

CHAPTER SEVEN

INTERNATIONAL INTERVIEW FINDINGS

7.1 INTRODUCTION

The ensuing three chapters deal with the second phase of data collection, namely the findings of all the interviews conducted by the researcher. A **pilot interview** was conducted in the initial stages of the study with the commander of the Employee Management Branch of the New South Wales Police Service in Sydney, Australia. This was a pilot interview in the sense that certain pertinent themes, such as recruitment and training were not explored. It is important to include interviewees from Australia's New South Wales Police Service, London's Metropolitan Police and the New York Police Department (NYPD) as the majority of international police criminality illustrations in the literature study involve these three agencies.

An interview was held in London with the Director of Investigations of the Independent Police Complaints Commission who was previously a Deputy Assistant Commissioner in charge of the Metropolitan Police's overall anti-corruption strategy, which followed a major corruption scandal involving mostly detectives from some of the Metropolitan Police's specialist units. The researcher also participated in a Digital Video Conference held in Pretoria and Cape Town, with the Chief of the NYPD's Internal Affairs Bureau (IAB) and the Commanding Officer of the IAB's Corruption Prevention Division (in New York).

These international interviews include the pertinent themes explored in the following two chapters (South African specialist interviews and offender interviews). These include the extent of corruption/criminality in these police agencies, the most common types of crimes committed by members, contributory risk factors, policies and procedures (especially disciplinary policies), investigative bodies and interventions. Regarding the latter, these police agencies employ essential preventative measures such as compulsory drug-testing and integrity tests (this phenomenon is graphically highlighted in the findings of the Digital Video Conference).

*The contents of the following three chapters relating the interview findings consist entirely of the **interviewees and subject's opinions, thoughts and experiences**. Only the conclusions of these chapters will feature any input from the researcher. Direct quotations by interviewees and subjects are presented within quotation marks or quotation marks and italics. If the input is particularly pertinent or it explains a specific theme, it will be presented within a shaded box or in italics.*

7.2 INTERNATIONAL INTERVIEWEE FINDINGS

7.2.1 AUSTRALIA: NEW SOUTH WALES POLICE SERVICE

- **Extent**

The New South Wales Police Service has 18 000 members, 14 000 actual members and 4000 administrative staff. The interviewee estimated that about 2% of the Service is corrupt.

- **Illustrations**

Common types of crimes committed by New South Wales Police include:

- driving under the influence,
- conscious lack of integrity such as lying in a police interview,
- theft,
- stealing from police premises,
- shoplifting,
- perverting the course of justice,
- misusing police computers. For example checking information on an ex-wife or girlfriend's new partner and sending messages on the newly acquired information to the ex-wife etcetera,
- assault. There is a vast amount in the line of duty, but many complaints are "other," either unfair or unfounded,
- "tipping-off" is very rare. This is never seen,
- bribery is not big at all,
- rare prosecutions for perjury,
- practically unheard of to pay a police officer to drop a case, (individual police officer can decide to prosecute offenders without it being a public prosecutors decision. This decision does go under review),
- most officers are prosecuted for minor, "idiot" offences
- occasionally there is major corruption.

Police and Gangs

The culture in Australia is that gangs are generally considered the enemy of the police. There is no police involvement with gangs. The major crime problems generally in Sydney involve outlaw motorcycle gangs and youths who kidnap and rape young girls.

- **Risk Factors**

There is strong denial by members of wrongdoing even in the face of overwhelming evidence, (such as audio or video evidence produced through **integrity testing**). Many corrupt officers who are caught blame **stress** or the pressure of the job for their actions. There is a lot of violent crime committed against police officers. The New South Wales Police loses approximately 73 officers per month through stress and 1100 officers do not turn up for work per day because of stress (the police have very good sick leave benefits). **Personal problems** are also blamed for deviant behaviour. **Post Traumatic Stress Disorder** is very evident. The interviewee did not believe that deviance amongst members was related to **money** because these officers are the highest paid in Australia.

- **Grievance and Disciplinary Procedures**

The NSW Police Service does not like to use the term discipline, preferring to call it “managing.” Grievance procedures are good because they have been upgraded. Managers must **distinguish between a misconduct complaint and a grievance concerning events in the workplace.**

Only matters that need to be **reported** or **investigated** result in a S173 (2), which is Reviewable Action (reduction of rank OR reduction in grade OR deferral of increment AND other appropriate non-reviewable action), or a S181D, which is Nomination (suspension without pay may be appropriate in some cases AND other appropriate non-reviewable action). Encourage everything else to be settled in the workplace as quickly as possible. A S173 (1) is Local Management Action if it is a complaint (coaching or mentoring AND/OR increased supervision or counselling or reprimand AND/OR warning or non-disciplinary transfer or restricted duties or change of shift or recording of adverse findings AND/OR remedial performance programme – only if performance related). If the problem is a S173 (1) attempts are made to solve the problem as quickly as possible. If needs coaching, coach. If needs warning, warn.

The skills level amongst commanders responsible for managing conduct and performance in their command is very bad. Management is busy training them. An **inadequate grievance procedure leads to heightened stress levels and increased sick leave, not criminality.**

The police's **Performance Scheme** also contributes negatively to morale. This scheme assists officers to develop throughout their careers but it is not being administered properly. "The Employee Management Branch focuses primarily on police on the street because **generally management is top heavy, they make stupid decisions that impact on police on the street.**"

- **Promotions Policy**

The NSW Police Service's promotions policy is a huge source of dissatisfaction. Members are "allegedly" promoted on merit, not seniority and they need nine years service to be able to apply to become a commissioned officer. Members can study as much as they like, this does not influence promotion. Officers are responsible for their own training.

- Posts are advertised and members must apply.
- Any position above inspector must go through an assessment centre – made up mainly of police advisors (academics).
- Assistant Commissioner or above go through an assessment centre external to the organisation, which is made up of other members of the State Senior Executive Service.
- Once Assistant commissioners or above are selected, they are employed by the Senior Executive Service, not by the police.
- **There are no political appointments, all members advance through the ranks.**
- Senior executive appointments are all on contract, which can be terminated at any time.

Procedures are not always followed and this leads to dissatisfaction, for example, Internal Affairs selected and promoted their own staff, which is totally against the rules. This leads to dissatisfaction. The **changes made to the ranking system** have also caused unhappiness, members used to have to be a sergeant for nine years before being eligible for promotion. This has been reduced to five years. There are thousands of applications for commissioned officers and too few positions. As a result of this, there are a lot of disaffected police members. Some positions take five years to fill.

The promotions system is administered by the Promotions Unit. Members can appeal a decision if they did not get promoted but the system is bogged down. "It is a disgraceful system." Also, the Promotions Unit does not get back to members to tell them they have been unsuccessful. "It is badly managed."

- **Investigations**

All criminal allegations must be investigated as criminal matters. This is done by specifically-allocated investigators. Police do investigate police, but serious offences are given to another region to investigate. Crimes can be dealt with departmentally and criminally, but the **criminal investigation will always happen first**. If a member is not punished in a criminal trial, he/she will have a departmental hearing.

If there is enough evidence against a police member, they must be prosecuted. To be able to prosecute, authority must be given by an officer above the rank of Assistant Commissioner. If there is enough evidence but the police decide not to prosecute, permission must also be obtained for this. A decision not to prosecute may be discretionary based on a number of questions asked according to the *Decision Making Framework*.

All investigations are overseen by an ombudsman. ***The Professional Standards Command*** is responsible for investigating all serious criminal and corruption allegations against police members. They are also responsible for conducting **integrity tests**.

7.3 LONDON: INDEPENDENT POLICE COMPLAINTS COMMISSION

7.3.1 EXTENT

The interviewee and his colleagues attempted to measure the extent of corruption and criminality at the Metropolitan Police in London about ten years ago. At that stage, deviance at the Met was acquisitive, individuals made money from activities such as stealing drugs, recycling drugs, stealing money from searches, bribes for favours etcetera. The interviewee and colleagues compiled a list of names of members suspected of being corrupt and through surveillance techniques on corrupt associates, scope, size, extent and the parameters of these networks, they came up with a figure of between **half and 1%**. In developed democracies' police organisations, half to 1% is accurate.

The interviewee added that approximately 1% of staff of a major police force is engaged in criminal activity and corruption, 1% of staff deal with the problem and it costs 1% of the police budget. *"This was pretty accurate ten years ago, but in the Met today, this figure is probably not accurate because corruption has gone from being organised teams to solitary people. Organised gangs of internal corrupt officers are easy to see because of the nature of their interactions, this is relatively easy to deal with and relatively easy to wipe out. Today, it is single individuals responsible for most of the corruption, which is more difficult to detect. The process has metamorphosed."*

7.3.2 ILLUSTRATING POLICE CRIME

Some “shocking” types of crimes committed by members of the Met include:

- **ripping off drugs from drug dealers** and recycling them through informers for money, for example, one crew used the phrase: “we can leave here now with you and the drugs, or we can leave with just the drugs.” The dealer will obviously say: “what drugs? – don’t know what you are talking about,”
- **stealing cash from other criminals**, and
- **selling information.**

Taking **bribes** and “**shakedowns**” are not a significant problem in the Met, but it does happen, for example paying an officer £30 not to do a breath test for drink-drive.

The **units most susceptible** to corruption and criminality include any units working with drugs and intelligence. There is major corruption in units that deal with organised crime.

7.3.2.1 Informer/Handler Corruption

Informers are referred to as *Covert Human Intelligence Sources (CHIS's)*. A strange affinity (akin to the “Stockholm Syndrome”) can develop between informers and their handlers. This is not healthy and can manifest in a number of problems, for example allowing an informer to go too far, becoming an agent provocateur, a licence for criminal behaviour and kickbacks on rewards. This has never been a major problem but it was a problem. It is now heavily legislated/regulated. Instead of everybody having informers, police forces have dedicated source-handling units. “So you may recruit an informer but you pass him on to me because I am a member of a dedicated Source-Handling Unit.”

7.3.2.2 Nature of Complaints/Investigations

The complaints department in the Met a few years ago was not equipped to deal with the type of arrogant group of experienced and able detectives who thought they were untouchable. They had people handling complaints with no detective background and even the investigators were not skilled in investigating. The people who worked there were tired and they were looked upon as inept, there was no fear by corrupt officers. The philosophy was if someone complained about corruption, they would investigate, but obviously not too many people complained because it usually benefits both parties involved.

The general **nature of complaints** received by the Independent Police Complaints Commission (IPCC) concerns only the “top end” of complaints. The format is that the police deal with 90% of complaints, which relate to managerial deficiency (for example, tardiness), throughout the 42 police forces in England and Wales. With **assaults, corruption, deaths in custody and discriminatory behaviour**, investigations are taken over by the IPCC. During 2004, the IPCC investigated 30 serious cases, for example three were **police shootings** and 21 were **police-related deaths**. The IPCC **manages** the process using police resources, but with the IPCC in charge of the inquiry (telling police officers what to do on a daily basis). During 2004, the IPCC **managed** 126 cases and **supervised** (periodic update on progress of the inquiry) approximately 600 cases. The IPCC has the option of managing or supervising cases and many complaints are returned to the police forces by the IPCC saying they are not really interested in this matter, the police must deal with it.

There are three tiers of complexity and importance:

First tier = Independent investigations. The IPCC conduct these as they have powers of arrest, powers of entry and powers of constable. They have all the policing powers but they are not the police. In the case of a police shooting incident there would not be anything other than an independent investigation. The circumstances are investigated and reported on and if there are criminal charges, they will be brought. If it is misconduct, it will be raised as such.

Second tier = Managed cases. The IPCC are in charge of a case, but they use police resources.

Third tier = Supervised cases. These cases include slightly strange police deaths. The IPCC sets out the terms of reference, lays out the investigation plan and instructs the police handling it to deliver on the investigation plan and to report back to the IPCC in one month's time.

There are approximately 100 police-related deaths per year in England and Wales and 20 to 30 people die in police cells every year. The majority of the latter deaths occur as a result of drink, drugs and mental health issues, not by police hands.

The *Police Reform Act* mandates that serious matters must be referred to the IPCC immediately after they happen. They have a system whereby six managers are on call day and night to attend the situation and to direct what the police do. It is not a confrontational exercise because the police actually want the IPCC present. There is not a cosy relationship between the police and the IPCC, because the police know the IPCC will be very demanding of them. There is an understanding (in the United Kingdom) that if you want **public-consented policing** it is about being **opaque, answerable and transparent**. The IPCC brings this philosophy to major incidents.

The IPCC have 80 of its own investigators and they are planning to get this number up to 200. One of the key initiatives for the organisation is to learn from situations and to give good advise to the police.

7.3.3 CONTRIBUTING RISK FACTORS

The interviewee really believed that police officers joined the police for the best of reasons, not to be corrupt. There are however, a few individuals who do join to be corrupt. The interviewee came across approximately 20 of these cases during his policing career that aroused suspicion.

7.3.3.1 Individual Contributors

The interviewee mentioned the following factors as pertinent causes of deviance:

- erosion of an individual's norms and values,
- "moral rot",
- downward cycles of behaviour, and
- greed (not poor wages).

Police members become **cynical** and **justify** their behaviour as follows: "I'm a £40 000 constable, I'm raiding the houses of criminals who are virtual millionaires, they have everything and when I charge them and take them to court, clever lawyers get them off,

where's the justification in this? I can have some of that."

7.3.3.2 Organisational Contributors

- Police Culture

Drinking has become less of a problem. Drugs are the problem at the moment. "Pills are the new pints." Young male and female officers are now taking pills and drink. Because the police are recruiting from society, they are recruiting individuals who have an ambivalent attitude towards the social use of drugs. This is a bit of a problem.

A **macho** attitude, for example the male/female element, is an issue. The interviewee mentioned that when he was dealing with corruption at the Met, in all but one instance the cases involved men. The case involving the woman was peripheral corruption and it was never proved, 99.9% of allegations are against men. This is largely due to male police culture, which includes hard living, aggression, hard drinking and womanising. *The interviewee mentioned that he should put together an anti-corruption team consisting only of women.* "There is something really macho about being known by a small group of guys that you know and trust, that you are a big player, you just had off £20 000. There is credibility in that."

Also, "if you are introduced to new officers, they test you, if you are not of the same persuasion as them, they 'out' you – get rid of you." This happened to the interviewee as a young constable. Good and bad police officers cannot work together.

- Code of Silence

This particular cultural issue is diminishing in the Met. For example, "recently a guy was arrested and handcuffed behind his back, on the ground, for stealing a car. A member walked up to him and kicked him in the head. The officer's two colleagues virtually arrested him on the scene and reported him. They are prepared to go to court and give evidence against him." This is happening more and more. *Why is this culture changing? Because part of the strategy introduced to the Met by the interviewee and his colleagues included giving members methods and systems and the security that they can do this. As it becomes understood that there is not this "stupid, schoolboy code of silence, it becomes far more difficult to do anything devious, therefore opportunities diminish."*

Bad apples, lone rangers and organised officers (networks) all exist. When the interviewee devised the Metropolitan Police's anti-corruption policies (at the time) the Met had lost control of their transfer policy and this made it easier for corrupt members and their colleagues in these networks to be transferred together.

- Management Issues

*When the interviewee was dealing with corruption while he was still an assistant commissioner at the Met, he “got flack” from everyone, even senior members were saying “can't see a problem, you are **wrecking our reputation**” etcetera. Initially the leadership of the Met was disbelieving of the extent of the problem. Corruption in the Met went from sharing £10 in envelopes amongst vice officers in the office on a Friday night to being far more covert with a much higher price. Police crime became deeply buried therefore the vast majority of the police force did not know what was going on. They were secret about their corruption.*

Leadership is not very good anyway with corruption problems. There are three leadership issues in this regard:

- **disbelief/denial that it exists,**
- **does not involve me as a leader, and**
- **poor quality leadership.**

The attitude of leaders was “is there not a better way of doing it than dragging the police’s name through the mire?” The interviewee added that every police agency has a corruption problem – if they are honest.

- Profile of a Corrupt Officer

The interviewee drew up a profile of what a corrupt police officer might look like:

- late 20's, early 30's,
- probably divorced, probably divorced twice,
- probably a womaniser,
- probably a heavy drinker,
- probably overweight and unfit, and

- probably a highly experienced detective.

7.3.3.3 Descent into Crime

The interviewee was asked whether police members were **socialised into criminality?**

An example of one particular detective's moral decline was given. This particular detective had many stresses in his private life, for example two incomes became one when his wife fell pregnant. Mortgages rocketed at the time and he got into debt. The detective joined an elite drugs squad consisting mainly of "macho" men, heavy drinking and going home late. This caused aggravation in the marriage and he turned to his male friends, this resulted in more drinking and money problems. Along came temptation and he took it. In a matter of months, he was running his own racket. **The detective told his story on tape and this was used in the training of rookie members and people going to special squads.**

7.3.4 CONSEQUENCES OF POLICE CRIMINALITY

- Consequences for the Police

*The most valuable commodity a police force can have is its **reputation**. In any society that police's by consent and values, a valuable reputation determines the consent of the population to be policed.*

- Financial Consequences

The estimated cost to the public purse concerning a drug sting that involved "noble-cause" corruption, was £40 million in failed prosecutions and in compensation for people who could make a case for being wrongfully prosecuted.

Also, police organisations risk their futures by allowing downward spirals of behaviour to continue.

7.3.5 INTERVENTIONS

*"How do you get management to open up the corruption problem that is obviously there? Often hear the phrase that corruption is cyclical, it is **not cyclical**, it is there all the time.*

Seems to raise its head in cycles and police react to it in cycles and pushes it down again to the level where the Service says ‘it has gone’. They think it has gone and they take those resources and use them in dealing with other policing priorities.”

Periodic deploying of resources to deal with corruption was futile because it was expensive and not strategic. The Met decided what was needed was a **strategy**, so when there was an erosion of resources because there was greater need elsewhere, there needed to be something there that would detect further events and prevent it happening. One strand of the strategy was that it is a problem for everybody, not an elite squad that deals with this. This strand was called **inclusion**. This was saying to *senior and middle management*: “*You are included in the need for a response here, and from time to time we will come to you with a suspected problem in your unit and you will be expected to deal with it. How you deal with it is up to you but you will be watched and tested and measured on it and your future advancement will take how you dealt with these matters into account.*”

The interviewee was also instrumental in reversing the philosophy that complaints investigation was for the “slightly off the pace, tired, backwater people.” *This became the place to invest your upwardly mobile people, the Chief Constables of tomorrow. This has come to be. People have been seen to be rewarded for their success in dealing with corruption. This goes back to the importance of reputation.*

7.3.5.1 Integrity Testing

If someone is suspected of being corrupt, a **targeted integrity test** would be done on them. These are usually intelligence-driven tests. When the Met started doing integrity tests, they began with **random integrity tests**, as this was the only way to judge the honesty of the average officer: “**to put temptation in their way and see how they react**. We did a series of random integrity tests that are still continuing today.” These tests were not done in a connived manner. They were done with public oversight. On almost every occasion the officers passed with flying colours, for example, if they found £50 on the pavement they would hand it in, if somebody said there were drugs behind a dustbin in the street, they would hand them in.

*A specialist unit from the **Professional Standards Department** does the integrity tests in the Met today. “This is a change from a sleepy re-active, off-the-pace, retrospective, don’t-bother-us-too-much-we-are-snoozing department, into an aggressive, forward thinking,*

dynamic, proactive, innovative organisation.”

The Metropolitan Police's integrity testing strategy was **aimed at both the corruptor and the corrupted** because this is not just about the police. If a criminal sees a police member arrested for corruption he is going to go out and corrupt another member. The only way to stem this is to **focus on both the corruptor and the corrupted**. There was one specific sting operation where two officers had received a corrupt approach from a villain and they reported it. They were told to go along with it under strict conditions, with a tape recorder and a video. The corruptor was arrested and charged.

7.3.5.2 Complaints/Investigations

Complaints can be a warning signal and they can be indicative of a problem officer. Complaints are checked carefully. The interviewee gave the example of a particular officer who had lots of complaints against him for assault. Physically, this policeman was “huge” and if a door needed to be kicked-in, he would do it and he would wade through people to stop them from flushing drugs down the toilet, he was effectively doing his job. “Tough cops do cut tough jobs, get tough complaints.” **Complaints must be handled fairly.**

There is a need for **selected units** to investigate corruption, **police do need an Internal Affairs** or a **Professional Standards Department** because there is a lot of reactive and proactive work involved. For example the drug squad, there is not going to be a member of this squad investigating a corrupt colleague in the same unit. Could not possibly do it. *By saying that corruption is “everybody’s problem”, the Met also means that if you discover that your colleague is corrupt, it is your duty to report it.*

The “**Ghost Squad**” set up by the interviewee and colleagues during the 1990’s to get to the bottom of the corruption problem at the Met, and to deal with it, did not testify in court. They were purely an intelligence-gathering outfit. When they put this squad together, they looked at how police dealt with their problems (traditionally), for example to declare a corruption investigation, they had to:

- Work out who was corrupt, bring them into a police station and tell them they are not obliged to say anything and tell them “you are corrupt aren’t you?” The statistics show 100% of members denied this accusation, “this is pathetic, this approach does not work”,
- Eventually an **ultimate secret squad** was formed. There were layers of secrecy about it that was unprecedented. It consisted of individuals of undoubted integrity. There could not be one scintilla of doubt about their integrity. They were persuaded to leave the police force and they left on paper, they were even removed from the payroll. They regrouped at a secret location. For three years they used intelligence in all its forms, they intercepted communication, surveillance etcetera, to work out how corruption in and around London worked, who were the people, what were the commodities, the methods, the processes on both sides of the divide. Who were the police officers involved? Who were the corruptors? The Ghost Squad did not react, they stored the information until the Met was ready to use it. Over those three years, the Ghost Squad built and built information until the Met knew with certainty who was corrupt, how it worked, who the networks were, which criminals they interacted with and what their scams were. They then became proactive, they went overt. They handed the intelligence over to an overt squad who used it to build up evidence and use this in court.

More officers are getting convicted for corruption now than ever before, and they are receiving custodial sentences ranging from 10 years to 18 years. Pensions are forfeited, but if an officer is married, the police cannot take it all away. The police force is in a far better position to detect and deal with corruption today because **they have got controls** in place, but the problem has not gone away.

- Drug Testing

The Met does have a drug-testing regime. The base of this is: *declare you have a drug problem and it will be treated as a medical problem, we find you have got a problem and it is a misconduct problem*. This is a nice carrot and stick approach. The UK police are looking at drug testing, especially in specialised units, but they must consider issues of human rights and privacy first.

7.3.6 POLICIES AND PROCEDURES

7.3.6.1 Disciplinary System

The disciplinary system in the United Kingdom police is a terrible system. It is based on a military court martial regime. This is still the case. **It is very legalistic.** There were three Queen's Counsel (QC's) in a recent case for each police officer charged (two officers) with misconduct offences. Because the defence had put in a QC, the Met also put in a QC. There were three QC's prosecuting and defending a misconduct issue, "this is crazy." There have been two studies done about alleged failures around misconduct inquiries at the Met (the Taylor Review and the Morris Review).

Counselling is a local management option. In the case of formal misconduct, the member appears before a tribunal. This tribunal is constituted according to the gravity of the misconduct. Options are available to the tribunal, which might stop short of firing or requiring the member to resign. For example, in the case of gratuitous assault of a prisoner, the officer would be entitled to legal representation. The reason for this is that someone can be fired from a shop and get another job at the shop around the corner. A police officer gets fired and they have no other livelihood. For serious matters, members can be suspended immediately.

7.3.6.2 Promotions Policy

There is a national promotions police for the first two ranks: inspector and sergeant because it is an exam that must be passed. After this, promotions are done at assessment centres. Psychologists are involved in assessment centres and there is good oversight of the process.

These are interesting times for policing in the UK because up until now for 180 years, the only way to become a commissioner was to join as a constable. Some good chief constables have come through the system, others not so good. It has got to the stage where this is seen as an anachronism in the modern day and age. There is a move afoot to put businessmen in charge of police forces because these are businesses. For example, the Met is a £3 billion a year "business, this is a lot of money. Police members in the lower ranks need to deal with policing issues.

*There is a **fast-track promotion system** whereby an individual can join as a graduate, which guarantees them accelerated promotion around the level of chief inspector. Individuals do not*

have to have a degree to join, they can opt to take an internal exam. There are more members than ever before, more than many other occupations that have degrees.

Promotional features include:

- academic merit,
- continuous assessment, competency-based assessments for specific positions, done by assessment centres
- identifying the competencies for each rank/position,
- practical exercise, and
- psychologists involvement.

The interviewee's criticism of all these latest promotional features mentioned above is that all this has moved too far away from the **proven ability to do a particular job**. It is no longer balanced. The interviewee has seen many people getting through assessment centres because they are good at assessment centres. They know exactly how to work the system. There were a flurry of people who wanted to be trained as assessors because they would have access to inside information about how the process works, they then go on a couple of assessments, know competencies, know how marks are coming up, know which bullet points to hit. Go in there, hit the bullet points and come out. Whether they can do the job or not is another issue.

"Quota systems are illegal in the UK – cannot have a quota in the UK. It is all about giving people the best opportunities to develop themselves and to progress. Police forces have been told by the government that they must represent the communities they police, not the same as saying for example, 30% of London's population is black, so there must be 30% black police officers. Some police forces will never meet this because, for example, Asian families in London are very high achievers academically, far ahead of both whites and blacks. They want their children to aspire to brain surgeons, pilots or lawyers. If an Asian guy goes home and says 'Dad, I'm really pleased I've got a first class honours degree and I want to become a cop' – will probably get a tough time from his Dad. The Metropolitan Police's policies, processes, procedures and promotions tend to unintentionally exclude black officers. Ignorant, unwitting and unintentional racism – is it any wonder young blacks are not keen to join UK police forces?"

7.4 DIGITAL VIDEO CONFERENCE WITH THE NYPD INTERNAL AFFAIRS BUREAU.

7.4.1 INTRODUCTORY REMARKS

One of the respondents mentioned that once corruption had become a problem within a police organisation, it was very difficult for commanders to control their officers. This results in the community losing confidence in the police and it **undermines the ability of the police to fight crime** due to the lack of trust by the community.

The New York Police Department experiences a major “corruption-eruption” approximately every twenty years. After each of these scandals, a commission of inquiry suggests a wide range of reforms to be implemented. The Mollen Commission (1990’s) found that the police corruption and crime it uncovered was worse than that exposed by the Knapp Commission twenty years earlier. As a *result of this, it was recognised that the phenomenon of corruption is inherent in policing. There is therefore a need for a sustained effort to combat the problem by police organisations.*

The NYPD's Internal Affairs Department was formed in 1993, as a result of recommendations by the Mollen Commission. International research and consideration was undertaken as part of the process of establishing this new structure. Two pertinent findings emerged from this research:

- Proactive Approach

A proactive approach is necessary if police corruption is to be addressed effectively. *Most police organisations wait until they receive a complaint of corruption or a crime before they take any action. They do little until there is a crisis concerning corruption, before they make any changes.* Reactive approaches are not adequate in dealing with corruption problems, primarily because police corruption involves two guilty parties, neither of which would want to report the other. Also, there are often no witnesses to some acts of criminality, such as theft from a crime scene. Sometimes when complaints are received, investigators only have the officer's word against that of the complainant.

- Independent Internal Investigative Unit

An independent and well-resourced internal investigative police unit is the most effective and efficient structure for addressing police corruption and crime. These structures must be staffed with police officers that are intimately familiar with the culture of the organisation. They are in a good position to identify and collect evidence against corrupt colleagues and to ensure the latter undergo the necessary criminal or disciplinary processes.

The structure and function of the IAB is based on the two principles mentioned above. The success of the IAB was highlighted by the respondent as follows: "Over the past ten years, the NYPD has grown by 42% to 55 000 officers. This was as a result of other New York policing agencies merging with the NYPD. During this time period, there has been a 50% decrease in complaints of serious misconduct and corruption and a 60% decline in police shootings, this despite the increase in the size of the NYPD."

7.4.2 TYPES OF CRIME AND CORRUPTION COMMITTED BY NYPD OFFICERS

The initial complaints received by the IAB mainly pertained to **narcotics**, for example, stealing and using drugs, and **associating with known criminals**. As a result of this drug-related criminality the IAB introduced certain measures to rectify the problem, these include:

- introducing **drug screening tests** as a requirement for all new recruits to the NYPD,
- drug tests are conducted on all officers who are promoted or transferred,
- random drug testing has been introduced into all precincts with the aim of testing at least 20% of all officers at all levels each year. (The Chief of the IAB has been tested 5 times since being appointed in his post seven years ago. This is as a result of his number appearing through random selection).

Since these drug-related measures have been introduced, drug related allegations against NYPD officers have declined, but in the last year (2002/2003) allegations of **property-related theft** have increased.

During 2002, the NYPD received 30 000 complaints against police officers. Most of these were minor and handled by supervisors. The IAB only investigates those complaints considered serious, as defined by the question: "if the complaint is found to be true, will the officer in question lose his or her job?" During 2002, 1035 complaints were investigated by the IAB. About 350 of these complaints related to property theft. The complainants are usually arrested suspects and individuals who have search warrants issued against them.

There is also an emerging trend of officers getting involved in **organised crime** such as **accident insurance fraud**. This fraud is organised because it involves individuals other than police officers. These include attorneys, medical practitioners and civilians who stage accidents or open claims where there has been no accident. Officers get involved in this type of fraud as they can receive kickbacks to fill out an accident report and enter it into the system, which can later assist claimants with insurance payouts.

7.4.3 WHY ARE SOME POLICE OFFICERS CORRUPT?

The IAB has done substantial research on this issue through surveys and interviews with police officers who have been caught. Once an officer has been caught for corruption they have an opportunity to cooperate with the IAB. This cooperation can involve simply agreeing to an interview about why they did what they did and who else is involved. Further cooperation could include the officer's assistance in undercover operations against corrupt colleagues. Many officers who are caught choose to cooperate, as this will be taken into consideration when they are sentenced.

The interviews conducted with corrupt officers revealed that the predominant reasons for their criminality include:

- **greed**,
- an **opportunity** that presented itself, and
- they did not believe that they would actually get **caught**.

*From the survey research of those involved in deviance, there was only one significantly correlating variable: corrupt officers who are found guilty are unlikely to have much formal education. A **lack of higher education** was the only factor that directly correlated with being found guilty of corruption or police brutality in the IAB research. Factors such as race,*

gender, ethnicity, age, length of service etcetera, did not significantly correlate with being found guilty of corruption.

7.4.4 INTERVENTIONS

7.4.4.1 Integrity Tests.

A unit was established to respond in both a **proactive and reactive** manner to corruption. The **reactive approach** pertains to the receiving and investigating of all serious complaints by the IAB. To be able to do this, the IAB has a team of investigators on standby 24 hours day, everyday of the year. With regard to the **proactive approach**, information from complaints and other sources is analysed to identify specific problem officers or units where there is evidence that problematic behaviour is occurring amongst some officers. Once the particular officers have been identified and their *modus operandi* established, integrity tests are carried out with the intention of securing evidence against them.

Integrity testing as a proactive approach

Simply explained, an integrity test consists of the creation of an artificial situation replicating the normal day-to-day situations that police officers experience during which the integrity of police officers involved will be tested. Integrity is tested in that a police officer will be presented with an opportunity to commit misconduct or corruption without realising that they are being monitored closely. The idea behind the secretive integrity testing is to establish an “aura of omnipresence” of the IAB in that police officers could reasonably think that any interaction with a member of the public (including criminal suspects) could be a test by the IAB.

There are two types of integrity tests:

Targeted Integrity Tests: which are conducted against specific officers or a group of officers where information is available pertaining to problematic behaviour.

Random Integrity Tests: which are not conducted against a specific officer. The random factor is that the IAB does not know exactly which police officers will be tested. These tests are conducted at a particular place and any of the officers on duty could undergo the test.

Integrity tests could range from simple one-off engagements to more sophisticated operations that take place over time. The important factors in relation to these tests include:

- attempts to capture the officers response to the test on video or audio tape,
- never allowing police officers to know they were the subjects of an integrity test,
- testing every precinct/station within the organisation at least once a year.

The IAB do not tell officers if they have passed an integrity test. If they fail a test, they will find out when the evidence is presented to them. The consequences of failing a test depend on what occurred and may lead to internal disciplinary steps or training if regulations were not followed. Criminal acts discovered during integrity tests will be prosecuted in the courts.

- Examples of Integrity Tests

Random tests are easier, less complicated and quicker to carry out. For example the IAB will stage a vehicle accident where it will appear as if one of the drivers needs to be taken away for medical attention. The vehicle will be left with a police officer whose responsibility it is to list an inventory of the contents of the vehicle and ensure its safe-keeping. Inside the vehicle there will be items of value such as money, narcotics, or anything else that the IAB agents believe that a corrupt officer might have the propensity to steal. A hidden camera will be in the vehicle and this will film the officer's actions. The IAB will monitor the officer's actions to see if the items are properly inventoried or if the officer steals something.

These tests help with establishing baselines as to the conduct of officers assigned to various precincts. It is important to avoid perfunctory random tests such as having an undercover agent hand to a police officer a "lost wallet" containing a large amount of money. Most officers will suspect these incidents are integrity tests. *A key principle behind integrity tests is that police officers should have no way of knowing that they are being tested.*

Another example of a **random** integrity test was as follows. Geographical mapping of complaints against police suggested that property-related thefts were occurring within a certain precinct in the vicinity of a hospital. It was decided that a random integrity test would be carried out in the area to see if an officer could be caught. A number of items were placed in a carry bag. These items included a local newspaper, a book that looked as if it was in the process of being read, some shopping coupons and some cash.

An undercover officer dressed as a nurse and carrying a specially made nursing ID tag, approached a police officer that was passing by the hospital and handed him the bag. She acted as if a person had recently left the bag at the hospital and she wanted to hand it to the police for safekeeping. As the contents of the bag would suggest that it belonged to some ordinary person, a corrupt police officer would not suspect that it was a trap and may then remove some of the valuables or cash before handing it in at the police station. This way a police officer who was predisposed to theft could be caught red-handed.

In **targeted** tests against specific police officers suspected of wrongdoing, it will take longer as the IAB may have to monitor them over a period of time. The IAB would rent an apartment for a few weeks and have two undercover IAB officers pretending to be a married couple coming and going so that if one of the targeted officers check with the neighbours they will not become suspicious. During the course of a few weeks the undercover officers will stage domestic disputes several times. During the initial calls to the police about the disputes, the officers who attend the scene will be able to diffuse the situation. These call outs will be to establish a sense of familiarity amongst the police officers who attend the scene.

During the last domestic dispute the officers will arrive to find that the woman has been “assaulted” and that the man has fled the apartment. The women will then find some excuse to leave the officer alone in the apartment. A number of valuable items or cash will be left lying around that will provide an opportunity for a corrupt officer to steal. These tend to be very successful operations, as corrupt officers will not know that they are being videotaped.

Another important aspect is that site surveys need to be conducted at different times of the day before an integrity test is carried out. IAB officers need to be aware of who could be observing the test and decide on the best time to carry it out. In particular it is important for IAB officers to establish whether there are other plainclothes officers in the vicinity who could observe the test. The IAB under cover officers or “ghost officers” as they are referred to, and their “protectors” also have to make sure that they blend in to the demographics of the area in which they are operating. This means that they should reflect the ethnic make-up and dress sense of the community in which they conduct the test.

*The IAB always **inform prosecutors of their integrity tests**. This is so that the prosecutors can provide legal advice and ensure that the under cover does not break any of the **entrapment laws**. In New York City, you may provide the opportunity for a person to commit a crime but not entice or coerce the person into it.*

Furthermore, the prosecutors assist the IAB in ensuring that the whole process goes smoothly. In some cases the under cover officer may be arrested along with the suspect officer. They will be held in cells and charged as if they were a suspect themselves so as not to tip off the suspect officer that they have been caught in an integrity test. The prosecutor will need to be informed to assist with the process.

The IAB had a situation where the head of a police union called for a meeting to complain that his members were unhappy with the tests and that they should stop. "We told him that we would not stop and that we were going to increase the numbers of tests conducted." He threatened to tell his members that these tests were happening and that they should always only act in accordance with the regulations (the implicated threat was that the IAB would then have no purpose). The IAB was happy that this message was going to get out.

- Amount of Officers Tested Annually/Results

The IAB does not like to reveal how many tests it conducts each year. They prefer that rumours amongst police officers lead to a situation where the Bureau is seen as "omnipresent" because it is impossible for officers to tell whether they are being tested or not during their daily activities. Columbia University conducted a survey where they asked NYPD officers how many integrity tests they thought were conducted by the IAB each year. NYPD officers generally believed that about 6000 tests were conducted annually. The actual amount is closer to 1000 annual tests.

*Out of this number of tests the IAB detects about 12 to 13 **criminal failures** (tests during which a police officer breaks the law) every year. Due to the nature of the evidence collected most of these officers plead guilty and resign. As they are entitled to all evidence against them, they will see that there is video evidence and realise that they have no chance of being acquitted.*

*There are about 23 to 30 **administrative failures** (where officers fail to follow regulations and are guilty of misconduct) detected annually. These are prosecuted through the internal disciplinary system with a 90 to 95% successful conviction rate.*

*About six to seven **supervisory failures** (where commanders fail integrity tests for not fulfilling their supervisory responsibilities) are also detected each year. These are also referred to the internal disciplinary system with a 100% successful conviction rate.*

- Skills Profiles of IAB Investigators

The IAB looks for individuals who can fit into any neighbourhood. The ideal candidates are individuals who can think on their feet and are able to role-play or act out different types of people. Currently the IAB has an acting teacher who works with undercover officers and assists them with acting out various roles. Much of the learning process of new IAB recruits is trial and error. IAB officers are constantly evaluated to determine what kinds of roles they can play and what types of assignments they can handle best. It is important that they are able to look and act like a person who is not a police officer. People who can speak different languages or speak with different accents are valued. “There was one officer who could speak with a thick Jamaican accent and he was very successful in trapping corrupt officers.”

7.4.4.2 Corruption-prevention Training

New recruits spend six months in training academy where they are in the classroom. During this time, one week is dedicated to training on **ethical decisions**. *This includes ethical decision-making, ethical dilemmas, integrity, discipline, law and receiving gifts.* They are also taught to make decisions about the use of force and how the disciplinary system works. The police regulations on the use of force are more restrictive than the general New York City law pertaining to this. Officers are taught about “graduating levels” of force in response to various situations. This training is undertaken by means of role-playing where officers are presented with various situations involving ethical dilemmas and they have to make decisions on how to act.

During the training the IAB also addresses the new recruits. They are told about the integrity tests and they are **shown videos of old integrity tests** where a police officer has failed by *acting criminally or against regulations. They are left with no doubt that problematic behaviour is uncovered and dealt with. During this instruction they are also told in no uncertain terms what is expected of them as police officers.*

Before they graduate, recruits must write two examinations, one on the use of force and one on handling ethical dilemmas. To graduate successfully, recruits must achieve a score of 100% in both exams. If less than 100% is obtained, the recruits have to undergo re-instruction and they are re-tested using a different test. Once again, only a pass of 100% is accepted to enable the officer to graduate.

The respondent firmly believes that only a small percentage of police officers are “bad apples” that commit crime and corruption. However, even if this means that only 1% of the 55 000 NYPD officers are prone to serious misconduct or corruption, this still represents 550 problematic officers. It is the job of the IAB to prevent these 550 officers from getting involved in crime and corruption by letting them know that there is a real chance they could be caught. Of those that still do not heed the warnings, the job of the IAB is to proactively catch those that become involved in serious misconduct and corruption.

*It is important that **training on ethical conduct** does not end once the recruits leave the academy. Throughout the career of NYPD officers they will receive further in-service training. Each time an officer is promoted they receive training to ensure they can handle increased responsibilities. New managers learn about ethical dilemmas from a management perspective in a programme called “It’s your move serge!” Here they are presented with a management dilemma and they have to respond to the ethical challenges it presents. Officers undergoing this course are also shown videos of integrity tests performed on managers where they have failed to act correctly.*

7.4.4.3 Rewarding Integrity

An **Integrity Review Board** has been established and it meets periodically to determine which officers have been found to display a high level of integrity (potentially through having repeatedly passed random integrity tests). These officers, once identified, are brought before the board and they are offered “choice” assignments or transfers that could lead to promotions into more senior positions. No financial or tangible rewards are offered in order to prevent any suggestions that officers need to be paid to have integrity.

7.4.4.4 Accepting Gifts

If gifts are offered to officers, it must be ascertained whether there are ulterior motives behind this. The NYPD has an internal mandate that during the course of duty, gifts cannot be accepted. The NYPD has a **Board of Ethics**, which will make a ruling before someone can accept a gift. A distinction must be made between something minor such as being offered a cup of tea while on police business compared to being taken to a fancy restaurant. The latter is wrong. A distinction must be made between normal social interaction or trying to persuade an officer in the normal performance of his/her duty. If it is an attempt to persuade the officer,

this is not acceptable and the individual (corruptor) will be criminally prosecuted for bribery.

7.4.4.5 Salaries

The respondent believed that increasing police salaries would not reduce corruption. Both the Knapp and Mollen Commissions of inquiry into police corruption recommended that police salaries be increased. These were the only recommendations that were not implemented or acted upon. In the NYPD those officers who are not able to make ends meet through their police salaries take on second jobs (moonlight). Of course there will be a small minority that will attempt to steal or become involved in corruption to make extra money, hence the need for the IAB.

7.4.4.6 Public Perception of Police Corruption

The IAB use a number of indicators to determine the public's perception of police corruption. **Citizen satisfaction surveys** are regularly conducted and some of the questions ask about experiences of interacting with police officers in relation to actual and perceived corruption. Public perception surveys are supplemented by officer engagement with various community structures. IAB representatives will attend community meetings, council meetings during which time they will look out for comments about the NYPD to gauge the perceptions of the public towards the police. At the present time the public is fairly satisfied with the conduct of the NYPD and the perceptions are much better now than they were in the past.

Another strategy utilised by the IAB is that of **Field Associates**. These are individuals who work as regular police officers in each of the police stations in New York City. Once a month they are called by an IAB officer who will engage in a conversation about the perceptions and activities of officers at their stations.

7.4.5 INTERNAL DISCIPLINARY SYSTEM

The internal disciplinary system is extremely important for tackling corruption, as it is a formal system for correcting the behaviour or dismissing problem officers. As a paramilitary organisation, policing organisations are typically very rule-driven and the disciplinary system is there to ensure that the rules are taken seriously. The NYPD disciplinary system operates as follows:

There is **command level discipline** where supervisors are responsible for ensuring the general regulations are upheld. There are two schedules of offences at this level: **Schedule A offences** which are minor violations (for example losing police property such as forms and dress code violations). **Schedule B offences** are more serious and include losing a police badge (seen as more serious because a criminal could use it to impersonate a police officer). The penalties for these violations are typically a formal warning, loss of ten vacation days or monetary fines.

For more **serious offences**, formal charges are drafted by an in-house Advocate and presented to the accused officer. These officers are then afforded an opportunity to obtain representation for their defence against the charges. A formal hearing will be held, which will be overseen by an administrative judge. Many of the IAB investigations where serious misconduct is uncovered will result in formal disciplinary hearings. An incident that is considered serious misconduct will be where a police officer has been associating with known criminals, for example.

In some instances disciplinary hearings are instigated by the police manager but most are instigated by the IAB. If convicted of a criminal offence the police officer will immediately be removed from the police organisation. If the crime is minor then an internal “court martial” will be held against the officer.

The presiding officer of internal disciplinary hearings reports only to the Chief of the NYPD. *The disciplinary system plays an important role in training, correcting behaviour and removing officers from the Department.* The aim of the NYPD disciplinary system is to protect the interests of the police organisation.

Discipline must be fast, equitable, sure and certain.

7.4.6 INVESTIGATIVE BODIES/OVERSIGHT

- Internal Accountability for Investigative Bodies

Lie detector tests are not utilised, as they are not admissible in court. There is a **focus on recruitment to ensure high levels of internal integrity**. Police officers cannot volunteer for the IAB. They **can only be drafted into the Bureau**. The IAB attempts to choose the most

qualified, talented and diverse people. Once individuals have been selected they are subject to a **stringent screening process**. *This includes checking into their financial background to look for debt or other financial problems that could be used to subject them to undue influence. Furthermore, their lifestyles are examined and they are subjected to drug tests.*

- Oversight Body to Oversee the IAB

This body is called the **Commission to Combat Police Corruption**. Their purpose is to monitor the IAB to see that the Bureau is doing what they are supposed to be doing. They have not yet had to conduct their own investigation into the work of the IAB, but they do review investigations conducted by the IAB. They have released 20 reports on the standards of the policies and practices of the IAB. They occasionally point out areas where improvements may be possible. Where the IAB agrees with the recommended improvements, these are implemented. However, if the IAB does not agree with the recommendations made they will present an argument as to the reasons why and will then suggest alternatives that they can put in place to deal with the issues raised.

- Who does the IAB report to?

The IAB reports only to the Chief of the NYPD. While they may work closely with prosecutors and provide the external oversight body with information, they are only responsible to the Chief. No one else has any power to interfere with the work of the IAB. There are only two instances where the IAB will not be able to investigate cases of corruption or criminality: when allegations are made against the Chief of the NYPD or when allegations are made against members of the IAB.

(The researcher wishes to acknowledge Gareth Newham who was present at the Digital Video Conference in Pretoria, for summarising the Conference in a written document entitled Preventing Police Corruption: The New York City Police Department Experience. The researcher used the written recording of the DVC primarily for this section).

7.5 SUMMARY AND CONCLUSION

Although less information was garnered from the pilot interview with the Employee Management Branch Commander of the New South Wales Police Service, comprehensive information on the majority of themes was obtained from the remaining two

international interviews. Pertinent themes that the interviewees contributed to in relation to their own agencies include the extent of corruption and criminality and types of crimes committed by members, which include predominantly drug-related crimes and theft. Contributing factors to police criminality included a strong emphasis on greed and personal factors such as the erosion of morality and integrity, invincibility, personal problems and stress, as well as elements of police culture and managerial contributors. Salary levels were not mentioned as a contributing factor.

Policies and procedures were explored, with emphasis on both the promotions policy and the importance of the efficacy of disciplinary procedures for a police organisation, not merely as an instrument for corrective behaviour but also to enable the agency to get rid of corrupt members. Interventions focused primarily on practices such as integrity tests and drug testing. The importance of having an internal independent investigative police unit was also mentioned. Also highlighted by interviewees was the fact that only the best police members are selected to handle complaints and investigations against their colleagues.

An illustration is given of how a young constable descends into crime, which equates to the examples of this phenomenon mentioned in the literature study (Mc Lagan 2003: 250 Chapter Three: section 3.2.3). Also, the London interviewee who is an ex-Deputy Assistant Commissioner (London's Metropolitan Police) was instrumental in uncovering and investigating the corruption scandal evolving in the Met during the 1990's (amidst opposition from senior colleagues) and he was pivotal in creating and implementing anti-corruption systems in order to prevent this type of scandal from erupting again.

The findings in this chapter have graphically illustrated the results that can be achieved in terms of reducing the incidence of police corruption and criminality, if the problem is uncovered, dealt with and suitable controls are put into place. These agencies have all weathered their corruption scandals and experienced commissions of inquiry into these scandals (the Royal Commission into corruption in the New South Wales police and the Mollen Commission into corruption in the NYPD). Scotland Yard instituted the ultra-secret "Ghost Squad" which eventually identified all the different elements of police crime taking place in its ranks, identified those responsible, took legal action and implemented controls.

All police agencies have corruption problems if they are honest, as one interviewee mentioned. It is how police organisations deal with these problems that will determine the success of the organisation. It is clear from these findings that managers in these three

international agencies have taken responsibility for and ownership of any corruption/crime problems that arise in their commands. This is in sharp contrast to the situation in the South African Police Service, which will be highlighted in the following chapters. This ownership of ethical problems is particularly evident in the NYPD where managers are also subjected to integrity tests to test them on the decisions they make as managers. Advancement in the organisation is dependent on how corruption problems are handled by managers.

These police agencies have accepted that corruption is an inherent part of policing, its perpetuation constantly encouraged by individual and organisational/managerial weaknesses. Although it is idealistic to believe that police wrongdoing can be totally eradicated from any police agency, it can be managed. This has been proven by these specific international policing organisations. Instead of treating whistleblowers with contempt, or denying corruption problems for fear of a scandal, these agencies have changed their mindset towards police deviance. They have empowered staff to report corrupt colleagues by putting systems in place to enable this, and by supporting and encouraging this positive behaviour. This attitude has also diminished the negative elements of police culture such as the code of silence and, together with adequate controls, has lessened the opportunities for deviance.

The following chapter highlights the findings of the South African interviewees, which include serving members of the South African Police Service, ex-members and other individuals in the field of police criminality such as researchers, academics, a senior member of the National Prosecuting Authority, a criminologist, a journalist and members of a police union.