration presented here includes examples of assault, police brutality and subsequent deaths in custody of members of ethnic minority groups in the UK, made into a film called "Injustice." The directors of this documentary clearly stated that they "did not want to make an expose type of film that pretended to be 'balanced' because we knew which side of the fence we were on." They made a film highlighting the occurrence of deaths in police

custody as well as the suffering of the families of the victims, their struggle for justice and the lack of sanction for implicated officers. The documentary was launched in July 2001. Between 1969 and 1999, over 1000 people died in police custody in England (<http://www.injusticefilm.co.uk/filminginjustice.html>).

An example of extreme assault by police depicted on the above website is that of Amer Rafique, a student from Manchester. Walking home after finishing work in a restaurant in the early hours of the morning he was stopped by police officers (for no apparent reason). Amer was assaulted by these officers, thrown into the back of a police van and taken to a police station a few minutes drive away from the scene. A friend of Amer's witnessed the attack and arrest and informed his parents whereupon his father replied - "this is not Pakistan, things like this do not happen here." The attack was so severe that the victim had one eye removed, damaged sight in the other eye and his jawbone required surgery. Amer survived, others have not been as fortunate.

<http://www.users.globalnet.co.uk> pointed out that in the last couple of years in Lambeth alone, three black men had died in police custody. The first victim, Brian Douglas was beaten up on the street with US style side-handled truncheons, left in a police cell with no medical attention and later taken to St Thomas hospital where he died. The second victim, Wayne Douglas was chased from Brixton police station by officers shouting racial abuse. He was beaten to death. The third victim, Oscar Okoye died from a brain haemorrhage after an earlier incident of assault by police officers. In another incident, immigration police suffocated Joy Gardner to death with adhesive tape during 1994.

Ibrahima Sey, a 29-year old asylum seeker from Gambia was killed by police in the Ilford police station during March 1996. Ibrahima who was mentally ill, had been arrested following a domestic dispute. The family explained his condition to the police and they allowed a friend to accompany him to the police station. Upon arrival the friend was not allowed into the custody area. The suspect pleaded for his friend to be allowed in and he became "alarmed" and "agitated." Ibrahima was forced to the ground in the yard of the police station, handcuffed and sprayed in the face with CS gas (a strong form of teargas). The officers held him face down on the ground for 15 minutes, with his hands cuffed behind his back and their feet on his legs. This "method" of assault is known to lead to suffocation. Ibrahima was dead before the ambulance reached the hospital.

After all these custody deaths and subsequent investigations, not one officer had been convicted. A campaign and a demonstration were organised in Ibrahima Sey's neighbourhood after his death. The officers involved were not disciplined, suspended or prosecuted. The police and the police surgeon initially made a statement that Ibrahima had a "heart disease and/or suffered a 'sudden death' linked to his mental condition." A month long inquest was eventually held into his death at a coroner's court with a verdict of unlawful killing. This was however the third unlawful killing verdict made by the coroner's court in the last few years, relating to deaths in police custody. The other two cases involved Richard O'Brien in South London and Shiji Lapite in Hackney. They too had been suffocated. Despite these verdicts, the Police Complaints Authority (PCA) refused to recommend appropriate disciplinary action against the guilty officers and the Crown Prosecution Service declined to prosecute them (<http://www.users.globalnet.co.uk>).

Victims who have successfully sued the police for assault and police brutality and won large out of court settlements, were always told that – "this is not an admission of guilt on the part of the officers involved." Investigations into officers implicated in custody deaths are usually conducted by fellow officers who often collude with the former to hide evidence, for example, the victim's clothes are burnt, the inside of police vans are washed to remove traces of blood and pages disappear out of notebooks. The PCA is there to act as a "toothless" go between and the Director of Public Prosecutions will make a statement such as "there is insufficient evidence to warrant a prosecution." The Police Federation supplies the resources to any officer who appears before the coroner's court (these are the sentiments expressed by a director of the film "Injustice" as they appear on the website <http://www.injusticefilm.co.uk/filminginjustice.html>).

Since its launch in July 2001, the police have attempted to censor the film and the Police Federation and individual police officers have threatened cinemas and filmmakers with legal action.

### United States of America

The examples in this section focus on the New York Police Department (NYPD), which appears to experience a major "corruption-eruption" every 20 years.



*The Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department*, better known as the *Mollen Commission of Inquiry* (henceforth to be referred to as the *Mollen Commission*) was set up in 1993 and headed by Judge Milton Mollen to investigate the pervasive corruption and criminality in the New York Police Department. The *Knapp Commission of Inquiry* was set up 20 years earlier for the same purpose. The *Mollen Commission* (1994: 44) investigators found a definite link between police corruption, criminality and brutality. They also found that police assaults and brutality occurred more frequently in large minority neighbourhoods with crime and drug problems. In the following instances, the connection between police criminality and serious assault (grievous bodily harm) is obvious. In New York's 30<sup>th</sup> Precinct, an officer not only robbed a drug dealer but shot him in the stomach to get his hands on the drugs.

Another officer from the 73<sup>rd</sup> Precinct accompanied by fellow police offenders, put a gun in the mouth of a drug dealer and threatened to "blow his brains out" if he did not part with information on a drug hideaway the officers wanted to rob. Former officer Michael Dowd not only provided information to drug dealers in the 75<sup>th</sup> Precinct for profit, but threatened competitors to make sure the drug "business" he protected ran smoothly. Some officers also used brutality to intimidate their victims so they would not lay charges against them.

The investigation also revealed that corrupt officers were more likely to indulge in brutality. It could not be ascertained whether these officers were violent in order to achieve their criminal aims or whether criminal traits and precinct conditions that encouraged corruption also encouraged brutality. **Police criminality and brutality cannot be viewed in isolation.** The investigators reached this conclusion from both testimonial and empirical sources. Officers told them that corrupt cops seemed to be more violent, even in situations unrelated to corruption, compared to other officers.

The Commission conducted its own empirical study focusing on 234 problem officers that were considered most likely to be corrupt (based on corruption allegations and field commander input) and compared the number of excessive force allegations against them with a random sample of 234 officers from similar commands. The results revealed that the problem officers were more than five times as likely to have five or more allegations against them, than the sample group.

The *Mollen Commission* (1994: 47) also found a **link between brutality and police culture**. Brutality occurred to show power, to vent anger and frustrations, to attempt to command respect from the community and sometimes, out of hostility or fear on the part of the officers towards an individual or the community he represents. Officers testified that some of their colleagues exercised their own form of street justice by “a nightstick in the ribs, a fist to the head, to demonstrate who was in charge of the crime-ridden streets they patrolled and to impose sanctions on those who ‘deserved it’ as officers, not juries, determined.”

The Commission heard testimony from an officer from Brooklyn who, together with colleagues, threw a bucket of ammonia in the face of a suspect detained in the precinct’s holding cells. Another officer and his colleagues threw garbage and boiling water on a suspect hiding in a dumb waiter shaft. Ex-officer Cawley testified how he and his accomplices cut an escape rope hanging from a drug dealer’s window, if anyone tried to use it they would plunge to the ground. The same group of officers in uniform, raided a brothel, ordered the men out, lined up the women, selected their victims and proceeded to terrorise and rape them with impunity.

Brutality, with or without motive, at times serves as a facilitator for other forms of corruption, crime and misconduct. For some officers, assaults and brutality were the beginning of their **loss of integrity**. Once this had happened without consequences, it was easier for them to move onto corrupt and criminal activities. Brutality was also used as an initiation tool to prove if the new officer was a tough or “good” cop, one that could be trusted by his fellow officers to not report wrongdoing. Brutality enhanced the bonds of loyalty and silence among officers and this resulted in corruption tolerance. Brutal officers did not restrict their assaults to individuals presumed to be criminals and drug dealers, but law-abiding citizens were victimised as well. In one incident, Cawley and colleagues decided to attack a known drug location. They entered swinging nightsticks and fists. No one escaped the attack, innocent or guilty, young or old were all perceived to be guilty. These officers engaged the “us versus them” attitude, which makes it easier for officers to detach themselves from the public and to commit acts of corruption and brutality.

The examples referring to Cawley represent the extremes of police brutality, but it is necessary to highlight the seriousness of the problem. It is also important to recognise the fact that Cawley did not act alone. He was supported by corrupt colleagues, what he did was also not a secret. Cawley earned the nickname “the mechanic” (for “tuning people up”). There is no evidence of any police officer reporting Cawley for his behaviour. Only one allegation of

excessive force was ever filed against Cawley during his long and brutal career, and this was not by a police officer. In the case of Michael Dowd, who had testified to being party to many acts of brutality, few allegations were filed against him. Again, none of these allegations were filed by police officers. The Commission heard that this was a similar pattern for most of the violent and corrupt officers.

The Commission added that they were not suggesting that the use of force was not an integral part of effective policing and to the safety of police officers. Police officers cannot protect themselves, the community they serve or carry out dangerous duties without the use of force. They do say however, that there is a difference between aggressive policing and brutality. It is unacceptable to cross that line to brutality, particularly when it is linked to corruption and criminality.

### South Africa

The *Independent Complaints Directorate's Annual Report (2004/5: 74)* states that the ICD received a total of **652** complaints alleging death in police custody or as a result of police action. Of the 652 death cases reported to the ICD, 286 were complaints concerning individuals who had died whilst in the custody of the South African Police Service. The causes include natural causes (128), suicide (42), injuries sustained in custody (45) and injuries sustained prior to detention (71). A finalisation rate of 63% was achieved by the ICD. During the previous year **714** complaints were received. It is important to note that not all deaths in police custody are a consequence of police action, as illustrated below.

**Table 2.1 Breakdown of Death cases yearly change**

<b>Deaths in police custody</b>	<b>2003/4</b>	<b>2004/5</b>	<b>Change</b>
Natural Causes	124	128	3.2%
Suicide	104	42	-59.6%
Injuries sustained in custody	81	45	-44.4%
Injuries sustained prior to detention	25	71	184.0%
<b>TOTAL</b>	<b>334</b>	<b>286</b>	<b>-14%</b>

### **Death as a result of police action**

A suspect shot during the course of arrest	185	128	-30.8%
A suspect shot during the course of a crime	71	98	38.0%
A suspect shot during the course of an escape	23	12	-47.8%
A suspect shot during the course of an investigation	20	21	5.0%
Other intentional shooting/negligence	53	77	45.3%
An innocent bystander shot by police	8	5	-37.5%
Beaten with hands/fists by police	2	2	0.0%
Vehicle accident involving police	18	23	27.8%
<b>TOTAL</b>	<b>380</b>	<b>366</b>	<b>-4%</b>
<b>GRAND TOTAL</b>	<b>714</b>	<b>652</b>	<b>-9%</b>

Source: Independent Complaints Directorate Annual Report (2004/2005: 79)

The majority of deaths (most of which were shooting incidents) occurred in the province of KwaZulu Natal (26.8%). The ICD noted that there was a worrying trend of misuse/abuse of service issue firearms by off duty SAPS members, which are used in disputes and circumstances totally unrelated to police business. "This raises questions on the wisdom of carrying firearms while members are off duty, which results in them using firearms for purposes other than intended. These actions, other than the obvious reasons of attracting civil liability against the Minister for Safety and Security, also lead to destruction of family lives and unnecessary suffering and hardship for especially women and children." (*Independent Complaints Directorate Annual Report 2004/5: 45*).

An article in the *Pretoria News* of 10 July 2001 written by their own correspondent quoted a member of the ICD saying that the most recurrent form of abuse they found was the "excessive use of force, abuse of power in the form of assault, or a tendency towards violent treatment of suspects and the unjustified use of weapons." Between July 2000 and July 2001 wrongdoing by the police, such as insensitive treatment of victims and wrongful arrest cost the South African taxpayer more than R2 million. In one case, an employee of a now defunct up-market brothel in Johannesburg successfully sued the Minister for Safety and Security for

R800 000 for using jackboot tactics when arresting him in a raid that was highly publicised. The attack was caught on camera.

The editorial of the *Independent on Saturday of 8 March 2003* laments the all too regular occurrence of brutality by members of the South African Police Service. In Umlazi, three policemen were arrested for assaulting two women and a teenager who they suspected had stolen a cellular phone. The women were abducted from their homes, stripped naked, punched, kicked and shots were fired between their legs. The teenager was so badly assaulted that she would need surgery for a fractured skull.

In the Eastern Cape, the mother of a teenager received R30 000 in an out-of-court settlement after she sued the police for wrongful arrest, detention and the assault of her 17-year old son. Six police officers arrived at her home early on 1 March 2002 and asked for her son who they claimed had been involved in a shooting. They searched the house for weapons but did not find any. The policemen then forced the son to his knees, handcuffed him and one of the policemen started assaulting him outside the house. The teenager was taken to a sports complex where he was assaulted further by the police officers. According to evidence before the court, he was hit with fists, slapped, throttled and kicked until he lost consciousness. His mother was refused permission to see him in the police cells, when she eventually did get to see him, he was covered in blood, had a swollen face and he was unable to eat because of a sore throat. When the teenager appeared in court, a charge of attempted murder against him was withdrawn due to lack of evidence. The advocate for the state admitted that the teenager had been unlawfully detained (Matyu in *The Herald Of 14 May 2004*).

At the beginning of December 2003, four white police officers were given custodial sentences for the assault of a black colleague. The assault occurred during 1999 when two policemen went to the police barracks in Cape Town and told the victim and his friends to turn their music off. Racial slurs were directed at partygoers. The victim asked the policemen why they were being racist, they responded by beating him with their batons. They punched, beat and kicked him before dragging him down the stairs from the third floor and taking him to the Cape Town police station charge office. At this stage the two white policemen had been joined by two colleagues. The latter joined in the assault. At the police station the black policeman was assaulted again. A medical examination showed he had injuries to various parts of his body and his face was bruised and swollen. Three of the officers received 18-month custodial sentences of which nine months were conditionally suspended. The fourth officer received a custodial sentence of 12 months, half of which was suspended for five

years for not reporting the assault. The officers have appealed their convictions and sentences (Schroeder in the *Cape Times* of 4 July 2003 and Sapa in the *Cape Times* of 2 December 2003).

## 2.2.2 PUBLIC ORDER CRIMES

### 2.2.2.1 Drug-related Criminality

#### Australia

The *Royal Commission* (1997: 107) mentioned that “perhaps the most disturbing of all was the extent to which police admitted to being directly involved in the supply of cocaine, heroin and cannabis.” The drugs were usually supplied by crooked cops through informers, either as “payment” for information, or they used informers and known drug-dealers to sell the drugs.

Specific examples of drug deals involving police officers were presented to the Commission and these include criminals financing police operations where the particular dealer’s competitors are “bust” by the police or where their drugs and cash are stolen. In one incident, criminal informers arranged to steal 10 ponds of cannabis from a dealer and proceeded to resell it, sharing the proceeds between certain officers and themselves. Also, a detective bought drugs from one dealer to resell to a different dealer who was experiencing difficulties with the acquisition of drugs from his “usual supplier,” collecting a commission at the same time.

A good example of the police “doing-in” one of their criminal cohorts occurred when police were given information that enabled them to close down a competitor of said criminal, in exchange for a half share of any heroin the police should find. During the raid, one pound of heroin was found. Instead of sharing the heroin, the police officers “cut” (dividing drugs into smaller units and adding cheaper substances to increase quantity) the heroin with glucose. The police gave the informant a small quantity of the cut and sold the rest to another heroin dealer for Australian Dollar (\$) 80 000.

The *Royal Commission* (1997: 96) illustrates the example of Kings Cross, Sydney, the “heart of the narcotics trade” and an area notorious for drug-related crimes and prostitution. Many drug suppliers and owners of premises where drug sales occurred (with their permission) testified that they were paying certain detectives for protection either directly or through

intermediaries. They also testified that they were approached by other police officers for similar payments. The suppliers added that their street dealers were largely left alone after payments were made, and harassed when payments were not made. An environment was created whereby dealers could keep selling drugs as long as they abide by certain rules, such as avoiding fights with fellow dealers, not selling drugs to minors and keeping guns out of Kings Cross.

### United Kingdom

Excellent examples of large-scale police criminality surfaced during investigations into the elite anti-drug unit, London's South East Regional Crime Squad (SERCS). McLagan (2003: 188) relates one policeman's experience. The latter's observations of the workings of the elite crime squad he had recently joined compared unfavourably with the unit he had just left. The detective constable observed that the SERCS was fragmented, disorderly and undisciplined. The detectives showed no respect for their sergeants, everyone was doing their own thing and nobody seemed to be in charge. The detective's previous unit had proper supervision by inspectors and sergeants, experienced mutual trust and respect and detective constables were accompanied by senior officers when they went about their work.

The negative behaviour illustrated above was indicative of the milieu that sustained the SERCS's officers' criminal behaviour. On the detective constable's first day at SERCS he was asked by a member of his team if he had any debts to which he replied affirmatively. He was immediately assured that after a short time in his new unit, he would have no more debts and would always have money.

A few weeks later, the DC was "recruited into the ranks of the corrupt." The officers received information that drug smugglers were flying in 200 kilograms of cannabis resin from Spain and would be dropping it on a farm in Sussex. The drugs were worth Great British Pound (£) 600 000. The officers observed the dealers collecting the drugs, arrested them and seized the drugs. A colleague asked the DC if he could borrow his holdall, which he handed over believing it was to be used to transfer the drugs to the police station. The bag was used instead by his colleague to steal thousands of pounds of cannabis for himself, which he proceeded to sell.

Two weeks later the DC's colleague handed him £300, which the DC took without question, and spent. Only later did he realise why he had received the money, but felt he could do

nothing about it as he had accepted it. The DC was trapped. He did not raise this matter with his superiors because he wanted to succeed in the SERCS and in order to do this he had to be a “part of the team,” he had to be accepted by his colleagues.

More criminality followed, involving this particular detective constable and his colleagues. After a tip-off, the DC and his colleagues seized 100 kilograms of cannabis from a drug courier. One member of the team stole 20 kilograms from the haul, worth £30 000 and paid the DC £2000 for his role in the crime. The stolen drugs were handed to an informer to resell.

McLagan (2003: 193) adds that this team of unashamedly corrupt officers swerved in front of a known drug dealer on a public road, forcing him to pull over. The dealer assumed that he was about to be robbed by a fellow dealer, but he was robbed by police criminals instead. The latter got away with £27 000 worth of cannabis. Apart from the various cannabis thefts, the DC also received £250 of his share from a cocaine bust and £500 for stealing some amphetamines.

Another pertinent illustration of police criminality in action occurred in a sting operation in an east London flat, set up to catch a corrupt detective constable from the Flying Squad who was suspected of involvement in various criminal activities. The sting was set up by a police unit known as the Complaints Investigation Branch (CIB), responsible for investigating complaints of police misconduct and criminality. Three surveillance cameras were installed inside and outside the flat and 80 kilograms of top quality Moroccan cannabis was planted in the flat. The drugs were divided up, placed in different bags and hidden in a cabinet in the bathroom. Three police members were involved in the actual robbery, one acting as a lookout while the other two broke into the flat to steal the drugs. Three minutes after breaking into the flat, the police thieves located the hidden drugs and left with their ill-gotten gains (McLagan 2003: 101).

### United States of America

The *Mollen Commission* report (1994: 15) states that the most serious corruption and criminality uncovered related to the drug trade. The most rotten precincts were invariably situated in high drug-related crime areas. The **opportunities** for police to commit drug crimes increased with the “explosion” of the cocaine and crack cocaine trade from the mid 1980’s. Twenty years prior to this, there was an unwritten rule that not even corrupt cops got involved in drug-related criminality as this was considered to be “dirty money.” This misplaced honour



dissipated with the advent of the cocaine trade. This resulted in criminal police activities ranging from the theft of drugs from street dealers, extended partnerships with drug traffickers, to the abuse of authority by police by allowing, and often assisting drug dealers and drug enterprises to operate with impunity on the streets of New York.

It is not only uniformed patrol officers who are on the streets that succumb to temptation. During the Commission's investigations it was shown that elite units were not immune to drug trade temptations either. Detectives from the Department (NYPD) and a State police investigator assigned to the New York Drug Enforcement Task Force were convicted for stealing drugs (and using an informer to sell them), money and jewellery from legitimate large-scale seizure operations.

The *NYPD Internal Affairs Bureau Annual Report* (2004: 15) mentions that narcotics complaints represented nearly 23% of the total corruption cases for the year in question. This was a decrease of 14% compared to 2003, 269 cases in 2003 and 231 cases in 2004. The top three subcategories comprised 53% of total narcotics cases and these were - associating with dealers, drug use and flaking/false arrest.

The *NYPD Internal Affairs Bureau Annual Report* (2002: 15) provides good illustrations of drug-related police criminality. In one case a police officer sold a police radio to a drug dealer. Subsequent investigations revealed that the officer was also providing protection for drug dealers and assisting them with the transportation of large quantities of drugs. Internal Affairs conducted a sophisticated integrity test (see Chapter Five: paragraph 5.2.3.1 and Chapter Seven: paragraph 7.4.4.1) on the suspect officer in which the officer accepted half a kilogram of cocaine and a large sum of money from an undercover officer. The officer pleaded guilty to various drug charges, fired from the Department and given a three to nine-year custodial sentence.

Internal Affairs received information that a Traffic Enforcement Agent was smoking marijuana in his patrol vehicle. The agent was put under surveillance, which revealed his nefarious behaviour. Investigators set up an integrity test and observed the agent while on duty receiving marijuana and a small amount of money. The goods were taken to the agent's home, a while later he left the house to throw away a black rubbish bag which was searched by investigators. The bag contained wrapping commonly used for marijuana and the cotton filler from cigars. The agent was ordered to have a "drug test for cause." These are drug tests

for uniformed members. Upon refusal to take the test, he was suspended and later resigned from the police service.

In another incident, a member of the NYPD was living with a woman (a civilian) who was a known drug dealer. When the woman was incarcerated for selling drugs, her partner resumed her business. Investigators arranged for undercover agents to purchase crack cocaine from the suspect officer. A search warrant was obtained to search the suspect's premises and he was subsequently arrested for the Criminal Possession of a Controlled Substance and the Criminal Possession of a Weapon.

A Bronx police officer was reported to Internal Affairs for maintaining an ongoing association with known marijuana dealers. Investigators conducted surveillance on the officer and eventually arrested one of the drug dealers. The dealer was able to provide the investigators with evidence against the suspect officer. The latter had been disclosing confidential information to the dealers that he had taken off the NYPD's computers and he was running warrant checks on request from the dealers. The officer was suspended from the Department and subsequently resigned rather than having to proceed with a Departmental trial.

### South Africa

A police sergeant was arrested on corruption charges after allegedly helping two gangsters recover seized drugs. The drugs, 2000 mandrax tablets with an approximate street value of R40 each were taken from an 11-year old schoolboy. The police sergeant together with the two gangsters went to the Lansdowne police station in Cape Town and offered on-duty police officers R15 000 to hand them the mandrax tablets.

Merten adds in the *Mail & Guardian of 8 to 14 June 2001* that it is common practice to use minors to carry and distribute drugs and guns during battles to control drug turfs. Gang members also use minors to approach police to request that dockets and evidence "disappear." The latter occurred in 1999 when 28's gang boss and member of the drug cartel "The Firm," Ernie "Lastig" Solomons walked free from murder and kidnapping charges. The investigating officer carried a contaminated docket in his briefcase for eight years. The officer was eventually suspended after the judge in this case described him as the least credible witness she had seen in her 30-year career.

An area of concern for the South African Police Service management is the period of time it takes before drugs get to the forensic laboratories. Policemen have been known to take drugs off prostitutes and dealers and not hand them in as evidence. Another problem is that forensic laboratories are tasked with storing these drugs, which is not a forensic laboratory function. Some drugs have been in these laboratories since 1992 due to court backlogs. The result of this is the constant risk of break-ins and theft of these exhibits. Attempts have also been made to bribe laboratory staff.

A staff reporter in the *Cape Argus* of 29 December 1999 reported that a police sergeant in the erstwhile gang unit, a police reservist (the sergeant's nephew) and a laboratory assistant were arrested in connection with a burglary at a police forensic laboratory in Faure, Western Cape. The motive for the burglary was to steal drugs that were stored on the premises. The drugs stored at this particular laboratory are often worth in excess of R1 million.

A highly addictive drug named "tik" (a crystal methamphetamine) has been making a devastating impact on South Africa. Joseph reports in the *Cape Argus* of 5 July 2004 that a police inspector had been released on R400 bail after appearing in court charged with possession or alternatively dealing in drugs (in this case "tik"). The sergeant and two accomplices were arrested by police monitoring a known drug house in a Cape Town suburb. After the policeman arrived at the drug house, his car was searched and the drugs discovered. The community in this particular suburb, allege that there are police members linked to drug syndicates in various parts of the city.

### **Substance Abuse**

The *Royal Commission* (1997: 79) provides good examples of substance abuse that surfaced during their extensive investigation into corruption and criminality in the New South Wales Police Service.

### **Alcohol Abuse**

A number of detectives assisting the Commission with their investigations testified that the abuse of alcohol was considered to be an "**introduction into the brotherhood.**" One officer mentioned that during his first week as a policeman he was taken to a brothel for a drinking session where it was evident that his training partner was a regular customer. The officer elaborated on the alcohol issue by testifying that the drinking on duty at licensed and

unlicensed venues was standard practice and that being able to work while drunk was considered a positive attribute. The officer added that if police members were not a part of this drinking culture they were not accepted by their colleagues.

The officer's testimony was echoed by many other detectives who testified that detectives took extended lunch breaks and they indulged regularly in "cook-ups" (consuming alcohol while having a barbecue on night shift). In one incident, detectives were given free meals, drinks and cash by a sports club under the pretext that they were there to maintain order during Sunday night disco's. Drinking in clubs and hotels while in uniform and on duty was a common occurrence.

It became obvious during investigations that police management were failing to pick-up the signs from "problem officers," worse perhaps, was the police service's lack of any form of rehabilitation or prevention programme. An example of the latter is the case of one officer known only as KN1, who had a history of alcohol abuse, he also admitted to theft from breaking and entering crime scenes, the sexual exploitation of a prostitute and other prisoners in police cells, insurance fraud, scams involving tow trucks, selling handguns handed to police and "flowering the facts."

McLagan (2003: 187) relates the experience of a crooked cop, Neil Putnam, when the latter joined the Notting Hill Criminal Investigation Department (CID) as a detective. Heavy drinking was the norm at the CID and Putnam participated as it was **part of the culture** and he wanted to be accepted by his colleagues. After Putnam's move to the drugs squad at Croydon in south London, his heavy drinking continued and together with some colleagues formed the "gallon a night club." Putnam would go out drinking at least three nights a week and when he got home inebriated, turned abusive and even violent towards his wife. Putnam gradually got involved in more serious corruption, drinking all the while, until his eventual arrest and incarceration for various crimes.

## **Drug Abuse**

The New South Wales Police Service conducted preliminary investigations into the use and supply of drugs by a police officer stationed at Bondi (Sydney), which the Commission picked up on and investigated in more detail. The findings included acknowledgement by seven officers of their recreational use and occasional dealing in various drugs, including marijuana, amphetamines, ecstasy, cocaine and steroids. Police were patronising various inner city

nightclubs and dance parties on a social level, where drugs were openly and easily available. Police were also providing security at these venues, without permission for “moonlighting” (secondary employment). Some officers were confused and frustrated concerning their role in enforcing drug laws when their peers were blatantly violating these laws.

The *Mollen Commission* (1994: 34) found that New York officers involved in drug crimes did not confine themselves to relieving drug dealers of their merchandise, but also doubled up as drug dealers and users. For some officers, stealing drugs from dealers was purely to guarantee a consistent supply of drugs that they could sell for profit.

Corrupt officers became drug dealers in different ways. Firstly, some officers establish corrupt relationships with drug dealers who operate in their precincts. The officers conduct business with the dealers both on and off duty. Secondly, some officers used their colleagues as “fences” for stolen drugs. In some precincts, corrupt officers would organise to sell drugs through the connections of fellow corrupt officers if they did not have any connections of their own. The officer who “fenced” drugs for a colleague would receive a share of the money from the sale. Thirdly, other corrupt officers used friends and neighbours to distribute drugs they had stolen while on duty in New York City in the areas where these friends lived.

At the time of these investigations into corruption in the New York Police Department, a number of police officers mentioned that drug use, particularly cocaine and steroids, was a significant problem in the NYPD, this also applied to officers who were not involved in any other forms of corruption or criminality. In the period preceding this investigation, about 25% of all suspensions and dismissals of police officers was for drug use.

In South Africa, Joseph reports in the *Cape Argus* of 5 March 2004 that police officials in the Western Cape launched a high-level investigation into admissions made by two detectives that they had become drug addicts as a result of their police work. Both these detectives were based at the Organised Crime Unit and were allegedly used as bait to “trap” gangsters and drug dealers.

## 2.2.2.2 Sex-related Criminality

### Australia

Egan reports in the *Weekend Australian* of 3-4 May 2003 that the West Australian Royal Commission of Inquiry into Police Corruption (set up in July 2002) heard testimony and viewed videos exposing the antics of Perth's "cavorting coppers." The footage was filmed in the 1980's and the stripper boss held onto the tapes for 13 years before releasing them to the Commission. The motive for both filming the footage and handing it over is unclear. The footage depicts semi-naked police officers cavorting with topless strippers in a large outdoor spa bath. According to the reporter, these activities were "all in a day's work" for a group of Perth's suburban detectives, being entertained by one of Perth's stripper and prostitution bosses (prostitution is illegal in Western Australia).

One policeman implicated in this scandal, a senior constable, was caught on camera gambling and indulging in prostitution. The senior constable had a gambling problem (which was common amongst many of the cops involved) and he had allegedly paid thousands of dollars for sex with prostitutes up until January 2003 when investigating officers from the Commission confronted him.

The Commission was less concerned about the senior constable breaking the law than it was with identifying the more insidious consequences of this behaviour, such as the murky relationship between Perth's underworld and the police, "who does favours for whom and why?" The reason the explicit spa-video footage was exposed by the Commission was to serve as an illustration of the risks faced by officers who accept favours and indulge freely in unacceptable behaviour. They are obviously compromised and could face embarrassment and other serious consequences. The senior constable had previously failed an integrity test by misleading other police concerning his friend the stripper boss, who had employed his wife as an exotic dancer.

### United States of America

The *NYPD Internal Affairs Annual Report* (2004: 17) mentions that sex crimes reported to the IAB were predominantly allegations of rape and sexual abuse. These represented an increase of 14% for 2004 compared with 2003, 49 cases in 2003 and 56 cases in 2004. In one incident, IAB investigators were alerted by a police officer that a colleague had sexually

abused the reporting officer's fiancé. The fiancé regularly went to her partner's command to collect his paycheck while he was on extended sick leave and unable to collect it himself. On one occasion the subject accompanied the woman into the lift where he molested her. He made her wait in the lift while he fetched the paycheck and resumed the molestation. The subject was arrested for Sexual Abuse and suspended from the Department. He was convicted in the Supreme Court, sentenced to a conditional discharge and anger management counselling and his name was added to the registry for sex offenders.

According to the *NYPD Internal Affairs Annual Report (2002: 20)* under the heading "sex offences, "a School Safety Agent was allegedly involved in a sexual relationship with a 15-year old student. Internal Affairs investigators confirmed this information by gaining the student's confidence and during interrogation the officer admitted to the sexual relationship. The Agent was arrested, convicted of rape (third degree) and sentenced to 10 years probation.

Under the heading "vice" in the report, information was received by Internal Affairs that there were NYPD and other Law Enforcement Officers visiting exotic sex clubs and facilitating underage prostitution. The individual responsible for organising these sex clubs solicited patrons on the Internet and used different locations throughout New York City, thereby keeping his operation elusive. Internal Affairs investigators set up surveillance on certain identified locations and eventually managed to infiltrate a sex club operating in a catering hall. Thirty people were arrested on Patronising and Promoting Prostitution charges, as well as for prostitution. Amongst those arrested were a civilian member of the NYPD and a security guard employed by the Health and Hospitals Corporation, as well as several police members from other police agencies.

### South Africa

During 2001 a policing scandal emerged concerning members of the Hillbrow (Johannesburg) police station. Many allegations were made that they were procuring children for prostitution, keeping brothels and protecting drug lords, amongst others, all of which occurred in the suburbs seedy hotels. There were also allegations that police officers were accepting bribes from Hillbrow hotel and club owners. Tabane reported in *The Star of 7 March 2001* that police management was questioned as to why there was a lack of police action against these establishments. It was alleged that the lack of action was a direct result of police involvement in at least six of these establishments. Three policemen were at the time being investigated

for accepting bribes or owning some of the implicated hotels.

Police involvement in Hillbrow's more seedy establishments extended to ownership, acting as managers or acting as bouncers and protectors of the business. As reported by Altenroxel in *The Star of 1 February 2001*, according to the *Police National Instruction 5 of 2000*, "a member commits misconduct if he or she, without permission of the national or provincial commissioner, engages directly or indirectly in any trade or business." Permission will not be granted for involvement in brothels, security services (including acting as bouncers) and involvement in any aspect of the liquor trade. Involvement in these illicit activities, compromise the police and restrict them from taking action against these activities.

Adams reports in *The Star of 22 May 2001* that a third police officer had recently been arrested for allegedly being part of a child sex-ring responsible for the kidnapping, assault, rape and other sexual offences against girls as young as 12 years of age. This ring had been operating undetected for over a year and 15 members of the Pretoria Flying Squad were subsequently under investigation. The crimes were perpetrated against teenagers resident in local safe houses who had been removed from abusive parents.

The crimes came to light when a foster father of a 14-year old girl reported her missing. She had been missing for two weeks. The man's foster daughter was eventually located in a field where she had been "dumped" by policemen who had taken her out for drinks in a pub the previous evening. The girl claimed to have been raped by one of the policemen. This was apparently not the first incident, but had been happening since November the previous year. The policemen had befriended the girls when they called the police's emergency number to report their initial incidents of abuse.

In another rape case, a suspended constable from Port Elizabeth, married with two children, was on patrol duty and in two separate incidents, allegedly forced two women into his police vehicle. The policeman then drove to a lake where he attempted to rape them. One of the women escaped, the constable abducted a second woman and took her to the same location as the first woman. The latter alerted the police who accompanied her to the scene where the constable was in the process of raping his victim. After being released on bail, the policeman was in the news again when he was rearrested on a further rape charge involving a teenager from the northern suburbs of Port Elizabeth (Herald reporter in *The Herald of 9 July 2002*).



Otto reports in the *Pretoria News of 28 January 2004* that a Pretoria Metro police officer was facing charges of rape and attempted rape and alternate charges of corruption or extortion. A prostitute reported the officer to police and claimed that he was demanding “favours” from her without remuneration and he also threatened to arrest her. The charge sheet stated that: “the officer misused his official position by pretending he was investigating prostitution and/or that he could arrest the complainant for prostitution and he threatened the complainant with arrest and cocked his firearm to scare her.” The officer allegedly raped the prostitute twice in the latter part of 2002. The alternative charges include extortion by threatening the complainant with arrest, in order to gain something without remuneration, and corruption.

### 2.2.3 ENTERPRISE CRIMES

#### 2.2.3.1 Fraudulent Practices

##### Australia

The *Royal Commission* (1997: 81) found evidence that fraudulent practices in their enquiry amounted to mainly “individual, opportunistic acts of impropriety.” In some instances the inappropriate practices were **tacitly condoned** by senior staff and were well entrenched. The Commission found that travel, overtime and related allowances were being treated as perks of the job to be exploited and abused, instead of recognising that they come with strict conditions. There were however no clear, relevant and simple guidelines to be followed by police officers concerning allowances. Police officials were also not adhering to strict conditions in controlling secondary employment, also known as “**moonlighting**.” As a result police members were vulnerable to inappropriate associations and conflicts of interest.

The Commission emphasised that serving police and police associations “need to recognise that sick leave and Hurt on Duty (HOD) entitlements are not intended as refuges for the corrupt or as an easy way out of the Service with maximum financial benefits.” The sick leave and Hurt on Duty entitlements had been seriously abused in the past and to compound the problem, a cultural belief emerged which failed to acknowledge the gravity of abusing these benefits.

## United States of America

The *NYPD Internal Affairs Bureau (IAB) Annual Report (2004: 17)* mentions that the fraud allegations against police members received by the IAB consisted mainly of insurance and credit card fraud. Fraud cases had decreased by 21% for 2004, with 48 cases in 2003 and 38 cases in 2004. In one incident, auto crime investigators notified the IAB after preliminary investigations into a stolen vehicle belonging to a police member revealed fraud indicators. At the time of the theft of the vehicle, the subject reported the vehicle mileage considerably lower than the limit on the lease agreement. When the vehicle was recovered there was no evidence to indicate that it had been stolen. Through detailed checks, the IAB investigators confirmed excessive mileage on the vehicle. They also discovered that the subject had a younger brother living in the area where the vehicle was found. The officer was arrested and charged with Insurance Fraud, Falsifying Business Records, and offering a False Instrument. He was suspended from the Department, pleaded guilty to Insurance Fraud in a plea agreement and resigned from the Department.

An illustration of Welfare Fraud is given in the *NYPD Internal Affairs Bureau Annual Report (2002: 20)*. An ex Queen's police officer was arrested and charged with Welfare Fraud (second degree). She pleaded guilty to Welfare Fraud and was fined \$45 000 in restitution. The latter arose from incidents in which the officer used a complainant's name and social security number, forged her signature on the cheques to fraudulently receive welfare benefits. The investigation revealed that while the officer was in the employ of the NYPD, she filed for benefits in the complainant's name claiming to be a beautician earning £9300 per annum. The officer was receiving \$1944 per month in addition to medical benefits, amounting to \$155 000 worth of welfare benefits over two years.

## South Africa

A police inspector from Port Elizabeth was arrested and charged with fraud after it was discovered that he had stolen a prosecutor's stamp and was using it to cancel traffic fines. The inspector stole the stamp marked "Senior Public Prosecutor No 1" from the prosecutor's desk while she was on an overseas visit. An internal police investigation team was told that a policeman had been identified as the culprit through a trace done by the traffic department. The stamp was allegedly used to withdraw 15 traffic fines. The inspector also allegedly forged the prosecutor's signature. The policeman was not suspended from duty at the time of his arrest (Bantam in *The Herald of 26 June 2003*).

Kirk reports in the *Mail & Guardian of 18 to 25 May 2001* that the newly appointed director of Durban's Metro Police was being investigated in a fraud case involving nearly R1 million. The fraud was committed against the KwaZulu Natal Department of Education. The director had signing powers for a cheque account he used to defraud the Education Department of close to R1 million. The scheme was dubbed "**the phantom textbook case**" by police and it worked as follows; a network of individuals within the Department of Education allegedly confirmed by means of false invoicing that textbooks had been received in good order by the department. In reality, the textbooks had not even been printed. The director was employed by the SAPS at the time of the fraud and did not have permission to work for any other government department.

This newspaper had also recently learned that the director's uncle had been placed in custody on reckless driving and bribery allegations. The director arranged for his uncle to be irregularly released from custody before he could be formally charged. The director also told his uncle to open an assault case against the policeman who arrested him (his uncle was in the employ of the Department of Education). To add to his already unimpressive list of wrongdoing, the director owed more than R4500 in traffic fines, had two outstanding warrants of arrest relating to contempt of court cases where the director failed to appear in court to face charges relating to serious traffic violations.

Then there is the case of the director, hand-picked to serve in the erstwhile Presidential Investigative Task Unit set up to investigate government and police complicity in organised crime, codenamed "Operation Intrigue," who allegedly helped high-ranking members of the Italian mafia escape an international manhunt. The director faced 46 charges of fraud involving about R300 000, and theft. The director was suspended in 1999 following his arrest after a six month investigation ordered by the former National Commissioner of police (Tromp in the *Cape Argus of 4 October 2000*).

Sapa reports on the Director's trial in the *Cape Times of 10 July 2000*. At the trial, the director pleaded not guilty to all 46 charges and to an additional charge of drunken driving. The state alleged that he hired luxury vehicles at the state's expense sans authorisation, used a safe house intended for state witnesses in witness protection programmes as a family home also without authorisation. He was accused of claiming a daily allowance of R111 instead of the permitted R34. The director also allegedly lodged false claims for expenses and rewards for informers. Charge 39 against the director relates to a trip where he accompanied an alleged

Mafia kingpin to Angola. On his return, the policeman claimed R12 744 in expenses from the police when in fact his travelling companion had paid for his trip. The policeman claimed he paid him back with the money he claimed from SAPS. This was not the case according to evidence presented in court (Brummer in the *Mail & Guardian of 12 to 18 July 2002*).

### 2.2.3.2 Informer Fraud

#### Australia

Incidents of rewards being requested for information and then shared with the police handlers were related to the *Royal Commission* (1997: 78) during their investigations into police corruption in the New South Wales Police Service. The Commission stressed the obvious dangers of this practice in that it could encourage fraudulent claims or it encourages entrapment by both the police and informers. The Commission also expressed its concern about the use of criminal informers particularly when they are guaranteed favourable treatment by their handlers, such as immunity from prosecution for known offences committed and favourable treatment in custody or sentencing in exchange for giving evidence against others. In some instances, officers admitted that they had placed false or misleading information about these criminal witnesses before the court, fully aware of the dangers associated with the use of uncorroborated evidence given by someone with a criminal record, particularly if the latter has their own agenda.

#### United Kingdom

Although the importance of informers in terms of the information they supply to assist in solving crimes cannot be underestimated, they seldom offer this information for altruistic reasons. As quoted by Wilson, Ashton and Sharp (2001: 96) "it should be remembered that informants tend not to act out of the goodness of their hearts. A wide range of incentives can be offered to tempt them into giving information, arguably the least among which is the opportunity to fulfil any latent sense of civic duty."

McLagan (2003: 251) adds that at the heart of police corruption at the Metropolitan Police over the years is the abuse of the informer system. Although a detective's work is dependent on informers, it is generally accepted throughout the police service that "**grasses**" are dangerous individuals. They are clever and they are good actors who can hide their treachery in order to survive in the criminal underworld. They are manipulative, making sure the

benefits accrued from the relationship with their police handlers are in their favour. The latter usually manifests in the informer being given carte blanche to engage in serious crime in return for information, or they partake in other forms of corruption, such as the sharing of rewards with their handler.

For many years, the most damaging publicity concerning police corruption at Scotland Yard centered round the use of “**supergrasses.**” The supergrass system fell into disrepute when it emerged that both criminals and police were manipulating the system for their own benefit. This system involved a deal whereby a series of criminals accepted five-year custodial sentences in return for supposedly rendering full confessions to their crimes and they were supposed to give evidence against former colleagues. Some of these supergrasses were literally getting away with murder. People had been killed during robberies (by the supergrasses own admission), but Scotland Yard was concerned that there would be a public outcry at the lenient five-year sentences for these individuals and they managed to get the charges reduced to manslaughter.

The author adds that the relationship between handler and informer remains a murky area. Police regularly look the other way when their informers get involved in criminal activities, justifying this by saying that information given by the “grass” outweighs in value any crime they have committed (McLagan 2003: 15).

An excellent example is provided by McLagan (2003: 191) concerning the potential dangers present in an informer/handler relationship. Handlers must follow strict guidelines in order to maintain a professional relationship with their informers. It is accepted that informers will mix with criminals but they are forbidden from playing a major part in the commission of a crime.

Eve Fleckney was a known drug dealer and detective constable Clark was her lover. Although Fleckney was one of Clark’s teams most useful informer (when she was out of town, work dried up for the team) they broke all the rules. The couple would spend nights together at expensive London hotels, booking in using pseudonyms, and they went off on short holidays and trips together. Their relationship was also corrupt in that Fleckney would give Clark a large cut of her cash reward she received from Scotland Yard for her information. In one case, her information earned her £6000, which she shared with Clark. Clark would hand seized drugs to Fleckney to “recycle” amongst dealers, sharing the proceeds with Clark who, in turn, shared some of the cash with his colleagues.

In another example of informer/handler criminality, an informer who owned a cellular phone shop received a substantial order for phones from an American businessman. The informer (Brennan) who was supplying information to his handler at the time on a robber who was new to the London drug trade, also told his handler, detective constable Charman about the large order. The informer knew he could only supply a fraction of the phones ordered and had decided that he was going to relieve the American businessman of all the money paid for the phones anyway and invited his handler in on the scam. Brennan and Charman met the American in an exclusive London hotel to clinch the deal. Money soon started arriving from the USA to pay for the phones, over the next few weeks Brennan received over £400 000 with not a single phone being supplied.

The motivation behind involving his handler in the scam was so that the police could provide a cover for him while he stole the money. They would do this by pretending that Brennan was supplying information about a money-laundering operation being run from the USA. In return for police protection by using him as a participating informer, Brennan would pay them cash. Charman received an initial payment of £10 000 and involved his friend, detective inspector Redgrave in the scam. The latter also received a payment of £10 000. Brennan paid the two crooked policemen a total of £50 000 to cover for him. The policemen told Brennan that if he stayed within Scotland Yard's informer-handling guidelines by telling them what he was doing, they could cover anything he wanted (McLagan 2003: 44).

### South Africa

Incidents of South African Police Service members indulging in informer fraud are usually mentioned very briefly in the media as part of a more general article on police corruption, and refer mainly to the theft of state funds by falsifying informer claims and pocketing most of the payout. Police handlers build relationships with informers and pay them according to the quality of information they receive and for expenses incurred by the informer, for example, phone calls made by the latter or if they have travelled long distances to collect witnesses, amongst others. Fraud is committed when the handler exaggerates the informer's expenses or the quality of information received, inflates the value of the payout and shares the money with the informer. Police handlers are not entitled to any aspect of a reward given to informers. This corrupt arrangement often continues until the informer realises he/she could be earning more by not sharing the money and then they "spill the beans" (Grobler 2003: 136).

According to Minnaar (1998: 1) the informer system, if not regulated properly with checks and balances, is open to abuse. Control measures and accountability of funds are necessary to limit misuse. Problems exist within this system concerning the methods used by informers to collect information and evidence, the criminal history of some informers and their motivations for providing information to their handlers.

The use of informers or “**impimps**” under apartheid’s South African Police Security Branch was extremely controversial as they were mainly used for the arrest and neutralisation of political activists. Informers were perceived to be collaborators with the system even if their information pertained to purely criminal activities. The abuse of the informer payment system was rife under apartheid, which highlighted the system as being corrupt. As a result of the latter, the new South African Police Service were reluctant to use informers, believing that the new policing style, community policing, would encourage communities to voluntarily provide information on criminal activity and report crimes. There has been a subsequent realisation that the role of informers is still an essential one in the fight against crime, especially organised crime (Minnaar 1998: 1).

## 2.2.4 PROPERTY CRIMES

### 2.2.4.1 Theft

Sayed and Bruce (1998: 12) provide pertinent illustrations of the most common forms of theft committed by police members generally. These include the theft of items from crime scenes and other situations where police find themselves as part of their job, for example, in an unlocked shop or at a traffic accident scene. Other popular thefts occur from goods stored by the police, either as evidence (cellular phones, weapons, drugs or cash), goods turned in (lost wallet), seized (drugs) or recovered. The latter includes the theft of cars or car parts from police vehicle pounds.

### Australia

The *Royal Commission* (1997: 92) mentions briefly that it received numerous complaints while doing its investigations, of money and property being stolen by police during the course of their work. Examples of this pertain to money that was seized from a barrister who had been struck off the roll. The police involved in the seizure shared the money amongst themselves instead of handing it in. Also, money found on the premises of a Kings Cross (Sydney) building

believed to be used for drug dealing (\$1000 - \$2000) and money found in another building used by the same dealer (\$1000 out of a total of \$13 000) was retained and shared by the members involved.

Police officers at Kings Cross regularly indulged in the “shakedown” of drug dealers during their patrols. This activity involved stopping and searching street drug runners, stealing their drugs and/or money and letting them go without charging them. Certain officers responsible for the shakedowns became well known to the drug runners and when they were in the area the runners would disappear only to reappear once the officers had left.

A police operation in Sydney led to the arrest of two drug dealers and the discovery in their vehicle of plastic bottles containing cocaine, a bag with \$27 000 cash and a man’s handbag containing \$14 400 cash and some hashish. Members of the Joint Task Force responsible for the arrest of these suspects were interviewed by the Commission and revealed some interesting details of subsequent events pertaining to this incident. It transpired that two officers responsible for collecting the suspects’ vehicle found \$6000 in it, which they shared.

Two different officers testified that after searching a garage where the suspects had been spotted earlier, they found cocaine, drug paraphernalia and money, between \$150 000 and \$285 000. The money was shared between eight officers and smaller amounts were given to other corrupt officers in the Task Force who were not involved in this particular incident. Shortly afterwards, thieves began falling out. Some officers resented the way the money found at the garage was shared amongst the members of the Task Force (which became known as the Christmas Club).

### United Kingdom

A ‘bent’ cop from the Metropolitan Flying Squad in London had the following to say; “until joining the Flying Squad, I can honestly say I have never been involved in any criminal activity or malpractice. When you go somewhere like the Flying Squad and I should imagine it is like any other squad, the first thing you want is to be accepted. There comes a time when you are tested.” This police officer went on to say that after he joined the Flying Squad he was gently introduced into malpractice and before he realised it, he was in the middle of it. The officer did add that although the majority of his colleagues had engaged in wrongdoing, there were those who refused to do the same (McLagan 2003: 112).



A good example of what this officer and his colleagues got up to, include an incident where Flying Squad officers raided a habitual criminal's home and found £14 000 cash under the bed. The criminal "offered" the money to the officers, hoping to avoid arrest. All but one officer were eager to accept the money, but because of the abstemious officer, the money was handed in and placed in the Detective Chief Inspector's office safe. Three of the officers involved in the

raid were upset that they did not get their hands on the money and proceeded to devise a way to steal it. One of the officers managed to obtain £8000 in counterfeit £50 notes. The real money was removed from the safe on the pretext that it was going to be photographed and £8000 was exchanged with counterfeit notes and split three ways. The money (more than half of which was counterfeit) was returned to the criminal, as it could not be proved that it was the proceeds of crime. There was no complaint from the "done-in" criminal.

Another incident pertaining to the same officer, involved a Flying Squad team searching in the dark for "soggy money" that had been discarded in a ditch. A security van had been robbed and one of the robbers was arrested. When the robber's girlfriend heard of his arrest, she proceeded to wash the stolen notes to try and eradicate any fingerprints. After washing the money, she placed it in two carrier bags and dumped them in a ditch before one of the detectives paid her a visit. The team found one of the bags containing about £12 000. One member of the team must have found the other bag because when this officer went to his home, he was attempting to dry out the money. The officer was handed an envelope filled with £500 £5 damp notes.

McLagan (2003: 114) relates another incident involving this team of crooked Flying Squad cops. The team was investigating the hijacking of a bullion van which was carrying £300 000 worth of ten pence coins. The robbers placed the money in two vans. One van was confiscated by the police and kept in an underground police car park. One specific corrupt officer was assigned to guard the van. A number of officers managed to obtain the key to a padlock on the back of the van and started helping themselves to £100 bags of coins. The officer described this as a "feeding frenzy" which eventually netted the thieving cops £70 000 worth of coins. One particular enterprising officer exchanged coins for his colleagues into bank notes, charging them £300 commission per £1000. A few weeks later the same "feeding frenzy" occurred when the second van containing the other half of the bullion was found and confiscated by the police. More than £12 000 was stolen on this occasion.

## United States of America

The *NYPD Internal Affairs Bureau Annual Report* (2004: 12) states that the greatest category of corruption cases reported to the IAB involved stolen property (31%). These cases had decreased marginally by .32% in 2004 compared with 2003, 317 cases in 2003 and 316 cases in 2004. Larceny from prisoners was the leading subcategory and constituted 40% of theft complaints.

One example concerns a complainant who discovered his debit card missing, along with a piece of paper containing the card's personal identification number after he was arrested and processed by a Bronx police officer. The IAB began an investigation, collecting surveillance videos, conducting interviews, enhancing photographs and reviewing outstanding purchases. Investigators eventually discovered that the subject officer and a civilian accomplice had made cash withdrawals to the value of \$1800 over a period of four days using the complainant's card. The two individuals were arrested and charged with Grand Larceny, Criminal Possession of Stolen Property, Identity Theft and Falsifying Business Records. The officer was suspended from the Department and was awaiting trial.

Additional examples of property theft illustrated in the *NYPD Internal Affairs Bureau Report* (2002: 13) include the incident of an officer suspecting a fellow officer of making fraudulent purchases on her credit card to the value of \$2500. Investigators found incriminating evidence while searching the suspect's locker, vehicle and home. The officer was suspended from the department but later returned on "modified assignment." She was subsequently arrested for shoplifting and for stealing a colleague's firearm out of his locker. The officer was criminally charged.

In another incident, a veteran police officer was caught on camera stealing a deceased businessman's credit cards and cellular phone that were invoiced at the precinct at the time of his death. The officer was also caught out by means of a handwriting analysis of his signature and he was linked to the cellular phone theft by the scrutinising of telephone records. At the time of publication, the officer was awaiting the outcome of a Departmental trial.

Internal Affairs received a tip-off that detectives at the Staten Island Narcotics Unit had stolen a diamond ring valued at \$36 000 while doing an illegal search at the house of someone who had been taken to hospital after being shot. The same day, one of the detectives took the ring to his precinct and attempted to blame his team for the theft. This detective was eventually

fired from the department after being suspended for refusing to answer questions during an official interrogation.

The *Mollen Commission* (1994: 22) provides good examples of “**shakedowns**” by NYPD police officers. Information given to the Commission by both corrupt officers and informants reveal that it was common practice for officers “on the beat” to approach drug dealers in their precinct, force them to a secluded place such as an alleyway or behind a building and rob them of their drugs and/or cash. If the dealer did not have drugs on him but stored them nearby, he was threatened with arrest or violence until he revealed his drug hideout. One officer chased a dealer into an apartment building and stole crack and cocaine from him, which he resold to another dealer for \$8000. Drugs stolen by an officer would usually be hidden somewhere for collection once the officer had completed his shift.

The size of the “score” was usually not very big, ranging from a few dollars to a few hundred dollars and even thousands of dollars in drug-heavy precincts. The haul would depend on the pervasiveness of the drug trade in that particular precinct, as well as the opportunities, which abound for the theft of these drugs. One particular crooked cop and his partner set “shakedown” targets of \$300 to \$500 a day and more during the holiday season. This amounted to approximately \$1500 to \$2500 per week.

Officers involved in these shakedowns were careful to commit their crime in such a manner that no complaints were made against them. For example, dealers were not arrested after the “score,” or the officers would leave a small quantity of drugs or money with the dealers. Also, officers would pretend to take the goods and declare them forfeited property. The dealer was happy with this because he was not arrested and even considered the officers his friends. Corrupt officers exploited this in order to gain information on other dealers and their drug locations.

The *Mollen Commission* (1994: 23) highlighted another way bad officers could make easy money, from **radio runs**. Radio runs (calls for police service) occur about twenty times a day on average for patrol officers. These include calls to the scenes of robberies, burglaries, murders, assaults and domestic disputes. All of these provide an officer with criminal intent, an opportunity to steal by legally gaining entry to premises. In precincts with high crime and drug problems, these opportunities abound, as goods such as cash, drugs, jewellery, firearms and other expensive items tend to be stored in apartments and shops.

In one particular precinct, corrupt officers staged their own radio runs to certain areas by calling 911 (emergency number) with a false complaint. In another precinct officers used drug dealers to call 911 with false complaints revealing cash and drug locations. The officers would then be able to justify entering these locations to steal the goods. One officer was so depraved that when he responded to a genuine call by a teenage girl whose house had been burgled, he attempted to find out from the girl if any money had been stolen. When the girl said she did not know if any money was missing because their savings were hidden away and she did not know its location, the officer made her phone her mother to determine the location of the money. The officer offered to check if the money was still there. Trusting the policeman, the mother revealed the whereabouts of the savings (\$600), which the officer found and promptly put in his pocket, telling the girl that it too had been stolen during the burglary.

### South Africa

Schronen provides a good example of a theft syndicate involving a police officer in the *Cape Argus of 21 October 1998*. A police officer from radio control, his father and an aunt were arrested when private detectives working undercover cracked the syndicate in only three days. Electrical household goods worth over R45 000, including eye-level ovens, fridges, microwave ovens and stoves were allegedly stolen by staff (working for the syndicate) from the OK Bazaars warehouse in Cape Town over a period of several months. Stolen goods were found in the houses of the culprits.

Kemp reports in the *Weekend Argus of 12 July 2003* how two police inspectors and the mother of one of them were convicted in Cape Town for the theft of money from the gym locker of a German fraudster. The officers found jewellery worth about R15 million along with German currency in the locker. It was alleged at the time that the two policemen stole Dm600 000 and handed the jewellery and the remaining cash to the police. A police reservist was brought in to exchange the currency for them. The mother of one of the inspectors was implicated in the theft because a car and a motorcycle bought with the stolen money were registered in her name.

Nkwanyane reports in the *City Press of 11 August 2002* that some police members are not beyond committing armed robbery to achieve their criminal ends. A police officer, two former police officers and three men masquerading as police officers were allegedly involved in an armed robbery in Johannesburg in which goods and diamonds worth R11 million were stolen. Four bogus policemen pulled the diamond dealer's car over in a suburban street on a Saturday

afternoon and told him they were investigating a robbery. The dealer demanded positive identification, as he was suspicious. The bogus cops then contacted a police officer from the nearby police station who arrived on the scene in a marked police car and suggested the dealer co-operate with the “policemen.”

The dealer was taken to his business in another part of Johannesburg where he was relieved of R11 million worth of diamonds, R50 000 worth of watches, R18 000 cash, a laptop computer, a firearm and two cellular phones. The dealer opened a case of armed robbery, pointing a firearm and impersonating police officials.

Three police officers stationed at the Johannesburg Serious and Violent Crime Unit were arrested in November 2004 for allegedly stealing money and jewellery recovered from robberies. The suspects allegedly tortured suspects they were investigating until they revealed where they had hidden the cash and other goods. The three policemen failed to book the goods into the police storeroom as evidence, or they would only book in a small quantity of what they appropriated. Besides facing charges of aggravated assault, theft (involving about R13 million in cash and goods), and defeating the ends of justice, the policemen also proceeded to intimidate and threaten the investigating officer (Sapa in <http://www.news24.co.za>).

#### 2.2.4.2 Vehicle-related Crime

##### Australia

The *Royal Commission* (1997: 83) illustrates incidents of vehicle-related offences committed by police officers. These include one senior constable involved in the arrangement of the “theft” and subsequent fraudulent insurance claims for motor vehicles owned by friends and acquaintances. This officer also gave a false statement during the trial of one of the culprits involved in the “theft” and rebirthing (putting parts from other vehicles into stolen vehicles so that the latter will not be identified) of vehicles.

Incidents of cover-ups concerning accidents with official vehicles and drunk driving were also uncovered by the Commission. One example involved a detective who had an accident with a police vehicle he was driving while under the influence of alcohol. The detective submitted a false report and fraudulently mentioned in an insurance claim that the accident was the result of a tyre blowing out when it picked up a nail while he was pursuing a suspect (he actually hit a

rock and this resulted in the vehicle overturning). There were further cover-ups in that the detective did not have a breathalyser test and he was helped by a colleague who took him to a private doctor instead of a public hospital.

In another incident, a detective was involved in an accident with an official vehicle, also while driving drunk. This detective abandoned the vehicle, fled the scene and reported the vehicle stolen. The officer submitted a successful insurance claim by persuading colleagues and members of the public to support his deception.

### United States of America

The *NYPD Internal Affairs Bureau Annual Report* (2002: 19) also refers to incidents of insurance fraud involving vehicles. Three officers from Brooklyn, New York were arrested for their involvement with a syndicate that defrauded insurance companies of substantial sums of money by issuing fictitious accident reports. The officers involved received prescription drugs and money for the provision of documents for staged vehicle accidents. The charges against the three officers included Insurance Fraud, Falsifying Business Records, Grand Larceny, Offering a False Instrument for Filing, and Official Misconduct.

### South Africa

Vehicle-related crimes implicating members of the South African Police Service appear to be more brazen and varied than the incidents pertaining to their international colleagues.

Geldenhuis in the *Cape Times* of 30 January 2001 reports on the court appearance of an inspector from the Presidential Protection Unit appearing on three charges relating to his alleged involvement in a vehicle theft syndicate. This particular syndicate operated from police barracks in a Cape Town suburb. The inspector was arrested by colleagues while he was in the process of filing off the chassis number of one of six vehicles stolen around Cape Town in the preceding days.

In a similar incident, police uncovered another vehicle theft syndicate operating from a different police base. Police discovered two stolen cars and a trailer near the living quarters on this base. A police sergeant and two civilians were arrested. This syndicate was dubbed the "034" gang because they would replace engine and chassis numbers of stolen vehicles with numbers commencing with 034. The significance of the latter is that when police re-stamp

recovered vehicles sans the original numbers, with official police-issued numbers, each vehicle theft unit had their own three digit prefix. The 034 prefix was used by the erstwhile Soweto Vehicle Theft Unit. The syndicate hoped that by using the three-digit prefix, it would allay suspicion (Own correspondent in the *Pretoria News* of 22 June 2001).

Govender reports in the *Sunday Times* of 28 July 2002 how a police captain better known for his involvement in a car theft and cross-border hijacking syndicate, was jailed for 20 years for his role in the murder of a magistrate. The police captain was originally arrested for dealing in stolen cars, charged and incarcerated for eight months before being released on R10 000 bail on medical grounds after a successful appeal. This officer was reinstated as a policeman in 2000, and has subsequently been arrested for armed robbery pertaining to the hijacking of a truck.

In another incident, Hosken reports in the *Pretoria News* of 9 September 2003 how police “smashed” a four-man hijacking syndicate that had been active in Pretoria for several months. The syndicate included a police sergeant from the SAPS National Logistics Division who was using his position in the police service to criminally assist the syndicate. The sergeant was implicated when investigators found a radio in his flat belonging to a recovered vehicle.

A self-confessed hijacker, who had previously admitted to hijacking 30 luxury cars from dealerships by test-driving them, was also the son of a police area commissioner. The hijacker went into hiding after being suspected of yet another hijacking, this time of a Mercedes Benz from a luxury car dealership in Port Elizabeth. Prior to this hijacking, the suspect had been freed from prison after serving just five years of a 125-year sentence. Any explanation concerning the latter remains elusive. After admitting to a Sunday newspaper in 1998 that he had been involved in the hijacking of 30 luxury vehicles, the hijacker also told investigators at the time that members of the Gauteng Anti-hijacking Unit had accepted a R10 000 bribe from him to assist with his escape from prison before his conviction. The offender also claimed that certain police members provided escorts for hijackers to facilitate an easier passage through heavy Johannesburg traffic. He also accused the police of assisting him with the destruction of vehicle theft docketts (Padayachee in the *Sunday Times* of 1 August 2004).

Schronen reports in the *Cape Argus* of 5 July 2004 that a sergeant based at the Vehicle Identification Unit who was arrested in June 2004 for complicity with one of Cape Town's biggest vehicle theft syndicates was released on bail and back at his job of checking for stolen cars within days. The sergeant's job entailed inspecting cars that were to be sold on the

second-hand market and to issue certificates to verify that they were not stolen vehicles. Investigations revealed that clearance certificates had been issued from the Stikland police car pound to a syndicate, which had 155 stolen vehicles registered over the previous two years. The sergeant was arrested after detectives found a bank deposit slip for R500 made out to the sergeant, in the syndicate leader's house. A police source said that corruption amongst some vehicle inspectors was a major contributor towards vehicle theft in the Western Cape. He added that the disbanding of the Vehicle Theft Unit in 1996 also contributed to the sharp increase in vehicle theft and hijacking incidents. The Western Cape experienced an increase in vehicle theft of almost 50% from 9369 vehicles in 1994 to 14 021 in 2003. Hijacking had increased by 209%, with 288 incidents in 1996 to 892 in 2003.

#### 2.2.4.3 Abalone Poaching

A crime that appears to be endemic to South Africa is the poaching and smuggling of the marine resource, abalone, by syndicates and private individuals to sell to Eastern markets. Sometimes police assist these criminals with their nefarious activities. Mphande reports in *The Herald of 27 June 2003* that on the 13 July 2001 a female police inspector from radio control centre at a Port Elizabeth police station "wrongfully and intentionally" warned poachers of the presence of police at a certain place where poaching activities were in progress. The poacher who received the warning call happened to be the boyfriend of the police inspector. The latter made 33 calls to her boyfriend all together to warn him of impending police raids and to assist him in evading arrest.

In another incident, seven police officers were arrested for conspiring with abalone poachers in the Southern Cape. The police members face charges that include corruption and obstructing the course of justice. They are believed to have assisted members of various syndicates, including the "Marx" syndicate, one of the biggest poaching syndicates in South Africa (they were arrested in 2002). The policeman "assisted" the poachers by accepting bribes from them to drop charges against them, they "lost" dockets and they tipped poachers off about impending roadblocks and other operations against them. It is estimated that South Africa loses about R400 million a year through abalone poaching (Gosling in the *Cape Times of 21 September 2004*).



## 2.2.5 MULTIPLICITY OF CRIMES

### South Africa

Police criminality is not confined to the lower ranks of the police service, nor is it confined to an individual police member specialising in one specific type of crime. In 2002 the ex-head of Durban's Organised Crime Unit, a senior superintendent, faced various charges including bribery, fraud, theft and extortion. One of his tasks as head of this unit was to clamp down on illegal casinos in Durban. Instead of clamping down, he frequented these establishments and it is alleged that he was paid more than R600 000 between 1996 and 1998 to prevent their closures or to prevent charges being brought against them. Evidence presented in court revealed that this policeman had paid cash for a luxury 4x4 vehicle, spent R100 000 on renovations to his home and he enjoyed expensive holidays in Botswana and Zimbabwe. Besides bribery allegations, he was also accused of protecting drug lords and members of criminal biker gangs and of informer fraud (Grobler 2002: 33).

Another senior police officer from Durban, a superintendent, tasked with investigating organised crime, resigned from his post in 2001 after he was arrested and charged with extortion by erstwhile Anti-Corruption Unit members. The officer was apprehended whilst trying to extort R10 000 from a local doctor. The doctor was summoned to the policeman's office where the latter demanded cash in exchange for abandoning an investigation into a suspicious insurance claim the doctor submitted after goods were stolen from his house. The doctor offered to go and draw the money, but went to the Anti-Corruption Unit instead. They set up a sting operation and observed the exchange of cash. This particular officer was already facing numerous disciplinary charges, which he had successfully managed to avoid. Some of these charges included the discovery of two stolen vehicles on his property. The policeman had also been identified by police informers as being involved in numerous crimes including the hijacking and theft of shipping containers from Durban harbour (Grobler 2002: 34).

Kockott reports in the *Natal Witness of 15 June 2002* that about four out of 17 policemen charged with fraud in connection with a cash-for-fuel scam (in which these policemen were pocketing cash through illegal use of SAPS petrol cards) have been linked to other crimes, such as corruption, extortion, theft and murder. Two suspects, both inspectors, were arrested a few weeks earlier by the Organised Crime Unit after attempting to "buy" bail for relatives of the accused in a drug-related case involving possession and trafficking of 3000 mandrax tablets. It is believed that the two inspectors tried to bribe the prosecutor with R10 000. The

prosecutor played along and told the policemen to come back later, called the Organised Crime Unit, set up a sting operation and the two were caught. Both inspectors were charged with corruption and released on R3000 bail pending further investigation. A third policeman involved in the cash-for-fuel scam appeared in court on unrelated charges of theft and extortion. A fourth officer was charged at the same time with the murder of his brother-in-law during a domestic dispute in 2001.

## **2.3 ABUSING THE CRIMINAL JUSTICE SYSTEM**

### **2.3.1 INFORMATION COMPROMISE**

This type of corrupt behaviour is common amongst police organisations internationally. Miller (2003: 13) reiterates that the leaking of information by police to outsiders is the most common form of contemporary corruption. The latter is a result of increasing use of information technology and ready access to information in modern policing. According to the author, sources of information that are used unethically by police officers include:

- intelligence databases,
- Police National Computer (PNC),
- other police databases such as personnel records,
- paper files and documents, and
- word of mouth.

According to the police organisation's Professional Standards Unit in the United Kingdom, examples of common "types" of information compromises include the following:

**"Domestic" use of information.** This relates to the accessing of police databases for personal interest satisfaction, such as members using the Police National Computer to run checks on neighbours and friends or to view cars they might want to purchase.

**"Low-level" leaks** refer to the leaking of information to a friend or an associate. Police members were looking up information on the PNC for friends who had businesses. Examples of this include a garage owner who needed information on vehicles he wanted to purchase and ex-police officers in the private investigation business who need information from the PNC to assist with their work.

**Leaks to the media** include police officers leaking information to journalists especially concerning high profile cases. In many instances, sensitive information relating to police operations appeared in the media, which implied their source was from the police. There was a suggestion by Professional Standard Unit staff that these police sources were being paid by the journalists.

**Deliberate leaks to criminals.** Information leaked to criminals, for cash or favours, is another common form of corrupt police behaviour. Information is passed to criminals either by an officer or through an intermediary. The most obvious consequence of passing information onto criminals is the resultant collapse of a specific police operation. A common example of the latter is when police raid a suspect's home and no incriminating evidence is found because the suspect was tipped off by police. In another incident, a burglar responsible for numerous burglaries in a rural area constantly escaped detection, it evolved that he was in constant communication with someone on the team investigating him (Miller 2003: 13).

McLagan (2003: 95) highlights the example of a Scotland Yard detective constable Kevin Garner who had already been implicated in the theft of £200 000, part of a £1.5 million security van robbery in January 1995 and came under scrutiny again for making two checks on the Police National Computer. Garner ran these checks for a well-known criminal who was being investigated for dealing in stolen cars, which he sent abroad with false registration details. The corrupt relationship between Garner and this particular criminal had started shortly after the security van heist when Garner had bought counterfeit money from him to exchange for genuine money seized from criminals by the police. When Garner was confronted about his PNC checks by the Complaints Investigation Branch (CIB), he explained that he was attempting to recruit this particular criminal as an informer and to speed up the process he had helped him by running checks on the ownership of two vehicles (Garner was actually supplying information to him to assist in the illegal vehicle trade). Garner was so emboldened by his explanation (which did not fool anybody), he proceeded to buy a stolen Mercedes car from this criminal and registered it in his partner's name.

### 2.3.2 NOBLE-CAUSE CORRUPTION

Also referred to as “gilding the lily,” “fit-ups,” and “verballing,” noble-cause corruption entails the immoral or illegal means of achieving a “moral” end. It is an act committed for the purpose of ensuring a successful conviction. Police members who participate in this type of corruption will assure anyone who questions their motives that only guilty individuals are “fitted-up,” but innocent people are often affected by their actions. These convictions are achieved through various forms of noble-cause corruption, including providing false testimony (perjury), planting evidence and intimidating witnesses.

Wilson et al (2001: 90) mention that police officers would distinguish between corruption committed for personal gain and corruption committed to facilitate achieving a law enforcement goal. Noble-cause corruption, according to the authors, entails bending the rules in order to secure a conviction that would not have occurred as a result of due process. The authors add that although the majority of officers find corruption unacceptable, many tend to find noble-cause corruption acceptable because it “gets results.” The latter is part of a police member’s occupational profile and “getting results” may lead to promotion, improved salary or an elevation in personal status.

#### Australia

The Australian terminology for noble-cause corruption is **process corruption**. The *Royal Commission* (1997: 68) identifies the following elements of process corruption:

- perjury,
- planting evidence,
- “verbals” in the form of unsigned records of interview and notebook confessions,
- denial of basic rights in respect of matters such as the use of caution, or detention for the purpose of interview,
- assaults and pressure to induce confessions,
- gilding the evidence to present a better case,
- posing as a lawyer to advise suspects to co-operate with police,
- tampering with the product of electronic interception to remove any matter that might prove embarrassing,
- unofficial and unauthorised practices such as putting suspected street drug dealers onto a train and “banning” them from the area, and

- “taxing” of criminals who are seen to be beyond the law.

The term **verballing** refers to false evidence provided by police maintaining that a suspect had made incriminatory remarks or had made a confession at the time of arrest or during an interview.

Other examples of process corruption provided by the *Royal Commission* (1997: 69) include **scrumdowns**. This refers to regular meetings held by a group of police to “refresh” each other’s memories, in order to ensure a smooth prosecution even if this involves untruthful evidence given by them. In one particular case, a former detective sergeant explained how he had to give evidence from a statement prepared for him by another officer. The detective sergeant had no knowledge of the content of the statement but provided evidence anyway. The ex-policeman mentioned that he learned how to manipulate evidence “on the job,” in the same way as an apprentice learns a trade. He added that suspects regularly received inducements before an interview and then denied them later. Officers who gave a suspect a caution were considered foolish by some of their colleagues.

In a drug-related case, investigators heard evidence from Drug Squad detectives where they had “improved” evidence against a suspect to try and confirm proof of possession. In this incident, evidence was given by a police officer that heroin was found in a suspect dealer’s pocket when it was actually found in a cigarette packet hidden in a stairwell from which the suspect was seen moving to and fro. In a similar incident, police again used the “found in a pocket” testimony when the drugs were in fact found on the side of the road after being thrown from a vehicle.

A large number of police were involved where evidence was given at the trial of a suspect who was accused of manufacturing amphetamines. Police testified that they arrested the suspect in his vehicle at the gate of his premises where a “cook” (chemical process involved in manufacturing amphetamines) was in progress. In reality, the suspect was arrested on a public road a few kilometres away from his “factory.” The detectives were attempting to show that the suspect was more deeply involved in this operation than they could prove.

In another drug-related incident involving process corruption, a junior Drug Unit detective who had only been a detective for six months was asked to give a false statement. The junior detective and a detective sergeant arrested and charged a 20-year old man for dealing in heroin. The officers eventually admitted that they planted heroin on the suspect and that he

was “verballed.” The suspect defended the charges against him and the sergeant realised that they would have to provide a “different” statement concerning aspects of the search and seizure of the suspect’s premises. The content of the junior detective’s statement and duty book were altered to state that he had been present at the search when he had actually remained at the police station during that process. He was also told what to say regarding the layout of the suspect’s house by the officers who took part in the search. The junior officer also mentioned that giving a false statement appeared to be a generally accepted practice in the Crime Squad.

The *Royal Commission* (1997: 71) also heard evidence of how members of a Task Force chased a suspect (who was an arrest target for them) down a lane and when he attempted to climb a fence, was arrested. Police present during the chase said in their statements that in attempting to escape, the suspect stabbed one officer in the arm. This allegation was corroborated by “admissions” made by the suspect in a subsequent interview. The officer, who was allegedly stabbed, successfully claimed from victims’ compensation.

Three members of the Task Force who had been in the lane eventually admitted that their statements containing allegations of assault had been false and they could not corroborate the stabbing of the fourth officer. Although the officer did have a wound on his arm, it was revealed through further evidence that he had slipped and cut his arm on the corrugated iron fence while attempting to climb it. A senior officer involved in this incident told investigators that he was instructed to place a knife smeared with the “victim’s” blood back at the scene where it was later “found” and presented for evidence as the weapon used by the suspect.

Miller (1999: 15) illustrates a moral dilemma experienced by a young officer as related to his chaplain in the New South Wales Police Service. The young officer was working with an experienced detective who also happened to be his brother-in-law. The two officers were working on a case involving a particularly virulent individual who was both a drug dealer and a paedophile. A surveillance team notified the older detective that the suspect had just made a drug purchase. As the two police officers approached the suspect’s apartment, they observed a parcel being thrown out of a window onto the street below. The parcel contained large quantities of heroin. The suspect was home and after searching the house, no drugs were found inside. In order to prove possession, the older officer informed the younger officer that he had been interviewed and must sign a statement saying that they both had found the parcel of heroin under the sink in the suspect’s apartment. The younger officer was being asked to

commit perjury by going along with the older officer's version of events. The author did not reveal the junior officer's decision.

### United Kingdom

Wilson et al (2001: 91) mention that there are numerous ways in which the police can manipulate the rules of investigation in their favour. They provide examples of two of the most common types of "rule-bending" namely a) the failure to investigate and disclose evidence and b) false confessions and the right to silence.

The most important feature of an investigation that leads to a miscarriage of justice is the investigator's intransigent belief that the suspect is guilty, irrespective of other possibilities presented to them. In many cases of miscarriage of justice in recent years in the United Kingdom, evidence, which was eventually used to overturn convictions had been lying in police files and had never been disclosed to the defence before the original trial. In one case, an emotionally immature man was arrested, convicted and jailed for the rape and murder of a schoolgirl. It subsequently transpired that the suspect signed a confession under duress and retracted it later. Also, the police had biological evidence in their possession, which did not belong to the suspect and proved that he could not have been the killer. The police did not hand this evidence to the defence.

The *British Procedure and Investigation Act of 1996* inadvertently aids the problems around the disclosure of evidence to the defence. This Act stipulates that defendants make statements, which are provided to the prosecution. The prosecution will then decide what evidence in its possession is relevant to the defence's case, and only that particular evidence will be handed over. The concern with the latter is that the police's disclosure officers are responsible for judging the relevance of the evidence, not the National Prosecuting Authority. In some parts of Britain this means that detective constables are making this decision without the necessary experience or understanding of how defence barristers prepare their cases. Also, in some instances, investigating officers have failed to reveal to the disclosure officers all the evidence in a case.

Concerning false confessions and the right to silence, obtaining a confession saves time and it helps to avoid a potentially expensive investigation. Once an individual is identified as a suspect, he/she is told that they are suspects and they get cautioned that anything they say

from that moment may be used as evidence in a court of law. The first police/suspect interview after this is therefore very important.

Techniques applied by police officials over the years in order to obtain convictions include fabricating confessions and being economical with information recorded in notes during interviews. Interrogation techniques employed include oppressive questioning, bullying and gentle persuasion, as well as the age-old technique of questioning two suspects involved in the same crime separately and playing them up against each other by telling one that the other had confessed and implicated the former.

During 1990, the “Cardiff three” were jailed for life for the murder of a prostitute. In this case, a false confession was extracted from a suspect by oppressive interviewing. It was found that two detectives had oppressively interviewed one of the suspects, brainwashing him as he had the mental age of 11 and the IQ of 75, effectively rendering him mentally retarded. This confession led to the conviction of the other two suspects. As a result of the detectives’ interviewing technique, the conviction was overturned two years later. Subsequent research into this incident revealed that the police interviews attempted to uncover evidence that could achieve a conviction rather than identifying the truth. Research ordered by the Metropolitan Police Commissioner in 1999, found that the police’s use of coercive and intimidatory interviewing techniques to secure confessions resulted in crucial evidence being omitted from court cases. As a result of oppressive interviewing techniques, two-thirds of the cases studied resulted in acquittals. The cases all involved defendants who had confessed during interviews but pleaded not guilty at their trials (Wilson et al 2001: 95).

McLagan (2003: 124) discusses the contents of interviews done by investigators with a corrupt ex-Metropolitan Flying Squad detective. In one of the interviews the detective was asked if he had ever given anyone a “helping hand?” The detective mentioned that he had and referred to this practice as “gilding the lily.” He also added that he could not recall any incident in which an innocent person was “fitted up” and mentioned that the flying squad did not deal with innocent people but with organised villains. If these villains complained about wrongful arrest, they could be given a “verbal” or have something planted on them to “seal their fate.”

Also very disconcerting for the investigators from the Criminal Investigation Bureau (CIB) was the revelation that everyone at the detective’s Flying Squad base was aware of “**first aid kits.**” This was not aid for the injured but a more sinister kind of collection of items also referred to as a “robber’s gear.” The kit consisted of imitation firearms, real firearms, a



balaclava and wigs, which were used to plant on robbers. The instances in which these items were used include when a robber was shot by the police and he was unarmed or when the gun could not be found, this was done to protect the officer who did the shooting and to justify shooting a suspect. The “kit” was also used to give a colleague a “helping hand” and to boost a case if evidence against a defendant was mainly circumstantial (McLagan 2003: 149).

The ex-detective contributed a Milbro gat gun to the “first aid kit” and this was subsequently planted on a group of criminals who had been targeting a Barclays Bank branch for a hit. In another incident, robbers had been staking out a jewellery shop, once they had left the area a group of Flying Squad members arrested the group as they got to their getaway vehicle. One policeman kept shouting “where’s the gun, where’s the gun?” As the group had no visible weapons, the officer told one of the robbers “this one is down to you and it’s got a round in it!” The officer subsequently planted a 9mm blank-firing Beretta next to the robber. Questioned further about the “kits,” the detective mentioned that during Flying Squad pre-operations briefings, most senior officers would enquire about the kits and if they were being carried. The detective was aware of at least three “kits” and the officers responsible for these. The “kits” were kept either in the boot of an officer’s car or in the black taxi cabs the Flying Squad used for surveillance (McLagan 2003: 126).

“Bill ‘mad dog’ Hickson and John ‘chainsaw’ Woody Woodruff had each been sentenced to fifteen years in prison in 1997 after being found guilty of a post office robbery and of conspiracy to rob others. As notorious ‘blaggers’ they were ideal targets for ‘noble-cause corruption” (Mc Lagan 2003: 149).

As intimated above, these were two career criminals with numerous previous convictions. During their trial in 1997, it was heard that police had been watching these two offenders doing reconnaissance on various post offices for a year. They were thought to have participated in seventeen recent robberies, earning them £300 000. Police received information that a specific post office was to be “hit” by these two robbers and they set up an ambush. Police video-taping the scene noticed customers hurriedly leaving the post office followed shortly afterwards by Hickson and Woodruff nonchalantly strolling away from the scene. The video subsequently revealed a number of armed Flying Squad officers bearing down on the suspects and attacking them. On the pavement next to Hickson the video operator notices a gun and a bottle of washing-up liquid containing ammonia.

It later transpired that the gun was planted on Hickson. It was an imitation gun taken from one of the “kits” carried by the Flying Squad detectives. The author made an important discovery while viewing the videotaped events, something everyone involved with the case had overlooked. He noticed that there was a 16 second gap on the tape. Before the gap there was no gun next to Hickson and when the camera was switched back on, a gun had appeared at his side. Two officers were served disciplinary notices by the CIB for attempting to pervert the course of justice, falsifying evidence and failing to secure a firearm. The latter referred to testimony by a custody officer who found a gun in Woodruff’s pocket when he was booked into a cell. The two arresting officers said that they found a gun on Woodruff at the scene, but because it was cocked, they believed it to be unsafe and left it with the suspect after handcuffing him.

The Appeal Court quashed Hickson and Woodruff’s convictions but they were retried on less serious charges. At the Old Bailey, the pair were freed after the judge declared that a fair trial was impossible because any proceedings would be affected by “the stench of corruption” (McLagan 2003: 155).

### United States of America

The *Mollen Commission* (1994: 38) refers to the practices of **perjury** and **falsifications** in their inquiry findings on police corruption. Some acts identified under these headings constitute “noble-cause” corruption. According to the findings, officers commit falsifications in order to achieve “legitimate” law-enforcement ends. These actions are defended by many honest and corrupt officers alike. These officers believe that the suspect is guilty and must be arrested regardless of the legality of the arrest.

Examples of falsifications given to the Commission by police include officers who illegally stop and search a vehicle they suspect is carrying drugs or weapons and then claim in police reports and under oath that the vehicle went through a red light and after giving chase, spotted the illicit goods in the car. To justify and cover-up an unlawful search of individuals believed to be concealing either drugs or guns on their person, the officers will state that they observed a bulge in the suspects pocket or they witnessed an exchange of drugs and money. To justify unlawfully entering and searching an apartment believed to have cash and drugs, they maintain that they received information from an anonymous source or they claim they saw the drugs lying in plain view when responding to a radio call. When unlawfully arresting individuals on suspicion of dealing in drugs, officers justify this by saying the suspects had drugs in their

possession when the drugs were actually found somewhere else with no direct link to the suspect.

Falsifications were found to be prevalent in high crime precincts where the police have more opportunities to make drug and weapon-related arrests. Falsifications were also common in narcotic enforcement units, used specifically for the justification of unlawful searches or arrests. Officers working in these environments are frustrated by perceived unrealistic rules of law and by their own inability to legitimately curtail the high crime rate in their areas, often taking the law into their own hands and this resulting in falsifications.

### South Africa

Sawyer in the *Cape Argus* of 5 June 1997 mentions in a brief article that the Department of Justice was in the process of reviewing 19 sentences after it emerged that Western Cape police forensic staff planted fingerprints to secure convictions. These officers lifted fingerprints from accused individuals and placed them on the scene of the crime. When the accused was returned to the scene, his fingerprints would be on an item at the scene. The officers implicated in this “set-up” were all considered to be “top cops” and were often used by the erstwhile Murder and Robbery Unit and other specialised units because of their “successes.”

The police officers attempted to justify their actions by saying that they never implicated an innocent person. Three fingerprint experts, including a sergeant from Bellville who had previously won a national award for best fingerprint examiner, were arrested for the falsified print matches of 150 fingerprints. One of the police officers implicated was dissatisfied with his management team and reported the other policemen to the erstwhile Anti-Corruption Unit (Grobler 2002: 136).

### 2.3.3 SABOTAGING PROSECUTIONS

#### Australia

Evidence in relation to the wilful sabotaging of prosecutions by police officers as presented to the *Royal Commission* (1997: 87) include the favourable treatment of individuals brought into the criminal justice system by way of:

- accepting bribes,

- encouragement to trusted informers,
- acts of friendship towards criminals with whom an inappropriate social relationship has developed, and
- compensation” for money or drugs stolen by police during a specific enquiry, in the hope that there would be no complaint if the items were not booked in as evidence.

In some instances, police accepted bribes from criminals to help them with briefs (summaries of facts given to a lawyer for presentation in court) where no help was forthcoming because there was insufficient evidence to institute a charge or lead a conviction.

Other practices presented to the Commission include:

- the “watering down” of the crime committed by reducing the quantity of drugs or money seized or instituting a lesser charge than the evidence showed,
- supporting bail applications by withholding facts,
- “losing” witnesses or physical evidence,
- encouraging reasonable doubt in a case by creating “loopholes” in interview transcripts and court testimony, and
- providing **letters of comfort** (letter provided by a police officer to the court during sentencing in support of a convicted offender who supposedly helped the police in some way, for example, providing information that led to the conviction of another criminal) in which the contents do not support the facts of the case.

Three detectives and a civilian admitted to the Commission that they had received and shared a \$20 000 bribe from a defendant for help in a bail application. The defendant and an accomplice were arrested and convicted as the result of a Joint Task Force and Drug Law Enforcement Bureau operation targeting serious drug offences.

In another incident, an officer was investigating an assault charge against an ex-officer. A senior officer heard of the incident and told the investigating officer that there would “be a quid in it for us.” The investigating officer collected money from the ex-officer, which he handed to the senior officer, receiving no money himself. The suspect was never charged because none of the victims were contactable.

The Commission partially investigated the role of intermediaries in sabotaging prosecutions as suspicions were raised during the course of investigations pertaining to legal practitioners, a former police officer working as a private investigator and others who acted as negotiators with police to “fix” prosecutions, or to secure illicit benefits.

### United Kingdom

Wilson et al (2001: 89) mentions that during 1999 it was discovered by the head of the CIB3 (Scotland Yard's Complaints Investigation Branch) that some corrupt officers were endangering the lives of their fellow officers by revealing their identities to criminals they were monitoring. The head of the CIB3, detective chief superintendent David Wood added “that police officers are quite prepared to lapse into these contracts with organised crime (with the result that) cases they know their colleagues have taken months to put together and cost millions of pounds, are being undermined.” CIB3 discovered that for £5000 to £7000 corrupt officers would provide a false statement. The going **rate for undermining a court case** was between £50 000 and £60 000 and up to £100 000 to undermine a major trial. The payments were all cash and untraceable.

During the 1990's Scotland Yard's Intelligence Branch SO11 had its own informers and targeted major criminals with surveillance techniques such as phone taps and bugging devices. A pub in east London, used regularly by a criminal family was infiltrated by undercover police officers from the Yard posing as bar staff. Useful information was gathered. Bugs were installed and the audible information picked up disturbed the police officers monitoring them. Information coming in from various intelligence sources revealed that criminals in different parts of London were talking of having detectives “on side.” These detectives were apparently selling information about police operations, arranging bail for certain criminals and they were sabotaging prosecutions by amongst others, watering down evidence. Detectives told criminals who were about to go on trial that their lawyers should focus on certain vulnerable areas of the prosecution's case and attack them (McLagan 2003: 21).

In an incident involving detective constable John Donald (a corrupt cop who was eventually sentenced to 11 years in prison for accepting bribes), a criminal awaiting trial for large-scale cannabis dealing, Kevin Cressey, told a British Broadcasting Corporation programme that he paid Detective Constable Donald £18 000 for bail. Cressey also paid the policeman for sabotaging the prosecution case against him. Conversations between the two were taped and

it was evident that Donald was prepared to sell secret information about police operations to Cressey, even those involving other major criminals.

### United States of America

By falsifying official records and committing perjury, officers create a “tangled web” which they weave to obscure other acts of corruption or wrongdoing. One form of corruption breeds another and they negatively affect the quality of arrests on the streets and the credibility of police in the courtroom. As highlighted by the *Mollen Commission* (1994: 36) a police force that lacks credibility, limits their ability to fight crime and to assist with convicting the guilty. “On the word of a police officer alone a grand jury may indict, a trial jury convict, and a judge pass sentence.”

Manifestations of this police wrongdoing (also referred to as “**falsification**”) as highlighted by the Commission’s investigation include:

- testimonial perjury, when an officer gives false testimony under oath either during a court proceeding or before a grand jury,
- documentary perjury, when an officer swears falsely under oath either in a criminal complaint or in an affidavit, and
- falsification of police records, when an officer falsely alters the facts and circumstances of an arrest in police reports.

The investigators ascertained that the various forms of falsifications were the most common type of police corruption facing the criminal justice system, particularly concerning arrests for the possession of drugs and firearms. Because the occurrence of police falsification in connection with these arrests was so common, it was referred to as “**testilying.**”

### South Africa

The editorial of the *Daily News of 14 October 1998* raises the disconcerting phenomenon of police members intimidating police witnesses from the public gallery in a courtroom. The editorial mentions that it is inevitable that investigating officers attend court, but not so for the large turnout of police onlookers in public galleries attending the trials of their colleagues (46 cases at this point). They may attend out of curiosity, but they may also spectate because they are involved in the crimes for which their colleagues are being prosecuted and they are there to intimidate the witness and to prevent them from providing evidence.

Jurgens reports in the *Sunday Times* of 7 July 2002 how a copper cable theft gang were rounded up and arrested after weeks of undercover surveillance by police officers at two Johannesburg factories. Twelve hours later they were released without being charged because the police docket had been "lost." The Gauteng provincial commissioner ordered an investigation into the disappearance of the docket and promised to have anyone implicated, prosecuted. Two of the six men arrested in connection with the theft of tons of copper and cabling were security guards with a prominent security company.

The editorial of *The Citizen* of 10 June 1998 quoted the acting provincial head of the erstwhile Anti-Corruption Unit as saying that during the previous year more than 2000 people, including police officers were investigated in Gauteng alone on allegations of selling dockets. Criminals pay large amounts of money to have dockets stolen. The amount paid depends on the severity and nature of the crimes committed.

Schronen and Carew report in the *Weekend Post* of 27 September 2003 that a detective inspector from the Woodstock police station (Cape Town) appeared in court the previous day on a charge of defeating the ends of justice after creating a false alibi. An apparent watertight alibi provided for a suspect by the policeman looked set to prove the innocence of a suspect arrested for murder. A popular church minister was shot and killed when he went to assist a neighbour who was under attack by three armed burglars. Two of the men were apprehended and the third suspect eventually handed himself over to the police with a copy of a cell register "proving" he was incarcerated in the Woodstock cells at the time of the murder. After attempting to confirm the alibi, police discovered that the detective had faked the call register entry.

Syad (1997: 4) adds that incidents such as police commanders interfering in investigations, sometimes travelling to other jurisdictions to assist in quashing the cases of powerful criminals, results in a form of secondary victimisation. Officers who sabotage prosecutions in other ways, such as selling or destroying dockets become accessories to the crime (which could include murder). Police members assisted in the escape of Josiaha Rabotapi, who was facing 16 murder and 13 armed robbery charges. Another example of police assisting criminals to escape justice is to "make a bad case" by intentionally helping the defendant's case through misrepresentations in court.

A police officer who allegedly accepted a R2000 bribe in exchange for destroying a case docket was arrested on the West Rand in March 2005. The inspector was caught accepting the money at the Randfontein railway station. The policeman had been in the SAPS for 18 years. He was released on R1000 bail pending trial (<http://www.news24.co.za>).

## 2.4 UNORGANISED VERSUS ORGANISED CORRUPTION

### 2.4.1 UNORGANISED CORRUPTION

Unorganised corruption is also referred to as **individual corruption**. Miller (2003: 10) noted that individual corruption refers to police members who commit their corrupt or criminal activities on their own, without involving colleagues. Research done by the author across the spectrum of police forces in the United Kingdom found that individual corruption was present in urban and rural, large and small forces. Apart from the Metropolitan Police Service in London, individual corruption was the most common form of corruption across the board. In some instances, separate staff members, unbeknown to each other, were involved with the same external corruptors. A range of police members indulge in unorganised corruption, including uniformed members, special constables, detectives and even staff in support roles.

The most dominant type of unorganised corruption highlighted during the research was related to the **leaking of information**, passing sensitive information to people outside the police organisation who are unauthorised to receive this information. Another common type of individual corruption is the **socialising between police members and known criminals**.

To illustrate information-based corruption, a young police constable frequents a gym that is also popular with local criminals. As the constable becomes friendly with the criminals, the latter start requesting information that is pertinent to their criminal activities, from the National Police Computer and the force intelligence system. The constable will be rewarded with favours such as free drinks and meals (Miller 2003: 10).

In another illustration, a female member of the police's support staff lives with a man who works as a doorman for various clubs in the city. The female staff member has access to criminal case dockets, passes this information to her partner who passes it on to his criminal associates. The information handed down includes the names of witnesses in criminal cases.



This information compromise would put the lives of witnesses in these criminal trials in danger. An example of the less common type of non-information based unorganised corruption involves a constable whose husband has been issued with a particular police document requesting him to go to a police station with his drivers license and insurance details. The husband's vehicle is not insured which is a criminal offence in the United Kingdom. In order to prevent her husband from being prosecuted the constable makes a false entry into the police station's records to state that the relevant insurance papers were handed in (Miller 2003: 11).

Regoli and Hewitt (1996: 339) highlight the plight of police departments who experience **pervasive unorganised corruption**. In these departments, corrupt officer's illicit activities are unknown to each other. "Officers take what comes their way or go after what they can. They split their take with no one, except perhaps their partner."

#### 2.4.2 ORGANISED CORRUPTION

Organised corruption is also referred to as **internally-networked corruption**. Miller (2003: 11) highlights the following features of internally-networked corruption revealed during his research on UK police forces. This type of corruption involves mainly detectives in CID squads or other specialised squads who operate in groups to commit their illicit deeds. There was a perception amongst career detectives interviewed that **corruption was an integral part of traditional detective culture**.

Miller (2003: 11) adds that a common aspect of this type of corruption is the existence of a **corrupt relationship between detectives and their informers**. These informers are often involved in criminal activities and they have a network of criminal contacts.

Organised corruption usually includes a wide-range of crimes that police officers partake in. These include stealing drugs from criminals, "recycling" drugs through criminal contacts, sharing classified information with criminals, protecting criminals from investigation or prosecution and fabricating evidence. **Pervasive organised corruption** is prevalent in some police departments. This refers to groups of officers and supervisors who partake in and support this type of criminality (Miller 2003: 11).

Regoli and Hewitt (1996: 341) refer to a case of pervasive organised corruption/criminality where five active and one retired member of the New York City Police Department were arrested and charged with procuring cocaine in Brooklyn and selling it in restaurants and bars on Long Island. The officers would pool their takings and use nearly \$4000 a month to buy cocaine. They would break the cocaine down into single-gram units, which sold for \$70 or \$80, generating a profit of nearly \$9000. These police officers were referred to by the chief of the Narcotics Bureau of the Suffolk County District Attorney's Office as "drug dealers who happened to have police uniforms." Some of these officers were also alleged to have been involved with a large drug gang known as La Compania, whose members were involved in other serious crimes such as the murder and attempted murder of Drug Enforcement Administration officers. One officer was being paid \$15 000 a week for providing gang leaders with information regarding police activities.

The *Mollen Commission* (1994: 17) made reference to the prevalence of "**crew**" **corruption**. During the course of their investigations, they found that an organised type of corruption involved groups of officers called "crews" who protected each other from detection and assisted each other in the commission of crimes. The crews varied in cohesion, motivation and size. In New York's 30<sup>th</sup> Precinct a large group of officers worked in semi-independent groups of three to five officers, protecting and rendering assistance to each group's criminal activities. In the 73rd Precinct, a cohesive group of eight to ten officers who worked on the same shifts regularly carried out illegal raids on drug locations while they were on duty. At times all ten officers would arrange surreptitious meetings in different locations in the precinct to use drugs, drink, avoid patrols and plan raids. One of these locations was known as "the morgue" because it was an abandoned coffin factory.

Corrupt officers would assist each other by identifying drug locations, planning raids, using force to illegally gain entry to drug locations, looting the drugs and sharing the proceeds according to agreed-upon stipulations.

Crew criminality according to investigators was a fairly new and disturbing form of organisation because crews were similar to street gangs in size, loyalty and flexibility. The crews used their legitimate police work to create leads needed for the identification of targets. They used police radios and code names to coordinate illicit operations, often using police equipment to forcefully enter premises. The crews manipulated colleagues, supervisors and the courts to their advantage.

The continuation of criminality was encouraged amongst corrupt officers because of their keenness to prove their loyalty and toughness to each other. Corruption pacts were a definite feature of the planned and organised corruption uncovered by the *Mollen Commission* (1994: 18). For police officers to brazenly indulge in criminality, they need to have a pact amongst the officers involved. The latter was also a way of ensuring that officers who were witness to a colleague's criminality would not "rat" on him.

One particularly corrupt officer, Michael Dowd, told investigators that whenever he was assigned a new partner, he would "test" their willingness to partake in misconduct by encouraging them to accept free food and to imbibe while on duty. Once Dowd ascertained that his partners were willing to partake in misconduct, he would reach an agreement whereby all the proceeds from corrupt acts committed by the pair would be shared between them. They also agreed to protect each other from detection. According to Dowd, none of his partners were unwilling to enter into these agreements. The investigators eventually ascertained that in most cases, money was only split if the other officer was actually present during the theft and knew about it. "There is no honour among thieves, even if they happen to be police officers."

## 2.5 TYPES OF POLICE OFFENDERS

The *Knapp Commission*, which was formed in 1973 to investigate police corruption in the New York City Police Department coined the terms "**meat-eaters**" and "**grass-eaters**" when categorising types of police criminals.

The *Mollen Commission* (1994: 16) mentions that during the *Knapp Commission's* investigations they found that "**grass-eaters**" were responsible for most of the corruption in the NYPD. This type of corrupt officer takes advantage of situations that have the potential for corruption or crime, such as taking bribes from gamblers, traffic offenders or prostitutes, to avoid arrest. The corrupt acts committed by grass-eaters were characterised by a mutually beneficial relationship between "cop and criminal." Criminals offered bribes to avoid arrest and cops accepted these bribes through systemic and hierarchical bribery schemes set up for the collection and sharing of bribes amongst police officers, called "pads."

The corruption and criminality uncovered during the *Mollen Commission* investigations showed that it was far more serious and this serious criminality was perpetrated mainly by “**meat-eaters.**” The latter type of corrupt police officer actively seeks out and initiates criminal activities in which to partake. They found that, twenty years on from the *Knapp Commission*, meat-eaters were the rule rather than the exception. These officers were not only paid to protect criminals from arrest, but were paid to facilitate their criminal activities. Many of these cops became criminals themselves. Officers such as Michael Dowd and Bernard Cawley did not only turn a blind eye to drug dealing but they became dealers themselves and protected and assisted large drug operations. Illegally searching and seizing drugs, weapons and cash from known drug locations, for personal gain is also a common “meat-eating” activity.

Michael Dowd started out as an honest cop who gradually eased into criminal activities by accepting free drinks and pizzas to later in his career, receiving \$4000 a week for protecting a Brooklyn New York drug dealer. Dowd also admitted to taking bribes from business owners and stealing drugs and guns from crime scenes. During the 1980’s Dowd’s wage was \$400 a week but he drove a \$35 000 Corvette, bought four homes, wore designer clothes and he maintains that no police supervisor ever asked questions about his lavish lifestyle.

Regoli and Hewitt (1996: 338) add that meat-eaters “aggressively misuse their power for personal gain.” They illustrate the example of a nineteenth century police officer Alexander “Clubber” Williams who was a “meat-eater.” Williams demanded protection money from brothels located in his precinct. The amount of the bribe to be paid depended on the number of prostitutes and their clients and the prices charged by the former. One woman was paying bribes to the value of \$30 000 per year. Other brothels were charged an “initiation fee” of \$500 and a monthly rate of \$25 to \$50. Williams also extorted \$300 monthly payment from poolrooms and larger amounts from up-market gambling houses. The officer’s annual salary was about \$3500 and when he retired, Williams had possession of over \$1 million, a townhouse in New York City and a country estate in Connecticut.

McLagan (2003: 105) describes meat-eaters as “vicious predators who instigated corruption while grass-eaters were grazers who had simply gone along with their colleagues as part of the herd.”

The focus of **Scotland Yard's Ghost Squad** (established in 1994 to investigate corruption at the Metropolitan Police) was initially on organised corruption in the specialist squads, where two or more officers operated as part of a group. As these groups dissipated because of arrests and prosecutions, another more insidious type of corruption came to light. This involves the individual operating on his or her own, referred to by investigators as the "**Lone Rangers.**" The damage done by these "Lone Rangers" was to the investigators "immeasurable in terms of cost, volume and damage." This type of corrupt officer was found in all the police forces in the United Kingdom, and included not only police officials but civilian workers who worked behind the scenes for the police and who had access to seemingly secure police systems. The Lone Ranger works alone which makes them very difficult to detect and their primary activities include leaking confidential information to unauthorised persons. The consequences of their activities are usually manifested in "blown" or failed police operations and in criminals avoiding detection.

## **2.6 SUMMARY AND CONCLUSION**

The essence of this chapter was to illustrate **what** crimes and corrupt acts police members commit and **how** they commit these acts. It also included the differentiation between unorganised (group) corruption and organised (individual) corruption, as well as particular types of police criminals such as "meat-eaters", "grass-eaters" and "Lone Rangers". The South African Police Service members' criminal and corrupt acts were illustrated comparatively with those committed by police personnel from Australia (mainly New South Wales), the United Kingdom (mainly the Metropolitan Police) and the United States of America (mainly the New York Police Department). When doing a study of this nature, it is important to recognise that there are largely good, dedicated policemen and women in the universal police agency. The focus here however is solely on those members of police agencies in the four countries mentioned who, for whatever reason, have crossed the line between good and bad.

It is evident from the examples of police criminality highlighted in this chapter that criminal acts committed by members of police agencies are diverse. They range from the perpetration of violent crimes such as murder, to all too common assault and police brutality. The latter two elements can be ascribed to the nature of policing as well as to gratuitous assault, not always in equal measures. Murder is obviously the most extreme form of police criminality but not the most common. Common types of criminality amongst police members include property crimes such as theft, frequently committed at crime scenes and theft of drugs and cash from drug

dealers. Substance abuse amongst members is not only problematic in terms of attempting to do the job, and the consequences it has on family relationships, but the cost this has for the state when drunk members are involved in accidents with official vehicles.

Enterprise crimes such as fraudulent practices tend to manifest themselves most commonly within the organisation where members abuse certain privileges that accompany the job, such as overtime, travel allowances and sick leave. The latter is especially negative because it means that overworked and stressed colleagues have additional workloads. Relationships that some detectives have with their informers are problematic because very often these are criminal informers who expect a certain level of protection from their handlers. This puts the detective in a very precarious position because, on one hand he cannot be seen to be protecting a criminal but on the other hand he is receiving important information.

The functioning of the criminal justice system is obstructed through the criminal actions of some corrupt police officials. Justice is not served when members sabotage prosecutions by selling dockets back to defendants or when evidence has been tampered with or “lost”. Justice is also not done when often-innocent individuals are set-up for prosecution by members who are determined to get a conviction at any expense (noble-cause corruption).

It is not only the criminal acts committed by police members that are of significance, the type of police criminal is also important. The members who are involved in “bread and butter” corruption such as bribery, extortion and the “shakedown” of prostitutes and drug-dealers are referred to as “grass-eaters”. The latter see a corrupt opportunity and take it. The individuals or groups of cops who actively go out and create situations where they can be criminal, for example, breaking into a drug dealers premises to steal drugs, are referred to as “meat-eaters”. These together with “Lone Rangers”, who conduct their nefarious activities alone all do immense damage to any police organisation.

Corruption, as it is conceptualised and highlighted in chapter one, features prominently in criminal actions by police members. Corrupt actions include elements of misconduct such as releasing prisoners without authorisation, being unfit for duty due to the use of alcohol or drugs, drinking on duty, unauthorised use of and damage to state property, moonlighting without permission, sexual harassment of colleagues and assaults on colleagues. Criminal acts, which are also corrupt, include theft, sabotaging prosecutions, bribery, shakedowns and extortion.

The following chapter highlights **why** police members get involved in criminality, the risk factors that contribute to the guardians becoming the guarded. Risk factors focus on individual risk factors and organisational risk factors, including pertinent management issues that contribute to police criminality. Peripheral contributors such as lack of promotion, low wages, low morale and stress amongst others, are also illuminated.