

## **CHAPTER THREE**

### **RISK FACTORS ASSOCIATED WITH POLICE CRIMINALITY**

### 3.1 INTRODUCTION

The essential question needs to be asked: why do individuals who have sworn to uphold the law and to assist those who are affected by law-breakers, become criminals themselves? Is it the nature of policing where an already thin line becomes increasingly blurred by certain activities carried out to achieve results, such as undercover operations and handling informers? Or is it because of inherent flaws in the personalities of some police officers? There is a vast array of possible risk factors that contribute to police deviance.

This comprehensive chapter elucidates the many risk factors that encourage the perpetuation of criminality in police organisations. These have been divided up into three pertinent themes: the individual, the organisation and peripheral contributors. The **individual** or “rotten apple” approach to police criminality focuses on the individual characteristics (lack of morality, integrity or values) and personal problems (substance abuse, financial problems or relationship problems) corrupt police officials experience.

According to Newburn (1999: 14) “when confronted with allegations of corruption for which there is supporting evidence, police agencies will generally claim that the problem identified is limited to a small number of corrupt officers who are quite unrepresentative of the wider standards exhibited by the organisation. The history of policing, however, is full of examples where this explanation could simply not be sustained in the face of overwhelming evidence of organised corruption.” The “rotten apple” theory is often no more than a convenient excuse used by police managers hoping to deflect blame off the “barrel” or organisation.

The **organisation** highlights contributing risk factors such as the recruitment and training of new police members. Poor recruitment and vetting processes together with inadequate training programmes all contribute to police deviance and influence the professionalism of a police organisation. Elements of police culture such as the blue code of silence, “us versus them” mentality, ostracism and heavy drinking are all substantial organisational contributors to criminality. Managerial motivators include management aspects such as inadequate leadership, managerial denial, protecting the Service’s reputation, lack of supervision, inconsistent discipline and managers who are detached and uncaring.

**Peripheral** contributing risk factors (including general contributors) include how the lack of promotion and lack of career development can lead to deviance or at the very least, to low morale, heightened stress and cynicism. The latter factors are not only caused by lack of

promotion. This will be explored in more detail in the main section of this chapter. Low wages have always been a contentious aspect of policing and many researchers have attributed police deviance to this phenomenon. Low wages call into question the dichotomy between need and greed. Other contributing factors to be illuminated in this chapter include the elitism of certain police squads, gratuities, the nature of policing, noble-cause contributors, handler/informer dynamics, moonlighting and opportunities that arise or are created for criminality.

## **3.2 INDIVIDUAL RISK FACTOR APPROACH TO POLICE CRIMINALITY**

### **3.2.1 “ROTTEN APPLE” THEORY**

Newham ([www.csvr.org.za](http://www.csvr.org.za)) relates that the most common approach towards understanding police deviance is the “bad apple” approach. This is as a result of the usually universal response by police agencies when confronted with a corruption/criminal problem to blame a few “bad apples,” a handful of deviant police members. Police agencies commonly claim that 10% of officers are responsible for 90% of deviance problems. This ‘statistic’ usually applies to police agencies that have strict recruitment standards such as the United States of America.

The *Royal Commission* (1997: 79) summarised that “acceptance by police managers and political elites, of a rotten apple concept of police corruption, is a defensive, face-saving exercise.” They stressed that this theory of police deviance in which corruption and criminality is understood in terms of individual moral failure, has been discounted as a defensive approach which does not take into account the fact that police organisations can be corrupt. The police agencies that adhere to the rotten apple approach take action against the deviant officer without considering factors within the police organisation that contribute to criminality. For adherents of this theory, any deviant police official considered to be a rotten apple must therefore function within a clean ‘barrel.’ Because of the latter belief, management will obviously not be compelled to institute drastic organisational reforms.

The Commission added that the rotten apple theory has perpetuated a distorted image of policing which has assisted police agencies in their quest to avert suspicion of deviance nurtured by the organisation. It is not uncommon for any police agency to inadvertently recruit individuals who lack personal integrity or who do not possess the correct attributes needed

for policing, which may result in the individual becoming corrupt. “It is, however, inappropriate and potentially dangerous for a police service to rush to its own defence once a pocket of corruption emerges, on the basis that it was the product of individual deviance, or was merely ‘opportunistic,’ and could not have been prevented, even by best practice.”

### 3.2.2 INDIVIDUAL CHARACTERISTICS

The moral character of a police recruit will greatly influence his/her behaviour throughout their career, including the ability to resist the breaking down of values and the cynicism that become part of police work. Other aspects that shape the character of an individual include family upbringing, education and community values. The moral character and integrity of police officers will reflect the moral climate evident in the society in which they live (The *Mollen Commission* 1994: 65).

The *Mollen Commission* (1994: 60) report adds that “today, thousands of officers face the most menacing and prolific form of corruption police officers have ever had to face: the drug trade.” Around New York City, drug deals generate large sums of cash that can easily be stolen by or offered to police officers. Drug dealers will willingly pay officers thousands of dollars to avoid arrest. Many of the dealers are illegal immigrants or known criminals and will not complain if police steal their money. This constant exposure to various adverse policing conditions can erode the **values, principles and loyalties** of officers who were initially honest and dedicated.

Caless (in McLagan 2003: 253) studied the circumstances of 149 cases of actual and alleged police corruption and criminality in England and Wales since 1998 as well as collecting information from complaints officers in different police forces. The author assembled five archetypes of police members most vulnerable to corruption and criminality. These include:

- a) A male detective constable in his 40's, with more than 18 years of service, but no hope of further promotion. He is a “doer” with a record of successful arrests and he is an experienced informer handler. He has had disciplinary problems unrelated to corruption and he has scant regard for his supervisors. He is divorced with financial problems and his first offence was passing unauthorised information to criminals.

b) A female officer aged between 28-34, uniformed and who has failed twice to win promotion. Through her social environment falls in love with a criminal.

c) A male detective inspector who has failed to be promoted to chief inspector rank, with at least one failed marriage. He is an active and good investigator, charming, and a specialist in an elite, secretive crime group. He has serious financial difficulties. He is well liked by his subordinates and trusted by his seniors.

d) A civilian female worker, divorced, living alone and with adult children. She has a criminal relative, usually a brother. Although she does not occupy a vital position, she has access to the Police National Computer and leaks criminal intelligence.

e) A lazy male uniformed constable, passed over for promotion, takes short-cuts, is a devotee of 'canteen culture' and he is a bully. He indulges in theft and has inappropriate relationships with criminal's wives and prostitutes.

Unlike other senior detectives interviewed, a detective chief inspector with the Metropolitan Police in London who was in charge of intelligence operations, said he did not recall encountering corruption early in his career. The senior policeman said this was probably as a result of the hard line he took from the early days of his career concerning gifts and favours. He believed that even on duty an officer should pay for a cup of tea he is offered. The DCI illustrates this moralistic attitude with an incident that happened when he was off duty and spending the day at Brighton with his family. Some youths were causing a disturbance at a local restaurant where the family was having a meal. The policeman sorted out the problem and the grateful owner repeatedly insisted he accept the meal free of charge. Eventually he accepted the free meal but kept wondering if the restaurant owner guessed he was a police officer from his actions or whether the restaurant owner's gesture was one of gratitude for a kind deed (McLagan 2003: 98).

### 3.2.3 PERSONAL PROBLEMS

An analysis of cases concerning ex London Metropolitan Police officers convicted for various offences revealed pertinent personal causal factors. It was found that corruption and criminality were primarily the result of **greed**, a desire for more money. The latter usually arose as a result of a change in the officer's circumstances such as the cessation of overtime. The breakdown of marriages amongst specialist squad detectives is fairly common. This was

the case in two of the examples studied, where the officers had to support former wives and struggled to make ends meet financially. Many of the officers' debt problems were a direct result of the detective life-style with heavy drinking, late nights and unpredictable working hours. Police magazines carry advertisements for easy loans, exacerbating their debt problem. With debts and other personal problems, temptations such as selling confidential information and stealing drugs and money are plentiful (McLagan 2003: 250).

Miller (2003: 22) mentions that factors outside the working environment of police officers, such as domestic and personal problems, can influence the corruption and criminality within a police agency. Significant factors mentioned by the author include:

- **Relationship problems:** it was found that some police officers involved in corruption had recently separated from their wives or partners, or they had started new relationships. Extra-marital affairs were involved and some existing relationships were in turmoil.
- **Alcohol and drug problems:** there were instances of heavy drinking and to a lesser extent, drug use amongst some corrupt officers.
- **Financial difficulties:** financial problems, which were often related to relationship, alcohol and drug problems, also arose.

Miller (2003: 22) illustrates how some of these issues lead to deviant behaviour: "A uniformed constable of 20 years' service is going through a divorce. Around the same time, he starts drinking heavily. His drinking takes him regularly to pubs where there are criminals with whom he socialises. This provides the basis for a corrupt relationship in which information is obtained from within the service, and passed on to criminals."

"A uniformed constable in his mid-30s is estranged from his wife and two children. He is known to have been violent towards his current girlfriend. He is a regular taker of Ecstasy and has an active social life involving clubs and parties, where he is known to have been present when drug deals have taken place. He is also known to have been associating with a major criminal, and there is some suggestion that a corrupt relationship may have developed."

"An established detective constable on a specialist squad has become heavily involved in drinking, and has significant credit card debts. He has been arguing with his wife, with whom he has children, and on some occasions has been violent towards her. Engagement in

corruption within the squad provides him with money, some of which he uses to pay off his debts.”

### **3.3 THE ORGANISATIONAL RISK FACTOR APPROACH TO POLICE CRIMINALITY**

According to Swope (2001: 80) the police culture in many police agencies compromises the ethical behaviour of its officers, the unethical corruption-enabling environment of **the barrel**. The author believes it is the culture of the police organisation that causes the periodic corruption scandals faced by so many police agencies.

**“Police officers do not enter the profession as an opportunity to steal, extort or accept bribes. They do not take on the profession as an opportunity to beat people, violate individual constitutional rights or use excessive force. They do not take on the profession as an opportunity to plant evidence, lie and frame innocent individuals. Unethical, brutal and corrupt behaviour is nurtured in the barrel – the culture of a few police agencies.”**

Regoli and Hewitt (1996: 336) add that police corruption and criminality is as old as policing itself. It is a complex problem with many facets that contribute to an environment that facilitates deviance. Some of these enabling characteristics include:

- a police culture that exalts loyalty over integrity,
- the silence of honest officers who fear the consequences of “ratting” on another cop no matter how grave the crime,
- wilfully blind supervisors who fear the consequences of a corruption scandal more than corruption itself,
- the demise of the principle of accountability that makes all commanders responsible for fighting corruption in their commands, and
- hostility and alienation between the police and community which breeds an “Us versus Them” mentality.

Other organisational factors that facilitate corruption and criminality in a police organisation as mentioned in the *Royal Commission* (1997: 157) report include:

- the regulatory nature of policing concerning high risk areas such as betting, gaming, vice and licensing. The latter set a precedent for the protection of the drug trade today,
- the disciplinary system which is too rigid and punishes honest mistakes, minor disciplinary transgressions as well as punishing whistleblowers, treating those who voice concerns as “troublemakers” and a system that discourages openness and honesty when making mistakes,
- the lack of recognition and support for ethical behaviour and the repression of individual initiative,
- too many regulations and instructions that act more as a framework for apportioning blame when something goes wrong instead of serving as a guide to policing best practice,
- an unrealistic management strategy which is arrest rate driven but lacking in adequate resources which leads to process corruption. One officer described process corruption as the “tricks of the trade.” This strategy also encourages close and fiercely protected relationships between detectives and their criminal sources,
- failure by the police service to discourage process corruption or to recognise the potential it has to seriously compromise officers,
- an organisational tolerance for brutality and for the unnecessary assaults of individuals under investigation or in police custody,
- the inadequate commitment of resources by the community and local government acting in partnership with the police service in crime prevention. If opportunities were acted upon by all these elements it would have improved the quality of life, job satisfaction and morale of the police service,
- undue power of decision making by the central police structure, limiting regional and district commander’s decision making concerning the best deployment of their resources,
- the self-imposed isolation of the police service from outside ideas and influences, making it an essentially closed system which encourages the entrenchment of police culture.

### 3.3.1 RECRUITMENT AND TRAINING

**Recruitment** is a vital aspect to consider when attempts are made to limit corruption in police agencies. In the United States of America a few years ago, various police agencies conducted large-scale recruitment drives. The latter resulted in the hiring of a large number of problem officers. The reason for this was that individuals joined the police not as a career but merely as a job, which satisfied certain personal ideals such as status, power and access to weapons. Inadequate criteria for screening and recruiting new police members tend to result in a larger percentage of problematic officers joining the police organisation. If a police organisation has a large number of these individuals, it is probable that adverse cultural characteristics will develop within the organisation, which will result in deviance (Newham in [www.csvr.org.za](http://www.csvr.org.za)).

Griffith (2003: 69) adds that the root of the deviance problem amongst officers lies in their recruiting and hiring. During the mid-1990's when the Clinton Administration launched the drive to hire an additional 100 000 police officials for various agencies, there were not 100 000 qualified cops to fill these positions. As a result of this, there were a large number of individuals in the police who would otherwise have had their applications rejected if their agencies had not lowered their hiring standards to fill the vacant positions. If the background checks on the potentially problematic cops were inadequate, it will be unlikely that they will become moral individuals just because they have a badge and a gun. "If they are thieves before becoming cops, then they will be thieves in uniform." The author adds that strict recruitment and hiring policies within a police organisation are a definite deterrent to corrupt behaviour in police ranks.

Another serious contributor to police criminality is inadequate **screening** and the resultant recruiting of individuals with previous criminal convictions. Mackay reports in the *Cape Argus* of 20 February 2001 that a member of the South African Police Service's VIP protection unit had previous convictions for arson, housebreaking and theft before joining the police upon his release from prison. This individual's application to join the VIP protection unit was originally declined in 1995 as a result of his criminal convictions, but later appointed despite his criminal record. This policeman's career was finally terminated when he faced further charges of car theft while in the employ of the SAPS.

McLagan (2003: 255) mentions that the Metropolitan Police in London emphasised the importance of thorough **vetting** of officers especially those wishing to join specialist detective

squads. The latter was proposed in the wake of a corruption scandal in that particular police agency. The Met suggested that officers should declare any personal problems that might affect their job function, such as financial and marital problems. The information provided would then be corroborated and anyone caught giving false information would be in trouble. Most officers were willing to accept this intrusion, as it would influence their chances of promotion if they did not.

The *Royal Commission* (1997: 158) heard submissions that ethics and integrity application received scant attention during the **training** and in-service development of police recruits. These crucial elements also received very little consideration during the promotion process. The acquiring of ethics and integrity knowledge was originally left to mentors or “buddies.” This was not ideal because some police agencies had created “dumping grounds” or punishment stations, usually in high corruption areas, for problematic police officers, and some of these officers were used to “blood” new recruits into the realities of policing. These “misfits” who believed they were dumped usually developed a perverted sense of pride in their negative reputations and acted this out. One such police station was the Darlinghurst station in Sydney, which put officers in close proximity to areas of high criminality including vice, gaming and drugs where the opportunities for corruption were endless. Because this particular station was considered to be a punishment station, many of the officers stationed there had “chips on their shoulders” because they did not want to be there. This negativity experienced by these officers encouraged the perpetuation of police culture where young recruits were tested for their willingness to succumb to temptation and to uphold the culture of loyalty towards their colleagues.

The United States General Accounting Office (1998: 16) also found that drug-related police criminality was encouraged by inadequate training, especially integrity training, both in police academies and during on-the-job training. Before the establishment of the *Mollen Commission* during 1994, and the implementation of its recommendations, the NYPD police academy’s integrity training consisted of the message “don’t get caught.” The subsequent introduction of integrity testing and the emphasis on ethics and integrity awareness has altered the mindset of modern police training.

### **The South African Police Service's Basic Training Curriculum.**

- Theme One: Overview of the South African Police Service.
- Theme Two: Professional conduct.
- Theme Three: Self-management including life-skills, financial matters, HIV awareness, stress management and substance dependency.
- Theme Four: Communication skills including writing and oral communication.
- Theme Five: The Regulatory Framework of policing, with subjects such as Criminal Procedure, Law and policing. The general principles of South African Criminal Law and Statutory Law are covered.
- Theme Six: Information and systems management.
- Theme Seven: The handling of complaints, custody management and how to administer such a centre.
- Theme Eight: Subjects pertaining to the investigation of crime such as accident scene attendance, fingerprint taking and taking of statements.
- Theme Nine: Sector policing, crime prevention techniques and approaches and democratic policing.
- Theme Ten: The physical fitness of police officials, how and when to use force, how and when to handle a firearm and how to control crowds etcetera.
- Theme Eleven: Performance Management.

Source: *Servamus*, July 2005

### **3.3.2 POLICE CULTURE**

It is not unusual for various work environments to form distinct occupational cultures, encompassing certain beliefs, assumptions, attitudes and values. Police organisations are no different. The latter culture is probably more evident because of the nature of police work. Police culture is perceived to consist of predominantly negative aspects, which is not always the case. As mentioned by the *Mollen Commission* (1994: 53) report, a strong sense of loyalty and trust amongst police officers is not necessarily detrimental unless it is used to protect each other from the exposure of deviance or from investigation. The negative aspects of police culture do tend to receive the most attention and they will be the focus of this section of the study.

Skolnick (*The Royal Commission 1997: 25*) mentions that police officers develop a “working personality” as a means of interpreting and responding to society. As a reaction to the demands of policing, officers develop values, norms, perspectives and work rules that dictate their conduct and are often unrelated to the written laws, regulations and guidelines prescribed to them. The officers “working personality” is illustrated by the following characteristics:

- a sense of mission about police work,
- an orientation towards action,
- a pessimistic or cynical perspective of the social environment,
- an attitude of perpetual suspiciousness,
- an isolated social life and the resultant strong sense of solidarity with other officers,
- a categorisation of the public between the rough and the respectable,
- a conservative attitude towards politics and morality,
- a machismo outlook that allows sexism and glorifies the abuse of alcohol and heterosexual indulgences,
- a prejudiced attitude towards minorities, and
- a pragmatic view of police work that discourages innovation and experimentation.

The United States General Accounting Office (1998: 17) identified characteristics of police culture that enabled corruption, particularly drug-related police corruption. These include:

- a code of silence with serious consequences for anyone in violation of this,
- loyalty to fellow officers above all else,
- police cynicism or disillusionment about their jobs, the criminal justice system and public support for those who perform properly, and
- indoctrination at work as to what is acceptable behaviour, such as turning a blind eye to deviance.

The relationship between police culture and corruption/criminality is complex. It was found that police behaviour was affected by three levels of culture. Firstly, the culture of the police profession in general, secondly, the culture of a particular police department and thirdly, the culture of the city.

### 3.3.2.1 Blue Code of Silence

“Cops don’t tell on cops. And if they did tell on them, just say if a cop decided to tell on me, his career’s ruined. He’s going to be labelled as a rat. So if he’s got fifteen more years on the job, he’s going to be miserable because it follows you wherever you go. And he could be in a precinct he’s going to have nobody to work with. And chances are if it comes down to it, they’re going to let him get hurt” (The *Mollen Commission* 1994: 53). This testimony was given to the Commission by a former police officer who had been convicted on corruption and criminal charges. The Commission found that the code of silence amongst police officers was pervasive, especially in precincts that experienced high levels of corruption. The latter precincts are usually situated in crime-ridden areas where loyalty amongst the officers is very strong because of their dependence on each other to remain safe and where fear and alienation from the community is emphasised.

There are dire consequences for any police officer who dares to violate this code. The few officers who do not subscribe to the code of silence face being ostracised and harassed by their colleagues. They also become targets of complaints and are sometimes threatened with physical harm. There is a good chance these officers could be “set – up” by their colleagues, for example, walk into an ambush where a criminal takes them out, or they could be left alone on the streets during a dangerous situation.

Examples of actual experiences were submitted to the commission and include the case of a police captain who was known as a strict disciplinarian and he would report any wrongdoing he uncovered or heard about, to Internal Affairs. The captain was moved to 38 different commands during his police career and upon reporting for duty at each one, he discovered that his reputation had preceded him. At different commands, his locker was burned, his car tyres were slashed and he received threats of physical harm. Another officer who was transferred from Internal Affairs to a precinct detective squad was shown by his colleagues that he would be alone on the streets. Dead rats were placed on his windscreen, his personal property was stolen or damaged and they verbalised the fact that they would not help him in times of danger. There have been instances where officers have taken the blame and subsequent punishment for the deviant actions of other officers fearing that the penalty for breaking the code would be far worse than the penalty for misconduct (The *Mollen Commission* 1994: 56).

The Commission also found that most honest police officers would not report corruption and criminality in their ranks, even though they were disgusted by the corrupt behaviour of some of their colleagues. Nobody wanted to be seen as being a “rat,” not to be trusted. The fear of being labelled a “rat” and being isolated from police culture had a strong impact on not reporting deviance. The lack of reporting by honest officers, the turning a blind eye, prevents them from getting involved in trying to eliminate criminality in their precincts. As a result of this, their reputations are tainted, their morale is lowered and their safety is threatened.

Griffith (2003: 74) adds that the bad officers in any police organisation make life very difficult for the good officers. Adherence to the code has resulted in many officers putting their careers and their freedom in jeopardy in order to cover up for deviant colleagues. Trautman (in Griffith 2003: 74) mentions that the code of silence and misconduct are the most destructive forces in law enforcement, “it is far more likely that an officer’s career will be cut short by these things than by a bad guy with a knife in the alley.”

Miller (2003: 22) quotes an investigator into police deviance in the United Kingdom as saying that “there is a cultural resistance to tell on your own.” It was suggested that officers who have been involved in deviant behaviour themselves were unwilling to report other corrupt officers for fear of being disciplined or prosecuted themselves. These officers are seen as providing protection for a core group of corrupt colleagues.

The code of silence tends to be the most prominent within the lower ranks of a police agency although it is not confined to these. At higher levels of the service, applying the code may be for reasons that differ from those of lower rank adherents. Among operational ranks, the code is used mainly as a protection mechanism against complaints, for example, in the situation where an officer made a bad judgement call in the heat of the moment. In the more senior ranks, the code tends to be invoked to maintain morale and to protect the reputation of the particular police organisation. Many commanders tend to be comfortable with the “brotherhood” principle (The *Royal Commission* 1997: 108).

The *Royal Commission* (1997: 155) found that the effect of the code of silence was most salient in the instances where officers were prepared to support colleagues they did not even know, or they accepted money from fellow detectives without knowing its origin. The officers involved in these activities would justify their actions by saying that this was the “way the system worked,” and if they had responded in any other way, their career would have been abruptly terminated. During investigations, every officer approached by investigators denied

any knowledge of, or participation in, corruption, even when they were offered protection against self-incrimination and offered amnesty. Only once the officers were presented with damning evidence of their activities did they admit to wrongdoing. Every officer investigated knew the truth but hoped that the code would be so strong that no one would break it.

The reinforcement of the code of silence contributed to corruption by conditioning honest, inexperienced police members to accept corruption as part of the job. The latter led to these officers not reporting any deviance they witnessed, to quietly accept their corrupt colleagues' behaviour and to collaborate with them. Corrupt officers use the code of silence to manipulate, threaten and control their colleagues, especially those compromised by collusion in earlier unethical behaviour. The code also served to discourage managers from addressing corruption and implementing any reforms because they knew this would be futile. Internal investigators were discouraged from engaging in any thorough enquiries around criminality because they felt the code would pre-empt the unsatisfactory result of an investigation.

The techniques employed to reinforce the code of silence hampered the capacity of the New South Wales Police Service to detect wrongdoing. The code was reinforced in the following ways:

- officers used coded warnings such as “whale in the bay” to warn colleagues that there was an imminent internal investigation,
- the “police telegraph” was used and one officer described it as being “faster than anything modern technology can come up with”,
- “scrumdowns” (when police get together to ensure police statements and/or evidence is corroborated and consistent when facing a pending internal investigation) are used to ensure a united response to any inquiry,
- corrupt officers develop counter-surveillance techniques, and
- the code of silence is reinforced by the constant threat of ostracism (The *Royal Commission* 1997: 157).

Skolnick (2002: 7) mentions that the blue code of silence is an “unwritten normative injunction.” It is also referred to as a blue wall, curtain, or a cocoon of silence, which is entrenched in police subculture. The code with its emphasis on loyalty and brotherhood may positively assist policing by protecting officers against real threats to safety and well being, or

it may alternatively sustain a police criminal subculture that protects the interests of officers who break the law.

### 3.3.2.2 Police Subculture

Regoli and Hewitt (1996: 260) list certain aspects of police culture that can be identified as a specific police subculture, which derives its rules from fellow officers as opposed to the police bureaucracy and the general public. Police officers therefore form a subgroup or a subculture. These aspects include the following:

- “to take care of their partners first,
- to be secretive about the behaviour of other officers,
- to take control of a situation and don’t back down,
- not to interfere in another officer’s sector or work area,
- if you get caught making a mistake, don’t implicate anybody else,
- not to trust new officers until they have been ‘checked-out,’
- to protect your ‘ass’; don’t give managers or the ‘system’ an opportunity to ‘get you,’
- to not suck up to supervisors,
- to not trust managers,
- to avoid talking too much or too little; both are suspicious.”

Waddington (in Wilson et al 2001: 138) believes that a police subculture does exist and that a similar subculture exists amongst police agencies throughout the world. The author contends that its existence “is a rhetoric that gives meaning to experience and sustains occupational self-esteem.” The essence of this subculture pertains to:

- “the police being the custodians of state authority, which inevitably means that policing is a ‘conservative vocation,’
- the fact that authority is backed with potential force, and thus the ‘glorification of action and excitement,’
- the fact that this in turn leads to a ‘cult of masculinity’ and ‘isolation’ from other members of the public,
- a ‘sense of mission’ which comes from the fact that the police ‘dignify’ their work, which is often ‘dirty work,’ with sections of the population who are regarded as ‘outsiders’ and whom the police thus find it easier to ‘denigrate,’

- the 'defensive solidarity' of the police – a recognition of their 'precarious position' in society.”

### 3.3.2.3 Ostracism

One of the consequences of violating the code of silence is ostracism. New recruits learn this harsh lesson while still attending the Academy. In one example, a new recruit undergoing training complained to Internal Affairs about an instructor who was making lewd remarks to her and other female recruits. Internal affairs told the Academy about her complaint despite the fact that confidentiality was assured. Within days the female recruit was ostracised by her colleagues and by Academy staff. As a result of her isolation she was compelled to complete her training on her own. Once her training was complete the recruit was assigned to Internal Affairs because it was highly unlikely that any other unit would accept her. Her dream of being a policewoman turned into a nightmare because she dared complain about a fellow cop and within a year she terminated her police career (*The Mollen Commission* 1994: 55).

Evidence presented to the *Royal Commission* (1997: 376) suggested that internal witnesses feared harassment and ostracism the most when it came to blowing the whistle on corrupt colleagues. The most common types of harassment experienced by internal witnesses include “silent treatment” and ostracism by colleagues, the cessation of conversations and an exodus from the canteen when the informer walked in. Less common forms of harassment and intimidation included the drawing of cartoons and writing offensive messages on the station’s notice boards, toilet walls and even on documents. Personal property was sometimes damaged or stolen, including damage to vehicles. Some informers testified that their colleagues requested to be on different shifts because they refused to work with the informer.

Another form of intimidation towards internal witnesses is the **payback complaint**. Besides the payback complaint, some of these witnesses were also subjected to malicious disciplinary charges. These tactics were sometimes trivial and at other times they had devastating consequences for an officer’s career. This was illustrated in the case of two officers. A female officer complained about management aspects of the Fraud Squad including the alleged abuse of travel allowances. Her male colleague submitted an anonymous complaint in support of hers. Both officers subsequently had complaints made against them accusing them of submitting a false travel allowance claim. These malicious complaints were filed by an inspector who had been dismissed from the police for improper

associations with criminals. This ex-policeman was also conducting an improper relationship with serving police officers. The female complainant was informed 18 months after the complaint was made against her that the Service was not going to proceed with departmental charges against her. By this time, the complaint and the delays in the Service's investigation had prompted the female officer to terminate her police career. Her male colleague also had the complaint against him withdrawn, but he had another complaint against him, which concerned the awarding of a Fellowship. The charges against him were eventually withdrawn, but not before he lost an appointment to the Fraud Enforcement Agency, a specialised unit for which he was trained, and any promotion due to him was delayed (*The Royal Commission* 1997: 379).

The *Royal Commission* (1997: 94) heard testimony from one corrupt officer who had accepted "dirty" money. Upon accepting the cash, the officer felt he was being forced to make a choice between accepting the money and staying with his unit, or refusing the money and being ostracised by his colleagues as well as being transferred out of his unit. Another corrupt detective admitted to stealing money along with his colleagues on several occasions. The cash was usually recovered from robberies or found while executing a search warrant. The explanation given by the detective for his conduct was that he got involved because he wanted to "fit-in" and to be part of major operations undertaken by his unit. The detective explained that he would have been "on the outer" had he not participated in this criminality.

While being interviewed by McLagan (2003: 192), one corrupt London Metropolitan Police officer was asked whether he discussed his criminality with other officers that he knew were involved in the same activities. The officer replied that he had not because he did not want to know what they had done. This was self-protection because if he did not know anything he could not repeat anything. The officer also thought that by not asking others about their criminal activities and by not discussing his own criminality he was protecting his colleagues. The officer added that; "for an officer to become an informant against other officers is a horrendous step to take, because he faces being ostracised throughout the police service. Since the day I joined, there's been this musketeers' attitude. All for one and one for all. You just don't grass up your mates."

#### 3.3.2.4 Us versus Them

The *Royal Commission* (1997: 155) found that the code of silence was strengthened in police agencies by an "us and them" attitude that encourages officers to act negatively towards

anyone who is not a member of the police organisation or anyone who challenges police activities. This has been described as a “siege mentality.”

Westley (in Regoli & Hewitt 1996: 261) stated that the police believe the public does not like them and the public is their enemy. This perception results in police officers turning to colleagues for support. This group solidarity is however usually maintained through secrecy and violence. Police feel they are justified in using force and sometimes brutality with members of the citizenry who they believe to be disrespectful of their authority. Because of the perception that the public is against them, officers will lie to protect themselves and their colleagues from the public.

The nature of policing is conducive to huge demands being made on officers, particularly on “beat” cops, those who spend most of their time amongst the community they serve. These officers are expected to be all things to all people, crime fighters, mediators and obedient members of a paramilitary organisation. They are also expected to risk life and limb to protect individuals’ property and lives. In high-crime areas, officers may begin to equate the criminals with the community they serve. They perceive their environment as being hostile towards them and their focus becomes the criminals rather than the law-abiding individuals in the community. Citizens may return this hostility, blaming the police for the proliferation of crime, drugs and weapons in some precincts. The community also resents police interference in their activities, albeit a routine traffic stop or chasing a burglar. This resentment, combined with the inherent dangers of policing and dependence on colleagues for their safety, creates a strong affinity between police officers. Police members also tend to socialise with each other after work (The *Mollen Commission* 1994: 52).

The *Mollen Commission* (1994: 58) adds that many police officers see the public as a source of irritation rather than as the people they are sworn to serve. The “us versus them” attitude manifests early in an officer’s career when veteran officers tell new recruits that citizens do not appreciate the police and their safety therefore depends entirely on their colleagues. Police officers learn early in their careers to protect themselves from the citizenry especially concerning public complaints. This attitude puts pressure on officers to be loyal to colleagues, even corrupt colleagues, instead of creating good relationships with the community they serve. One officer testifying before the Commission illustrated what the procedure was when a member of the public came in to the precinct to report brutality at the hands of a fellow officer.

“He (the Desk Officer) would give (the complainant) the paperwork to fill out. Then they’d ask him for a pen. He’d tell you listen there’s a bodega across the street, go there and buy it. I’m not helping you. Then if they needed any help with (the complaint form), he wouldn’t help them. Then if the person went through all the aggravation to fill out the complaint report ... they’d tell you, ‘Listen, we have to get it typed now. There’s a waiting line for the typing. It’s going to be about three hours, so sit right there and wait.’ Half the time people would say, ‘Three hours, you got to be crazy,’ and they would leave. As soon as they left, he’d crumple it up and throw it right in the garbage.”

Investigators also found that the “us versus them” mentality was not confined to the public but also to members of the police department who were viewed with distrust because they were a threat to the well being of certain officers. Internal Affairs officers are seen as adversaries who visit precincts for the sole purpose of bringing corruption charges against hard-working officers. Both corrupt and honest officers have thwarted the efforts of Internal Affairs officers’ by telling everyone of their presence in their precincts and by refusing to cooperate with investigations. The code of silence together with the “us versus them” mentality, were present wherever the investigators found wrongdoing. The latter explains why dishonest officers can indulge in corruption and criminality for any length of time without detection.

### 3.3.2.5 Culture of Heavy Drinking

The previous chapter illustrated pertinent examples of the culture of alcohol abuse and to a lesser extent, drug abuse. Substance abuse problems are not confined to any specific country or police organisation. It is a universal occurrence. A vast amount of evidence was collected during the *Royal Commission* (1997: 463) investigations, concerning alcohol abuse. Amongst the revelations was the frequency of “liquid” lunches taken by officers while on duty and heavy drinking by officers on and off duty. Some officers frequented clubs and related premises with the intention of obtaining free alcohol. Alcohol abuse was related to broader police cultural issues, for example when it had been used as a “test” for acceptance amongst detectives. A lifestyle survey done amongst New South Wales Police confirmed evidence given to investigators. It found that alcohol abuse was rife amongst officers, with 48% of men and 41% of women consuming alcohol at levels considered harmful and dangerous (including binge drinking).

The Commission defines risk factors attributed to substance abuse to include the following:

- the nature of policing requires calm and careful decisions, a clear head and discretionary abilities. The use of vehicles and weapons require unimpaired judgment and co-ordination, all of which are adversely affected with alcohol and drug use,
- an environment which tolerates police frequenting clubs, hotels and pubs where they appear to be intoxicated, affects discipline and the public's respect for the police,
- the negative aspects of police culture are enhanced through the bonding that occurs between officers over liquid lunches and the shared use of drugs,
- a police officer's use of narcotics, even for recreational purposes, and his association with his supplier can result in the officer being compromised, blackmailed and open to criminality, especially if the habit becomes expensive,
- an officer who uses drugs is unlikely to vigorously enforce drug laws,
- an officer who partakes in any criminal activity is in direct conflict with his/her sworn duty to uphold the law,
- the productivity of officers who are abusing substances is reduced and not only do they set a poor example to their colleagues but they also pose a threat to the police agency, and
- the existence of significant substance abuse indicates that the police agencies' welfare programmes are ineffectual or it is not taking responsibility for the occupational health and safety of its staff.

### 3.3.2.6 Field Training Officers

Griffith (2003: 70) suggests that if anyone wants to know the culture of a police department, they should take a look at its Field Training Officers. The author compares FTO's to parents who are not only teachers but raise the next generation of cops, teach them policing skills and instill in them societal norms and values, in this instance the norms and values of the police department. Trautman (in Griffith 2003: 70) mentions that; "you do not want cynical, unappreciated FTO's. Field Training Officers are machines replicating themselves. If you have a group of FTO's who feel unappreciated and they are not compensated for the extra work, then you can't expect anything but a whole department of cynics." As a result of the latter, many police managers have accepted that the correct selection, training, and supervision are critically important if the integrity of the Department is to be maintained.

Reforms were implemented in one particular police department that was having problems with their Field Training Officer system. The FTO's were required to complete a 500-hour training programme before they could take on the responsibility of assisting new recruits. Once they had started working with new recruits, they had to submit an extensive report everyday on the recruits' progress to management.

### 3.3.2.7 Assault and Brutality

Regoli and Hewitt (1996: 343) describe police brutality as the "unlawful use of physical force by officers to control a suspect." According to the authors, police in the United States have assaulted citizens since the first organised police departments were established in the 1840's. This phenomenon is certainly not confined to United States police agencies and continues in most societies today. Periodically police brutality makes international headlines as in the case of Rodney King who was severely beaten by Los Angeles police in 1991. The beating was captured on video camera. Thousands of complaints of police brutality are expressed annually in the United States and research findings have shown that only about 1% of these complaints are ever officially filed. The latter despite the fact that 10 to 20% of the public believes they have good reason to complain about police actions taken or actions the police have refused to take. The research also found that a small percentage of police officers are responsible for the majority of complaints. The majority of complaints were filed against young and inexperienced officers. In some instances it was found that as many as 67% of citizen complaints were filed against officers who were 30-years old or officers who had less than five years policing experience.

Regoli and Hewitt (1996: 343) pose the question: "why do some officers assault citizens?" Possible explanations include the perception by police officers that the public does not respect their authority, the "us versus them" attitude. Excerpts from police radio communications highlight the police's disdain towards the public, and the perception that the public is the enemy. These include:

- "A full moon and a full gun makes for a night of fun."
- "Did you arrest the 85-year-old lady (or) just beat her up?" "We just slapped her a bit- she's getting m/t (medical treatment) right now."
- "(It) was fun...but no chance to bust heads...sorry." "Oh well...maybe next time."

Police officers are aware of the fact that they usually get away with assaulting citizens. Few citizen/police interactions are monitored or reviewed. Research showed that 37% of brutality events occurred in police-controlled situations, such as the police station or a patrol car. As a result of the latter, charges brought against police are not thoroughly investigated because there are no witnesses. Another explanation for brutality is that the police are racist, tending to assault racial and ethnic minorities, rather than whites. Research has shown that this is not necessarily the case and that lower-class white males and lower-class African-Americans had an equal chance of being assaulted by police whereas middle and upper-class citizens were much less likely to experience police brutality. Criminologists surmised that police brutality is a consistent problem because it is tolerated by the police organisation. This tolerance is perpetuated because so many police agencies have ineffectual disciplinary systems. For example, in Miami, in only 10 out of 172 brutality cases were the officers involved disciplined (Regoli & Hewitt 1996: 345).

As mentioned in the previous chapter, the *Mollen Commission* (1994: 47) found that police brutality did not always occur together with corrupt acts, but it usually occurred to show power, to force the community to respect the police, to vent frustrations and anger or out fear or hostility towards an individual or a community that the individual represents. Officers told investigators that it was common to use force to exercise their own kind of street justice: “a nightstick in the ribs, a fist to the head,” to show the community and the criminals who was in charge of the crime-ridden streets and to punish those who “deserved it.” Many of these cops believe they were doing a morally correct deed, because they were punishing those individuals that the criminal justice system would not.

The Commission adds that Investigators found that unlike corruption, which most officers tolerate outwardly but in reality actually resent and despise, occasional police brutality tends to be **tolerated** both inwardly and outwardly. “An excessive use of fists to face, nightsticks to ribs, and knees to groin are seen as the realities of policing.” They found that brutality tended to be tolerated throughout police departments. This tolerance was not only justified as being a legitimate law enforcement tool used to punish the “guilty,” brutality justification was also based on the “cops are only human” attitude. Brutality was also justified as fear, if the officer did not hit first, the suspect would. Some officers believed that the law was made by “ivory tower” legislators who did not have the same understanding of the streets as the law enforcers. As a result of the latter, both honest and corrupt officers stressed that the code of silence was stronger where brutality was concerned. Officers will not report this type of illicit behaviour if they inherently believe it is correct. It is not only officers who tolerate brutal

behaviour by their colleagues, but supervisors tend to tolerate it as well. This is because many supervisors also believe that there is nothing untoward about using unnecessary violence, as they believed this was the best way to fight crime. Supervisors would usually accept the officer's explanation for beating up a suspect as "resisting arrest."

These practices and attitudes encourage, protect and justify police brutality. They even encourage good cops to engage in brutality without fear of consequences. They also exacerbate a police culture that alienates officers from the communities they serve (The *Mollen Commission* 1994: 49).

### 3.3.3 MANAGERIAL MOTIVATORS

Ex-Deputy Assistant Commissioner Roy Clark, who was instrumental in exposing and dealing with devastating corruption in certain units of the Metropolitan police, mentioned that the lack of leadership and the lack of control by managers prevented Scotland Yard from rooting out corruption. Managers and supervisors were accused of being "willfully blind" and failing to pick up signs of corruption as well as failing to supervise and show leadership. He added that: **"it is not a scandal to have a corruption problem. It's a scandal not to recognise the problem"** (McLagan 2003: 23).

#### 3.3.3.1 Inadequate Leadership

The *Royal Commission* (1997: 208) found that the new South Wales Police Service had a hierarchical structure that insisted most decisions pass up the chain of command, and these decisions were ultimately taken by a small group of senior staff that met on a weekly basis. The latter resulted in serious administrative bottlenecks. This arrangement perpetuated an outdated approach to management within the Service, which prevented it from adopting more progressive management models that existed in other large organisations. This style of management also prevented general police members from becoming involved in planning, resulting in the Service becoming insulated from improving its efficiency, improving its service to the community and from fighting corruption.

A police Commissioner highlighted the differences between the role of a police "Force" and a police "Service". When many police agencies changed from calling themselves a "force" to referring to themselves as a "service," it did not always follow that their way of managing the organisation changed simultaneously. These differences include the following:

**Table 3.1 Differentiation between a police force and a police service**

<b>Force Role</b>	<b>Service Role</b>
authoritarian	consultative
reactive only	proactive
closed culture	open culture
rank status	job responsibility
no mistakes allowed	learning from experience
limited police education	extensive education
working in isolation	working together

Source: The *Royal Commission* (1997: 208)

Swope (2001: 82) mentions that **corruption and criminality is allowed to escalate** when they go unchallenged. They become tolerated and they become the norm. Police officers are very aware of what their colleagues are doing or not doing pertaining to their duty. They know who: “hesitates to accept radio runs, claims false injuries, is consistently the second car to arrive on a man with a gun call, conducts a poor preliminary investigation, sleeps on midnights and who steps over the line when exerting coercive force.” Officers are also aware of certain supervisors who tolerate unethical behaviour. It is therefore extremely difficult for all concerned to identify at what point questionable behaviour becomes unacceptable. For example, if failing to respond to a radio call is acceptable, is stealing from a drug dealer also acceptable behaviour? Officers become confused about when they should report devious behaviour to their supervisors. If this is the case, it is easier and safer for officers to remain silent, as they will not risk divulging information if there is a chance that no action will be taken by their supervisor. The author stresses the importance of support by middle-level managers, sergeants, lieutenants and captains for integrity issues and for effectively responding to officer misconduct.

Formal ethical codes of conduct mean very little in a police organisation as officers are influenced by the behavioural standards set by their superiors. Officers observe how supervisors handle integrity breaches and the way this is handled is vital to maintaining an ethical police culture. Police departments that have remained relatively corruption-free, all have managers and supervisors who respond effectively to mediocrity, unethical behaviour, corruption and criminality. “We can build a culture of integrity and high ethical standards by holding subordinates responsible and accountable. By doing so, the message is sent that

lack of commitment, laziness and mediocrity is unacceptable, pre-empting the opportunity for a culture of corruption, brutality and criminal behaviour to take hold” (Swope 2001: 83).

### 3.3.3.2 Managerial Denial

The *Mollen Commission* (1994: 71) found that corruption controls had collapsed at the NYPD as a result of a deeply entrenched reluctance by management to uncover serious corruption and criminality, together with the complete lack of external pressure to do this. Management saw the exposure of corruption as an embarrassment to the department and it feared that in exposing it, the public would lose confidence in the police. This view was held by top managers who thought corruption exposure would harm careers, as well as harm the reputation of the department. Therefore, tolerating corruption in order to avoid negative publicity was more important than attempting to eradicate it. The consequences of this behaviour resonated throughout the NYPD, manifesting in different ways. Senior managers allowed corruption controls to disappear by denying resources and they allowed command accountability to diminish through lack of enforcement. This, in turn, resulted in field commanders ignoring corruption and transferring problem officers out of their commands. These field commanders were in the best position to prevent and expose corruption because they supervised and interacted daily with officers on the street. A strong message was sent out to susceptible patrol officers that despite the constant rhetoric that corruption will not be tolerated in the city’s precincts, it was.

Other reasons provided by supervisors for their “willful blindness” include the fact that they believed their superiors preferred them to be good administrators rather than good corruption fighters. As proven by the collapse of command accountability, some supervisors believed that exposing corruption would harm their careers. Inexperienced supervisors particularly, believed that exposing corruption would harm their reputations and that their subordinates would make their lives miserable. Many of these inexperienced supervisors were struggling to make the change from being a patrol officer to being the “boss.” Many sergeants admitted to the Commission that would not report serious deviance amongst their officers (*The Mollen Commission* 1994: 80).

Newham (2001: 10) adds that the mere existence of corruption highlights the inability of senior police officers to exercise control over the organisation. This is also indicative of managements’ choice to deny the existence of corruption and criminality or at the least, to play down its existence. The commander, manager or supervisor has a vital role to play in

attempts to eradicate corruption. The author acknowledges that police managers operate in specific political, social and organisational environments, and these will determine how realistic anti-corruption measures will be. Many police managers feel the personal cost is too high when confronting corruption. “For a police agency to effectively act against corruption, managers must have the will power, authority and organisational support to do so. Similarly, they must be held accountable where they fail.”

Regoli & Hewitt (1996: 342) add that another reason police managers may be reluctant to expose and confront police corruption is that they have risen through the ranks and because they commenced their careers as beat cops, they internalised the values of the police culture and do not want to cause problems for their fellow officers. There is also the possibility that these senior officers were involved in corruption themselves earlier in their careers. As a result of all this, these officers may consider corrupt activities by rank and file officers as being acceptable behaviour.

Trautman (in Griffith 2003: 72) firmly believes that the most destructive form of police misconduct occurs when managers ignore glaring ethical shortcomings. The author also found that misconduct spreads rapidly when police managers ignore bad cops and their devious behaviour. This results in a culture of corruption and criminality entrenching itself in a police agency. The author also believes that the rot present in many police agencies starts from the top down, particularly when those on top are denying or ignoring obvious corruption in the ranks.

### 3.3.3.3 Protecting the Reputation of the Service

The *Royal Commission* (1997: 156) found that there was institutional pressure to avoid revealing the presence of large-scale corruption in the New South Wales Police Service. The motivation behind the latter was that if this was exposed, the reputation of the service would be tarnished and morale would also be affected. This attempt at suppressing the disclosure of corruption employed the following methods:

- suppressing and editing audit reports containing adverse information and discouraging criticism by individuals whose job it was to identify problems,
- denying the obvious to such an extent that individuals who attempted to become whistleblowers were branded “troublemakers” and risked being transferred out of any significant job they were occupying,

- iron-fisted control by police management of any information to Parliamentary committees and to external watchdogs. This perpetuated the perception that the police were a law unto themselves,
- inadequate support and resources allocated to the Internal Affairs Command. This deterred good investigators from working in this command, reducing its investigating capacity,
- police officers were warned if there was an investigation pending on them and information was released to them,
- investigations were purposely fragmented, losing the opportunity of conducting broad-based enquiries that could reveal systemic misconduct, and
- ineffectual support given to internal informants or whistleblowers.

The consequences of this defensive mentality included the reinforcement of the “us versus them” mentality and the collapse of command responsibility for maintaining integrity. Commission findings make it clear to police management that the disclosure of successful investigations into misconduct is not a sign of failure, but rather an indication that the system is working and attempts are being made to root out the problem before a major scandal erupts. Internal audits also need to be seen as opportunities for encouraging honesty and identifying management shortcomings before they become problematic.

#### 3.3.3.4 Lack of Supervision

The *Mollen Commission* (1994: 79) heard from both honest and corrupt cops that in many precincts in New York City, police supervision was in crisis, even though it was recognised that good supervision was essential for discouraging corruption. The investigation revealed that poor supervision was synonymous with high levels of corruption in every precinct investigated. Investigators also found that many supervisors were turning a blind eye to corruption that they knew was in existence in their precinct, and others believed that exposing and dealing with corruption was not part of their job function. These supervisory shortcomings contributed greatly to the culture of tolerance in so many police agencies. If corruption is tolerated, it results in devious police officers being protected, cops contemplating criminal activities become emboldened and it sends a message to all cops that the police department is more interested in officers being subtle than honest.

The Commission also found that it was not only field supervisors who were at fault, but senior management in the Department was equally guilty because of their silence and inaction, which perpetuated the situation. It was these top commanders who contributed to the demise

of command accountability by letting these inadequate supervisors off the hook. In situations where there were supervisors who were committed to fighting corruption, they were not backed up by adequate resources, which rendered their efforts useless. This was also exacerbated by unmanageable ratios of supervisors to junior officers. Police experts mentioned that the ideal ratio was one supervisor for every ten officers, but in some precincts the ratio was one supervisor for every thirty officers. In another instance, one supervisor was assigned to three precincts on a Saturday night. The latter results in a large number of officers doing their job with no supervision at all, especially in corruption-prone precincts. Investigators also found that many supervisors had to perform duties that their subordinates should have been doing, such as responding to radio calls, instead of concentrating on their supervisory duties.

The dilution of supervisors' authority contributed to this unacceptable situation. In many precincts, sergeants are younger and inexperienced and often show more loyalty to the officers they are commanding than to senior management. Many of these young supervisors find it difficult to command authority and credibility. It was difficult for them to control and discipline officers they considered to be their friends, or police veterans who they felt intimidated by (The *Mollen Commission* 1994: 83).

Miller (2003: 20) mentions that poor supervision has been an important contributor to police corruption. A potential shortcoming identified by the Metropolitan Police's Professional Standards Unit was the failure by supervisors and managers to take a close look at officers who appear to be performing well, especially those who were indulging in corrupt relationships with their informers to secure arrests. One officer commented that: "supervisors' attention goes to those who aren't performing, not those who are."

The *Royal Commission* (1997: 160) found that some of the primary reasons corruption went unexposed in the New South Wales Police Service included the lack of effective supervision and the collapse of command accountability. Compounding these problems was the general lack of responsibility for the detection and eradication of corruption shown at local police level. This task was left to the Office of Professional Responsibility. This resulted in local supervisors and commanders who were in the best position to know what was going on, to be excluded from the fight against corruption. Other problems that contributed to the perpetuation of corruption as a result of the lack of command accountability and the dearth of good supervision included the following:

- the unquestioning trust many commanders and supervisors put in the integrity of their staff,
- the emphasis some commanders placed on personal popularity rather than invoking respect by having a reputation for integrity, professionalism and fairness,
- the lack of systems to identify and follow-up signs of corrupt activities that should be easily identifiable at local level, such as overseas holidays, unexplained wealth or frequent gambling,
- many detective's refusal to be part of the command and leadership of uniformed officers, and
- the failure to understand and implement the Informant Management Plan, together with the lack of will to investigate or terminate relationships with criminals who did not qualify as community sources or informers.

Punch (2000: 310) refers to the Stephen Lawrence case where the latter (a black youth) was murdered by a group of white youths in south London, and made international headlines in the late 1990's. These headlines were not merely focused on the racial dynamics of this murder but more on the inadequate handling of the subsequent investigation by the Metropolitan Police. There were no convictions, despite obvious leads. This case also courted controversy because of the incompetence and indifference afforded the victim by the police at the scene where he lay dying. The weaknesses evident in the investigation, which could have been related to corruption, brought about accusations of racism. The subsequent Commission of Inquiry into this incident referred to "institutionalised racism" in the Met. The author added that the Lawrence case was about "racism and prejudice; but it was also about poor performance and lack of supervision at the frontline of policing." The author identifies poor performance, incompetence, weak supervision and lack of leadership as aspects present during the Lawrence investigation. He added that: "I am emphasising this here because it could be argued that incompetence and non-performance are related to deviance, misconduct and even corruption. To a certain extent they form a variation on **abuse of authority** – by failing to perform adequately."

### 3.3.3.5 Inconsistent Discipline

As mentioned earlier, Trautman's (in Griffith 2003: 72) research showed that misconduct spreads rapidly and when management ignores the deviant behaviour of some cops, a culture of corruption flourishes in police agencies. The latter is particularly pertinent if officers

perceive discipline implementation to be inconsistent between officers and influenced by external forces and internal politics. The author collated 1902 surveys from 444 police agencies in 20 states and found that the main cause of resentment and frustration amongst officers concerning their agencies was their perception that discipline was unfair and that managers had favourites. In order to eradicate corruption in an agency, it is essential to primarily deal with any anger and frustration experienced by officers. Certain types of deviance are expressions of an officer's contempt for his or her employer. Officers who commit misconduct tend to rationalise their behaviour by considering themselves victims of their departments. The latter is manifested in theft, falsifying reports and time cards.

The *Royal Commission* (1997: 307) assessed the existing disciplinary system in the New South Wales Police Service and found the following weaknesses, it was:

- complex, inconsistent and inflexible,
- counter-productive because of its adversarial nature, focusing on punishment rather than remedial intervention,
- aimed at command and control, rather than management of members,
- characterised by significant delays,
- prone to leaks, collaboration and ineffective investigations,
- affected by bias (favouritism),
- characterised by an automatic reaction to defend any charge, even if indefensible, and to appeal against any decisions made,
- lacking in openness concerning dealings between members and the organisation, and conducive to fear, and
- responsible for inducing anxiety and uncertainty during long waiting periods, often resulting in stress-related illnesses.

Investigators also found that the disciplinary system was too formal and legalistic because of its adversarial and punitive nature. This resulted in the encouragement and perpetuation of the code of silence and the practice of covering up. It discouraged honesty and a willingness to admit to mistakes and it created enormous disruptions to the careers of officers involved in disciplinary investigations. Because of this very legalistic and formal system, emphasis was on the apportioning of blame and the punishment meted out. The consequences of this type of system were that internal investigations had been tainted by bias, favouritism, leaking of information and collaboration (as mentioned above). Internal whistleblowers were intimidated and discouraged from giving evidence.

### 3.3.3.6 Detached Management

The *Royal Commission* (1997: 209) found that historically, the Service paid scant attention to the rights and career development of their staff. The Service did not equate the achievement of goals and reform with staff input and the fact that senior managers should lead by example and support those members who wish to achieve their goals. Management style focused more on inducing fear and control than commanding respect through good leadership or through recognising integrity and good performance in their staff. Most members of staff received little encouragement to develop in their job.

The issue of rank was also found to be problematic. The latter was linked to success and higher levels of remuneration, it signified power and status without recognising that work demands, skills and responsibilities were not always related to rank and its rewards. This system resulted in constant scrambling for promotion and widespread unhappiness with the promotional system. The Service was accused of allowing the promotion of unethical but flamboyant police as role models, instead of promoting ethical police members, those who were honest, professional officers who spoke out against corruption. Senior police managers appeared unable to deal with the different ethos and attitudes of hard, street-wise detectives who tended to cut corners. The failure of police management to integrate detectives into the Service, leaving them unsupervised, with their own set of rules, contributed greatly to an “unhealthy” workplace.

A letter submitted by a sergeant in the South African Police Service to a police magazine *Servamus*, October 2004, graphically illustrates the concept of uncaring management and how a police officer can evolve from a career-driven cop who always went the extra mile, to one who becomes so demotivated that he sees his career purely as a job and now does only what is required of him, no more.

A year prior to writing the letter, the sergeant was involved in a minor accident while driving a state vehicle, there were no injuries, only slight damage to the vehicle that was hit (no damage to the state vehicle). The details were handled by the Accident Unit, and the sergeant never heard about the incident again. There were no criminal or departmental charges brought against him. A few months later the policeman was paid a visit at his home by the local bailiff who proceeded to draw up an inventory of his possessions. The driver of the damaged vehicle had handed in a civil claim against the state that had not been paid out. The sergeant took the document given to him by the bailiff to his commanding officer, who

recommended he take them to Legal Services, which he did. The latter assured him that he should not be concerned because nobody was allowed to confiscate his possessions.

A few weeks later, while out on shopping errands, the sergeant received a message that the bailiff had removed numerous valuable possessions from his house. The sergeant entered his house with fellow police officers who took photographs of the scene as it looked like a burglary with items strewn everywhere, many damaged beyond repair. The sergeant went directly to Legal Services. The latter contacted the state attorney handling the civil claim. The attorney admitted that they still had not paid the full amount to the claimant. The staff member that the sergeant had been dealing with referred him to another staff member at Legal Services who was to follow up the returning of his goods. When the latter (a police captain) was contacted she knew nothing about the situation. Nobody at Legal Services could find the sergeant's file. The policeman was forced to hire his own lawyer who facilitated the remaining payment to the claimant by the state attorney. When the sergeant went to collect his goods he was instructed to pay R1350 before they could be released, with the cost rising by R82 a day. Because he felt that he was not at fault and he had to pay for the collection and transport of his goods, he refused to pay the bailiff's costs. Legal Services were approached again to be told by the police captain that the state will not pay the bailiff's fee and they were not prepared to help him any further. When the sergeant's lawyer approached the state attorney about the bailiff's fee, he told them that as far as he was aware no more costs were payable. In other words, the police captain did not know what she was talking about.

All this unnecessary performance was taking a toll on the policeman's family life as he was not getting his goods back and this was creating a lot of frustration. While this unacceptable situation persisted, the sergeant was expected to go to work everyday and to perform his duties as if there was nothing amiss. He intends to take civil action against his employer. He will not be promoting a positive image of the South African Police Service anymore and he has lost interest in driving around day after day, night after night in a pointless attempt at making arrests. He has stopped caring about vehicle inspection and does not keep his pocketbook up to date anymore. He goes to work because he has to, and he tells everyone what he got for 10 years of good service. He will not recommend a career in the police to anyone because they do not care about their staff. He spends every available moment of the day trying to find something that will enable him to leave the SAPS. To add to the sergeant's unhappiness is the fact that he now has a default judgment against him. The latter indicates that the state did not even bother to defend him in the civil case. It has subsequently

emerged that the sergeant had to pay a further R1800 to a lawyer to get this case resolved and to get his goods returned to him. It took six weeks to get his goods back from the bailiff.

The *Mollen Commission* (1994: 61) heard from officers during interviews that they believed the Department did not acknowledge or support them in performing their difficult and dangerous job. The perception that they have been abandoned reduces the ability of officers to resist temptations that perpetually test their integrity. This belief is particularly problematic in precincts that experience high levels of crime, a prolific drug trade and violence. Officers are constantly being exposed to opportunities for corruption and brutality. They are further demotivated by the constant waves of crime, believing they can never fight crime within the constraints of the law. Temptations and frustrations are the most pronounced in these precincts. It is also in these precincts where the police feel the Department cares very little about their plight and their careers.

### 3.3.4 PERIPHERAL FACTORS CONTRIBUTING TO POLICE CRIMINALITY

#### 3.3.4.1 Lack of Promotion

The lack of promotion amongst certain officers, who truly wish to advance their careers but do not get promoted for whatever reason, tends to facilitate corruption and misconduct rather than being a direct cause. This is because being consistently overlooked for promotion results in frustration and the lowering of morale. The achieving of career goals, or not achieving these goals has a direct bearing on the pride and loyalty an officer will show the Department. The latter impacts significantly on their ability to resist temptations. "Officers who feel they have nowhere to go in the Department may also feel they have nothing to lose by stepping outside the law – especially when there is a seeming fortune to be gained on the other side" (The *Mollen Commission* 1994: 61).

The *Royal Commission* (1997: 159) found while investigating the promotion system that historically promotions were seniority based with little consideration for merit and integrity. The latter only became a factor after 1984. The promotion system after 1984 continued to be troubled by; a) favouritism, b) uncritical assessments of candidates by first line commanders and supervisors, c) no system that warned decision makers about high-risk officers that needed additional scrutiny, d) no strategies for objective testing of key skills and e) the complex promotional appeal structure.

Many officers who were known to be corrupt or poor performers still managed to get promoted to higher ranks. This strengthened their power base and encouraged them to support like-minded colleagues. This state of affairs left honest officers feeling cynical and disillusioned about:

- the possibility that corruption was condoned by the organisation,
- the possibility that integrity was not a managerial priority,
- the purpose of maintaining a high standard of performance,
- attempts by the Service to address corruption, and
- officers own career prospects.

Another shortcoming highlighted by the Commission was the fact that no real attempts were made to identify and rapidly promote professional staff who had shown courage, honesty, initiative and integrity.

In a letter to *Servamus*, November 2004, a police inspector shares certain frustrations concerning his job. He laments the lack of resources members of the South African Police Service have to constantly endure, such as shortages of vehicles, police clothing and office furniture. He laments the lack of discipline in the SAPS where junior members walk around with hands in their pockets or they do not wear their caps in public. If these members are reprimanded they complain of being discriminated against or the officers are accused of being unreasonable. The inspector pleads with management to instill discipline in the Service once again. He believes that the only ranks that possibly command respect today are directors and higher. The inspector mentions that he recently participated in the “paper-wasting” exercise of applying for a promotion, he did not get his promotion and feels that his chances of ever being promoted to captain are gone forever. He feels he is destined to always “dangle on the bottom of the food chain.” The inspector concludes his letter by saying that he feels soul-destroyed, upset, frustrated and “gatvol” (fed-up) with this promotional struggle and with bureaucratic foot-dragging.

In another letter published in *Servamus*, March 2005, a detective with 20 years service in the South African Police Service bemoans his persistent lack of promotion and has also decided to do the absolute minimum that is required of him. After years of giving his best to the Service and never being rewarded for it, the detective has also come to the realisation that nobody notices and it certainly does not affect promotion. The promotions that were announced during November 2004 were a cause of great unhappiness amongst many

members, because they felt that many individuals who were promoted did not deserve to be. The feeling amongst many cops was that promotion did not depend on how hard an individual works but on how well connected someone is with members of the promotions committee. He is also unhappy about the fact that good detectives who work hard and get results get saddled with more dockets than the slack detectives who allow dockets to pile up, another reason for him to lose enthusiasm for his profession. The detective feels that he is not alone and many members feel the way he does. He feels that changes need to be implemented to get members feeling positive about their careers again. The detective feels very negative and promises to do only what is expected of him, no more.

#### 3.3.4.2 Low Wages

Regoli & Hewitt (1996: 342) mention that police officers receive a low wage relative to their powers and the demands and complexities of their job. Many officers believe that they are not rewarded adequately by society for what they do. Officers who have corrupt or criminal intent use this perception to justify their actions and to avoid feeling guilty about participating in corruption.

The *Royal Commission* (1997: 35) did not accept the argument put to it that police become criminal because they are inadequately remunerated for a difficult and unrewarding job. They also suggested that the solution was not to increase wages or the conditions of employment because this detracts from the professionalism police bring to the job, the reasons they became cops in the first place and it detracts from the fact that the majority of police members are not corrupt. The Commission also suggested that it was erroneous to suggest that police corruption was motivated by greed. Money is however a motivating factor in police criminal behaviour.

Newham (2001: 66) conducted interviews with managers and officers of a downtown Johannesburg police station. One interviewee commented that the only thing managers can do about corruption is to increase wages. This was with the belief that if a police member felt he/she was getting a decent salary they would be less prone to get involved in illegal activities, especially in light of all the money on the streets. Sometimes when a cop catches a suspect he will be offered a years' wage to let him go, it is very difficult to walk away from this temptation. Other interviewees disagreed that a better wage was the panacea to corruption problems. They believed that the decision to become corrupt was a personal choice based on values and no amount of money would influence this. Another interviewee felt that even if

police earned five times their current wage, they would still become corrupt because they have crossed a line and will continue crossing it.

#### 3.3.4.3 Low Morale

A police service that focuses on maintaining high morale as well as one that encourages personal and career development, avoids boredom, frustration, stress and cynicism, develops practical leadership and understanding concerning ethics and integrity, will experience far less misconduct, corruption and criminality than services that ignore these issues. If these essential factors are ignored by management, members of a police agency will indulge in corrupt practices. There will also be a lack of pride and professionalism, lowering of personal standards and a lack of interest in the job. Members would also be discouraged from reporting the corrupt behaviour of their colleagues (*The Royal Commission* 1997: 33).

Newham (2001: 75) mentions that since 1994, police corruption has been considered a serious problem in the South African Police Service. This can largely be attributed to the nature of transformation in the SAPS. Many individuals were joining the police without adequate training and without a basic knowledge of policing. This was as a result of the “homeland” police forces being amalgamated with the SAPS and the post democratic election recruitment policies. New regulations and policies have left many police members feeling insecure about their future in the SAPS. These factors have precipitated the collapse of morale throughout the police service. “Low morale, bolstered by low status, hostile working conditions and an inefficient criminal justice system have led to many police members losing any greater sense of purpose in their occupation. Such conditions make it easier for police officials to view their powers as something that can be sold rather than used for the common good.”

#### 3.3.4.4 Stress

“Police stress is caused by work demands that exceed an officer’s ability to respond to them” (Regoli & Hewitt 1996: 351). The authors add that no police officer is immune to stress but their tolerance levels vary.

- Stress Inherent in Police Work

Police officers experience *role conflict* when they are involved in situations that command differing expectations. Police are expected to enforce the law and at the same time, they are expected to uphold civil liberties and constitutional rights. Officers also experience stress when the public expects them to be “all things to all people – caretaker, teacher, counsellor, minister, physician and friend.”

Organisationally, in order for police to do their job, enforce the law, serve the public 24 hours a day and maintain order, they have to work in *shifts*. This may negatively affect an officer's health and social life. Officers' bodies and lives struggle to adapt to constant changing shifts and many of them suffer from sleep and eating disorders.

*Fear and danger* are ever-present in police work. Officers are perpetually aware that they could be injured or killed in the line of duty. Police officers are taught to treat every situation and individual as potentially dangerous. Police work is dangerous and just the awareness of this contributes to stress.

- Internal Stressors

Stressors that emanate from inside the police organisation include *poor supervision*. This issue has been dealt with but it will be expanded upon below. Researchers found that one of the main sources of stress for officers were problems relating to police supervisors. Stress has also been linked to different styles of supervision. Supervisors who are too pedantic, always going “by the book”, constantly sending out memos or supervisors who have scant or no guidelines or supervisors who do not support their subordinates all contribute to the stress levels of members.

There are few promotional opportunities for police members and many of them perceive the promotions system as being unfair. Many officers begin and end their careers as patrol officers thereby having experienced *limited opportunities for growth and development* in their careers. This also contributes to stress levels throughout their careers, particularly pertaining to the lack of promotion.

Police are salaried employees of the state. Police are not rewarded for doing a good job, but they are punished with demotion, suspension, termination and transfers if they err. The lack

of promotion, free car or cash bonus all pertain to an *inadequate reward system*, which also results in unnecessary stress.

Police organisations are highly structured and as a result of this they have *excessive rules and regulations* that control the behaviour of its members. Many officers find some of these policies offensive, unnecessary and unrelated to effective police work, for example being told when to change uniform between seasons, where to live and how to maintain patrol vehicles.

- External Stressors

Stressors that emanate from outside the police organisation, from individuals and institutions, include the *criminal justice system*. Frustration experienced by officers due to unfavourable court decisions and plea-bargaining contribute to stress. Officers experience stress when they have worked long hours to build a case against a suspect and the court dismisses it on a technicality. They find it stressful when defence attorneys badger them whilst giving testimony and they find it stressful when they have to testify in a case while they are on leave. Concerning corrections, some officers complain about the short time served by many offenders who are back on the street before the paperwork on the case has been completed. Police get frustrated because few convicted offenders are rehabilitated and return to their criminal lives upon release, adding to the dangers of police work.

Police officers often experience unfavourable public attitudes. Officers complain that they are treated unfairly by the public and the media, believing the latter distort facts because they have to meet deadlines or the media fails to understand or report the facts. Many police members feel they do not have the public's support, complaining about their neighbourhoods being over or under patrolled, or that the police are racist and brutal. The latter is common in sub-economic neighbourhoods. In more affluent neighbourhoods the police also come under attack by individuals who complain to the mayor's office, to supervisors, they write to newspapers complaining about police actions such as tardy response times, busy emergency numbers and speed traps. The police feel "damned if they do, and damned if they don't." This alienates them further from the public and contributes to stress.

- Impact of Stress

A survey done to ascertain the impact of stress on police was done by the National Institute of Occupational Safety and Health and included 2300 officers in 29 police departments throughout the United States. They found that 37% of the officers surveyed had serious

marital problems, 36% had serious health problems, 23% had alcohol abuse problems, 20% had significant problems with their children and 10% had drug-related problems. Suicide is also a consequence of stress experienced by officers. Police officers tend to suffer more psychophysiological conditions than individuals in other professions. This has also been attributed to high stress levels (Regoli & Hewitt 1996: 356).

#### 3.3.4.5 Cynicism

The *Mollen Commission* (1994: 63) illustrates the many reasons police members become cynical during their careers, cynical about both the public and the police organisation, particularly management. Faced with frequent temptations to commit corrupt acts, police are expected to enforce the law without breaking it. Because of this, the public and the police organisation should support and acknowledge honest police members. According to most police officers, this obligation is rarely met. This results in officers becoming cynical, making it easier for them to get involved in crime. This cynicism evolves from the contrast between the public's expectations of the police and the experiences police have everyday. For corrupt officers, their cynicism is a justification for their illegal activities, and for honest officers it is a justification for remaining silent.

The criminal justice system can also induce cynicism in police officers. Many officers believe the justice system is soft on crime because of aspects such as prison overcrowding, suspects who are often released from custody and put back on the streets within days. Suspects the police have risked their safety for while arresting them. They feel their authority is undermined and the public's demand for law and order becomes a farce because the drug dealer arrested today is back on the street in two days time. Police members start to believe that the only way justice will be served is by the excessive use of their nightsticks or by taking the drug dealer's profits for them-selves to enjoy. Even honest officers will narrow the gap between legal requirements and the demands of reality by falsifying the purpose for arrests and seizures, to make sure that charges stick in the court (noble-cause corruption). "Simply put, they believe that integrity often makes them the only fools in a hypocritical system."

Another cause of cynicism amongst officers is their view of the Department's policies and procedures, pertaining to their commitment to integrity, which the officers believe is hypocritical and more rhetorical than real. The officers maintain that management is more responsive to political influence and media pressure than they are to their staffs needs and attitudes. "When officers view themselves and their superiors as political pawns rather than impartial officers of the law, they resent it and question the integrity and motivations of the

very Department whose uniform they wear. Regardless of the truth of the perception, the point is such impressions are widespread and have a corrosive impact on morale, character, and integrity.”

**Favouritism** is another cause of cynicism amongst officers. Many officers believe that instead of seniority and merit determining their career path, the latter is determined more by the proverbial “hook,” who you know as opposed to what you know and how well you perform. For many officers a more serious travesty is that for some bosses, the rules of integrity do not apply. The Department will rapidly punish street cops for minor violations while favoured commanders are protected from their own indiscretions and incompetence. Many commanders are not held accountable for the corruption in their commands and some are even promoted despite poor performance in corruption control. Officers’ cynicism strengthens the worst aspects of police culture, making officers’ loyalty to fellow officers, corrupt and honest, greater than their loyalty to the police organisation, and even the law.

Police organisations can encourage officers to avoid opportunities and tolerance for corruption and crime by tackling this deeply entrenched cynicism that many officers experience and replacing it with respect for the police agency. This can be done by management demonstrating unwavering support, guidance, rewards and incentives for their staff in exchange for their professionalism and pride in the police agency (The *Mollen Commission* 1994: 65).

Niederhoffer (in Regoli & Hewitt 1996: 262) described police cynicism as the attitude members have that individuals are selfish and motivated by evil. The author also found that cynicism increases in the first seven to ten years of an officer’s career, decreasing gradually but never being as low as when the officer was a recruit. He also found that police officers were cynical towards both the public and the police organisation, believing that promotions were based on favouritism, and that the public was more prone to interfere with police work rather than assisting officers with their task.

Wilson et al (2001: 148) also allude to a cause for cynicism amongst the police lying in the relationship between officers, the public and the police organisation. The police feel they have no support when the public constantly demands that suspects who have harmed them be arrested and when they are, the suspect complains about being harassed, or his family accuse the police of harassing him. Police feel isolated from the general public especially if the good they do goes unnoticed and unappreciated. Police develop their own society,

socialising with each other and having few friends outside of the job. Concerning the organisation, one officer interviewed by the authors, with 6 years service, said that his cynicism set in the day he joined the police because he was held back from joining for 12 months after acceptance in order to be paid a lower wage, as there had been changes to salaries and conditions of employment. The interviewee said that the cynicism was also directed at the nature of police work, he put everything into fighting crime just to be overwhelmed by the volume of criminality. Futility took over, and the officer realised that doing a bad job as opposed to a good job yielded the same results.

#### 3.3.4.6 Noble-cause Contributors

The *Royal Commission* (1997: 29) provides a number of reasons why police indulge in what is also referred to as process corruption. These include the practice of noble-cause corruption traditionally not being considered a bad practice and it often had the approval of senior commanders. There was a feeling amongst officers that due process was inhibiting crime control. This impression was reinforced when officers had to explain to angry crime victims why a prosecution failed. Noble-cause corruption is encouraged by political campaigns that focus on law and order as well as commanders and police commissioners who are constantly pressurised into reducing the crime statistics or having to explain why they can't do this.

Noble-cause corruption is encouraged by the pressures placed on police members to solve crimes and to effect arrests. Their ongoing frustration with the criminal justice system and their belief that they are only doing their job by securing the conviction and punishment of someone they know has committed the crime also contribute to noble-cause corruption. Officers who admitted being guilty of this type of corruption told the Commission that they did it for all the obvious reasons, such as:

- getting convictions,
- not feeling bad about giving someone a "helping hand," especially those who openly flaunt their criminality,
- the frustration felt by officers who found it difficult to prove drug-possession in court, forcing them to take an "alternative course,"
- backing up colleagues, regardless of the circumstances, and
- making out of town trips worthwhile by securing an arrest by whatever means (The *Royal Commission* 1997: 75).

#### 3.3.4.7 Police/Informer Dynamics

The management of informers and the payment of their expenses and rewards were identified as a high-risk corruption activity by the *Royal Commission* (1997: 399). This finding was attributed to the following factors:

- effective informers usually come from high-crime communities or they have friends in those communities and are not always reliable or credible,
- associating with the informer, often in covert circumstances and establishing mutual trust in order to gain information from the informer,
- confidentiality must be guaranteed for the informers safety,
- informers expect something in return for their information, such as monetary rewards or indemnity from prosecution,
- informers may have devious motives for sharing information, such as animosity, revenge or the elimination of competitors,
- informers have been known to use their association with the police to build their own power bases,
- conversely, police may use informers to boost their own reputations by enhancing the police members arrest rate, this is often without checking if the individual identified by the informer is the correct suspect,
- Information offered by informers is “easy to fabricate and difficult to corroborate,” and
- The informer is often involved in criminal activities and their handlers turn a blind eye to this in return for information. This can signal to the informer that he has free reign to continue his activities.

Miller (2003: 20) mentions problems that could arise from police officer’s relationship with informers. One interviewee mentioned to the author that; “a bobby becomes the bosom pal of the informant... when the informant steps over the line the bobby covers for them.” Where problems occurred with police/informer relationships, there was usually evidence of other types of serious corruption. The author also mentions that due to the nature of this relationship there will always be a corruption risk.

#### 3.3.4.8 Elitism

“I got divorced again when I was on the Flying Squad. My wife booted me out, and I knew she would. It was a choice between her or the Flying Squad. I’m selfish – I loved the feeling that I got from the Flying Squad more than I loved my wife; that feeling of power, control, and the satisfaction that you get from power and control.” This statement was conveyed by an ex detective inspector who had left the police because he was about to be transferred to the uniform branch. He refused to honour the transfer, or as he put it: “to wear a silly hat,” he resigned from the Service instead (Wilson et al 2001: 147).

The dangers of belonging to a police unit that is considered to be elite, such as a Flying Squad, are that its members tend to form a closed culture with their own unspoken traditions. An ex detective who had been convicted for corruption told the author that after becoming a detective in 1992, he was moved to a Flying Squad where there was a culture of corruption. The ex-detective’s lawyer added that “it involved secrecy, camaraderie and dishonesty – a culture in which he became immersed ... It reflected a code based on team membership and loyalty. You either fell in with it or your career came to an abrupt end.” The former policeman expanded on this by telling his anti-corruption investigators that at his base there was a detective chief inspector with three teams under him, each headed by a detective inspector. There were however a core of officers responsible for most of the work and they were corrupt. The young detective was very impressed by the policing abilities of these more experienced detectives and they took him “under their wing,” running errands for them and eventually participating in corruption with them. Before the end of 1992, the inexperienced detective was a willing participant in deviant behaviour such as sharing money stolen from criminals (McLagan 2003: 109).

The *Royal Commission* (1997: 153) found that once the Criminal Investigation Bureau of the New South Wales Police Service was disbanded, its traditional practices and its aura of elitism and mystique was simply transferred to the regional crime squads and even to some patrol detectives. Investigators were disturbed by the fact that the culture typical of the CIB became the acceptable model of behaviour amongst so many police officers. The latter dissuaded many honest officers from becoming detectives, and it left others feeling powerless when attempting to resist corrupt approaches from colleagues. This model of behaviour deepened certain cultural norms such as heavy drinking, lengthy meals and inappropriate associations with criminals, all of which were common in the CIB. Peer group pressure was overwhelming for many honest officers to join their corrupt colleagues. If

officers did not become involved, they faced the very real threat of being rejected as someone who was not trustworthy or someone who was different. Once an officer was accepted into this devious group, professionalism and personal standards degenerate and the receipt of corrupt money became imperative to maintain their lifestyle. The arrogant and cynical attitude displayed by these crooked cops towards the public and offenders alike, justified their descent into theft, assault and noble-cause corruption.

Investigators also found that the corrupt and criminal elements of the erstwhile CIB exerted excessive influence over individual police members, the Service as a whole and the Police Association because of:

- the elite status and organisational respect given to members of the CIB, especially those with records of achieving high-profile arrests and convictions,
- continuous failed prosecutions against these officers who subsequently return to work with an attitude of being untouchable and with enhanced reputations,
- their resistance to supervision,
- the fear of repercussions by honest officers if they stood up to the corrupt officers, and
- the ease with which they could influence transfers and promotions to guarantee that corrupt colleagues worked with them, and honest officers were transferred out.

#### 3.3.4.9 Nature of the Job

“ The powers of police to carry arms, to use coercive force in the proper course of their duties (and, in extreme circumstances, to take lives), to inquire into personal affairs and to eavesdrop (pursuant to a warrant) on private conversations, to deprive citizens of their liberty, to enter and search their premises, to seize and hold their property, and to initiate proceedings that will require them to defend themselves before courts, are very substantial powers – possessed by no other class of employee” (The *Royal Commission* 1997: 22).

The Commission adds that the relationship between policing and corruption is symbiotic. Police work inadvertently encourages corruption amongst officers for the following reasons:

- officers are often in situations where the temptation for graft or favours is overwhelming,

- they become hardened to criminality and violence because of their constant exposure to horrific accident and crime scenes and their dealings with the underbelly of society,
- they develop friendships and shared values with the criminal element through relationships with informers,
- officers are aware of the inordinate chasm between their take home wage and the financial opportunities available through crime,
- they experience isolation because of resistance, lack of co-operation and anger from the public while executing their police duties,
- they feel that there is very little acknowledgement or reward for ethical behaviour, but rapid sanction for disciplinary violations,
- officers often consider it necessary to bend the rules if they are to control the streets or to affect the arrests of individuals they know are criminals, and
- they become cynical and distrustful of the judiciary and the community when they disregard the difficulties and dangers of police work, or when they fail to extend gratitude to police for solving crime.

#### 3.3.4.10 Gratuities

The view held by many police theorists is that “the acceptance of gratuities not only creates a sense of obligation to do favours and thereby compromises impartiality but increases the likelihood of a decline into more serious forms of corruption.” There is wide ranging evidence of the availability of types of gratuities, these include:

- free alcohol, meals and sexual services,
- spotters’ fees and commissions paid to officers by tow truck operators, funeral directors and private investigators,
- payments for providing informal security services to clubs,
- sharing rewards paid to informers, and
- donations of money or goods to police sporting teams, golf days, Christmas parties, sick officers etcetera (The *Royal Commission* 1997: 473).

### 3.4 GENERAL CONTRIBUTORS TO POLICE CRIMINALITY

#### 3.4.1 MOONLIGHTING

Moonlighting or secondary employment by officers can be an innocuous pastime, but it can also give rise to conflicts of interest, which leads to corruption. Many police members hold an additional job to compensate for what is largely considered to be an inadequate wage. Hosken and Mthembu report in the *Cape Times of 20 May 2004* that between 60% and 80% of police officers in South Africa's main cities moonlight to earn extra money as they cannot survive on their salaries. This figure emerged after an incident in which four policemen from Pretoria were shot in a robbery while moonlighting as security guards at a warehouse-shopping complex. Two officers died on the scene, one died during surgery and the fourth was fighting for his life at the time the article was published. The families of the men accused police management of forcing their sons and husbands to moonlight. One officer's wife asked how a family was expected to live on a wage of R3500 a month, even with the wife working. The South African Police national commissioner banned moonlighting in 2000, including working as "nude or topless waitresses, performing in live sex shows or working as bouncers." Working in the security industry was also outlawed as it could give rise to a conflict of interest. If members want to moonlight they must apply for permission but many do not. Other areas where police have been known to get involved include running breakdown services or private security companies, selling alcohol or doing private investigative work.

Officers working for an employer other than the state are often placed in situations where they have to serve two interests simultaneously. Officers moonlighting in the security industry are involved in the direct protection of individuals or property and this increases the probability of them having to use their police powers. The potential for a conflict of interest also increases when an officer has a regulatory relationship with the industry in which they are privately employed. An example of this would be officers who work in licensed premises such as clubs and hotels, as well as highway patrol officers who work in the trucking industry. If a highway patrol officer works for a specific trucking firm it is unlikely they will be as strict with enforcing the law against the truckers of that specific firm ([www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)).

The *Royal Commission* (1997: 292) mentions that approval for secondary employment is not given to officers of the New South Wales Police Service unless this employment is carried out in the officers free time, the job must not involve a conflict of interest, it must not negatively affect the officers ability to do his police work, the job must finish three hours before an officers shift and police duties must receive precedence over moonlighting.

Instances where secondary employment has been refused include partnerships, large shareholdings, or directorships of businesses involved in the security, private investigation or liquor industry. It has also not been approved for the direct employment of police members in these industries.

The Commission heard evidence from several witnesses that police members are moonlighting without permission and are doing so in situations that encourage a conflict of interest and corruption. It also heard that some officers were moonlighting under assumed names and receiving cash payments in order to avoid paying income tax, not a good reflection on their integrity. The Service attempted to encourage compliance with secondary employment rules by creating a new "Code of Conduct and Ethics" which reminds officers that: "You must have approval before you engage in any form of employment outside official duties. Police Service duties take precedence and secondary employment will not be approved when there is actual or potential conflict of interest." Even if it is fair for members to engage in secondary employment, it is imperative that their role of police officer remains the most important one. In order to ensure officers comply with secondary employment policy, an annual review should be done of all existing applications for secondary employment, as well as random checks to ascertain whether officers on sick leave, suspension or on holiday are not moonlighting instead.

Altenroxel in *The Star of 1 February 2001* highlights the negative aspects of moonlighting by police members, where the lines between an additional job and involvement in criminality are completely blurred. During 2001 there were many media articles revealing police involvement in child prostitution and other crimes and even ownership of the seedy hotels in which these illicit activities occurred. Police members were also linked to involvement in and ownership of clubs and shebeens in Hillbrow (Johannesburg), where illicit activities were also taking place. This police involvement helped to explain the lack of action by police in closing down these establishments. The ownership of these establishments by police members was in direct contravention with provisions of the Criminal Procedure Act and police regulations. Police involvement was identified in at least six large "business" establishments and this involvement varied from ownership to managing the establishment to purely being on site acting as bouncers or protectors of the business.

### 3.4.2 OPPORTUNITIES FOR CRIME

“No trained professional group is more frequently tempted to misbehave, or is provided with more opportunities to succumb to temptation” (Fijnaut & Huberts 2002: 98) referring to the police.

The United States General Accounting Office (1998: 15) lists a few opportunities that arise during policing that can give rise to criminality. Young recruits who essentially join the police for the right reasons, once on the job however, may be confronted with excruciating temptations, especially in high drug-crime precincts. Without the necessary support and experience some officers will succumb. Many officers who get involved in criminality become de-sensitised to the wrongdoing and justify their behaviour by saying that they are merely harming and disrupting illicit drug dealers’ activities. Other opportunities mentioned include:

- the nature of undercover work which usually places an officer in an environment that encourages corruption,
- the sometimes daily contacts between officers and their informers,
- specialised units, especially those involved in drug investigations, who also experience low levels of supervision are at risk of becoming involved in drug-related corruption,
- recruitment policies such as lower age and education requirements also encourage corruption,
- rapid recruitment initiatives to satisfy time-critical hiring demands have resulted in serious episodes of drug-related criminality,
- management’s failure to provide leadership in the promotion of ethics and integrity, and
- some officers strong ties to friends, family members and associates, especially in neighbourhoods plagued by gangsterism, make it difficult for them to avoid situations that may lead to corruption.

The *Royal Commission* (1997: 23) mentions that the opportunity for police to engage in criminality is enhanced by the following factors:

- most police work is unsupervised and discretionary,
- there appears to be minimal risk of detection and sanction,
- senior officers are often compromised by their own unethical behaviour and they cannot enforce anti-corruption controls effectively,

- it is often more important for management to deny a corruption problem either because it wishes to avoid a scandal or because of close political associations with the Service,
- recruitment has traditionally favoured young, impressionable and poorly educated males with minimal experience of work or the diversity of society. These youngsters rapidly respond to a machismo environment and any invitation to join the “brotherhood,” and
- police are often confronted with law and order campaigns focusing on aggressive and result-orientated policing. To achieve this, due process is often ignored and both rough justice and the fabrication of evidence are employed.

The *Mollen Commission* (1994: 19) found that corrupt cops were not always presented with opportunities for criminal behaviour, they would often seek them out. Numerous cops told the Commission they would get information from street dealers and their accomplices as to the location of large quantities of money and drugs and when they were to be transported. They would then attempt to steal from these “stash houses” and “bag men” transporting large amounts of cash. These corrupt cops would also be able to identify certain radio runs that they thought would be profitable, arrive at the scene first and help themselves to any valuables. In one specific precinct, a group of cops were able to identify drug locations from the type of keys in a suspect’s possession. These crooked cops would illegally frisk individuals they thought were dealers and search known hiding places in apartment buildings for “felony keys.” These were keys for expensive locks and differed from the majority of locks residents in lower-income areas had on their doors. The officers knew that dealers usually concealed their drugs in floor tiles or areas known as “traps, “ for fear of competitors, robbers or police finding them. Once the corrupt officers had gained entry to the drug location, they would climb into crawl spaces and rip out wall panelling and floor tiles until they found the “gold.”

### **3.5 SUMMARY AND CONCLUSION**

The primary focus of this chapter was on a variety of risk factors that contribute to police criminality. These factors that contribute to the aetiology of deviance were divided into three pertinent groups, individual risk factors, organisational risk factors and peripheral risk factors (including general factors).

The “rotten apple” theory refers to a few individuals in the police organisation who are corrupt. Individual characteristics such as greed, a lack of morals, lack of integrity and values, as well as personal problems such as substance abuse, financial difficulties and relationship problems have been presented as risk factors that contribute to corruption and criminality. The rotten apple excuse is rolled out by the vast majority of police agencies when they realise that they have a corruption problem – blaming the individual police member.

The police organisation, the “barrel” provides significant contributory elements to police deviance, including the strength of the phenomenon of police culture. The latter includes the blue code of silence, which is also an element of a more general police subculture, referring to solidarity between members and if a colleague is corrupt to not “rat” on him but to look the other way. Any member who violates the code is ostracised by their colleagues. The “us versus them” mentality is employed by many members who believe the public are their enemy and they treat them accordingly. Heavy drinking is a part of police culture, so are assaults and police brutality. The latter are largely a show of force, an abuse of power.

Managerial contributors are equally significant as managers who are incompetent, uncaring and detached contribute to the perpetuation of this problem. Managers who are in denial about a corruption problem and attempt to protect the reputation of the police service usually end up causing more damage and creating a bigger scandal than anticipated. Inconsistent discipline application leads to resentment and to corrupt cops getting away with their devious activities.

Peripheral contributors include the lack of promotion, which negatively affects the morale of police members as opposed to being a direct cause of criminality. Low wages have always been seen as a significant contributor to police deviance. Some will argue that it is more a case of greed because members aspire to a certain lifestyle, which is unaffordable on an average police salary. Other aspects of policing including the nature of the job, that contribute to deviance include levels of stress experienced by members, cynicism towards the job, elitism of certain units, and the ambivalence around the acceptance of gratuities – when does this constitute corruption and when is it alright to accept gifts? Moonlighting and opportunities for crime, both presented and initiated by members are important causal considerations.

This chapter has highlighted the fact that police corruption and criminality cannot be solely blamed on a few bad individuals within the police organisation. Individual problems and negative inherent characteristics certainly do contribute to deviance but in this instance these

need to be considered in the broader context of policing and other organisational aspects that create an enabling environment for criminality to flourish. For example, police culture dictates that members either join their corrupt colleagues or they turn a blind eye. The literature study has clearly illustrated (this will also be illustrated in the following chapter) that members who are experiencing problems in their personal life are more predisposed to temptation by corrupt colleagues.

The need to belong is an important human consideration for any person in the environment they are working in. This is especially pertinent when referring to the policing environment because of the consequences if a member is aware of corruption amongst colleagues and they report it. "Clean" cops are set-up by their colleagues, they are placed in dangerous situations and unfounded rumours are spread about them, which often result in their career development being negatively affected. A culture of heavy drinking amongst cops also ties in with acceptance and it lends credence to the concept of solidarity and the "us against the rest of the world," mentality.

The vast amount of risk factors mentioned in this chapter, are all interrelated in terms of their contributing/causal significance. Negative police management facilitates deviance and in many instances tolerates criminality. This is evident when managers apply discipline unfairly, creating either de-motivated cops or allowing corrupt members to continue their crimes with impunity because they do not take any action against these members. Poorly trained and incompetent managers perpetuate corruption by not being able to pick up the signs of wrongdoing and by not providing adequate supervision of subordinates the latter act as they wish. Detached managers do not acknowledge members who may be experiencing problems in their personal lives.

Police subculture also insists that lower ranks never "suck-up" to supervisors or trust managers. This does not allow for a trusting, open relationship between managers and subordinates, which would assist in improving risk factors such as poor morale, stress and cynicism. There is clearly a dichotomy between the impersonality and hostility evident in many policing environments and the close ties shared by police members (particularly in the lower ranks). If management issues could be improved in numerous respects, such as empathy, good training and leadership qualities, this would go a long way in keeping problematic police members on the correct path.

The following chapter deals with the concept of a police member's **descent into crime**, the beginning and the escalation. This is explained by two theories, the slippery slope theory and erosion theory. Specific individual cases will be highlighted. **Consequences** of police crime will be discussed including the consequences of noble-cause corruption and bad recruitment.

## **CHAPTER FOUR**

### **DESCENT INTO CRIME: EXPLANATIONS AND CONSEQUENCES**

## 4.1 INTRODUCTION

Kleinig (in Newburn 1999: 12) provides two versions to explain that the descent into crime is gradual, starting off small and becoming increasingly addictive. The “**logical**” version suggests “that because even the acceptance of a minor gratuity involves the same implicit rationale as, say the acceptance of cash – compromising professional impartiality for personal gain – the person who does the former undermines the grounds they may have had for refusing the latter.” The logic behind this is that because both the acceptance of a small gratuity and the acceptance of cash are wrong, they are wrong for the same reasons, once minor illegitimate conduct has been indulged in, more serious transgressions will follow.

The “**psychological**” version refers to the constant redefinition of “self” that police members experience as they progress from accepting minor gratuities to more serious corruption. “There is a continuum from one to the other which involves a series of stages each of which requires a moral decision to be made.” The redefinition of “self” may be so strong that the individual is discouraged from taking that next step into corruption.

This chapter focuses on this important phenomenon whereby police members are drawn into criminality gradually, and if they do not give it up along the way, they will eventually get involved in serious crime. The “slippery slope” theory and erosion theory assist in explaining why so many good cops get drawn into criminality. Pertinent individual case studies, including personal experiences will be highlighted. The latter section of the study focuses on the various consequences of police criminality, highlighting the devastating consequences that occur when a police agency pretends the problem does not exist and eventually the scandal cannot be contained. The consequences of a police organisation’s bad recruitment policies have been compared to letting a worm into an apple – the entire organism is eventually negatively affected. The serious consequences of noble-cause corruption is also illuminated, as are general consequences including the public’s negative perception and loss of confidence in a police service that is perceived to be corrupt.

## 4.2 EXPLANATIONS FOR POLICE CRIMINALITY

Punch (2000: 315) uses two metaphors, the “slippery slope” and the “ladder” to illuminate the social contexts in which officers learn to be deviant. There are no definite answers to why officers become deviant and criminal but there is an assumption that it is a gradual process.

“The recruit arrives, and is initiated into the ‘operational code’ of the informal system – perhaps free meals, drinking on duty, receiving sexual favours, ‘rough justice’ against aggressive suspects, falsifying statements and lying in court.” A key witness before the *Mollen Commission*, testified that brutality against suspects and random victims was a “bonding ritual that strengthened loyalty and the code of silence.” New recruits were initiated into a system of increasingly deviant activities, and according to the corrupt officer, every one of them were participatory to this criminality.

#### 4.2.1 SLIPPERY SLOPE THEORY

The slippery slope metaphor implies that once an officer is on the precipice, he/she will inevitably slide down into escalating deviance and illegality. There may be officers who dig in their heels at some point and scramble up and back over the slope. An alternative metaphor used by the author is that of the “ladder.” This refers to an officer who has chosen to be deviant and how it affects his moral career as he moves up the steps. This metaphor again assumes a definite progression from small beginnings to major crime, but more as a conscious choice, a deliberate decision. This also applies to a deliberate decision not to ascend the ladder any further. Many police officers interviewed about their “moral career” stressed that they had serious doubts and struggles with their consciences when they set out to be deviant but with each step the deviance became easier.

New recruits that get systematically introduced into deviance by colleagues, usually older officers, think that this behaviour is normal and comply in order to be part of the group. They know it is unacceptable behaviour but manage to eradicate their feelings of guilt. These “newly” deviant officers are encouraged to maintain this behaviour and subsequently encounter new opportunities for deviance when they are given new assignments or when they join specialised squads. Once they are caught up in this cycle of corruption it is extremely difficult for them to break out of it. They become comfortable with their additional income, they sometimes become addicts and they are intimidated by their corrupt colleagues not to “blow the whistle.” These officers get progressively deeper into criminal activities, “committing burglaries while on duty, selling drugs, running ‘shotgun’ for organised criminals, helping to murder on behalf of criminals, raping a colleague, and even murdering a fellow officer.” These officers have become real criminals as criminality takes over from policing as their primary focus (Punch 2000: 316).

After 1998, the Metropolitan Police (Met) in London decided to do their own research into why its officers became corrupt, based on the cases it was investigating at the time. Until the police “supergrasses” enlightened investigators about the criminal activities of their colleagues, the “slippery slope” theory was the explanatory theory most commonly used. The slippery slope theory in the context of the Met referred to officers who started their criminal career by taking bribes, stealing money and indulging in noble-cause corruption. Officers justified the latter by saying they were frustrated by seeing criminals walk free time and again when they knew they were guilty. The officers would eventually “fit-up” the criminal to secure a conviction. If they got away with this the next step would be easy, for example, stealing or accepting bungs (bribes) (Punch 2000: 316).

The initial conclusion reached by the researchers was that corruption was the result of greed. This was often a result of a change in circumstances for many corrupt officers, such as relationship difficulties, other personal problems or debt. These problems combined with the constant temptations police officers are faced with, will probably result in opportunistic corruption or criminality. The researchers found that opportunistic corruption was seldom committed by people acting alone. Devious detectives needed the assistance of their colleagues to share in the spoils or to turn a blind eye to their activities. Pockets of corruption uncovered in some specialist squads had often commenced with one specific officer becoming corrupt and then drawing other officers into his activities. The corrupt detectives were usually highly respected, hard-workers who achieved results. “They were good thief-takers.” They also had strong personalities, were aggressive and very persuasive. They would break the rules to get results and if their colleagues did not complain about this they were drawn into the corruption. Two of the Metropolitan Police’s supergrasses mentioned that they were drawn into corruption after being “tested.” The minute they had accepted small sums of money they were trapped, becoming part of an inner circle of rotten cops. The researchers also found that at the core of the vast majority of corruption over the years was the abuse of the informer system (McLagan 2003: 251).

#### 4.2.2 EROSION THEORY

The erosion theory of corruption assists in explaining why so many potentially good cops get drawn into criminality. Some of the most notoriously corrupt cops in the New York City Police Department in the 1980’s were ideal recruits on paper with excellent references and employment histories, they were respected and liked within their communities and they achieved high scores on their psychological evaluations. The *Mollen Commission* (1994: 20)

found that this phenomenon had to be explained in terms of the “nature versus nurture” dichotomy. They found that the nurture, the influence of the precinct environment and job culture was the dominant influence in corruption causation. High-crime and drug saturated conditions that cultivate corruption opportunities are sometimes so overpowering and frustrating that they result in fundamental changes in attitudes and principles amongst even the most dedicated and honest police officers. Erosion theory also helps explain why so many honest cops tolerate and overlook the corruption in their midst.

The Commission also found that most corrupt officers begin their corruption journey with simple shakedowns. “Like Dowd and dozens of others, they then graduated to more lucrative, bold, and risky activities. Others stole from dealers only a few times in their career, without ever graduating to more serious corruption. But even this dabbling with corruption should not be ignored. Once an officer crosses the line, corruption of all types is easier to accept, justify and protect.”

Sherman (Syed 1997: 7) alludes to an “**evolutionary view**” of corruption. This refers to the progression of “moral depravity” where a corrupt officer begins his illicit activities with minor wrongdoing, which eventually escalates into criminal violations. Initial corruption opportunities that officers succumb to include, petty theft from a shop that has been burgled or choosing not to enforce a traffic violation. At this juncture an officer’s self-image will begin to change from an honest cop who upholds the law to one who has begun to break it. They will also justify their activities by saying that they are harmless and that there are no real victims. As the officers corrupt activities progress, they become more acceptable to him/her and eventually result in the committing and rationalising of more serious crimes. For example, an officer who habitually steals from crime scenes or drug raids may progress to soliciting protection money from illegal gambling operations. A corrupt officers frame of reference alters to such an extent that an activity once thought unimaginable, for example, assisting drug dealers, becomes acceptable behaviour.

Sisk (in Syed 1997: 8) adds that officers who initially draw the line at taking bribes for not enforcing the law pertaining to possession or selling drugs, may be convinced to engage in promoting the criminal organisation that is paying the bribes. This promotion will include reluctance on the part of the officer to enforce laws against crimes (with victims) committed by members of this organisation.

### 4.3 INDIVIDUAL CASE STUDIES

Sometimes traumatic incidents in a police officer's young life may influence his actions later in life. McLagan (2003: 108) relates the case of detective constable Kevin Garner who was arrested on several criminal charges and eventually decided to turn supergrass and give evidence against at least twenty of his corrupt colleagues. Garner admitted to police investigators that he had been involved in at least ten incidents of criminality in which money stolen by officers amounted to more than £10 000. His descent into corruption began after high honours were awarded to him in both the army and the police. The seeds for this particular policeman's corrupt behaviour were planted when he was a teenager and developed because of his need to belong, to be accepted. Garner grew up in a close and supportive family. When he was fourteen he was wrestling playfully with his father in their home, his father suffered a fatal heart attack and died in front of the teenager. Garners family blamed him for the tragedy and never forgave him. He left school and home at sixteen, feeling rejected, he signed up for the Grenadier Guards where he found a new home and new direction in life. Garner did extremely well in the army and left at the age of twenty-one as a full sergeant.

Following his successful stint in the army, Garner joined the police where he was the top student in his year during training in north London. He became a detective and in 1992 he was transferred to a Flying Squad section, which had a culture of corruption, and where officers either fell in with the corruption or their careers were prematurely terminated. Garner explains how he was "tested." On 2 December 1992 he was one of many Flying Squad officers who pursued a gang to Brighton where a jeweller was robbed. The robbers were arrested and it emerged later that police members had allegedly stolen some of their loot. One of the officers involved in the operation approached Garner afterwards: "He slipped, I think it was, two hundred quid into me back pocket in fifty-pound notes and he said, 'There, that's for you, a drink.' I didn't question it. I didn't ask where it came from or how he got it. We had a debrief at the Brighton nick, and it happened there. I wasn't privy to it. I wasn't trusted or whatever at that point. I was given two hundred quid and we all had the opportunity of staying the night or coming home, and I opted to come home."

Although it was not a substantial amount of money handed to Garner he knew that by accepting it he had become corrupt. He admitted that no one forced him to accept the money, he did it of his own free will and felt it was worth it because he was getting acceptance from detectives he admired. He was being brought into the fold. Investigators asked Garner what he thought would have happened to him if he had refused the money and he replied that he

would have been one of the minions again. “I wouldn’t have been part of the good work. I’d have just been another bod in the back of a gunship (an unmarked police car carrying armed officers).” Investigators also asked him if he felt it was wrong to accept the money to which he replied that of course he knew it was wrong and he kept wondering why he had received the money. When asked if it was explained to him, Garner replied: “No, no. See, boss, the culture, you don’t talk about it. You don’t say to someone where d’ya get that from. You don’t ask questions. It’s just not something you do. There is no need.” Many interviews followed this one where Garner illuminated his and other officers’ criminality. The latter included Garners teaming up with a criminal to rob a security van and how he and the same criminal on another occasion, had helped switch counterfeit money with thousands of pounds of real money seized from other criminals, amongst other crimes.

The following case studies were related to the *Royal Commission* (1997: 135) during its investigations into corruption in the New South Wales Police Service. The experiences of the Commission’s key witness detective sergeant Trevor Haken will be highlighted in this case study. Haken joined the NSW Police Force in 1969 at the age of 19 starting his career in North Sydney. The young policeman encountered corruption here in the guise of a pre-existing system of gratuities from tow truck operators and undertakers as well as witnessing assaults and verbals (false evidence given by police that a suspect had confessed or had made incriminating remarks at the time of arrest or during an interview). In 1974 he was transferred to Number 21 Division, a training ground for young detectives, here he was exposed to improper associations with criminals, the selective policing of illegal gaming and prostitution, heavy drinking and definite abuse of power by his colleagues.

It was while Haken was stationed at Chatswood as a junior detective in the late 1970’s that he commenced his journey into the world of the corrupt cop. Haken began by getting involved in opportunistic corruption involving the theft of drugs and cash, and in sabotaging internal investigations by “holding the line” (sticking to a specific version of events). From 1979 to 1982 he served at the Drug Squad CIB. Corruption in this unit was far more organised and he found himself deeply involved in the systematic manipulation of evidence, the abuse of police powers, noble-cause corruption and opportunistic theft. After a dispute with a senior officer in 1982, Haken was sent to a “penalty” station, where he was party to the theft of items during the execution of a search warrant. Aiming for career advancement, he joined the Commonwealth-New South Wales Joint Task Force on Drug Trafficking (JTF) in 1983. In his evidence Haken stated that during his three years’ service at the JTF, he was aware of and participated in, numerous incidents of corruption. This reinforced in him the belief that

corruption was an integral part of the Service and involvement in corruption and criminality merely enhanced the reputation of an officer amongst those officers who “played A grade” (officers perceived to be elite members of the Service or senior detectives in specialist squads and task forces).

Haken, a detective sergeant at this stage, developed a drinking problem while on the Joint Task Force. This, together with a fallout corrupt officers had with each other over the uneven sharing of stolen money, resulted in him being transferred to the second “penalty” station. His drinking problem worsened and he continued with his corrupt activities, accepting illicit payments from criminals and manipulating evidence. Haken was transferred again after complaining to the media about the understaffing and neglect experienced at his present station. He was sent to Kings Cross, where he was introduced by two fellow detectives to ‘the laugh’ (an arrangement whereby certain officers received regular payments from drug dealers and strip club owners). Haken’s function was to collect and share the cash amongst the members of “the laugh” using envelopes with coded pictures to identify the officers. In 1991, Haken was appointed head of the Kings Cross Drug Unit where he earned a reputation for a high workload and arrest rate on the streets. Jobs, which had the potential for corruption, were allocated to officers he knew were corrupt. As a result of this, Harkens activities went undetected for years, there were just too many officers in the same position as his and too great a workload.

In late 1993, Haken was transferred (under a cloud of suspicion) to the City of Sydney detectives. His time here was described as one of little work and long lunches. While in this detective branch, Haken continued receiving proceeds from “the laugh” as well as receiving payments from a Chinatown businessman who was renting out Asian soap opera videos in exchange for police action against his competitors who were also guilty of copyright infringements. During 1994, Haken was informed that he was under investigation by Internal Affairs. He denied any wrongdoing but eventually agreed to work covertly for the *Royal Commission*. This officer blamed his environment for his deviance. He did acknowledge that he engaged in corruption of his own free will, however, he found that being accepted by detective colleagues entailed engaging in corrupt activities, heavy drinking and other unacceptable practices. The alternative was to be treated as an outcast.

Haken considered “giving false evidence as part and parcel of being a detective, something encouraged by senior officers and the public. He made no attempt to rationalise the theft of money or drugs, similarly regarding it as part and parcel of life as a detective, particularly

where the 'victims' were drug dealers." Haken told the Commission that when a corrupt officer was transferred to a different station he tried to take his like-minded colleagues with him as this made it safer to perpetuate the corruption and criminality. Something that has been alluded to before, and was mentioned again by the officer, is the paradox that it is possible to be an effective police officer and a devious one simultaneously. He told investigators that the more success an officer had working the "sunny side of the street" the more likely he was to succeed on "the dark side," this made it more difficult to unmask him. Haken concluded that officers would lie under oath about their involvement in corruption, only admitting to it if they were caught on tape and video. Concerning internal inquiries, he mentioned that officers who were under investigation were invariably tipped off by friends or colleagues, including the honest ones. This gave them time to collude with dishonest colleagues before interviews.

An officer, who worked with Trevor Haken at the Joint Task Force and was referred to as JTF6 at the Commission, also shared his experience. This officer, throughout his career, distinguished between "acceptable" and "unacceptable" corrupt activities, putting him at risk of exposing his own deviance when he reported "unacceptable" corruption to management. During his early years in the police, JTF6 resisted approaches from a sergeant to share spotter's fees from tow truck operators and an approach from a detective at a different station to share in payments from a brothel owner. His involvement in corruption began after his transfer to the JTF in 1986. It began with a "note book" (a form of verbal in which a record is made in a police note book of a "confession" which never occurred) on a drug suspect, which led to he and a colleague giving false evidence at the committal.

Other forms of corruption JTF6 became involved in include:

- falsely reporting the theft of a vehicle that was actually involved in an accident while he was driving home from a hotel where he had been drinking with colleagues from the JTF,
- "salting" (interfering with exhibits usually to assist the prosecution) exhibits from a police operation by mixing bank notes acquired for buying drugs with notes found during the execution of a search warrant,
- heroin removed from searched premises was added to a carpet and a hammer head and presented as evidence during the trial of a suspect. At the time of the search, a sniffer dog detected no traces of heroin on the carpet, (the suspect was eventually acquitted),

- taking money from suspects to avoid being verballed , and
- sharing money confiscated during a police operation.

During 1991 JTF6 joined Trevor Haken at the Kings Cross Drug Unit and acknowledged involvement in the following deviant activities:

- fabricating evidence,
- stealing money,
- receiving bribes,
- sharing in the “laugh,” and exchanging drugs for information from informers.

Although JTF6 had told the Commission that although he found it difficult to justify stealing money from suspects, he often had to pay informers with his own money and the former was merely a form of recompense. He added that it was probably not possible for detectives working at the Kings Cross Dug Unit to remain untainted and uninvolved in corruption because of the atrocious working conditions, the high turnover of jobs and the pressure. He also added that it was reasonable to reward informers with seized drugs in exchange for information, as cash would be used to buy drugs anyway.

The Commission found that JTF6’s story was one of an officer who:

- was intelligent, capable and innovative,
- resisted early approaches at corruption,
- was corrupted at the Joint Task Force,
- was “sponsored” in subsequent moves in his career by officers whom he came to know earlier in his career, and
- eventually combined effective policing methods with devious practices.

JTF6 concluded that many officers who engaged in corruption with him had terminated this behaviour when seeking promotion. The Commission found that many police officers in the NSW Police Service were able to move from corruptly performing their duties to becoming honest cops as they moved through the ranks.

Investigation of the North West Major Crime Squad by the *Royal Commission* (1997: 144) revealed pervasive corruption and criminality. A study conducted over a seven-month period between 1 May 1992 and 31 November 1992, worked by a detective sergeant in this unit

revealed that out of 70 jobs in which he was involved, 31 included some form of corruption. The experiences of this officer were relevant to many other officers in his unit and he described a history which:

- commenced with minor opportunistic corruption when he was transferred to plain clothes duties,
- gained momentum after his transfer to a Regional Crime Squad after he and some colleagues stole cartons of cigarettes which had been recovered during an investigation into the hijacking of a Rothmans truck, he also began an association with the prime suspect in the hijacking,
- became organised after being transferred to the Consorting Squad within the Major Crime Squad West, a posting that made it easy for him to take payments from thieves who worked the race meetings and sharing payments from illegal gaming operations with members of the city-based Consorting Squad,
- reached its peak after his transfer to the North West Major Crime Squad Drug Unit where he and his colleagues were involved in the theft and selling of drugs and extortion , and
- was exacerbated when he was approached by a group of corrupt detectives from another unit, to join them in a rip-off where they would steal money.

The message given to anyone who wished to become a detective was patently clear, as illustrated in the following example. One young, principled officer who secretly returned his share of cash stolen by police from a suspects wallet said; "I was just starting my detective's career and if at the time I had said anything with the climate and the culture of the Police Service at the time, I would have automatically been branded what's termed a dog, and that would have meant virtually the finish of my career...it would have been passed around amongst other officers...that...I couldn't be trusted in the sense that I would back up other people if I had done anything about it at the time" (*Royal Commission 1997: 144*).

#### **4.4 CONSEQUENCES OF POLICE CRIME**

The *Mollen Commission* (1994: 2) found that the NYPD allowed its corruption controls and their implementation to collapse. The reason for this was because the Department was more concerned about the negative publicity generated around a corruption scandal than the

consequences of the scandal itself. The Commission added that this institutional reluctance to expose devastating ethical anomalies was not unusual. No institution, especially those that rely on the public's confidence and assistance, wants its reputation sullied. "A weak and poorly resourced anti-corruption apparatus minimises the likelihood of such taint, embarrassment and potential harm to careers." As a result of this, there is no institutional will to encourage anti-corruption efforts or to make them a priority. Investigators found this lack of will in every aspect of the Department's corruption controls, such as command accountability, supervision, investigations, police culture, training and recruitment.

Corruption and police criminality was allowed to flourish in the Department because despite a budget of one billion dollars, the Department denied the most basic equipment and resources to corruption investigators with which to do their job. Internal investigations focused exponentially on petty misconduct and internal investigations into serious deviance were closed prematurely and they were fragmented, with inadequate intelligence gathering. Integrity training was often non-existent and outdated. Undercover officers working for Internal Affairs were placed mostly in precincts with a minimal corruption problem. Good information from field associates was ignored, commanders and supervisors were not held accountable for corruption in their commands and many corruption and police crime investigators had not done a basic investigative training course and could not conduct a proper investigation. Finally, most Internal Affairs officers joined this unit to get quick promotions rather than catching corrupt cops.

The obvious consequence of this dearth of sanction against unethical officers was that corruption was encouraged, mainly due to the lack of exposure. A message was sent throughout the Department that integrity was not a priority and commanders were not interested in knowing about the existence of corruption in their commands. The latter also had the advantage of protecting commanders' careers (The *Mollen Commission* 1994: 3).

#### 4.4.1 CONSEQUENCES OF BAD RECRUITMENT

Griffith (2003: 70) mentions that bad recruitment practices can do serious damage to a police organisation. "It's kind of like letting a worm into an apple. The performance and behaviour of a bad cop will affect the public's attitude toward its police force, damage the morale of good cops, and spread corruption throughout the ranks." The author reiterates that stringent recruitment and hiring policies are amongst the best preventative measures against corruption and criminality in police ranks.

#### 4.4.2 CONSEQUENCES OF NOBLE-CAUSE CORRUPTION

The consequences of process corruption as illuminated by the *Royal Commission* (1997: 69) include:

- a police officer who is compromised for the rest of his/her career,
- highlighting the ease with which cover-ups and deceptions can be continued,
- the lack of confidence the community has in the criminal justice system,
- an accepted rite of passage, a type of thrill seeking and indulging in sociopathic tendencies, and
- it being considered an easy alternative to skilled detective work.

One of the most pertinent consequences of noble-cause corruption is the inevitable re-trial that occurs as a result of police attempting to secure convictions, and the incarceration of innocent individuals. McLagan (2003: 149) mentioned that where there was a suggestion that someone had been “fitted-up” as a result of evidence given by certain corrupt Flying Squad officers, the cases were sent to the Appeal Court where Crown Prosecution Service lawyers did not seek to uphold the convictions. As a result of the Complaints Investigation Branch’s investigations, 25 Flying Squad detectives were either charged with criminal offences, suspended, or would have been suspended had they not retired. It was also decided by the Crown’s lawyers that these officers would not be used as witnesses of truth in any subsequent hearings.

The *Mollen Commission* (1994: 39) highlights the consequences associated with falsifications. These unethical practices violate basic constitutional rights as they allow police personnel to make the laws (as opposed to the legislature) as well as allowing them to enforce their own interpretation of street justice. The use of falsifications encourages officers to abuse their authority for misguided ends, regardless of how well intentioned their motives are. Even if noble-cause corruption is utilised by officers for positive results (such as convicting a known criminal by planting evidence), it can also have serious consequences for the public and the criminal justice system. An innocent person can be convicted because of this practice, instead of the guilty for which it is intended. Jurors and judges see through false testimony and before the Commission’s investigations there was an increase in acquittals because juries became increasingly suspicious of police testimony.

Another consequence of “legitimate-end” rationalisations for police misconduct highlighted by the Commission is the fact that it encourages other forms of corruption. Some corrupt officers

told investigators that their illegal activities evolved from motives they believed were legitimate. To illustrate this, these officers would initially raid apartments unlawfully in order to make drug arrests and lie about this in police reports. After realising how easy it was to cross the line, taking the law into their own hands and acting with impunity, they progressed to raiding apartments to steal drugs for personal profit and letting suspects go free - noble intent dispelled.

Skolnick (2002: 10) provides an example of the consequences of one officer's confessions of wrongdoing during 2000. The officer in question (ex Los Angeles Police Department) confessed to shooting and paralysing a gang member, together with a partner. The two officers then framed the gangster by charging him with attacking the police, resulting in him being sentenced to 23 years of which he served three. The gangster was one of many released after the review of their cases. The officer worked with investigators and they reviewed over 1500 cases. The officer's confessions resulted in the overturning of about 100 criminal convictions. It also resulted in five more officers from this Department facing criminal charges and 70 others faced departmental disciplinary steps and some officers have retired.

#### 4.4.3 GENERAL CONSEQUENCES

Newham (2000: 5) explains that once the public perceives police corruption as being systematic and they see criminals getting away with their crimes because of police members taking bribes, they feel that they do not have the police's protection. This results in a lack of trust by the public in the criminal justice system as a whole and specifically in the police. Police corruption and criminality negatively affects honest police members intent on getting on with their job ethically. Morale is affected when honest cops have been working hard to capture criminals and the latter escape with the help of corrupt colleagues. It can also be a temptation for honest officers to get involved in wrongdoing themselves when they see some of their colleagues making money from criminal activities and getting away with it.

Confidence in the police is reduced when individuals perceive the police to be unfair and lacking integrity and honesty. This decrease in the public's trust of police is fuelled by the constant exposure of corrupt acts perpetrated by the police. These include citizens that have witnessed kickbacks (for example, from tow truck operators) or police receiving "gifts" from business owners to media reports of police collusion with criminal syndicates. A magistrate in Mpumalanga convicted a police inspector on a variety of "petty" corruption charges including demanding "brandy and bags of peanuts from job applicants and residents applying for

firearm licenses.” The magistrate lamented the fact that instead of encouraging confidence in the police, this ex-inspector demonstrated to the public that it was easy to “buy the police” and his actions had subsequently destroyed his community’s trust in the police and the law (Syed 1997: 10). The author adds that perhaps the most devastating consequence of the loss of trust in the police by the public is the break down of relations between citizens and the police. This reduces the efficacy of policing in communities because the public will not report crimes or assist the police in apprehending criminals.

Walker (in Regoli & Hewitt 1996: 337) identified six costs of corruption. These include:

- a) the undermining of the integrity of the law enforcement ethos,
- b) corruption protects other criminal activities such as gambling syndicates and prostitution rings. These are major sources of revenue for organised crime,
- c) corruption harms the police organisation because officers lose their self-respect, respect for their supervisors and respect for the Department in its entirety,
- d) corruption encourages lying because officers protect each other,
- e) corruption destroys public confidence in the police, it undermines respect for officers and public support for the department dissipates,
- f) corruption represents a hidden tax to honest business owners.

The *Royal Commission* (1997: 36) states that; “the consequences of corruption are devastating for a police service as a whole, and for its individual members. They are similarly devastating for the community which police are expected to serve.” The Commission illuminates the consequences of police corruption and criminality for the police service, the individual police officer and the public.

- The Police Service

The consequences of corruption for the police service include the following:

- the efficacy of the Service as a law enforcement body is weakened by leaks and compromise aimed at the security and viability of operations against organised crime,
- the personal safety of informers, undercover officers and honest police officers cannot be guaranteed,

- sections of the community and the government experienced diminished trust in the police,
  - the police Services reputation as a protector of the community is weakened,
  - the Service is unlikely to attract the most able and suitable recruits, they are also unlikely to retain officers with integrity and the skills that it requires to function effectively,
  - the honest and dedicated officers are less likely to apply for promotion to stations with corruption problems, exacerbating the problem at these commands,
  - the Service is at risk of periodic scandals and encourages the increase of external intervention into its affairs,
  - the community is less likely to assist the police with reporting crime and sharing intelligence, or assisting officers in need,
  - the Service will struggle to be granted a favourable hearing when requesting budget increases or looking to expand its resources or to improve the terms and conditions of service,
  - a Service tainted with corruption will be denied co-operation from other law enforcement agencies concerning the sharing of intelligence and participation in joint operations,
  - the confidence of the judiciary and of jurors in police testimony is likely to be diminished. This jeopardises the success of those prosecutions that are based on sound and honest investigations,
  - innocent individuals may be convicted of crimes they did not commit and the guilty may walk free,
  - officers who have indulged in corrupt activities are potentially compromised for the rest of their careers. They subsequently become vulnerable to blackmail or they are under pressure from colleagues to ignore their misconduct, and
  - corrupt officers are usually the more cunning and persuasive members of the Service and they are likely to gather in powerful cliques. They use their influence to hijack the promotional opportunities of honest cops, and they resist any attempts at reform.
- The Individual Police Officer

Matters which negatively affect the Service, such as high levels of corruption, will invariably affect the honest individual police officer in the following ways:

- by diminishing their commitment to the job and job satisfaction. Their reputation within the community also becomes sullied,
  - officers are exposed to personal risk when operations they have been involved in are compromised by either corrupt colleagues who withhold information or when they are exposed to criminals who have been “done in” a few times by corrupt cops,
  - false complaints against them that they acted corruptly or illegally in the course of their duties are more likely to be made. This exposes officers to the stress of internal investigation and having to defend criminal or disciplinary charges. The consequence of this is a medical discharge which accompanies these proceedings whether the officer is cleared of the charges or not,
  - officers are placed in a situation where they cannot place any confidence in their colleagues, nor can they pre-empt receiving any assistance from the public when in need,
  - some officers succumb to what they perceive as their inevitable involvement in corrupt behaviour. They also encourage colleagues to turn a blind eye rather than risk the consequences of becoming known as a whistleblower,
  - officers feel no sense of mission or commitment,
  - promotional opportunities and the prospect of salary increases are frustrated,
  - the “us versus them” defensive mentality is encouraged and this is detrimental to police/public relations,
  - encourages efforts to hide malpractice when legitimate prosecutions fail due to community distrust,
  - officers feel disempowered when they attempt to establish a working environment in which they can have pride and confidence, and
  - relationships with family and friends become strained and even destroyed.
- The Public

A corrupt police service is unacceptable to the public because of:

- its inability to combat crime, particularly organised crime,
- the inevitable lack of mutual trust and confidence which are essential to a law-abiding community,
- the diversion of effort and resources into dealing with corruption scandals, and
- its harmful effect on the workings of the criminal justice system.

## 4.5 SUMMARY AND CONCLUSION

This chapter dealt with the two main explanatory theories pertaining to individual police members' descent into criminality. These are the "slippery slope" theory and erosion theory. The slippery slope metaphor suggests that if a police member is on the precipice he or she will invariably slide down into escalating deviance and criminality. This theory also makes use of the "ladder" metaphor whereby a corrupt cop sacrifices morality as he progresses up the rungs of increasing deviance. Both these theories assume that there is a definite progression from petty deviance to serious criminality. This behaviour is a conscious choice the police member makes. Alternately, they can consciously choose not to get involved in deviancy.

Erosion theory explains why so many good cops get involved in corruption. Some cops are ideal recruits (on paper), with good references, they have the respect of their communities and they do well in psychological evaluations. This phenomenon was explained in terms of the "nature versus nurture" dichotomy. It was evident that the element of nurturing in the policing environment, together with the job culture was the dominant influence in corruption causation. The "evolutionary" view of corruption highlights the course of moral depravity followed by a member who progresses from minor wrongdoing to major criminal acts.

This chapter also looks closely at individual case studies, the descent into crime by three specific police officers, one member of London's Metropolitan Police and two members of the New South Wales Police Service. The various consequences of police criminality include the immensely harmful repercussions a police agency experiences as a result of trying to keep a lid on a corruption scandal, fearing the reputation of the organisation would be tarnished. The consequences of poor recruitment policies, noble-cause corruption and general consequences including those for the police service, individual police members and the public were also highlighted.

Parallels can be drawn with elements of risk factors illustrated in chapter three, for example, getting involved in criminality changes the life circumstances of many cops, relationship problems are solved, other personal problems are solved and debt burdens disappear – indicating greed as a major motivator for criminality. Also, many new recruits join corrupt groupings in their new environments in order to gain acceptance. This concept was graphically illustrated in the case of the Metropolitan policeman, Kevin Garner. The latter's father died of a heart attack while romping with his 14-year old son (Garner), his family blamed him and never forgave him for this, he left home at the age of sixteen. When he

joined the police and became a detective he allowed himself to be drawn into corruption by the more experienced detectives whom he admired and he was considered a part of the team, he belonged, he finally had the acceptance he was craving since being rejected by his family.

Contrary to popular belief, many police members who are drawn into criminality are not the lazy, incompetent or dishonest type of police officer. Good, highly respected police officers, especially detectives also fall into the crime trap. The latter often display characteristics that include a strong personality and they are usually aggressive and very persuasive. Good officers are targeted because they are good.

As highlighted by the two main explanatory theories, slippery slope theory and erosion theory, the descent into crime by any police member is a process, it is a gradual decline that usually starts small. Both theories stress two important constants, the first being that wrongdoing starts with petty crime, which eventually escalates into serious criminality. The second constant refers to the increasing moral depravity experienced by corrupt officers. When an officer starts his criminal career, he usually indulges in activities such as accepting bribes, petty theft from crime scenes, involvement in noble-cause corruption and “shaking down” prostitutes and drug dealers. If officers do not cease these activities (as they often do once they get promoted), they progress to more serious criminal activity such as committing burglaries while on duty, assisting organised criminals with their nefarious activities, dealing in drugs and even becoming hitmen for criminals.

Many officers experience a moral dilemma when they start their criminal journey, but soon the perks of this behaviour take precedence over any lingering feelings of guilt. Rationalisations become acceptance of devious behaviour, which the officer would not have imagined partaking in before the decline commenced, such as getting involved in the drug trade.

The consequences of police criminality are widespread, with the greatest victim being policing itself. Corrupt police members' turn their backs on their policing function and focus on their criminal work instead. If the police are perceived to be corrupt, the community they serve will lose their trust and confidence in them and in the efficacy of the criminal justice system in its entirety. As a result of this breakdown of relations between the police and the community, apprehending perpetrators becomes more difficult because of the dearth of

intelligence from the community. This perpetuates a vicious cycle where the police cannot help the community because the community refuses to help the police.

The personal safety of good cops is continually compromised by the activities of their corrupt colleagues.

The following chapter highlights comprehensive interventions required to minimise the occurrence of police corruption and criminality, including individual, organisational, environmental and peripheral interventions.

**CHAPTER FIVE**

**INTERVENTIONS**

## 5.1 INTRODUCTION

“Policing is about the rule of law and due process: corruption and other forms of police deviance undermine the legitimacy of the police organisation and by implication the state. A ‘clean’ police is a crucial barometer of a healthy society. One can have few illusions about the difficulty of achieving this.” (Punch 2000: 301).

The *Royal Commission* (1997: 480) adds that in some countries (Australia and the United States, for example) corruption within policing tends to be a cyclical phenomenon. Every few years there is a scandal and subsequent investigations, followed by commitment and reform. Everything is quiet for a while and then the cycle begins again. According to the Commission, what is required to permanently break these cycles is the implementation in police agencies of strategies that can bring about fundamental change and the ability to sustain these changes into the future. These changes are necessary so that:

- **ethics, integrity and professionalism** become a way of life in the Service,
- **investigative capacity remains strong** to detect and deal with any wrongdoing by police officers, and
- those officers who refuse to **adhere to the behavioural standards** expected of them must accept that there is no place for them in the Service.

The two quotations above allude to changes and interventions that are inevitably required to quell a corruption storm. This chapter deals with the array of interventions required to minimise criminality in police organisations.

Categories of interventions highlighted include **individual** interventions, which pertain to strengthening positive human attributes of problematic police members. These include setting up early warning systems to identify problem officers, doing lifestyle surveillance on officers under suspicion (including the scrutinising of bank accounts), the importance of personal ethics and integrity and integrity testing. Financial statements and integrity declarations should be presented regularly by all police personnel.

**Organisational** interventions include changing elements of policing that have developed negative aspects such as police culture and the code of silence, recruitment policies, training programmes (including compulsory integrity training) and professionalism. Codes of Conduct need to be accompanied by punitive measures for violation. **Managerial interventions**

include altering management issues such as discipline management, performance evaluation, the supervising of subordinates, accountability for a command and openness and honesty.

The importance of independent oversight, an effective complaints system, effective investigative units, monitoring the performance of anti-corruption systems and community support cannot be underestimated in the battle against corruption and police crime. These constitute **environmental** interventions.

**Peripheral interventions** (including some general interventions) refer to the often controversial promotions policy of police agencies, police salaries, gratuities, stress control and rotation. Interventions are also recommended to curb the corruption associated with informers and with noble-cause activities.

## **5.2 INDIVIDUAL INTERVENTIONS INTO POLICE CRIMINALITY**

### **5.2.1 EARLY WARNING SYSTEMS**

The United States General Accounting Office (1998: 24) mentions that most police agencies in the United States have some type of early warning system (EWS) in place, these are characterised by the patterns of behaviour of an officer that indicate a potential misconduct problem. The content and application of these systems vary and the common factors a police agency attempts to identify in an officer who needs monitoring include:

- standard of living,
- indebtedness,
- type of car driven, and
- number of complaints against the officer.

Remedial action taken against these potentially problematic officers also varies between agencies. One agency may send an officer back to the police academy for training and another may put the officer on an employee assistance programme. Supervisors could also refer officers to psychological services or to stress abatement programmes, depending on the most suitable intervention required for the adjustment of problematic behaviour.

The United States Department of Justice (2001: 10) adds that when deciding what information to include in their early warning systems (that assist police managers and supervisors in identifying at-risk behaviour), agencies should include information on:

- shootings,
- other uses of force,
- searches and seizures,
- citizen complaints,
- citizen commendations,
- criminal charges against officers,
- civil suits alleging officer misconduct,
- other misconduct allegations,
- disciplinary actions,
- non-disciplinary remedial actions,
- training history,
- civilian arrests,
- on-duty preventable traffic accidents,
- traffic violations,
- traffic stops, and
- the use of sick leave.

“An early warning system is a data-based police management tool designed to identify officers whose behaviour is problematic and to provide a form of intervention to correct that performance.” Walker, Alpert and Kenney (2001: 1) add that this amounts to a department intervening before the officer’s behaviour culminates in formal disciplinary action. The system alerts police management to the problematic behaviour of individual officers and it evokes awareness in the officer of his behaviour as well as providing counselling or training to change their problematic behaviour.

The authors explain that early warning systems have three basic tenets: selection, intervention and post-intervention monitoring.

Selection: Most indicators used to identify problematic behaviour amongst certain officers include; citizen complaints, firearm discharge, use-of-force reports, civil litigation, resisting arrest incidents, high-speed pursuits and vehicle damage.

Intervention: The basic intervention strategy involves both deterrence and education. It is assumed that officers who are subjected to deterrent interventions will change their behaviour for fear of punishment. Early warning systems also assume that training as an intervention can encourage officers to change their behaviour.

Monitoring: Most agencies monitor an officer's performance after the initial intervention. The monitoring can be informal, carried out by the officer's immediate supervisor or it may be a more formal process consisting of observation, evaluation and reporting. Half the agencies reported monitoring the officer's performance for 36 months after the primary intervention and the other half indicate that the follow-up period is not specified and officers are continuously monitored or monitored on a case-by-case basis.

Walker et al (2001: 1) highlighted three cases studies, which were carried out in order to ascertain the efficacy of early warning systems. The three police departments chosen for the case study investigation include Miami-Dade County, Minneapolis and New Orleans. They were selected because they each had an early warning system that had been operating for 4 years or longer. Performance data collected included citizen complaints, use-of-force reports, reprimands, suspensions, terminations, commendations and promotions. The authors found that early warning systems appeared to have a significant effect on reducing citizens' complaints and other indicators of problematic behaviour amongst officers subjected to intervention. In Minneapolis, the number of citizen complaints received by "problem" officers decreased by 67% after one year of intervention. In New Orleans the number of complaints decreased by 62% in the same period of time. In Miami-Dade, 4% of the early warning group had no use-of-force reports before intervention. After intervention 50% had no use-of-force reports.

Arnold (2001: 80) mentions that a police agency in California uses a version of an early warning system whereby each employee is reviewed on the anniversary of the date they were hired, to determine his/her complaints history. If the employee has received three or more complaints in the preceding twelve months, or ten or more complaints in the preceding five years, they are counselled by their supervisor, lieutenant and captain. The counselling session includes a discussion about the nature of the complaints, to try and identify problematic behaviour patterns. They also include appropriate interventions for changing this behaviour, to reduce the probability of future misconduct. The success of any intervention depends largely on the methods used and the receptiveness of the officer. At the very least an officer would be placed on notice identifying any unacceptable conduct as well as the

behaviour that is expected of him and the possibility of negative discipline should this behaviour persist.

The author adds that research done on the use of complaints to measure an officer's wrongdoing can be problematic. It was found that a low percentage of complaints are sustained. On allegations of misconduct lodged against officers, the norm for sustained complaints is approximately 10%. This same research found that officers prone to problematic behaviour received four or more citizen complaints within a certain period. These officers were also twice as likely to be accused internally of shirking their duties, being tardy, abusing sick leave, being absent without leave and failing to appear in court.

Research done in 1994 by Dr. Ellen Scrivner and 95 participatory psychologists (in Arnold 2001: 80) into police use-of-force incidents resulted in the creation of a model where psychologists train police managers to identify precursors to problematic behaviour and how to act upon these through interventions before the accrual of official complaints. The research report identified four specific types of triggers for problematic behaviour. These include; concerns within a squad about an officer getting someone hurt, an officer who acquires a nickname because of his penchant for forceful arrests, an officer's prisoners accumulate injuries and an officer's insubordinate behaviour escalates.

The participating police psychologists compiled a list of five categories of characteristics that were present in the officers referred to them for counselling. Sixteen percent of the officers had personality disorders that made them high-risk for the use of force. The *chronic risk* group was described as having "pervasive and enduring personality traits that are manifested in anti-social, narcissistic, paranoid or abusive tendencies." Seventeen percent had previous *job experiences* that placed them at risk of abuse of force. There were officers in this group with a history of traumatic situations such as justifiable police shootings. These officers were not violent, egocentric or unsocialised. They became increasingly isolated from their squads, verged on burnout or they had Post Traumatic Stress Disorder. Eighteen percent of the officers counselled were young and immature and at the early stages of their police career. *Early career stage* problem officers were identified as being young, inexperienced, often seen as hot-dogs, badge happy and macho. These young officers were also highly impressionable, impulsive with a low frustration tolerance threshold. They needed strong supervision and strictly structured field training.

Twenty one percent of officers developed patrol styles that included the use of force. *Patrol style problem* officers were described as officers who had dominant command presence, a heavy-handed patrol style and they were sensitive to challenges and provocation. The final twenty eight percent of the officers experienced personal problems. *Personal problems* affected this group to such an extent that they could not function effectively in their jobs. Not all the officers in this group used excessive force but some officer's actions were precipitated by losses such as separation, divorce or a perceived loss of status.

“Predicting future behaviour involving police misconduct can only occur when specific actions are known to lead to misconduct. This concept has been referred to as **behavioural profiling**.” The aim of using any type of behavioural profiling for police misconduct is to assist a supervisor with recognising early indicators or precursors to misconduct before the problematic behaviour manifests itself (Arnold 2001: 85).

#### 5.2.2 LIFESTYLE SURVEILLANCE

In 1994, Scotland Yard formed the “Ghost Squad,” a super-secretive squad responsible for ascertaining the extent of corruption in London's Metropolitan Police, attempting to determine who was corrupt and in which areas they operated. A list of police suspects was drawn up and the squad did “lifestyle surveillance” on each one. This surveillance included observing the company they kept, how they spent their time and who their informers were. If suspicions were justified the surveillance became more intense, involving covert camerawork, bugging homes and offices, tapping telephones and placing recording devices in vehicles. Informers who were known to have fallen out with their handlers were also approached for information (McLagan 2003: 38).

Lifestyle surveillance can also include the monitoring of suspect officer's bank accounts. South Africa's *Prevention and Combating of Corrupt Activities Act. No.12 of 2004* states that a judge may issue an investigation direction “on the facts alleged in the application concerned, there are reasonable grounds to believe that – a person:

- maintains a standard of living above that which is commensurate with his or her present or past known sources of income or assets; or
- is in control or possession of pecuniary resources or property disproportionate to his or her present or past known sources of income or assets; and

- that person maintains such a standard of living through the commission of corrupt activities or the proceeds of unlawful activities or that such pecuniary resources or properties are instrumentalities of corrupt activities or the proceeds of unlawful activities; and
- such investigation is likely to reveal information, documents or things which may afford proof that such a standard of living is maintained through the commission of corrupt activities or the proceeds of unlawful activities or that such pecuniary resources or properties are instrumentalities of corrupt activities or the proceeds of unlawful activities.”

### 5.2.3 ETHICS AND INTEGRITY

The *Royal Commission* (1997: 267) encouraged the New South Wales Police Service to make it a statutory requirement that every member of the Service acts in a way that places **integrity** above all else. The Commission added that “it is essential that professionalism and **integrity** become the backbone of the Service, and that the theme ‘**integrity first**’ be regularly reinforced during recruit training and at every subsequent stage of a police officer’s career. This means that it should be included as a **specific component in all training, not just as bare rhetoric**, but worked into each course in a way relevant to it and delivered by recognised experts in **ethics**. Additionally, it is necessary that the code of conduct be made relevant to job situations.”

The *Royal Commission* (1997: 454) also recommended that voluntary and confidential **ethics** counselling be made available to police officers to help them deal with the problem of job socialisation. The latter is a significant factor in the policing environment and often encourages the entrenchment of the negative aspects of police culture. The Commission also noted that employee assistance was available to officers in the form of psychological counselling and debriefing after traumatic incidents and their related stress.

Trautman (2002: 121) mentions that research has revealed that the average age an officer commits serious misconduct (serious enough for him to have his state certification revoked) is 32 years of age. The average number of years an officer has been in the police when the offence occurs is 7.2 years. The more bitter, angry and frustrated officers become, the more prone they are to deviance. To nip this damaging behaviour in the bud, police management needs to make recruitment and hiring a priority and they need to address the issue of **integrity** with honesty and courage. The author adds that part of the problem is that most

officers experience more stress from their organisation than from their job. To avoid escalating misconduct, police management has to cease ignoring obvious ethical problems within their organisation. Many managers turn a blind eye to these ethical shortcomings which include; officers who are consistently treated with disrespect by an arrogant, insecure supervisor, promotions and discipline determined by favouritism and officers who should have been fired, arrested or decertified but are quietly asked to resign instead.

The *Mollen Commission* (1994: 112) stresses that there must be total commitment to any corruption control reforms that are implemented in a police organisation, in order for these controls to be effective. The Commission adds that:

- “Commitment to **integrity** cannot be just an abstract value. It must be reflected not only in words, but in the deeds, of the Police Commissioner, the Department’s top commanders, and the field supervisors who shape the attitudes of the rank and file. It must motivate all of them to send an unequivocal message throughout the Department that corruption will not be tolerated. It must make the consequences for breaches of integrity the rule, not the exception. It must result in providing integrity controls with sufficient resources and high priority in the Department’s operations. It must result in all officers understanding that their loyalty to the Department’s integrity must be greater than their loyalty to corrupt colleagues.”

Punch (2000: 318) adds that the successful prevention of corrupt behaviour in any police organisation begins at the top, with strong leadership. Leaders can be very influential in cleaning up an organisation by emphasising their determination to do so and by becoming a personal symbol of **integrity**. The leader’s function is to reassure the public, to show determination in eradicating deviance, to praise honest officers and to be a role model. Individuals will scrutinise a police chief and his management team’s behaviour to ascertain whether the strong anti-corruption messages emitted are being adhered to.

The author adds that a strategy for **fostering integrity** should accompany any punitive measures or repressive campaigns, which have been proven to be difficult to sustain. This strategy should include the following:

- strong, positive leadership at all levels of the police organisation, particularly from the top,

- emphasis on ethics, pride and professionalism as well as creating codes of conduct that specify acceptable behaviour,
- replacing a blame culture with an “error-tolerant” culture where individuals are encouraged to speak out when they have made genuine mistakes or errors of judgement,
- enabling the discussion of sensitive subjects in groups, emphasising self-regulation and group learning as opposed to individual faults. This focuses on issues of police culture such as solidarity and secrecy. Managers should send out messages that it is “courageous” to expose evidence of corruption, and
- introducing a professional standards committee that can give practical guidance to individuals and handle sensitive matters in confidence,
- besides an Internal Affairs Unit there should be a department responsible for enhancing **integrity** through education, publications, codes, seminars, role-play and simulations, posters, guest-speakers, surveys and the generation of positive news (the author adds that in most police organisations there is much to be proud of and this should be broadcast).

All these measures have to occur within an organisational context of strong leadership with adequate resources and a plethora of measures that should be reinforcing the same mission and message. The leadership should also be combating the negative aspects of police culture as well as attempting to eradicate cynicism, secrecy and alienation. There must be consistent emphasis on **integrity** and professional standards and on pushing the message that “a corrupt policeman is a criminal, that he or she lets down colleagues and the profession and that ‘noble-cause’ corruption is self-defeating. This is because, when it is exposed, it makes it more difficult to secure convictions and makes police methods suspect. The emphasis, then, is on pride, professionalism, standards of competence and performance, legitimacy and of gaining and retaining confidence” (Punch 2000: 321).

Newham and Maroga (2004: 10) mention that the three main tenets of the South African Police Services *Police Integrity Management Framework* are; promoting a positive police culture, strengthening accountability and engaging with the community.

- Building a positive police culture

Police managers need to proactively promote a positive and professional police culture in order to avoid police criminality and to improve service delivery. Police officers will take pride in their profession if they are given clear direction and their good work is recognised by

managers. One of the ways of achieving the latter is through **performance management**. This is a tool for managers to be able to identify good or poor police performance. Once this is done, managers should reward the deserving for their good work and bring the poor performers up to standard. The following good practices will enhance performance management:

- using the Performance Enhancement Process (PEP) document,
- setting clear work objectives for individual officers,
- regularly communicating expectations,
- proactively recognising good performance,
- looking for symptoms that inhibit good performance,
- responding immediately to poor performance by having regular performance checks,
- establishing authority,
- leading by example,
- building trust amongst members,
- listening with an open mind, and
- visiting all ill or injured members.

Recognising members who perform well greatly enhances morale and assists in eradicating resentment felt by members that their efforts are going unnoticed. These feelings of resentment can be used to justify a police member's criminality. The following issues concerning **recognition and motivation** should be implemented:

- verbally acknowledging members for good performance,
- giving written commendations,
- nominating members for "Top Cop" awards,
- promoting team building, and
- highlighting positive media reports about the police.

- Strengthening Accountability

Probably the most important part of improving police professionalism and integrity is the ability to hold individual members accountable for their behaviour. Action (counselling, training or disciplinary measures) must be taken as soon as problematic behaviour is detected in an individual member. This will show other members that deviant behaviour will not be tolerated and with the correcting of minor problems, bigger problems can be avoided

in the future. The less common method of problematic behaviour in individual members reaching management is by police reporting their corrupt colleagues. Reporting is also discouraged by “police culture,” which encourages silence amongst colleagues when corrupt behaviour is observed. It is essential to create an enabling environment in which honest members can report the deviance of their colleagues to management without fear of repercussions. These are referred to as **internal reporting mechanisms** and consist of the following:

- accessibility of managers to their staff,
- ensuring that all members are aware of the internal reporting systems,
- following up on any internal complaints brought to a manager’s attention and to give feedback to the complainant,
- handling all internal complaints confidentially and equitably, and
- having tamper-proof suggestion boxes.

- Community Engagement

Managers rely on feedback from the community concerning the service they receive from the police, as policing occurs mostly in the community. As a result of this, police stations need to have the necessary systems in place to receive, assess and respond to complaints and kudos from the public. If these systems are properly managed it will demonstrate to the community that the police are taking their inputs seriously, and this will strengthen relations between the two. **Acknowledging the role of the community** can be enhanced by the following practices:

- the police should maintain contact with all non-criminal sections of the community,
- the police should work in co-operation with the community, and
- positive feedback from the community should be valued, recorded and acted upon where necessary (Newham & Maroga 2004: 35).

#### 5.2.3.1 Integrity Testing

The United States General Accounting Office (1998:24) mentions that the New York Police Department (NYPD) uses and recommends the use of **integrity testing** to detect police corruption. The Internal Affairs Bureau (IAB) makes use of both **targeted and random**

**integrity testing.** Targeted tests constitute about 25% of the tests done by the IAB and they are directed at officers who are suspected of involvement in criminal activities.

Random integrity tests are mainly directed at precincts and duty shifts that are considered prone to deviance. There have been conflicting opinions about the efficacy of these tests. Some commentators believe that they may border on entrapment, or they believe the tests have a negative impact on the morale of the staff and they involve the inefficient use of resources. The NYPD believes that integrity tests are meritorious because they help convince corrupt officers to cooperate with the investigation into them and to identify other corrupt officers. It was also found that although random integrity tests were not an effective tool for identifying and dealing with corrupt officers, they did assist with identifying the training needs of patrol officers. NYPD officials found that officers believed there were many more random integrity tests than there actually were therefore they were having a deterrent effect.

The *Royal Commission* (1997: 468) explains that integrity tests involve the “creation of a situation or condition (within a common work setting) which is designed to provoke a reaction by the subject of that test. The subject is allowed to perform, or fail to perform, in a manner consistent with legislative and Service requirements. Its purpose is to detect and deter corruption, and it is of particular relevance as a preliminary method of determining whether there is a legitimate basis for suspicion in respect of an officer, or group of officers, about whom a complaint is made.” The New South Wales Police Service has instituted the use of integrity testing as a standard procedure and they have established an **Integrity Testing Unit** within the Office of Internal Affairs.

The Commission stressed that targeted integrity testing is only one way of detecting corrupt behaviour and it should not be used as a substitute for other types of investigation, such as intelligence gathering and proactive inquiries. Integrity tests should not replace ethical training nor should they be so contrived or unsophisticated that the subject is alerted to the test. They should be seen only as a test, which may or may not prove the officer’s susceptibility to temptation. Integrity tests should not be used in instances where there is a strong suspicion about an officer for fear of losing its element of surprise. The Commission advised against the use of random integrity tests because they felt these had not achieved their desired objectives of accurately measuring corruption, acting as a deterrent and testing the effectiveness of training. Random tests were considered deficient because they:

- could not be as sophisticated as targeted tests,
- were usually initiated by a pseudo emergency call to the police. This resulted in other police members also responding to the call, making it difficult for any individual officer to do something devious,
- often failed to adequately engage the officer in the test,
- the modus operandi soon becomes recognisable,
- risk creating an unduly optimistic picture because one successful test does not necessarily determine integrity,
- can create a climate of suspicion which leads to officers exercising their duties in an overcautious and conservative manner,
- highlight the question of whether an officer is “corruptible” or whether they are “corrupt.” This is an important question when applied to law enforcement because the latter is full of operational and ethical dilemmas. Unless there is reasonable suspicion, temptation should not be unnecessarily placed before officers, and they
- weaken the efficacy of targeted integrity tests if over-used.

One of the first reforms implemented during the mid-1990s at the scandal-plagued New Orleans Police Department were “integrity checks.” Agents from the Police Integrity Bureau would go undercover in the field, presenting officers with temptations and observing their reactions. These temptations included leaving cash in the glove compartments of abandoned vehicles, setting up accidents to test whether officers who responded were not working for lawyers, doctors or insurers and offering bribes (Griffith 2003: 72). A police spokesman explained that officers are unaware that tests are being conducted against them. The results of these tests are sent to the commander of the unit and only get shared with the officers who have been tested when their behaviour results in correction or discipline. If the tested officer’s behaviour is illegal or a gross violation of departmental policy, the officer will not know about the test until they are fired or arrested.

The commander of the Miami Police Department’s Internal Affairs unit added that because there is a very fine line between a legitimate test of an officer’s honesty and entrapment they are very careful not to set officers up for failure. For example, if an officer is suspected of picking up prostitutes, they will send out an undercover officer posing as a prostitute and test the targeted officer’s reaction. The commander stresses that they would not “just go out there and put a good-looking female officer undercover flirting with every male officer she sees and see what happens. We don’t do that.”

The *NYPD Internal Affairs Bureau Annual Report (2004: 24)* briefly describes the nature of integrity tests and provides good examples of actual tests carried out the preceding year. **“Integrity testing, a comprehensive program to combat and deter internal crime, is a vital component of the Department’s overall anti-corruption efforts.”** Integrity tests consist of scenarios that mirror real policing incidents designed to test an officer’s adherence to the law and the Department’s policies and procedures. These situations might include arrests, assignments that require the officer to invoice property and/or drugs, and vehicle accidents. The test is recorded on audio and videotape using state-of-the art sophisticated technical equipment. Evidence gained from these tests often form the basis for convicting corrupt officers as well as acting as a deterrent.

**Targeted integrity tests** are used for an identified officer where a pattern of misconduct has been detected, or they are used as part of an investigation into corruption allegations. By contrast, **random tests** do not target specific officers, but address statistically identified corruption trends or they collate intelligence about conditions in a certain area. In 2004, the number of integrity tests carried out by the IAB increased by 2.3% but the failure rate decreased from 8.45% in 2003 to 7.9% in 2004.

Actual tests carried out by the Internal Affairs Bureau include the targeting of a police officer after discovering a pattern of allegations against him involving missing property from prisoners. IAB investigators created a test scenario that resulted in the suspect arresting an undercover detective for marijuana possession after his vehicle was stopped for equipment violations. The undercover detective was brought to the precinct because he could not provide any identification. A second undercover officer brought identification for his colleague, to the arresting officer. The detained undercover officer was issued a summons and released. It subsequently transpired that the subject officer had failed to voucher in the marijuana evidence. The officer was confronted and admitted to wrongdoing, a search warrant was obtained for his locker in which detectives found two reported stolen vehicle airbags and the marijuana. The suspect was also drug-tested for cause but the test was negative. The District Attorney declined to prosecute and the officer was put on Modified Assignment. Charges and specifications are pending.

The IAB received an anonymous letter by a School Crossing Guard Coordinator alleging that a subordinate was drinking alcohol and using cocaine and marijuana on duty. The guard was targeted with an integrity test. An undercover detective approached the suspect and handed her a pocketbook he claimed a woman had dropped while collecting her child from school.

The pocketbook contained \$60 and seven bags of marijuana. The suspect officer handed in the pocketbook containing the marijuana only, to school authorities. IAB investigators approached the subject officer asking for the \$60. She admitted to stealing the money, which she hid in her sock and she was arrested and charged with Petit Larceny. The suspect was suspended from the Department, resigned and her criminal trial is pending.

#### 5.2.3.2 Financial Statements and Integrity Declarations

The *Royal Commission* (1997: 471) recommended the need for legislation which would compel all members of the Service to provide financial statements and integrity declarations at three-yearly intervals and when applying for promotion. The advantages of these proposals were highlighted as follows:

- they will discourage or hamper the receipt of improper benefits, particularly when it is known that financial declarations can be compared against spending patterns and the accumulation of assets can be picked up through financial analyses,
- it reinforces the concepts of ethics and integrity every time a financial or integrity declaration is made, and
- it will be easier to remove corrupt officers who are under suspicion but where evidence of specific incidents of corruption is lacking. If these officers are unable to provide an acceptable account for their income and asset accumulation, they will risk losing the *Commissioners confidence* (this entails the removal of a police officer by the Police Commissioner if he does not have confidence in the officer's suitability to continue as a police officer, as determined by the officer's competence, integrity, performance and conduct).

### 5.3 ORGANISATIONAL INTERVENTIONS INTO POLICE CRIMINALITY

#### 5.3.1 RECRUITMENT

**“Tougher hiring, training, and monitoring procedures are the keys to cutting down on corruption”** (Griffith 2003: 68).

The *Royal Commission* (1997: 452) suggests that integrity begins with recruitment, both for a representative service and in the screening out of applicants susceptible to dishonesty.

Thorough background checks must be made on applicants including the verification of their employment history and integrity. Applicants should also undergo psychological testing. Recruitment procedures alone will not guarantee an ethical officer because attitudes are influenced by an officer's experiences during his career. It is therefore essential to thoroughly screen officers during their probationary and training period, using performance assessment to gauge whether new recruits are displaying appropriate attitudes and behaviours.

The Commission highlights the existing recruitment practices of the New South Wales Police Service. Applicants are subjected to a variety of procedures with each step involving the axing of recruits if they are not up to standard:

- applicants are tested by means of a written assessment for job-related aptitude. These tests include observational skills, verbal communication, decision-making skills and inductive and deductive reasoning,
- psychological screening is done but does not influence the decision to axe applicants. The results of this test may be given to Selection Committees who use them for further assessment where scores are extreme or unusual, and
- other tests done on new recruits include a Physical Agility Course, a body fat test and a firearm handling test.

Following the completion of these tests, applicants have an interview with a three-member selection committee consisting of a patrol commander, a sergeant and a constable, all of them trained in recruit selection. Background checks are conducted including input from previous employers about the applicant's service and their suitability for police work. If there is too much negative information, the applicant is axed. These checks are followed by a full medical examination with further axing. The remaining applicants form a pool from which candidates are chosen to attend the Police Academy. The Commission also recommended that the existing age of recruits be raised from 18 years and three months to 21 years. Anecdotal evidence has shown that older recruits with greater educational, employment and life experience, may be less easily influenced by unethical colleagues. Also, older recruits are more mature, they tend to have more experience in dealing with a variety of people, they can cope better in a crisis and they have more confidence in their own decisions (The *Royal Commission* 1997: 247).

Griffith (2003: 70) stresses the importance of thorough **vetting** of new police applicants. As mentioned earlier, the New Orleans Police Department experienced big corruption scandals

during the 1990s. Another of this Department's reforms included a more thorough vetting process. Background investigations examined the recruit's criminal, financial and military records. Investigators also conversed with the applicant's character reference and his/her neighbours. When the applicant became a recruit, they underwent a psychiatric evaluation before, during and after attending the police academy.

Newham (2000: 4) adds that behavioural science experts' focus on recruitment steps in the hiring process as being the critical time to screen candidates to determine behavioural or other predictors of future problems. Police organisations need to adopt more professional testing methods to determine an applicant's mental and physical abilities, as well as conducting more thorough background investigations and better interviews to highlight any personality problems. The Chief of the Los Angeles Detective Division stated that his department would select "only about 4% of all who apply, the brightest, healthiest, most upright 4%."

The following recruiting practices are recommended to help prevent police criminality:

- better screening of candidates, including thorough background checks,
- raising the age of recruits,
- raising educational standards , for example, a candidate must have some form of higher education,
- incorporating integrity training into police curricula, and
- reviewing an officer's integrity as part of probationary period evaluations,

The selection of candidates that have the maturity to deal with the temptations and pressures of policing, especially in neighbourhoods with drug-related problems, is essential to try and avoid police criminality. Some college or military experience was thought to provide a candidate with the necessary maturity because these individuals lived away from home and established a work record (The United States General Accounting Office 1998: 21).

The *Mollen Commission* (1994: 116) mentioned that raising certain hiring standards and improving applicant screening will have a significant impact on reducing corruption and made the following recommendations to the New York Police Department:

- raising the entry age of recruits from 20 years to 22 years of age,
- raising the minimum education requirement from a high school diploma to a two-year college Associate Degree. Those who complete a degree before the age of 22 should be eligible to enter the Police Academy immediately,
- the Applicant Processing Division must focus on integrity as a primary criterion for selecting recruits,
- require all applicants to undergo a polygraph test on selected topics before hiring, to assist in identifying potential problem areas to be investigated before acceptance,
- require random, unannounced drug-testing for all applicants as opposed to only testing as part of a standard recruit health examination,
- require that background checks are concluded before a recruit enters the Police Academy. The Department should consider hiring private entities to conduct thorough and timely background checks,
- any recruit with prior juvenile convictions for violent and drug-related crimes is disqualified from joining the police based on moral unfitness, unless background investigations reveal factors that do not justify disqualification,
- all applicants with prior arrests must be subject to a heightened level of scrutiny by applicant processing investigators,
- apply for the amendment of certain criminal procedure laws to allow the Department access to all official records and papers relating to an applicant's juvenile adjudication, to allow for adequate evaluation of a candidate's fitness,
- attempts should be made to recruit candidates from the military, and
- applicants should be required to furnish tax returns and other financial records to provide the basis for analysing the applicant's financial condition for possible use in any future investigations.

#### 5.3.1.1 Professionalism

The *Royal Commission* (1994: 212) and its contributors agreed that:

- the community trust the police with great powers and responsibilities,
- the police must reciprocate this trust by achieving and maintaining high standards of integrity, impartiality, performance and professionalism, and
- police functions must be conducted in a manner that meets the diverse needs of the community and police need to ensure that standards of service,

efficiency and good performance are not hampered by bureaucratic rules or outdated thinking.

“Adoption of the ideals encompassed by the concept of professionalism are seen as central to the reform process.” If professionalism is used as a foundation, a police agency can aspire to a culture that reveres high standards and does not tolerate conduct unworthy of the policing profession. The Commission adds that there is a need to ensure that key positions throughout the Service are filled with individuals of proven ability who have become good role models. Objective processes are needed to ensure that:

- the best officers are selected as police members,
- the officers who do not perform effectively in their existing positions should be replaced and where possible, given a chance to improve their skills, and
- those officers not committed to the new standards of professionalism and competence leave the Service.

#### 5.3.1.2 Training and Integrity Training

Punch (2000: 319) stresses that to be able to intervene timeously in any corruption problem, **integrity must be introduced into recruit training** as early as possible, focusing on supportive insights and skills needed for handling constant dilemmas associated with policing. “The importance of standards and of ethics, alongside the dangers of occupational hazards, needs to be pumped in from day one.” The author adds that the early policing experience of the new recruit is very important, it is therefore essential that their early “**mentor**” is suitably selected and that the new officers progress is vetted often during the first few years.

Because police officers face constant temptations to indulge in corruption, they need thorough training and an unshakeable code of ethics. Effective training and education are essential elements in shaping officer’s attitudes and motivations, resulting in lasting pride in their profession and their Department. These elements also inculcate professionalism and personal values needed to create more crime-resistant police officers. The *Mollen Commission* (1994: 121) therefore recommended the following reforms in police integrity training:

- there should be in-service integrity workshops for all officers at regular intervals throughout their careers,

- all newly promoted supervisors and commanders should attend special integrity training workshops that focus on various anti-corruption measures including their own role in its identification and prevention,
- the amount of time allocated to integrity training at the Police Academy should be increased and integrated into other aspects of training so that it is not perceived as an appendage to “real” police training, but as an essential part of the curriculum,
- integrity training should address civil rights violations and police brutality,
- there should be emphasis on identifying and solving real-life corruption problems, concentrating on dealing with the corruptive features of police culture, especially the code of silence and the “us versus them” mentality,
- training must be realistic and vivid, including interactive teaching methods such as workshops, group discussions and role playing,
- real evidence of corruption, such as tape recordings, video recordings and material gathered during internal investigations must be included in the training,
- **Police Academy and In-Service training should include personal or recorded presentations by former police officers convicted or dismissed from the Department because of corruption. A central message should be the devastating consequences of corruption on these officers, their families, and the Department as well as the importance of reporting corruption,”**
- there should be instruction on real-life profiles of both honest and corrupt officers to illustrate how officers should and should not behave when they stumble upon corruption temptations,
- integrity training should focus on deterrence, including the likelihood of being caught, the severity of the punishment and the penalties for those who do not report it,
- the Police Academy should design a course focusing on the history and traditions of the New York Police Department to instill pride and loyalty in its members,
- integrity instructors, including Field Training Unit supervisors, must be selected according to their teaching abilities and their experience and reputation within the Department. They must be officers who are respected by their audience,

- civilian organisations should be used to conduct certain sections of the training, such as Law, Social Science and Ethics. Recruits need to be exposed to viewpoints other than those of the police. This would also help to minimise group-specific acculturation,
- the Department should conduct regular focus group discussions with supervisors and officers to remain informed about attitudes and perceptions regarding corruption and brutality. These findings should be included in training,
- a recruit mentor programme should be established whereby any officer with integrity concerns has access to experienced, honest and respected officers selected for this programme,
- integrity should be made an important component of the Field Training Programme for probationary officers, and
- *“The Police Commissioner should take a personal role in addressing recruits and veteran officers on matters of integrity and the Department’s commitment to fighting corruption, including personally addressing recruits and newly promoted supervisors, and periodically sending videotaped messages to field commands.”*

The United States Department of Justice (2001: 14) provides the following recommendations pertaining to police training:

- individuals responsible for recruit training, those who serve as field officers, or those who conduct in-service training should be selected only after applying heightened scrutiny to ascertain their fitness for the job,
- the following aspects should be included in recruit training and recruits should be refreshed during in-service training; *cultural diversity, cultural sensitivity, communication skills, the importance of courtesy and respect, verbal disengagement techniques, alternatives to the use of force and integrity and ethics,*
- recruits should also be trained on the correct procedure of high-speed chases,
- scenario-based training should be implemented as it is an effective means of communicating the subjects covered, and
- supervisors, officers advancing in rank and officers recently assigned to a unit that has specialised responsibilities should all receive specialised training before they commence their duties.

The *Royal Commission* (1997: 263) favours a training system under which:

- joining the police service would be determined by possession of a university degree or tertiary diploma in an approved course (a course relevant to policing studies such as an Arts, Social Science or similar discipline),
- practical skills training, such as the use of firearms, self defence and vehicle management is retained by the Police Academy,
- other training areas such as criminology, law, ethics and integrity are done by civilian trainers,
- recruits are exposed to an open campus where they can interact with students other than those studying policing, limiting the entrenchment of the negative aspects of police culture which would probably occur if they were confined to a police-only training facility,
- professionalism is encouraged through linking career entry to an external tertiary qualification,
- **a scholarship scheme should be considered to assist students acquiring the necessary external academic qualification,**
- the entry age is postponed until a certain level of maturity is reached, and
- there is greater emphasis on civilian education in all but the core policing skills, these being better taught by experienced police trainers.

The Commission also recommends that there should be greater focus on career development and that a salary level be determined by the responsibility and skill of an officer in a certain position and not by rank or length of service. **They also stress the importance of rewarding expertise accordingly even allowing officers to grow within their ranks instead of forcing members to change the nature of their work by applying for a higher rank to obtain a better wage and pension entitlements.** Applying for a senior position will involve more administrative work and many police officers are excellent policemen/women but poor administrators. This should not be necessary and the training and development programme should accommodate this.

The *NYPD Internal Affairs Bureau Annual Report* (2002: 31) mentions that training is an essential component of the Internal Affairs Bureau because the quality of internal investigations will depend entirely on the efficiency and skills level of its investigators. Education and training is the function of the Office of Professional Development and this includes the design, research, development and presentation of specialised training courses

for IAB staff. As a result of the large variety of training programmes on offer, investigators take the most innovative and comprehensive approach to internal investigations. All training programmes are reviewed regularly to ensure that the material keeps pace with the needs of the IAB and with the Department as a whole. Investigators in investigative units outside the IAB also receive specialised training. This engenders a spirit of cooperation and inclusion, which is important for acknowledging and preventing internal crime. Investigators from Borough Investigation Units and Precinct Integrity Control Officers are assisted greatly by these specialised training programmes.

The Office of Professional Development provides an **Internal Investigations Course**, which is recognised nationally and internationally. This is an intensive two-week course that provides investigators with the skills, knowledge and investigative tools necessary to conduct impartial, fair and comprehensive investigations. New material has subsequently been added to this course and these include responses to Driving While Intoxicated incidents and child abuse. Further specialised courses have been developed in response to emerging trends and these include; counter terrorism, insurance fraud, force investigations, undercover training and an advanced interviewing/interrogation course. The Office of Professional Development facilitates training for IAB managers and this training is designed to keep the IAB on the “cutting edge of proactive initiatives affecting internal investigations.”

#### 5.3.1.3 Codes of Conduct

Grant (2002: 12) mentions that law enforcement employees must have guidelines to be able to perform their duties in an ethical manner and to enforce specific standards of conduct. These guidelines are encapsulated in a law enforcement **code of ethics** and a police **code of conduct**. These guidelines include acting impartially, using discretion, using only necessary force and maintaining confidentiality, integrity and a professional image at all times. The author adds that these codes are only pieces of paper and society will judge law enforcements' ethical behaviour by actions not words. For codes of conduct to be effective, managers and police personnel must live the code.

Kingshott (in Prinsloo & Kingshott 2004: 63) adds that the adoption of a **code of ethics** has brought the police service closer to being viewed as a profession, similar to the medical and legal profession. The advantages of introducing an ethical code into a police service could include the following:

- An improvement in the public's perception of the police role.
- Improving confidence and trust in the police organisation.
- Experiencing a reduction in unethical behaviour in the organisation.
- Creating an awareness of the ethical implications of an officer's decision-making.
- Educating police officers to achieve sound ethical decision making skills, which will improve the quality of service delivery to the community they police.
- Developing an officer's personal morality.

A code of ethics adopted by a police organisation consists of a set of principles, which co-exist with the existing procedural regulations used to regulate police behaviour, because a code of ethics on its own is not wholly effective in reducing police corruption and criminality.

The *Royal Commission* (1997: 456) found that traditionally codes of conduct were not effective enough in influencing police members' behaviour, even though police management viewed them as a panacea for all ethical shortcomings. The codes of conduct offered little practical guidance to officers in their workplace, they were not tested for either relevance or impact on police, they were too general which made enforcement impossible and they had no impact on corrupt officers or problematic supervisors. The New South Wales Police Service subsequently introduced a new *Code of Conduct and Ethics*. The Commission advised that a code of conduct should not be seen as being sufficient on its own in dealing with the problems it addresses. It should rather be seen as part of an overall strategy, bearing in mind that "statements of weighty principle" do not necessarily prevent misconduct or criminality.

The contents of this *Code of Conduct and Ethics* are as follows: Each member of the New South Wales Police Service is to act in a manner which:

- places integrity above all,
- upholds the law,
- preserves the rights and freedoms of individuals,
- seeks to improve quality of life by community involvement in policing,
- strives for citizen and police personal satisfaction,
- capitalises on the wealth of human resources,
- makes efficient and economical use of public resources, and
- ensures that authority is exercised responsibly.

The Commissioner of the New South Wales Police Service wrote in the forward to the code of conduct that the code alone will not achieve much unless every member of the Service takes responsibility for their own behaviour and how it affects other people. He also stresses that honesty and integrity are very important principles and those who operate ethically and according to the Service's objectives will be recognised. The Commissioner pledged that he was committed to creating and maintaining a management style that listens and responds to the work-related concerns of all his staff so each one can feel valued, respected and supported by the Service. "This respect and support is fundamental to your ability to trust that the Service will protect you against false allegations of corruption, and will not punish honest mistakes."

Further recommendations by the Commission include that "ethics and integrity first" must be emphasised at all levels of the Service and it should become an integral part of the recruitment and promotion process. Ethical behaviour must be encouraged through recognition and reward. Managers should ensure that ethical officers play an important role at patrol level. Commanders and supervisors must be held accountable for assessments of and references for their staff.

The Code of Conduct instituted by the Metropolitan Police Service in London is referred to as the *Statement of Our Common Purpose and Values* and consists of the following: "The purpose of the Metropolitan Police Service is to uphold the law fairly and firmly:

- to prevent crime,
- to pursue and bring to justice those who break the law,
- to keep The Queen's Peace to protect, help and reassure people in London,
- and to be seen to do all this with integrity, common sense and sound judgement,
- we must be compassionate, courteous and patient, acting without fear or favour or prejudice to the rights of others,
- we need to be professional, calm and restrained in the face of violence and apply only that force which is necessary to accomplish our lawful duty,
- we must strive to reduce the fears of the public and, so far as we can, to reflect their priorities in the action we take. We must respond to well-founded criticism with a willingness to change"

(<http://www.met.police.uk/history/purpose.htm>).

The New York Police Department's statement of its *Mission and Values* include the following principles:

- Mission

"The Mission of the New York City Police Department is to enhance the quality of life in our City by working in partnership with the community and in accordance with constitutional rights to enforce the laws, preserve the peace, reduce fear, and provide a safe environment."

- Values

"In partnership with the community, we pledge to:

- Protect the lives and property of our fellow citizens and impartially enforce the law.
- Fight crime both by preventing it and by aggressively pursuing violators of the law.
- Maintain a higher standard of integrity than is generally expected of others because so much is expected of us.
- Value human life, respect the dignity of each individual and render our services with courtesy and civility"  
<http://www.nyc.gov/html/nypd/html/mission.html>).

The *South African Police Service Code of Conduct* pledges the following: "We as Police Officials of the South African Police Service, commit ourselves to the creation of a safe and secure environment for all the people in South Africa by:

- participating in endeavours to address the root causes of crime in the community,
- preventing action which may threaten the safety or security of any community, and
- investigating criminal conduct which has endangered the safety or security of the community and bringing the perpetrators thereof to justice.

In realisation of the aforesaid commitment, we shall at all times:

- uphold the Constitution and the law,
- be guided by the needs of the community,
- give full recognition to the needs of the South African Police Service as employer, and
- cooperate with the community, government at every level and all other related role-players.

In order to achieve a safe and secure environment for all the people of South Africa we undertake to:

- with integrity, render a responsible and effective service of high quality which is accessible to every person and continuously strive towards improving this service,
- utilise all the available resources responsibly, efficiently and cost effectively to maximize their use,
- develop our own skills and participate in the development of our fellow members to ensure equal opportunities for all,
- contribute to the reconstruction and development of, and reconciliation in our country,
- uphold and protect the fundamental rights of every person,
- act impartially, courteously, honestly, respectfully, transparently and in an accountable manner,
- exercise the powers conferred upon us in a responsible and controlled manner, and
- work actively towards preventing any form of corruption and to bring the perpetrators thereof to justice” (*South African Police Service Annual Report 2003/2004*).

### 5.3.2 FLATTENED STRUCTURE

The *Royal Commission* (1997: 213) recommended that the Service flatten and reorganise its structure, together with the reduction of leadership positions. Additionally, it recommended that:

- job descriptions and management structures be reviewed to enable the many capable officers confined to unproductive or duplicated support duties to return to active policing, leaving these duties to unsworn staff,
- patrol capacity and performance be increased with the emphasis on leadership and efficient, cost effective service delivery,
- lateral entry and “civilianisation” be explored to be able to hire the best talent available, particularly for specialised tasks,
- responsibility and salary should be determined by positions held, not rank, and
- lateral career development should be encouraged.

### 5.3.3. POLICE CULTURE AND THE CODE OF SILENCE

In order to bring about change in police culture, it is essential to instill a commitment to integrity and to develop a healthy police organisational environment. An illustration of this achievement is the police culture of the San Diego Police Department. The latter was reportedly not experiencing the same levels of drug-related corruption as other Police Departments. Officers in San Diego were consistently discouraged from accepting anything but their paychecks. Other aspects of a positive police culture evident in this Department included loyalty to the Department’s integrity as opposed to loyalty to corrupt colleagues, positive peer pressure which assisted the Department in regulating itself, pride in the organisation and the availability of positive incentives for reporting corruption (United States General Accounting Office 1998: 21).

The *Mollen Commission* (1994: 57) suggests that if the New York Police Department hoped to make enduring improvements in corruption control, it has to admit that the code of silence exists and it must take action to deal with it. From first-line supervisors to Internal Affairs, management must constantly support and openly recognise officers who report corruption, those who do the right thing instead of what the police culture demands. “The Police Commissioner must make it clear that those who expose corruption will be rewarded, and those who help conceal it punished.” The Department must afford officers who report their corrupt colleagues the same protection afforded civilians who provide information about criminals. The Commission heard from many officers that they would not report their colleagues’ wrongdoing because of the lack of protection from the Department. The message sent out by management is that they do not need their staff’s help in fighting corruption. This principle has to change if attitudes that underlie the code of silence are to change.

Much of core police culture is positive which assists in maintaining direction and good order. The negative aspects of police culture that need to be eradicated include:

- the code of silence, which leads to officers closing ranks and protecting corrupt and incompetent colleagues,
- traditions such as long lunches, alcohol abuse, other types of misconduct committed to gain acceptance and to be seen as being “trusted,”
- the elitism and mystique enjoyed by plain-clothes officers and detectives, particularly those working in closed, specialised squads,
- the networks that acquire great power and distort the promotion system, and
- the indifference and contempt held for certain members of the public, particularly criminals and individuals suspected of anti-social behaviour. This leads to assaults and violations of human rights.

These negative aspects can be changed. The loyalty and mutual support that are central features of police culture should become the focus of the goals of integrity and professionalism. If this occurs, the job satisfaction, security and confidence of individual police members will increase (*The Royal Commission* 1997: 214).

Aspects of the South African Police Service’s culture are no different from police cultures all over the world. Police members who report the devious behaviour of colleagues are at risk of being labelled as “sell outs” or “impimpis.” Whistleblowers cannot be totally protected particularly if they are called to testify in the case of a corrupt colleague. Police members responsible for internal investigations also run the risk of being labelled “impimpis” and are often reluctant to investigate corruption allegations thoroughly (Newham 2002: 17). The author presents the following solutions:

- mechanisms through which members can report corruption must be well publicised throughout a police station,
- a lockable safe or metal box should be available at police stations for members to provide information on deviance anonymously. The key should be kept by a designated individual who ensures the information reaches the relevant authority,
- the Station Commander should have an “open door” policy. They should be accessible to all members of staff,

- senior commanders should be kept informed about corruption related issues when visiting specific shifts,
- station commanders must send out strong messages that whistleblowers will not be victimised. “Whistle blowing should also be encouraged and promoted as positive ethical behaviour that will assist with building a professional police service”,
- written, positive acknowledgements should be given to staff who report wrongdoing.

#### 5.3.4 COMBATING SUBSTANCE ABUSE

The *Royal Commission* (1997: 465) reports that in New South Wales, the *Police Legislation Further Amendment Act 1996*, was introduced to permit an authorised individual to subject any police officer on duty:

- to undergo a breath test, or breath analysis to detect the presence of alcohol,
- to provide a sample of urine or hair to test for the presence of prohibited drugs.

The selection of an officer for testing may be done on a *random or targeted basis*. During 1997, the *Police Service Amendment (Testing for Alcohol and Prohibited Drugs) Regulation* was proclaimed. This regulation established a code of behaviour applicable to police officers concerning the consumption of alcohol and the use of prohibited drugs, as well as the procedure for conducting alcohol and drug tests. The code of behaviour stresses that a police officer must not:

- use prohibited drugs,
- while on duty, have a blood alcohol level of 0.02 grams or more,
- consume alcohol whilst in uniform ( whether on duty or not),
- consume alcohol on police premises (whether on duty or not), without the prior approval of the patrol commander or manager of the premises,
- refuse or fail to:
  - undergo a breath test,
  - submit to a breath analysis, or
  - provide a sample of urine or hair.

The approach taken towards officers who breach the behavioural code represents a “one chance” rehabilitation policy. Concerning a positive alcohol test, the regulations stipulate that if the officer has not breached the code in the preceding three years:

- the officer will be relieved from duty and will not be entitled to a salary for the time not worked,
- the Commissioner may give the officer a choice, undergo counselling and rehabilitation or face possible managerial (disciplinary) action,
- if the officer opts for counselling and rehabilitation, the Commissioner must direct the officer to,
  - attend any interview conducted by the officer's patrol commander,
  - attend an interview with the Police Service drug and alcohol counsellor for assessment, and
  - participate in any rehabilitation programme recommended by the counsellor,
- if the officer: chooses not to undergo counselling, or
  - fails to attend counselling, after having chosen to do so, without a valid excuse, or
  - fails to participate in a rehabilitation programme, after having chosen to do so, without a valid excuse – the officers commander may take managerial action.

If an officer has breached the behavioural code in the preceding three years, the Commissioner may take managerial action or the officer may be referred to the Police Medical Officer to ascertain whether he/she is fit to remain in the Service.

The “one chance” rehabilitation approach also applies to positive drug tests. With prohibited drugs, the timeframe in which the officer must not have breached the behavioural code is five years. The new alcohol and drug policies were to be phased in as follows:

- the introduction of a six-month drug and alcohol education programme. Testing will be conducted during the testing phase, and officers with drug or alcohol problems will be encouraged to seek help,
- the introduction of random and targeted alcohol and drug testing. During this phase, testing for prohibited drugs will be carried out only as part of an independent research project to ascertain the extent of prohibited drug usage within the Service. The results will remain anonymous and used for statistical

purposes only. The research results will determine whether drug testing is targeted or random,

- a thorough evaluation of the efficacy of the drug and alcohol testing regime is to be conducted on year after full implementation.

The Mollen Commission (1994: 127) heard from many officers that drug use by fellow officers was of great concern to them. Officers that abuse drugs pose a danger to their colleagues and to the public. Most officers interviewed were in favour of increasing random drug testing and the introduction of a policy of immediate termination of service for officers who abuse drugs. Random and “for cause” drug testing are effective interventions for the prevention of drug use amongst officers. A study done by the Commission at the time found that of 369 officers dismissed or suspended from the Department over a period of six years, 26 percent had failed a drug test. The Commission added that despite the expense of drug testing and considering the benefits of an aggressive drug-testing programme, this policy must be a priority in the Department. The following recommendations were added:

- random and “for cause” drug testing for all members of the Department, including probationary officers, must be increased,
- the Department must continually enforce its policy of immediate dismissal of any officer who fails or refuses a drug test,
- integrity training should include how to recognise signs of drug and alcohol abuse and it should emphasise the responsibility of officers and supervisors to report drug and alcohol abuse by colleagues,
- drug-testing procedures should be tightened to reduce the possibility of circumventing drug tests,
- police unions should publicly endorse an aggressive drug testing programme.

The *NYPD Internal Affairs Bureau Annual Report* (2004: 16) reports that for 2004, drug test failures decreased by 22% from 23 to 18. There were increases in “for cause” failures (both uniformed and civilian members). *End of probation* and *random drug test* failures decreased by 83% and 75% respectively. *Counselling* failures were consistent at 1. The most common drug found during testing was cocaine, decreasing from 13 in 2003 to 5 in 2004. Marijuana failures decreased by 75% in 2004. *Refusal to submit to a drug-screening test* (considered a failure) increased by 100%.

## 5.3.5 MANAGERIAL INTERVENTIONS

### 5.3.5.1 Discipline

Arnold (2003: 18) mentions that in attempting to ensure a successful community/policing partnership, it is essential that police agencies identify misconduct and attempt to change this behaviour. The latter can be achieved by instituting a disciplinary system that is both **fair and accountable**. A truly fair disciplinary system will result in an unbiased, just and even investigation that attempts to be impartial and objective to all concerned. The components of a fair disciplinary system include:

- the presumption of innocence,
- the investigators not using deceptive investigative techniques,
- fully disclosing the reasons for the investigation,
- no “fishing” by investigators,
- a thorough and complete investigation,
- a timely investigation,
- even-handed discipline.

The author adds: *“a fair disciplinary system punishes the guilty, exonerates the innocent and does not destroy the department’s morale. An unfair disciplinary system divides the department, separates the officers from the community and tends to create lazy officers.”* The implementation of a fair disciplinary system begins with the complaint-investigation system being explained to all recruits as they enter the organisation. The specific procedures police members may encounter should be explained during training sessions in order to heighten their understanding and reduce their anxiety. A fair system requires impartial investigators capable of conducting objective investigations. All individuals involved in a disciplinary hearing must be treated equally and professionally. The investigation should be focused on finding the facts and investigative staff must keep all the files confidential.

Police subculture generally dictates that police members assigned to Internal Affairs be ostracised and mistrusted. This determination can be eradicated by ensuring that all the necessary steps are taken to create and manage a fair system that has the support of all members of a police agency. The author adds: “an accountable system will withstand an external review by a grand jury or community-review board. The findings will stand up to an audit by an oversight agency, and the level of discipline will meet community standards and

expectations. A fair and accountable system that allows for citizen accessibility, the proper selection of investigators, proper findings and the appropriate level of discipline cannot be attacked by anyone” (Arnold 2003: 77).

The *Mollen Commission* (1994: 142) mentioned that the NYPD Police Commissioner at the time recommended certain changes to the existing disciplinary procedure to make it more effective. The Commission endorsed these changes as good measures to insure that legal technicalities did not continue to allow corrupt officers to “beat the system.” The proposals made by both the Commissioner and the Commission include the following:

- amending a New York Administrative Code to allow for a minimum period of ninety days notice to the Department before an officer can retire on full pension. The existing minimum period of thirty days does not give the Department enough time to complete disciplinary proceedings before an officer retires and escapes sanction,
- amending an existing law to allow for the lifetime pension benefits for officers convicted of a crime committed while performing their duties, to be revoked, corrupt officers should not be permitted to retain these benefits after they have been convicted,
- amending an existing law to allow the Department access to sealed records of police officers who have had criminal proceedings against them,
- amending an existing law to restore the statute of limitations for disciplinary proceedings to three years from the existing eighteen months. The latter diminishes the goals of long-term corruption investigations,
- amending an existing law to allow for the demotion in rank and salary of sergeants, lieutenants and captains who have participated in corruption or misconduct. Current law precludes these demotions,
- amending an administrative code to provide the Police Commissioner with further sanction options after an officer has been found guilty in a disciplinary proceeding. Current law only allows two options; forfeiture of thirty days pay or dismissal. The following additional penalties were requested: *suspension without pay for a period up to one year, a fine of up to \$25 000 and demotion in grade or title, with a commensurate reduction in salary.*

The *Internal Affairs Bureau Annual Report* (2002: 7) adds that the First Deputy Commissioner completed a systemic review of the disciplinary system during May 1995. Under reforms implemented by the Police Commissioner, precinct commanders were given greater authority to discipline police officers more swiftly for minor infractions. The internal judicial process was altered to prevent good officers from having to work under lingering suspicion and corrupt officers were speedily removed from the organisation.

The *Royal Commission* (1997: 310) recommended that the New South Wales Police Services disciplinary policy needed to move from being a formal adversarial model to a more managerial or remedial model that places the responsibility on patrol or other commanders to handle complaints and disciplinary issues. The Commission also found that the success of changing behaviour did not only rest with the creation of new rules and regulations and their vigorous implementation. Success lay with the Service setting professional standards and proceeding to encourage its members, in a managerial manner, to raise their performance. The Commission noted that the **purpose of a disciplinary system within a professional organisation is: to protect the public, to maintain proper standards of conduct and to protect the reputation of the organisation. It is not to punish.**

The new disciplinary or managerial approach envisaged empowering commanders in relation to their responsibilities and accountability. The proposed managerial system includes the following concepts:

- commanders should be responsible for and have the capacity to deal with their staffs' problematic behaviour and shortcomings,
- it should be presumed that all members of the Service are inherently capable of performing their duties to the required standard and that individual shortcomings can be rectified through counselling, monitoring and learning from mistakes,
- genuine mistakes and conduct that is not up to standard should be dealt with openly and fairly, not only from the implicated police officers point of view, but from the point of view of the person who brought the behaviour to management's attention,
- commanders must take cognizance of day-to-day events, personally establish whether a problem exists and act swiftly and fairly to resolve the problem. Leaders should be aware of the strengths and weaknesses of each of their staff members and act as mentor and trainer to those who need assistance,

- commanders and senior police managers should constantly reinforce the precept that corruption and criminality amongst police members will not be tolerated,
- it should be presumed that because so many resources are used to recruit and train police members, initial intervention into problematic behaviour will be remedial rather than punitive. On the other hand, those police members whose behaviour has grossly violated the honesty and integrity standards of the Service should expect instant dismissal,
- commanders' ability to retain their command or to be promoted to more senior positions should be determined by the success of their supervisory and managerial performance. The discovery and reporting of corrupt behaviour should be seen as an attribute rather than a disgrace, unless commanders have been allowing it to continue, instead of intervening earlier.

Good employee management is as much about giving recognition to good performance as it is about dealing with poor performance. It is anticipated that the new managerial strategies rather than punishment will be adequate in most instances where problematic behaviour needs to be rectified. There will however be instances of serious misconduct. If sanction for the latter falls short of dismissal or criminal prosecution, a personal detriment will be imposed to act as a deterrent. To accommodate a decision on personal detriment (such as a fine) a disciplinary component should be included in the management model.

Newham (2002: 15) in a report presented at a South African Police Services Anti-Corruption Summit, identifies the major shortcomings in the SAPS disciplinary system and offered pertinent solutions to these problems. To appreciate the solutions it is important to highlight the problems inherent in the disciplinary system. Widespread corrupt behaviour by members of the SAPS is aggravated by the misuse of standard procedures and by general ill discipline. These include the inadequate inspection of dockets, disappearance of evidence, incomplete investigations and inadequate control by commanders. The disciplinary system must be used for holding police members accountable for their behaviour.

At station level discipline is not managed effectively. Many commanders do not take progressive disciplinary steps against errant members. This is because some commanders are not familiar with the correct procedures and in some cases commanders just do not want to be "unpopular." This lack of action encourages the growth and perpetuation of corruption. There is often insufficient capacity for the effective implementation of disciplinary procedures

at station level. Allegations of misconduct, particularly if these are challenged, have to be investigated by station-based detectives in addition to their heavy workload. Considering the negative aspects of police culture such as hostility and resistance to police colleague investigations, these are not made a priority.

The author identifies shortcomings with the disciplinary system itself. These include the fact that the disciplinary system is often delayed. The process is supposed to be finalised within 90 days. This seldom happens and matters are sometimes outstanding for years. The consequences of these delays can be that witnesses lose clarity concerning pertinent events and public trust in the SAPS is undermined because they do not see any action being taken against problematic officers. Also, colleagues see no action being taken and they either lose morale or they become ill disciplined themselves. The SAPS disciplinary system requires certain disclosures, which can jeopardise subsequent criminal prosecutions. Two different processes on the same issue may result in contradictions and inconsistencies. Other problems could arise such as members found not guilty in a disciplinary process remaining in the service only to be found guilty in a subsequent criminal prosecution.

Another concern raised regarding the disciplinary system was that the integrity of presiding officers was often questionable. Sometimes the sanctions meted out after a guilty finding at a departmental hearing were inadequate or they were totally inconsistent with other sanctions handed out for similar offences. A reason for these inconsistencies was the inadequate training given to police managers on the disciplinary process. The duration of this training used to be three weeks but it has subsequently been reduced to two days. The union officials who defend police members charged with misconduct, are better trained and could defend these members from any official sanction.

The solutions offered by the author to rectify the problems include:

- the need to focus on integrating the criminal and disciplinary processes,
- good quality rigorous training given to all managers and specifically those involved in prosecuting internal disciplinary hearings,
- the standardisation of disciplinary procedures that must be based on best practices,
- managers' performance appraisals must be based on their ability to instill discipline and how they manage the disciplinary system,
- aspects of the disciplinary system should be outsourced, such as training,

- SAPS and the police unions should attempt to agree on a variety of issues related to integrity and improving police professionalism,
- regular reviews and analysis of the outcomes of departmental trials in order to identify problem areas and to develop appropriate management interventions,
- clarity at station level on what constitutes police corruption. This should focus on how to deal with “cultural differences” in relation to issues such as the difference between “appreciative gifts” as opposed to “bribes”,
- the need for improvement in managing racial diversity. Allegations of racism need to be investigated in a fair and consistent manner. This can assist in preventing racism as well as tackling problems where allegations of racism are used to prevent effective management. Managers are often loathe to proceed with disciplinary steps against some staff members for fear of being accused of racism,
- commanders must be held accountable for building pride and unity amongst their members as well as encouraging a commitment to the values and objectives of the SAPS.

Newham & Maroga (2004: 28) mention that one of the key responsibilities of a police manager is to instill a sense of discipline amongst members. They equate the level of discipline in a unit to the policing successes of that unit. Responding proactively to discipline requires managers to act as soon as they become aware of any misconduct or inappropriate behaviour. The manager should immediately draw the implicated members attention to his/her behaviour, agree on how to rectify it and to warn the individual of the possible consequences if this behaviour persists. To promote integrity in the organization, discipline must be applied fairly and consistently. The authors suggest various ways of ensuring a successful disciplinary system. These include:

- being familiar with and applying disciplinary regulations and procedures,
- attending to all cases of misconduct immediately, irrespective of how trivial they appear to be,
- keeping a record of all disciplinary related matters,
- practicing progressive discipline, for example, giving verbal warnings,
- approaching all disciplinary cases with sensitivity,
- handling disciplinary cases with consistency,
- consulting senior managers or legal services when confronted with complex disciplinary cases,

- ensuring all members take responsibility for discipline,
- show zero tolerance to all forms of discrimination (for example racial, gender or ethnicity).

#### 5.3.5.2 Performance Evaluation

The *Mollen Commission* (1994: 118) found that out of 314 officers dismissed or suspended for misconduct, 48 of them (15%) were found to have displayed poor performance at the Police Academy. Despite this high percentage, the NYPD rarely used this training period for effective screening. The probationary period must be used as an essential component of the screening process. The Commission recommended that the Department intensifies its evaluation standards for recruits and probationers, as well as dismissing those new members who display poor fitness and ability during these periods. This could weed out a sizeable number of ineffective and potentially corruption-prone police officers. By doing this, the Department will raise the calibre of the officers it hires.

A police agency's screening programme should not end after an officer's probationary period expires. Regular in- service performance evaluations give managers an opportunity to identify, screen, and where appropriate, dismiss problem officers. Performance evaluations can be subjective, containing the evaluator's personal judgements of the officer's skills, efficiency, and personal characteristics the evaluator considers important for good performance. Performance evaluations are only as good as the evaluators who write them. The Commission adds the following recommendations:

- an officer's eighteen month probationary period should be used as a rigorous screening period in order to evaluate, identify and reject unsuitable officers,
- problem officers should be actively identified and screened throughout their careers and those with unacceptable performance records should be dismissed, and
- supervisors should be held accountable for providing reliable and accurate performance evaluations, which should include an assessment of corruption indicators relating to the officer. These performance evaluations should be used to assist managers in identifying problem officers, whose performance must be monitored closely to determine fitness for the job.

### 5.3.5.3 Supervision

The woefully ineffectual levels of supervision uncovered in the New York Police Department by the *Mollen Commission* (1994: 135) were illustrated earlier in this chapter. Before the Commission had fulfilled its mandate, the Department had already begun to implement corrective action regarding supervision. They promoted about four hundred new sergeants and supervisory training was enhanced by the establishment of a Sergeants' Academy that trains supervisors of all ranks on corruption fighting and in-service leadership. Additional recommendations by the Commission include the following:

- officers must have at least three years of service before they can be promoted to sergeant,
- the Department's supervisory staffing model must be altered to ensure that adequate numbers of experienced and proven sergeants are assigned to the most corruption-prone precincts and that supervision in these precincts is maintained by an appropriate ratio of sergeants to officers,
- where sergeants are required to perform non-supervisory functions and patrol duties, an additional sergeant should be deployed to exclusively supervise officers on patrol, **the number of field supervisors doing late night tours of duty in high-corruption precincts should increase, sergeants should not supervise more than one precinct during the same tour of duty,**
- certain administrative tasks of patrol sergeants and Integrity Control Officers should be done away with or scaled down to allow them to spend more time on field supervision,
- Integrity Control Officers should be responsible for a precinct's integrity controls, in addition to reinforcing professional values, detecting any evidence of corruption and highlighting any wrongdoing or inefficiency. There should be a clear policy on their duties,
- Integrity Control Officers should undergo specialised integrity control training and they should receive sufficient resources to perform an active corruption control role in their commands. They will achieve the latter through gathering intelligence, monitoring precinct corruption hazards, monitoring the precinct radio, random monitoring of arrest scenes, communicating with Internal Affairs and investigating misconduct allegations,
- Integrity Control Officers should conduct precinct corruption prevention audits by reviewing arrest reports, overtime pay requests, stop and frisk reports,

declining to prosecute, copies of criminal court complaints, to try and identify problematic behavioural patterns and where supervision levels need to be increased,

- the Internal Affairs Bureau should use the Integrity Control Officers' services for gathering intelligence and investigations,
- the recently established Sergeants' Academy should include courses that focus on practical management skills, establishing command authority, integrity control methods and the leadership qualities necessary to be an effective supervisor. The training should include interactive methods of instruction as well as fieldwork in New York's high-crime precincts. All new sergeants should be trained to identify corruption indicators, brutality and substance abuse. This training should be repeated periodically as part of ongoing in-service training,
- the Department should introduce regular in-service leadership seminars for all police supervisors and these should include racial and cultural diversity training.

#### 5.3.5.4 Command Accountability

The *Mollen Commission* (1994: 128) found that before reforms were instituted in this regard, one of the most pervasive managerial failures in the Department (NYPD) was its failure to maintain the system of command accountability. Successful command accountability is essential because it has the potential to change the culture of a police organisation and it ensures that corruption control becomes the responsibility of all managers. When the public experiences police members being arrested for committing crimes, it should question how so much deviance could have occurred without police supervisors and managers detecting or stopping it. Police organisations must provide answers to the public as well as their rank and file members who feel they are the only targets in corruption probes, never management. According to the Commission, commanders should be held accountable for their efforts in detecting and preventing corruption. Commanders must also send out a strong message that criminality and the code of silence will not be tolerated in their commands and that they will reward those officers who report corruption and punish those who participate in wrongdoing. Commanders must also make use of their Integrity Control Officers to monitor and identify corruption problems in a precinct.

The Commission concluded that the principle of command accountability needed to be completely reinvented. To achieve this, they presented the following recommendations:

- the Police Commissioner must emphasise his commitment to enforcing the principle of accountability to all commanders and supervisors,
- a specialised Command Accountability Review Unit should be established . The function of this unit would be to conduct investigations after corruption disclosures to try and identify managers who were aware or should have been aware of corruption in their commands but failed to prevent or report it. The unit can also identify managers who have performed commendably in corruption prevention. The unit should also ascertain whether commanders assisted appropriately with internal investigations,
- the Command Accountability Review Unit's performance should be monitored by an independent external monitor,
- if the Command Accountability Review Board has found that supervisors have failed in their anti-corruption duties, the Police Commissioner should be able to punish them. These sanctions should include options such as demotion and dismissal,
- the Police Commissioner should also be able to publicly reward supervisors who have demonstrated their commitment to integrity,
- the Department should consider an individual's excellent corruption control performance when considering a promotion or a new assignment,
- commanders should be required to participate annually in Corruption Assessment Reviews conducted by Internal Affairs commanders. This will ensure that managers are monitored regularly and assisted with their anti-corruption performance,
- adequately train managers to identify signs of, and conditions for, corruption, so that they can ascertain the scope of the problem in their commands,
- Internal Affairs should inform commanders when there are corruption investigations within their commands and they should request commanders to assist in the investigations,
- The Command Accountability Review Unit should scrutinise the effectiveness of the response of Internal Affairs to corruption information they receive from supervisors and commanders, as well as its level of assistance to managers. Internal Affairs commanders should also be held liable for poor performance and rewarded for excellence in the field of corruption control.

Successful crime and corruption prevention in any police organisation starts at the top, with strong leadership. **Leaders do make a difference.** The “reforming chief” must publicly reiterate his determination to clean up the organisation and he must become integrity personified. This is not an easy task but the chief needs to “reassure external stakeholders, to show determination to root out deviance, to praise honest officers, and to be a role model. People look up in organisations for signals to see if firm messages are really meant. They will scrutinise the chief’s behaviour and that of his management team” (Punch 2000: 318).

Esman (in Newham 2001: 25), a management academic, mentions that: “What most distinguishes advanced societies and their governments is not their culture, nor their natural endowments, nor their availability of capital, nor the rationality of public policies, but precisely the capacities of their institutions and the skills of individuals, including those of management.” The belief is largely held that good management determines the effectiveness and efficiency of organisations. This applies to police organisations as well. Sherman (in Newham 2001: 26) stresses that; “corruption is both a management problem and a crime and has to be treated that way if it is to be effectively tackled.” Police managers have to be role models in order to espouse desired principles in the police organisation, such as honesty and integrity. Police managers also have to take responsibility for setting up workable methods to instill integrity in their commands. Bayley (in Newham 2001: 26) added that commanders must be capable of managing complex organisations and referring to the issue of police integrity, the author mentioned that; “problems are not with the line officer. The problem is that there is a void in leadership at every level.”

#### 5.3.5.5 Openness and Honesty

The *Royal Commission* (1997: 213) also recommended that the Service will have to be more honest with the community and the Government concerning its resources and problems related to them. This will require the Service to:

- clarify and explain publicly how resources will be applied to projects that are achievable. The focus on numbers of police will have to be replaced by an assessment of how available resources will be used to meet needs,
- *“acknowledge bad news, address it rather than suppress it and accept that the complaint system and the internal audit process are valuable tools by which performance can be improved, rather than potential causes for embarrassment”*,

- encourage the monitoring of the levels of compliance with internal controls as well as encouraging the most effective use of resources through the internal audit procedure, and
- the Service must deal with its staff more honestly, listen to them and communicate with them. The Service also needs to create an environment where expertise is recognised above rank.

## **5.4 ENVIRONMENTAL INTERVENTIONS INTO POLICE CRIMINALITY**

### **5.4.1 INDEPENDENT OVERSIGHT**

Many oversight models are used to exercise external control over police agencies all over the world. Many police agencies such as the NYPD and the New South Wales Police Service have numerous oversight bodies. These oversight bodies take various forms, some have investigative abilities others do not. The *Royal Commission* (1997: 481) highlighted the importance of external oversight, this was considered “advantageous in enhancing police accountability, guaranteeing independent and aggressive pursuit of serious corruption and increasing public confidence in the Service.” Examples of one oversight body created as a result of the Commissions recommendations, is the Police Integrity Commission. The typical functions of PIC include:

- initiating inquiries into any aspects of police activities in order to verify the existence of any police misconduct or to identify any circumstances that may encourage police misconduct,
- monitoring the quality of investigations within the police service,
- making recommendations concerning police anti-corruption education programmes and corruption prevention programmes,
- recommending ways in which police deviance may be eliminated,
- the collecting and disseminating of evidence for criminal prosecutions. It may make recommendations to the prosecuting authorities or the police to consider prosecuting or taking disciplinary action against certain police officers, it cannot make specific findings or form opinions that this particular officer has committed a criminal or disciplinary offence,
- conducting an investigation on its own initiative in response to a police complaint that has come to its attention.

In addition, the PIC may not employ serving or former members of the New South Wales Police Service. The PIC is supervised by an Inspector who investigates complaints made against the PIC's staff, audits its operations, measures its effectiveness and its compliance with the law.

In its recommendations, the *Mollen Commission* (1994: 149) mentioned that it would be impossible for the NYPD to solely bear the responsibility of breaking the cycle of corruption without the assistance of independent external oversight. History has shown that the Department will always be vulnerable to the often overwhelming internal pressure to prevent the exposure of corruption. "Only the existence of an independent, external, effective corruption control monitor outside the Department's chain of command will serve as a continuing pressure upon the Department to purge itself of corruption. At the same time such an independent monitor will serve to assure the public that corruption disclosures signal a vigilant Department rather than a wholesale failure of its integrity."

#### 5.4.2 MONITORING PERFORMANCE OF ANTI-CORRUPTION SYSTEMS

The *Mollen Commission* (1994: 154) recommended appointing a permanent external *Police Commission* and its main functions should include:

- initiating studies and analyses to assess the quality of the Department's corruption controls,
- ensuring the Department has effective methods for receiving and recoding allegations of wrongdoing against its members and assuring confidentiality of complainants and witnesses,
- ensuring that the Department does regular and effective deviance trend analyses and that this is used to identify areas for investigations initiated by the Department,
- assessing the quality of resources and personnel used in investigations and ensuring effective methods and management in corruption investigations,
- replacing the reactive investigative system that tends to focus too narrowly on isolated complaints and individual officers with pro-active investigating techniques,
- ensuring that the Department has efficient intelligence-gathering systems in place, such as effective undercover, informer and integrity testing systems,

- evaluating policies on command accountability and supervision, including the levels and quality of first-line supervision and the training and integrity history of supervisors. Results of this evaluation should be used to determine supervisors' assignments and promotions,
- greater involvement of field commanders, supervisors and Integrity Control Officers in corruption investigations,
- ensuring that the system of command accountability is enforced,
- ensuring that Internal Affairs communicates productively with field commanders about corruption hazards and corruption prevention in their commands,
- requiring the Department to write-up reports on police corruption and corruption trends including, an analysis of the number of complaints investigated and finalised, the number of arrests and referrals for prosecution and the number of disciplinary proceedings and sanctions imposed, and
- conducting performance tests and inspections of the Department's anti-corruption units and programmes to ensure the Department continually enhances its capacity to police itself.

#### 5.4.3 EFFECTIVE INVESTIGATIVE UNITS

Investigations into police criminality have to be conducted by **external, specialised, professional police units/unit**. This is necessary because police officers tend to naturally protect each other and the police's image. According to the authors, external commissions or investigation units have never totally been able to adequately penetrate the police culture and have not had a serious impact on deterrence. Conversely, internal investigation units are seen as having the ability to increase the corrupt officer's perception of the risk of arrest. **Internal investigative bodies are essential** because their presence inside the police organisation exposes them more readily to the changes in behaviour, trends and new developments in the policing environment. "It can draw on the service for trained personnel and can put forward organisational remedies directly and in less threatening ways than an outside, politicised organisation. Perhaps of crucial importance, its position within the organisation as a data collection point will enable judgements to be made about the levels of corruption" (Fijnaut & Huberts 2002: 103).

Punch (2000: 318) adds that the internal capacity of police investigatory units should reflect the size of the problem and the size of the police organisation. Also, the best detectives should be included in any Internal Affairs Unit, and this unit should adopt a proactive stance

towards police deviance, rather than being reactive. The same methods of investigation used against organised criminals should be used against corrupt officers.

The *Internal Affairs Bureau Annual Report* (2002: 4) follows up on this theme by mentioning that the IAB has become “a relentlessly proficient deterrent to criminal behaviour” by approaching the issue of internal crime in the same manner that other investigative units such as detectives and organised crime units approach external crime. The IAB uses **proactive tactics such as timely accurate intelligence, rapid deployment and consistent follow-ups** in order to build cases and to get rid of individuals unfit to serve as police officers. The IAB also moved from an espionage style, which was very secretive to an integrity control process open to key managers throughout the NYPD. This new policy of inclusion sees the IAB informing all precinct and other unit commanders and Integrity Control Officers assigned to the precincts, of the profiles and patterns of police criminality and brutality that may be present in their command. The IAB provides monthly reports to each command detailing complaints against their members and comparing these with citywide complaint rates. Ongoing training is offered by the IAB to all precinct and other unit commanders and Integrity Control Officers to assist them in identifying and responding to criminality and brutality without jeopardising on-going investigations.

- Timely Accurate Intelligence

The Internal Affairs Bureau and the Department have:

- computerised all personnel and Internal Affairs records. This enables the Department to assemble a master profile of any officer that cross-references all corruption, brutality and rudeness complaints against them. Each officer’s record of sick leave, arrest activity, commendations and disciplinary actions are also on computer,
- a new computer application called “IA Professional” which has enhanced the Department’s ability to track cases and to link interrelated information,
- made use of computerised mapping technology to identify patterns of crime and brutality allegations by time and place, the same method is used to analyse crime outside the Department.

- Rapid Deployment of Personnel and Resources

The Internal Affairs Bureau Command Centre presents a vital link between the police and the public. This centre receives and records any complaints against any public servant, 24 hours a day, 365 days a year. "It is a model for police agencies around the world." The Command Centre also dispatches Call-outs ("an immediate, expeditious response of IAB investigators") to investigate allegations of criminality, corruption or serious misconduct in order to gather vital information and to ensure witnesses and evidence are not lost.

- Relentless Follow Ups

In its efforts to eradicate corruption and maintain a high level of integrity, the IAB uses a management system whereby every accomplice to every criminal allegation is pursued and the results of all police efforts are reported up the chain of command in the Department.

Newham and Gomomo (2003: 1) also emphasises the need for **well-resourced and independent internal investigation units**, to deal effectively with police criminality. Internationally, commissions of inquiry into police corruption have consistently singled out weak systems and structures for internal control as serious shortcomings that encourage corrupt police behaviour. Staff appointed to internal investigative units must be carefully vetted and should include detectives who have a thorough understanding of the culture of the organisation and who understand how corrupt activities occur and how they are hidden. It is also critical that these units and their members operate in a secured environment and they are "insulated" from the broader policing organisation. The reasons for the latter are as follows:

- police culture and the "code of silence" is encouraged by the strong supportive bonds that police officers form. Officers do not want to threaten these relationships by becoming a "sell-out" if they investigate or offer incriminating evidence about their colleague's devious behaviour, particularly if this leads to the arrest, discipline or dismissal of a colleague,
- police members have extensive networks within the police agency and they are able to expeditiously obtain information on the evidence being investigated against them and on potential witnesses. Because their careers are in jeopardy they will not hesitate to intimidate witnesses into withholding information or withdrawing cooperation,

- police members have an integral knowledge of the mechanisms of the criminal justice system, particularly concerning investigations and prosecutions. It is therefore much easier for them to avoid detection and to cover up their tracks when involved in criminality than it is for ordinary citizens. Investigations into police members involved in “grand” corruption require specialised skills and techniques to be successful.

These specialised units exist in police agencies around the world that are serious about eradicating corruption problems. Besides being independent and well resourced, to be truly effective these units need to develop proactive investigative strategies that identify patterns of corruption as opposed to single corruption incidents only. This will result in a larger number of corrupt officials being arrested and it will address the organisational weaknesses that encourage corruption. These units must be permitted to conduct well-planned undercover operations that result in the arrest of suspect officers and they must be able to handle witnesses sensitively and ensure they are adequately protected.

#### 5.4.4 EFFECTIVE COMPLAINTS SYSTEM

The *Royal Commission* (1997: 214) found it necessary to change the New South Wales Police Service’s existing complaint process, describing it as too legalistic, formal and focused on punishment. It was also inadequately focused on changing behaviour and it was “woefully dilatory,” as well as subject to an unnecessarily complex appeal process. The Commission recommended that it should be changed to a managerial approach, which goes beyond a purely reactive and narrow response to individual incidents, and gives commanders the responsibility to deal with the problematic behaviour of the members under their command. The new approach was considered advantageous in the following ways:

- this new empowerment of commanders will encourage real responsibility,
- the replacement of a punitive model of handling complaints with a remedial model will encourage openness and a willingness to admit to mistakes as opposed to the traditional reaction of covering up, and
- opportunities for retraining and retaining an officer who might have been lost to the Service as a result of a long drawn-out and stressful disciplinary process, are enhanced.

To assist in establishing a relationship based on trust between the police and the public, the police agency must have a process in place that allows the public to file legitimate complaints

against members suspected of poor service delivery, rude conduct, unnecessary/excessive force and criminal conduct. The complaints process must also serve to protect the interests and rights of police members against unfounded complaints, retaliation by arrestees, genuine mistakes and unprofessional conduct by non-department personnel. An effective complaints system will support and acknowledge the dedication and good work performed by the majority of police members. It provides police management with a tool for determining the facts concerning an incident, and it shows the community that a professional and unbiased procedure exists to review a police member's conduct. If misconduct has been proved, the process allows for the imposition of disciplinary steps where necessary to modify behaviour (Arnold 2003: 18).

The United States Department of Justice (2001: 7) stresses that the public should be afforded a fair opportunity to file complaints alleging police misconduct. The public should be able to file these complaints in a number of ways including in-person, by post, by telephone, by facsimile or by e-mail. Completion of a form should not be the only requisite for filing a complaint. Police officers and other employees should be prohibited from refusing to accept complaints or from trying to dissuade someone from filing a complaint. Complaints should be accepted from all individuals, including those who wish to remain anonymous. Third parties should be allowed to file complaints to ensure that witnesses of misconduct and abuse can file complaints as well as victims of police misconduct.

Newham & Maroga (2004: 37) mention that as most policing occurs in the community, it is essential that systems are in place to receive and deal with community complaints filed against the police. These complaints will assist police managers in identifying problematic behaviour amongst their staff in the field, and they should create awareness amongst police members that this negative behaviour influences the community's perceptions of the police as a whole. In some instances complaints by the public against the police will be unjustified. It is essential for the process to be fair to everyone concerned. The authors recommend the most suitable courses of action to take once complaints have been received. These include:

- recording all complaints brought to the police's attention,
- listening to both sides of the story,
- processing the complaint and ensuring a thorough investigation,
- providing feedback to the complainant,
- conducting a weekly discussion with police members about the nature of complaints received and to discuss community perceptions of the police.

Newham (2002: 11) provides further solutions to problems experienced with complaints systems:

- systems and procedures for filing complaints against police members must be clearly advertised at every police station,
- communities, (with the assistance of Community Policing Forums and other bodies) need to be enlightened about the requirements for pursuing cases against the police,
- police at station level must know the reporting procedures to be followed when a member of the public files a complaint against the police,
- police stations should have a dedicated “Corruption Desk Officer” who receives complaints and decides on which cases to send to the appropriate bodies for investigation. This should be a senior officer who has been meticulously selected and reports directly to the station commander,
- there must be alternatives to the police station for members of the public who wish to file a complaint against the police (for example, a well publicised public complaints desk could be located at Area Level),
- incidents of corruption that have been reported must be closely monitored and analysed to provide a more detailed illustration of the prevalent types of corruption and the conditions that encourage it.

#### 5.4.5 COMMUNITY SUPPORT

It is largely accepted that the police cannot fight crime effectively without the support of the community in which it occurs. Likewise, police criminality, corruption and misconduct cannot be reduced if there is no positive communication and trust between the police and the community they serve.

The *Mollen Commission* (1994: 146) suggests that the Police Department adopt specific corruption control measures in relation to the concept of community policing. These controls should focus on enlightening the community about corruption and criminal hazards police officers face while doing their job and the community’s role in identifying and reporting possible wrongdoing among police officers on their beat. An informed and vigilant community is essential for reducing corruption risks associated with community policing. To achieve this, the police organisation must form a partnership with the community to assist in overseeing

the conduct of community policing officers. The public needs to be taught to identify police wrongdoing, how to report it and the Department must support them when they make a valid complaint. The Department must also inform the public that police criminality does not exist in a vacuum and those members of the public who encourage an officer to act corruptly or support their wrongdoing will be arrested and prosecuted.

The Commission added the following recommendations:

- community outreach programmes must be expanded and promoted in order to educate citizens about corruption hazards and the community's role in reducing corruption,
- police supervisors should interview citizens in their precincts regularly about corruption hazards and how they can report wrongdoing to the Department,
- supervisors should also regularly interview local residents and business owners about the performance of the officers in their units,
- Internal Affairs should conduct pro-active investigations, which include doing integrity tests against members of the public who create corruption opportunities or those who assist corrupt officers with their wrongdoing,
- Internal Affairs investigations and intelligence gathering should focus on individuals outside the Department who act as accomplices to corrupt officers.

Newham (2002: 19) offered solutions to the promotion of community awareness and support for tackling corruption and building integrity at police stations. These include:

- conducting awareness campaigns for communities to explain the South African Police Services regulations relating to corruption and how they can report police wrongdoing,
- community awareness being supported through local newspapers, community radio and police newsletters,
- raising awareness and gaining support for police anti-corruption initiatives through Community Policing Forum meetings,
- police commanders acting immediately when wrongdoing is reported. They must ensure that all reported incidents are investigated and the Community Policing Forum must be informed about any action taken,
- strengthening the disciplinary system and applying discipline progressively in order to prevent ill-discipline and criminality,

- meting out sanctions if a police member is found guilty,
- police commanders providing feedback to the community on what action has been taken concerning reports of corruption, in order to encourage trust between the community and the police,
- informing police members about the existence of a reward system (if any) for those reporting wrongdoing by their colleagues. This information could be published by means of notices or circulars at the station and on salary slips,
- making the Independent Complaints Directorate more accessible to communities,
- establishing a 24-hour hotline to report police wrongdoing or alternately strengthening and publishing details of existing hotlines,
- establishing a “private space” where police members can report corrupt colleagues,
- witnesses who fear victimisation must be offered increased protection,
- providing management training on how to deal with wrongdoing and criminality in their commands, and
- commanders must be held accountable for their staffs performance.

## **5.5 PERIPHERAL INTERVENTIONS INTO POLICE CRIMINALITY**

### **5.5.1 PROMOTIONS**

Lafferty and Fleming (2000: 159) makes reference to the existing promotions system in the Queensland (Australia) Police and mentions why it should be changed. When considering candidates for promotion, the existing system prioritised the minimum lengths of service at various levels, seniority and “general experience,” as opposed to effectiveness and ability. The author believes the criterion used for promotions was harmful to the organisational culture. Officers requesting a promotion had to attend a promotional course. This meant that Queensland police must have the necessary experience to qualify for promotion, undertake the relevant training course, pass the prescribed examinations, apply for vacancies and satisfy the promotion panel. The latter enhanced the possibility of officers being promoted as a result of favouritism and “promotion as reward.”

The “effectiveness of an officer” was not a consideration for promotion, and little regard was given to an officer’s aptitude, experience, educational level or skill. The recommendations for

change included the advertising of all vacancies with senior positions being advertised externally as well. To prevent promoting individuals for reward, regional panels consisting of “more junior officers” were proposed. **Promotion by merit, further education and performance appraisals were endorsed.**

The *Royal Commission* (1997: 272) mentioned that during 1996 the concept of assessment centres had been introduced into the New South Wales Police Service for promotional purposes. This technique had recently been used for patrol commander vacancies. It assesses applicants by using:

- a knowledge-based examination on the practice and procedure of patrol commanders,
- a behavioural event interview where applicants are questioned about their performance in their present role,
- an integrity screening test which gathers applicants’ written responses to ethical problems, and
- a team exercise in which applicants are asked to comment on an organisational problem.

The selection panel uses information from the assessment centre to interview short-listed applicants and to make recommendations concerning the most capable officers for the available positions. The Commission mentions that the new assessment system, through its objectivity and transparency is likely to reduce:

- the incidence of appeals,
- the atmosphere of cynicism and distrust that often pervades the promotional system, and
- the influence of empire makers and “patrons” within the Service, who have been able to maintain corrupt cliques, promote their associates and transfer out those who offer resistance.

The Commission recommended that the assessment centres should be regularly assessed by external experts to measure their effectiveness. Selection panels should include at least one individual from outside the Service with experience in human resources. The Police Integrity Commission, the Office of Internal Affairs and Commanders should be closely involved in conducting careful and realistic integrity assessments.

The *Royal Commission* (1997: 453) mentioned that the promotion system of the NSWPS did not pay enough attention to the ethical conduct of officers when selecting candidates for promotion. To be able to assess the integrity of officers requesting promotion, each officer was presented with a case scenario requiring a written response, which was given a score. An evaluation of the exercise showed that this method of assessment was too subjective. There was therefore a need to develop a more objective test for determining an applicant's personal integrity and their understanding of ethical issues, to be used together with performance assessments. Supervisors should also be responsible for the frank and honest assessment of the applicants. It is important that supervisors understand that the Service expects their comments in relation to a subordinate to represent an objective and truthful account, and officers who lack the ability or will to report objectively and honestly on their subordinates should not be holding supervisory positions within the Service.

Integrity assessments must be included in the promotion system because ultimately, *only officers of integrity who are the most able and committed* should be allowed to proceed to command positions. The Commission also recommended that performance and integrity assessments be integrated into every stage of the selection process.

### 5.5.2 REMUNERATION

Griffith (2003: 70) mentions that the best way to attract decent recruits into a police organisation is to offer them reasonable compensation. The author illustrates this with an example. In the early 1990's "when the foundations for the New Orleans Police Department's drug and murder scandals were being laid," the starting salary of a recruit in the NOPD was about \$16 000 per annum. Following reforms implemented by two successive superintendents, the starting wage now is \$32 000. By paying a living wage, the NOPD has attempted to make it more difficult for people with questionable backgrounds to join its ranks. Hiring has become much more selective, with the Department rejecting nine out of every ten candidates.

The *Royal Commission* (1997: 288) stated it was aware that research had been unable to prove conclusively that salary levels encourage corruption. Factors such as low morale, power, frustration, excitement and an individual's need to prove themselves, as well as the desire to administer their own brand of street justice, have been identified as being more significant corruption risk factors than salaries. The Commission found that many deviant acts were committed for small rewards and in other instances the level of greed displayed by

some officers would not have been satisfied by any salary. “An officer who is lacking in moral fibre, and susceptible to temptation, is likely to cross the line irrespective of his or her take-home pay.”

The Commission heard that:

- the status of police in society is often determined by the salary they receive,
- the rebuilding of the Service and the instilling of an anti-corruption ethos can only be realised if salaries and conditions of employment attract quality recruits and act as a deterrent from deviant behaviour,
- positions should be created using an acceptable job description methodology, focusing on levels of responsibility, competencies and required qualifications, and
- remuneration should be commensurate with the position. This refers to the work performed rather than the rank held.

### 5.5.3 ROTATION

Both rotation and transfers are relevant for those police duties that nurture high stress levels, such as child sexual assault investigations or duties that are at risk of corruption, such as drug law enforcement. The use of transfers needs to be eradicated in the following circumstances:

- to keep moving an officer who has suspect integrity,
- to “punish” an officer who has indicated a willingness to expose corruption, or
- to facilitate the establishment of corrupt groups within squads where they can work undetected (The *Royal Commission* 1997: 459).

The Commission heard submissions from a number of witnesses supporting the formulation of an unequivocal and strict rotation policy that will have the following advantages:

- breaking up the corrupt associations that occur when groups of officers work together for extended periods of time,
- enhancing job skills by exposing officers to different duties,
- increasing job satisfaction by avoiding boredom and staleness, and
- overcoming complacency.

The regular rotation of officers, on a three to five year basis is an important anti-corruption measure, particularly concerning those officers working in high-risk areas. The negative aspects of rotation include:

- the loss of specialist knowledge,
- loss of command continuity which may provide windows of opportunities for officers to indulge in corruption,
- loss of morale due to the break-up of work friendships, and it may discourage team building,
- conflicts with community policing as time is needed to acquire local knowledge and to build trust,
- loss of crime intelligence because officers move away from their informants, and
- interruption of partner's careers and disruption to children' education due to frequent, unrequested moves.

These potential problems can be overcome by a carefully structured and consistent policy, and "neither individually or collectively do they outweigh the advantages earlier identified."

The United States General Accounting Office (1998: 22) adds that officers should be moved to different precincts "as a means to remove local police officers from the pressures of personal ties in their own communities that provide opportunities for corruption."

#### 5.5.4 CONTROLLING STRESS

Regoli (1996: 356) suggests that stress experienced by police officers can be controlled in a number of ways. These include:

- improving communication between supervisors and officers by reducing departmental red tape,
- improving the work environment by increasing physical work space,
- improving police equipment,
- offering attractive compensation packages,
- introducing stress awareness programmes where officers learn to manage stress the same way they learn job-related skills,

- introducing peer counselling programmes to help officers understand why they are experiencing stress,
- acquiring relaxation and family communication skills, and
- introducing physical fitness programmes.

### 5.5.5 GRATUITIES

Concerning gratuities, the New South Wales Police Service's Code of Conduct and Ethics includes the following passage: "you must never solicit a gift or benefit for yourself or anyone else and are not to accept any such gift or benefit in the course of your duties regardless of value, other than in circumstances specified below. This includes times off-duty when the gift or benefit is or appears to be associated with your employment with the Police Service. In this way, there will be no circumstances where you might be, or might appear to be, compromised."

Under the code, it is permissible for an officer to receive:

- gifts on behalf of the Service, gifts of nominal value from another organisation, provided it becomes the property of the Service, or if permission is granted by a manager in writing to keep the gift,
- donations given to the Service in connection with charity events, provided that appropriate records are maintained for audit purposes, and
- benefits such as free (or discounted) travel on trains for sworn officers in uniform, provided they follow a written standing agreement between the Police Service and the organisation giving the discount (*The Royal Commission 1997: 474*).

The *Commission* recommends that the Code be enforced and compliance carefully monitored. Care needs to be taken with the receipt of donations for police functions and fundraisers. These donations can only be accepted:

- with the permission of a commander,
- where full accountability and record keeping is evident,
- if the payment received is from individuals who have not been involved in criminality or from individuals who may be construed to be receiving special treatment from the police (favouritism), and

- on condition that donations are not to be received on behalf of suspended or dismissed officers from persons outside the Service.

#### 5.5.6 MOONLIGHTING

The New South Wales Police Service formulated a *Secondary Employment Policy* during the 1990's, to attempt to gain clarity about the rules governing secondary employment (moonlighting). The purpose of the new policy was to: "ensure that the integrity of the Service is maintained, and that no police officer is placed where they are faced with a conflict of interest, or in a position which the general public perceive to be in conflict with their official duties." Under this policy:

- all remunerative employment must get the approval of the District or Branch Commander. Where this involves employment in the security, liquor and heavy trucking industry, permission must be obtained from the Assistant Commissioner, Professional Responsibility.

There are still many aspects of this policy that need to be addressed to ensure compliance. There needs to be an annual review of all existing applications for secondary employment and random audits should be conducted to ascertain whether officers who are sick, suspended or on holiday are in fact working in second jobs.

#### 5.5.7 NOBLE-CAUSE INTERVENTIONS

The *Royal Commission* (1997: 395) reiterates the factors that contribute to what it terms **process corruption**. The latter flourishes in an environment that:

- has poor investigative practices,
- has poor supervision,
- places insufficient emphasis on formal training and, in the field, on the unacceptable practice of police breaking the law to secure convictions, and
- accepts the notion that the end justifies the means, particularly the acceptance shown by specialist squads.

The Commission recommends that a programme be implemented where the message is conveyed succinctly to police officers that:

- the Service only expects convictions obtained through due process,
- police are as bound by the law as any other citizen and it is their duty to uphold the law, not break it,
- an officer who indulges in process corruption is not entitled to the Commissioner's confidence, is potentially compromised for the rest of their career and liable for civil damages and prosecution for perjury or conspiracy to pervert the cause of justice. This officer is of no operational value to the service because of the likelihood of his/her evidence being challenged in every case they investigate,
- bringing the incorrect individual before the court means that the real offender remains free.

“Viewed dispassionately and regardless of the motives that sometimes underline its exercise, process corruption constitutes a gross distortion of police powers, and is destructive of the good reputation of the Service. Action must be taken for its elimination.”

#### 5.5.8 INFORMER CONTROLS

The *Royal Commission* (1997: 400) identified an Informant Management Plan consisting of “paramount principles” essential for an effective informer management system. These principles were identified as control, accountability and evaluation. The Plan specified that:

- an informer is a resource that belongs to the Service and is not the property of any individual officer,
- all officers who handle informers must be accountable,
- each step in the informer handling process must be supervised and documented,
- rewards given to informers, in whatever form, must be monitored and regulated, and
- the relationship between informer and handler and the quality and use of information provided by the informer should be regularly and objectively assessed.

In addition, the Plan stipulated that all contact (not just physical meetings) with informers had to be “reported, documented and subject to supervision.” A Contact Advice Report was required, which included:

- details of the contact made including any undertakings given and promises made by the case officer,
- an outline of the intelligence provided by the informer,
- the case officers assessment of this information, and
- any other important comments.

## 5.6 GENERAL INTERVENTIONS

Police misconduct, corruption and criminality are the most serious problems facing police organisations today. This is compounded by the fact that police deviance has been in existence since police forces became organised. Regoli and Hewitt (1996: 342) add that police corruption starts at the top and in order to contain it, police managers have to lead by example. They must not accept discounts, free meals and gifts if they expect their officers to refrain from doing so. One aspect police organisations that experience minimal corruption have in common is an **honest police administration**. Honest leadership is essential for highlighting what behaviour is acceptable to the organisation, it also influences who is recruited and how these newcomers are socialised into the police agency. The authors recommend additional ways a police department can reduce the incidence of corruption, these include providing thorough training to police recruits on the subject of police deviance, operating an internal affairs unit with the necessary resources to conduct any investigation they deem necessary, punish officers who have broken the law and reward honest police officers.

Punch (2000: 317) mentions that police deviance is considered to be a universal phenomenon. The author adds that more recent attempts at minimising corruption have been based on two tenets: **aggressive investigations and promoting integrity**. Traditionally, police reforms focused on repressive measures and strengthening control. The new focus of reforms is a two pronged attack; “go after the bad ones and encourage the good ones.” Police leaders have increasingly adopted management models, encouraged by private sector companies that have attempted to promote a positive image and culture by focusing on compliance, codes of conduct, mission statements and learning from mistakes. Also, police organisations are increasingly including principles such as performance standards, public opinion surveys, ethical codes and promises of quality and transparency. “It is somewhat difficult to sell the message of integrity if your officers are on the take; and it is difficult to convince people of your high quality when your officers are violent or incompetent.”

Punch (2000: 319) adds that there are predictably vulnerable areas in policing, such as vice, drugs, undercover work, informant-handler relationships, licensing and those responsible for procurement. These areas of work require regular rotation of staff after a number of years of being exposed to “**danger zones**.” The author mentions that there are two zones in particular that need scrutinising. The first is **specialised units**. There are numerous accounts of certain police units performing extremely well and receiving praise but at the same time enhancing their autonomy and operating in secrecy. What often emerges from this scenario is that officers in these units have become exceedingly “creative.” One specialised detective team in the Netherlands in 1997, falsified statements, forged signatures, invented informants, broke into buildings and reported non-existent observations, yet they were considered the best at their job. “The hard message is that you have to distrust your best performers and high achievers.” All managers like to see good results from their staff, police managers however, must question how these good results were achieved. These may be good officers, but they may also be “manipulative deviants who have pulled the wool over your eyes by impression-management.”

The second zone that needs scrutinising is **senior officers**. Most police organisations concentrate on the lower ranks when looking for signs of deviance, but senior officers have opportunities, and they have hierarchical power and social status to evade controls that could work against them. “No-one is immune from contamination, suspicion and scrutiny.”

Newham (2000: 7) highlights a successful anti-corruption programme in Singapore where police management was constantly reminded of the government's intention to eradicate corruption. Every police department had to implement the following measures:

- developing better work methods,
- increasing the accountability and effectiveness of supervisors to assist senior officers with checking and controlling the work of their staff,
- rotating officers to ensure that no officer or groups of officers worked in the same unit for too long,
- managers carrying out unannounced checks on their officers' work,
- preventing access to a departments premises by unauthorised individuals, and
- reviewing anti-corruption measures every three to five years in order to introduce further improvements.

These measures highlight the fact that often **relatively practical and uncomplicated measures can be implemented to combat police deviance.**

Taylor (Fijnaut & Huberts (2002: 114) mentions that “a comprehensive armoury has been developed within London’s Metropolitan Police Service to tackle corruption.” The “weaponry deployed” includes the following:

- a highly effective intelligence system, existing throughout the police organisation and acting as an indicator of corruption,
- the resources to conduct covert and reactive criminal investigations,
- a similar capability for conducting internal discipline investigations. This is essential in cases where a criminal prosecution is not achievable,
- using cutting edge investigative methodology and technology, which will largely be unfamiliar to even the most experienced corrupt officer,
- a holistic approach to investigations of police complaints made by the public, and to ethics, integrity and professional standards. Information on complaints are collated with corruption information and intelligence to achieve analysis of problem officers as well as trends and causes,
- a comprehensive witness protection programme,
- “the Metropolitan Police Service Integrity Testing Programme which is uniquely split into two specific tools, one acting as a scalpel to cut out corruption (intelligence led tests) and the other acting as an X-ray to look into the soul of the organisation to analyse behaviour and the drivers of corruption, dishonesty and malpractice (Quality Assurance Checks)”,
- the Service Confidence Procedure is used to protect the organisation where criminal or disciplinary sanctions are unachievable even with compelling evidence to indicate that an officer is a threat to the Service. This procedure is used to rid the Service of the problem officer.

The author adds that; **“for those of you who have not ventured into the arena of integrity testing, I would commend the programme as one with immense potential to help address issues of corruption, dishonesty and malpractice. However, it is important not to see integrity testing as a panacea but simply one important weapon in fighting corruption and a useful tool in improving the ethics and integrity of large organisations.”**

The *NYPD Internal Affairs Bureau Annual Report* (2004: 24) illustrates the success of two proactive programmes that they have in place to reduce the incidence of police criminality. The first programme is known as **E.D.I.T operations** (Enforcement, Debriefing, Intelligence and Testing). Internal Affairs investigators use E.D.I.T mainly for gathering police corruption intelligence. This is achieved by targeting a specific location or a particular type of arrestee to get information regarding allegations of police wrongdoing. Civilians suspected of involvement in criminal activities are arrested and interviewed by investigators to ascertain whether they are aware of any police corruption in general, or a particular corrupt officer. Sometimes information garnered from arrestees is used to generate further investigative leads. During 2004, E.D.I.T operations and subsequent arrests increased by 9% and 26% respectively. During 2004, 207 operations were conducted and 604 arrests were effected.

The second programme, known as **A.W.A.R.E** (Active Warrant Address Review Enforcement) is also used to collect intelligence on police wrongdoing. Investigators conduct computer enquiries on specific locations or individuals for active warrants. The individual is arrested on the outstanding warrant and then interviewed about his/her knowledge of police wrongdoing. During 2004, the number of A.W.A.R.E operations increased by 78% compared to 2003. The number of arrests increased by 150%. There were 32 A.W.A.R.E operations during 2004 and 35 resultant arrests.

An issue of the publication *policemag.com* of June 2003 posed the question: “**what characteristics make a good chief?**” These were some of the responses received:

“A chief needs to do what’s best for his or her officers and shouldn’t forget what it’s like to be out on the street working. A chief also needs to listen to his or her officers and take their ideas seriously.” (Patrolman - Rockport Maine Police).

“A police chief should be honest, straightforward, open-minded, non-political, fair, a good street cop, and most of all he or she should be looking to the future, not living in the past.” (Officer – Bridgewater Township NJ).

“Good chiefs follow the Golden Rule. They think of their officers as grown professionals, not units. They know the first names of cleaning staff as well as every officer under them. And if they’re really sharp they know the first names of their officers’ spouses. Good chiefs listen more to the troops and less to the people hanging out at HQ trying to get brownie points. Good chiefs prepare themselves with a respectable education and an apprenticeship of

accomplishment, rather than political or social engineering prowess. Good chiefs hold the staff at least as accountable as the troops and hopefully more so. If a staffer is a disappointment, the chief should have the guts to let him or her go, rather than corrupt the whole agency by tolerating the employee's incompetence. A good chief will allow constructive, alternative viewpoints. Nothing is as doomed to failure as a bunch of groupthink yes-men validating each other's ineptitude and flawed analysis." (Lieutenant – Jacksonville Sheriff's Office).

"A good chief is one who doesn't unilaterally hire people because of a personal connection, especially against the recommendation of those assigned to do the hiring." (Patrol Sergeant – California State University Police).

"A good chief is someone with balance and integrity; someone who truly has an "open door" and remembers sitting in a room waiting for roll call thinking, 'if I were the chief I would...' someone who taps 110 percent of the resources he sought to hire instead of a select few. A good chief realizes that the lowest ranking people in every department are those with the most energy and ideas and are hungry for the respect a chief can give with a simple 'what do you think?' question. A good chief is someone who will live by the saying 'Leave it better than you found it.' No one expects you to change the world, but you could make us believe that you are a part of the same one you force us to work in. when was the last time you cared enough to show up at 1 a.m. and say, 'what can I do to make this a more productive place for you to work in?'" (Patrolman – Rhode Island).

"A good chief has the following characteristics:

- never forgets what it is like to be a patrolman,
- is not afraid of asking others, especially below the rank of sergeant, for help and answers,
- is able to speak more than one sentence without reminding everyone he or she is chief,
- allows his or her patrol officers to do their jobs without micromanaging,
- is just as quick to comment on the good as on the bad. (Corporal).

"Chiefs should be qualified officers who have worked their way up, look out for their officers when things are not going so well, can be objective when the need arises, and don't

prejudice their officers because of political expediency or prejudices. Find me a chief like this and I will follow him or her anywhere.” (FTO – Pentagon Police).

## 5.7 SUMMARY AND CONCLUSION

This chapter dealt extensively with an array of interventions required in order to reduce the incidence of police corruption and criminality. As mentioned at the beginning of this chapter, “corruption-eruptions” tend to be cyclical. A scandal surfaces in a particular police agency, it is investigated and recommendations are made, all is quiet for a while then it starts all over again. Police deviance will never disappear, but it needs to be prevented and if this is not entirely successful, it needs to be managed.

Recommended interventions were collated under pertinent headings. These include the **individual**, with the focus on developing early warning systems, such as monitoring complaints, lifestyle surveillance, including actual surveillance and the instilling of ethics and integrity as the fundamental requisite to being a police member. **Organisational** interventions refer to changing negative aspects that have developed in the policing milieu, such as police culture including elements such as the code of silence and an “us versus them” mentality, and substance abuse. There are also **management** issues that need to be rectified to lessen potential corruption and these include discipline management, evaluating staff’s performance, supervision, accountability and openness and honesty.

**Peripheral** interventions pertain to other policing matters that need to be improved if they are encouraging deviance. These include the police agency’s promotions policy, police salaries, handling stress, gratuities, moonlighting and the rotation of members. Important suggestions for lessening the incidence of noble-cause corruption and informer/handler problems are also mentioned.

It is evident that an integrated approach is needed to combat or to minimise police criminality. This necessitates the combination of individual, organisational and peripheral (including additional general) interventions. All recommended interventions such as those highlighted in this chapter are extremely beneficial to any police organisation if implemented timeously and diligently. None of the interventions mentioned appear to be unrealistic or unattainable, particularly when applied to the specific agencies they refer to, the NYPD, the Metropolitan

Police and the New South Wales Police Service. These being formidable police entities in their respective countries.

The issue of integrity appears to be central to cleaning up any police organisation and keeping it clean. Integrity in various guises such as integrity training and personal integrity should be drummed into recruits from the beginning of their careers and constantly throughout - during morning briefings and through additional training. High levels of integrity and ethics in a police organisation will result in high standards of professionalism, which in turn will reduce corruption and crime commission. This emphasis on integrity should begin with recruitment, where intensive vetting must be done on new recruits to ascertain whether they are fit to serve in a specialised institution such as the police.

Management is also pivotal in the running of a professional, motivated police service. This important aspect of policing has been found to be lacking in all major corruption inquiries. Besides being good administrators and leaders, police managers need to have empathy, they need to develop open door policies where members under their command feel they can walk in and discuss concerns at any juncture. Much has been made of improving all aspects of policing, but scant attention has been paid to the psychological and emotional well-being of members. De-motivated police members should never be ignored because there is always a reason for this and it can usually be found in an organisational element such as a lack of promotion or a detached manager. Problems members have could be personal and a manager must be able to recognise the signs before behaviour becomes problematic. The chasm that exists between senior management and the rank and file needs to diminish.

Another aspect that brings together elements of individual, organisational and environmental interventions, is the urgency with which corrupt and criminal members of a police service must be removed. All possible fair action must be instituted to act on allegations, such as targeted integrity tests, surveillance (audio and video) and visiting the member at his home to peruse material lifestyle. It is essential to have good investigative capacity as well as an effective complaints system whereby complaints are actually followed up and investigated in order to identify problem officers. To facilitate the latter, police services must develop good relationships with the community they serve.

Police agencies need to review the way they handle disciplinary problems. The purpose of discipline is to implement corrective behaviour if a member goes "off the rails." It should not be too punitive or too legalistic. The general discipline of members has to be strict in all police

agencies because a lack of discipline results in insubordination, which culminates in a lack of respect for self, management and the organisation, and this, facilitates wrongdoing.

Perhaps the most significant intervention suggested refers to the progressive act of getting ex-members who have been convicted for crimes committed while they were in the police, to address new recruits and explain to them why it is not worth going down this road. The devastating consequences their involvement in crime has had on them, on their families and on the institution and the communities they had sworn to serve must be brought to the attention of all new members.

The next chapter and volume of this study contains the empirical study, consisting of methodology, interviews with specialists in the field of police crime and interviews with police offenders, as well as theoretical explanations for this phenomenon and finally, a pertinent focus on the researchers findings and recommendations on the subject. The researcher did not include a separate chapter on the policies and procedures (promotions, disciplinary and grievance) of the South African Police Service because the interviews spell these out in detail.