Understanding and preventing police corruption: lessons from the literature

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Forewor d

Throughout the 1960's and 1970's discussion of the Police Service and policing in the United Kingdom was punctuated with examples of malpractice and misconduct. Twenty years on, several high profile scandals involving officers at all ranks of the police service in a number of forces, have again placed the police service, and discussion of police corruption in particular, under the official and public spotlight.

The Police Service has taken an active and leading role in tackling police corruption and in putting in place strategies to detect, investigate and eliminate corruption within its ranks. The Association of Chief Police Officers Taskforce on Corruption, established in September 1998, has taken the lead at a national level; individual forces, most notably the Metropolitan Police Service are putting in place preventive strategies more robust than those previously introduced in the United Kingdom; and, Her Majesty's Inspectorate of Constabulary has completed a Thematic Inspection on Integrity within the Police Service.

This publication contributes to the debate by providing a review of the published English language literature on corruption. By its very nature a literature review is historical. It is hoped that in identifying key lessons drawn from the experiences of police organisations in various jurisdictions, this report will inform the very substantial work now underway in the Police Service.

The study should prove a useful addition to our knowledge in this sensitive area.

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June 1999

Acknowledgements

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Executive summary

A series of public scandals over the past few years, albeit apparently involving a small number of officers, has caused concern about the standard of ethics and integrity within the Police Service.

In response, the Association of Chief Police Officers has illustrated its commitment to take the issues of corruption within the service seriously with the establishment of a Presidential Taskforce. Individual forces, most notably the Metropolitan Police Service, are taking steps to tackle corruption within their ranks. Her Majesty's Inspectorate of Constabulary have undertaken a Thematic Inspection on Integrity.

Early in these activities, there was a recognised need to pull together the central lessons from previous efforts to tackle corruption, both here in the United Kingdom and also in other jurisdictions. In recognition of this demand, the Home Office Policing and Reducing Crime Unit commissioned this review.

This work aims to provide a common level of knowledge and understanding of police integrity and corruption, its causes and the efficacy of strategies for its prevention. Other issues of relevance include the links between integrity (and lapses in it) and the development of corruption, and strategies for instilling organisational values and integrity in staff. It is not an aim of this report to provide an assessment of the current extent or nature of police corruption in the United Kingdom. It is hoped this work will provide an essential base for the development of robust prevention strategies in the longer term.

By definition, a literature review is necessarily historical and shaped by available material. The review covers the main English language literature on the issues of police corruption and police ethics over the past 20 years. It includes the sociological and criminological literature, together with a review of the main 'official inquiries' from the United States and Australia.

Key findings

The review concludes with eleven key messages central to any understanding of corruption and which should underpin reforms introduced for its prevention:

- police corruption is pervasive, continuing and not bounded by rank;

- any definition of corruption should cover both 'financial' and 'process' corruption, and should acknowledge the varying means, ends and motives of corrupt activities;

- the boundary between 'corrupt' and 'non-corrupt' activities is difficult to define, primarily because this is at heart an ethical problem;

- police corruption cannot simply be explained as the product of a few 'bad apples';

- the 'causes' of corruption include: factors that are intrinsic to policing as a job; the nature of police organisations; the nature of 'police culture'; the opportunities for corruption presented by the 'political' and 'task' environments; and, the nature and extent of the effort put in to controlling corruption;

- some areas of policing are more prone to corruption than others;

- although there are many barriers to successful corruption control, there is evidence that police agencies can be reformed;

- reform needs to go beyond the immediately identified problem;

- reform must look at the political and task environments as well as the organisation itself;

- reform tends not to be durable; and

- continued vigilance and scepticism is vital.

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1. Introduction

Corruption in the police service in the United Kingdom has come under increasing public and official scrutiny in the past 12 months. A series of public scandals, albeit apparently involving a small number of officers, has caused concern about the standard of ethics and integrity within the police service. In response, the police service is putting in place a range of short and longer term reforms to tackle malpractice and misconduct within its ranks.

Corruption in various jurisdictions

United Kingdom

From the earliest days of the Bow Street Runners; through the formation of the New Police in the 1820's; to the scandals in the 1960's and 1970's policing in the United Kingdom has been punctuated with examples of malpractice and misconduct. The range of corrupt activities uncovered included the concealment of serious crimes, bribery, the fabrication and planting of evidence. Modern day scandals of the sort characterised in the nation's consciousness by the Birmingham Six, the Guildford Four, the Carl Bridgewater affair, and the activities of the West Midlands Serious Crime Squad have involved the suppression of evidence, the beating of suspects, tampering with confessional evidence and perjury. In response to these latter activities legislative changes, most notably the Police and Criminal Evidence Act 1984, were introduced with the aim of regulating police behaviour.

United States

The experience of the police service in the United Kingdom is in no way unique. The history of policing in other jurisdictions, such as the United States and Australia, is similarly punctuated with examples of police malpractice and misconduct. It has been suggested most notably by the Knapp Commission that the New York Police Department (NYPD) in particular suffered from corruption from the outset: systematic payoffs from brothels and gambling dens and shakedowns of small businesses were documented from the end of the nineteenth century through to the 1950's. During the 1970's widespread 'graft' and bribery covering drugs, vice, gambling enforcement and criminal investigation more generally were uncovered (Knapp, 1972), taking a more serious turn in the 1990's with allegations that a group of officers were involved not only in the usual shakedown and protection activities, but were themselves involved in trafficking cocaine and other illicit drugs (Mollen, 1994).

Australia

There is also considerable evidence of longstanding corruption within Australian policing (Finnane, 1994). Evidence of gambling-related corruption is available from

the earliest days of this century, particularly in New South Wales in the 1930's and Victoria in the 1950's. A series of official inquiries (the Beach, Kaye, Lucas, Lusher and Neesham Inquiries) have uncovered organised police corruption in New South Wales, Queensland and Victoria since the 1970's. Two recent inquiries: the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct in Queensland (Fitzgerald, 1989); and, the Royal Commission into the New South Wales Police Service (Wood, 1997), both found widespread and organised corruption within the police service. Both investigations also pointed to wider problems: inadequate education and training of officers, particularly with regard to 'ethical training'; insufficient or poor management; a 'police code' or culture which showed contempt for the criminal justice system; disdain for the law and rejection of its application to police; disregard for the truth; and abuse of authority (Fitzgerald, 1989: 200).

Aim and methodology

This study aims to identify key issues in police integrity and corruption, with a specific emphasis on the causes of corruption and the efficacy of different prevention strategies. Other issues of relevance include the links between integrity (and lapses in it) and the development of corruption, and strategies for instilling organisational values and integrity in staff. It is not an aim of this report to provide an assessment of the current extent or nature of police corruption in the United Kingdom.

The work was commissioned by the Policing and Reducing Crime Unit to provide a common level of knowledge and understanding of police corruption, its causes, and strategies for its prevention, amongst the Police Service and other organisations. It is hoped this work will provide an essential base for the development of prevention strategies in the longer term.

This review covers the main English language literature on the issues of police corruption and police ethics over the past 20 years. It includes the sociological and criminological literature, together with a review of the main 'official inquiries' from the United States and Australia. While the majority of material reviewed is drawn from the experiences of police forces in the US and Australia, this is not exclusively the case. Where material is available in other jurisdictions, this has also been included.

The repor t

The report is presented in three substantive chapters:

- Chapter two considers how 'police corruption' is to be identified and defined. It examines the nature of the activities that are generally considered to be corrupt and then moves to look at competing definitions in the literature.

- Chapter three then moves on to examine the causes and sources of police corruption. The chapter ends by looking briefly at the policing of drugs, thought by many to be the source of considerable new dangers of corruption within the police service.

- Having discussed what are generally agreed to be the key factors in the development of corruption, the following chapter then looks at the reverse: strategies that have been used in the attempt to control, reduce or prevent corruption.

Key findings of this review are presented in Chapter Five. Principal amongst these is that although it is unrealistic to think that corruption can be eliminated, there is good evidence to suggest that it can be controlled and that full-scale organisational corruption can be prevented.

2. What is police cor ruption?

> "Most police departments have members who commit corrupt acts from time to time. Only some police departments, however, become corrupt police departments." (Sherman, 1978:32)

The term 'police corruption' has been used to describe many activities: bribery; violence and brutality; fabrication and destruction of evidence; racism; and, favouritism or nepotism. Authors differ in the breadth of the definition they are prepared to accept. Before moving to the question of whether a precise definition is possible, it is worth examining in a little detail the range of activities that might be included within a broad discussion of corruption.

Corrupt activities

The best known typology of corruption is that provided by Roebuck and Barker (1974 ; but also see Carter, 1990; Sayed and Bruce, 1998). They identify eight

Figure 1: Types and dimensions of police cor ruption	
Type	**Dimensions**
Corruption of authority	When an officer receives some form of material gain by virtue of their position as a police officer without violating the law p*er se* (e.g. free drinks, meals, services).
'Kickbacks'	Receipt of goods, services or money for referring business to particular individuals or companies.
Opportunistic theft	Stealing from arrestees (sometimes referred to as 'rolling'), from traffic accident victims, crime victims and the bodies or property of dead citizens.
'Shakedowns'	Acceptance of a bribe for not following through a criminal violation i.e. not making an arrest, filing a complaint or impounding property.
Protection of illegal activities	Police protection of those engaged in illegal activities (prostitution, drugs, pornography) enabling the business to continue operating.
'The fix'	Undermining of criminal investigations or proceedings, or the 'loss' of traffic tickets.
Direct criminal activities	A police officer commits a crime against person or property for personal gain 'in clear violation of both departmental and criminal norms'.
Internal payoffs	Prerogatives available to police officers (holidays, shift allocations, promotion) are bought, bartered and sold.
'Flaking' or 'padding'	Planting of or adding to evidence (argued by Punch to be particularly evident in drugs cases).

types of police corruption, to which Punch (1985) suggests adding a ninth, each of which can be analysed along one or more of five dimensions: the acts and actors involved; the norms violated; the degree of support from the peer group; the degree of organisation of deviant practices; and, the reaction of the police department. Figure 1 summarises these types, ranging in a hierarchy 'from rule breaking to lawless behaviour'.

Two issues are raised by this list of 'corrupt' activities. First, whether it is in fact helpful and/or realistic to consider all of them to be corrupt. If so, what is it that links them all together? If not, on what basis might some of the activities be excluded from the list? The second issue relates to the fact that Roebuck and Barker's (1974) typology was ordered in a hierarchy from the least to the most 'serious'. Implicit in this model, and in much writing about police corruption, is the idea that officers who become corrupt tend to start at the bottom with the least serious offences and then progress some or all the way along the road to the other end of the spectrum. We will return to this problem – referred to by Kleinig (1996) as the 'slippery slope argument' – later in this chapter. First, we consider what corrupt activities have in common and what separates them from other forms of deviance by police officers.

The problem of definition

As was suggested at the outset, there are many competing definitions of corruption. There are broad, inclusive definitions which suggest that police corruption is 'loosely' identified as 'deviant, dishonest, improper, unethical or criminal behaviour by a police officer' (Roebuck and Barker, 1974). There are also significantly narrower definitions. James Q Wilson (1963), for example, distinguishes between activities such as accepting bribes (which he along with everyone else considers to be the prototypical form of corrupt behaviour) and 'criminal' activities such as burglary on duty (which he considers to be qualitatively different – criminal but not corrupt). Although both acts are criminal, the point of Wilson's distinction is that bribery of police officers involves the exploitation of authority in a way that burglary by police officers need not. There is a parallel here with work on so-called 'white collar crime' (see Klockars, 1977).

Both white collar crime and what Stoddard (1968) referred to as 'blue coat crime' (police corruption) are those which are committed in the course of occupations. Thus, as Klockars (1977:334) puts it, 'if police officers steal from the scene of a crime they are called to investigate, they are corrupt. If they steal from their families, from their friends, or from stores and homes without the cover of their police role, they are merely thieves'. Police corruption, it is generally accepted,

necessarily involves an abuse of position – what is corrupted is the 'special trust' invested in the occupation. Here then we have one element for inclusion in a definition: the exploitation or misuse of authority. The 'special trust' enjoyed by police officers may, according to Klockars, be corrupted in two ways. First, it may be corrupted when police commit criminal acts under the cover of such trust. Secondly, it may be corrupted when that trust is employed for illegal reasons such as providing services for money. 'The latter type of corruption perverts the fair distribution of the *ends* of policing; the former corrupts both the *ends* of policing and the *means* we entrust the police to achieve them' (Klockars, 1977:334). Our second observation, therefore, must be that any useful definition of corruption must pay attention to both the 'ends' and 'means' of the activity.

[1] *Sherman's solution to this difficulty is to argue that corrupt acts involve the 'illegal use' of organisational power, but that 'illegal' refers to violations of administrative codes and civil law as well as the criminal law*

However, useful as this is, most discussion of corruption goes further and includes reference to activities that are not necessarily criminal (the acceptance of gratuities or minor 'kickbacks'[1]); activities that do not involve the provision of services (indeed, activities that may involve the failure to 'police'); and, activities that do not involve the exchange of money (or, indeed, other material goods). Thus, McMullan's (1961: 183-4) definition of corruption is sufficiently broad to include a range of such activities:

> "a public official is corrupt if he accepts money or money's worth for doing something he is under a duty to do anyway, that he is under a duty not to do, or to exercise a legitimate discretion for improper reasons."

Punch (1985) broadens this definition in two ways. He defines corruption as occurring:

> "when an official receives or is promised significant advantage or reward (personal, group or organisational) for doing something that he is under a duty to do anyway, that he is under a duty not to do, for exercising a legitimate discretion for improper reasons, and for employing illegal means to achieve approved goals."

This definition recognises that the particular 'ends' of corrupt activity may not involve personal reward but, rather, may be undertaken for the benefit of a wider group (a specialist squad for example) or the police organisation as a whole. Such a definition differs, therefore, from Goldstein's (1977) view that corruption is 'designed to produce *personal* gain for the officer or others' (emphasis added). Secondly, Punch broadens the definition to include not only illegitimate but also 'approved goals' – what is sometimes, but often rather misleadingly, referred to in the UK as 'noble cause corruption'.

Whether it is helpful to consider all forms of activity which involve the use of illegitimate means to secure legitimate ends as corrupt is questionable however. There are various forms of policing practice – ranging from the use of excessive force through to procedural breaches resulting in conviction – which whilst clearly illegitimate, are not necessarily helpfully categorised as 'corrupt'. In a similar fashion, many definitions of corruption exclude such activities as sleeping, drinking, taking drugs or having sex whilst working, feigning illness, reckless driving and other forms of 'minor' police deviance. They do so because such misconduct doesn't involve 'material reward or gain' (Barker and Wells quoted in Palmer, 1992). In such cases the corrupt 'motivation' is argued not to be present.

Perhaps the most inclusive definition of corruption is provided by Kleinig (1996:166). He suggests that:

> "Police officers act corruptly when, in exercising or failing to exercise their authority, they act with the primary intention of furthering private or departmental/divisional advantage."

Kleinig argues that the advantage of this definition is that it enables 'many acts and practices that may never show themselves as corrupt – for example, doing what one is duty-bound to do solely for personal advancement' to be included within a definition of corruption. This would clearly cover activities that would come under the general rubric of 'process corruption' (Wood, 1997a), as well as activities such as over-zealous policing with the aim of personal advancement. Though such activities may not be what we normally think of as corrupt, he argues that they should be considered to be so because they 'are motivated by the *spirit* of corruption'. As Kleinig argues, it is motivation that is the key to understanding corruption. Corruption, at heart, is an ethical problem before it is a legal or administrative problem.

Where does all this leave us? First and foremost it should make us wary of seeking an all-inclusive definition of corruption. It may be that defining the essential characteristics of corruption is largely impossible. Nonetheless, the discussion does allow us to make some general observations about police corruption:

- in attempting to define corruption, attention must be paid to the means, the ends and the motivation behind the conduct;

- corruption need not necessarily involve illegal conduct or misconduct on the part of a police officer (the goals of the action may be approved);

- corrupt acts may involve the use *or* the abuse of organisational authority;

- corruption may be 'internal' as well as 'external', i.e. it may simply involve two (or more) police officers; and

- the motivation behind an act is corrupt when the primary intention is to further private or organisational advantage.

Two methods of considering corruption have been considered here: to categorise corrupt acts and to search for a definition that will help distinguish corrupt from non-corrupt acts. Neither leads to an entirely satisfactory conclusion. If we accept Kleinig's argument that corruption is fundamentally an ethical problem, then it is perhaps not surprising that the search for complete clarity should end in frustration. The boundaries are inevitably going to be indistinct and unclear. The next step is to look at some of these boundaries – and therefore some of the key ethical questions – in greater detail.

A question of ethics?

As with all organisations there are practices within the police service which whilst they may be considered to be 'deviant' are nonetheless tolerated; they are not perceived as corrupt. In some cases however they may differ only in degree from activities that would almost uniformly be considered corrupt. At what point do particular practices constitute corruption?

[2] *The use of the masculine pronoun here is not intended to convey the impression that police managers are necessarily male.*

As Goldstein (1975:28) notes, as soon as a police manager declares himself[2] to be against corruption he is immediately confronted with a number of difficult questions about his stance: 'Does he mean an officer should not accept a free cup of coffee? How about a meal? What about a Christmas gift? What about a reward sincerely offered for meritorious service? And what about a tip offered by a visiting dignitary to the officer who served as his bodyguard?' He goes on to say that these are all issues that are on the periphery of the 'corruption problem'. They are rarely what prompted the police manager to speak out about corruption, and are unlikely to be of particular concern to those troubled by the perceived existence of corruption. Nonetheless, they raise some fundamental questions about the police. Should police officers be subject to different (higher) standards from other public officials? Is it useful to have a complete ban on gratuities? Should police agencies invest greater trust in their staff?

The answer to the question about gratuities and trust has always been variable. Minor gratuities have often been accepted as part and parcel of ordinary police

work. However, the leaders of what Sherman (1978) refers to as 'reform police departments' – departments attempting to fight corruption within their ranks – have often taken a rather harder-line stance. O.W. Wilson one of the best known American police reformers was firmly against even the acceptance of a free cup of coffee, and Patrick V Murphy the Commissioner of New York in the aftermath of the Knapp Commission famously stated: 'except for your paycheck, there is no such thing as a clean buck' (quoted in Goldstein, 1975:29). The question remains, therefore, where and how is the line to be drawn in practice?

Goldstein (1975) raises this issue of 'drawing the line' in a chapter entitled 'administrative dilemmas'. Whilst it *is* clearly an administrative dilemma it is also fundamentally an *ethical* dilemma. The practical answer to the question in any given situation requires a clear statement of ethical principles. As with many such questions, however, it is quite possible to defend different answers.

By far the most comprehensive treatment of this question is provided by Kleinig (1996)[3]. Kleinig begins by pointing out one significant difference between 'bribes' and 'gratuities': bribes are generally of a significant size and often in proportion (at least) to the 'favour' being requested, whereas gratuities tend to be more 'symbolic'. Moreover, he argues that whereas bribes are offered and accepted in order to corrupt authority, there is nothing in principle that implies that the offer of a gratuity is done with the intention of influencing the exercise of authority or that, alternatively, even in cases where the actions of an officer are aimed at securing a gratuity, that the gratuity wouldn't have been offered anyway. Nonetheless, the question of whether it is appropriate for police officers to accept gratuities remains a difficult one for police managers. Kleinig's arguments in favour of, or in opposition to, acceptance of gratuities and similar benefits are outlined in Figure 2 (page 10).

[3] The rest of this section is heavily dependent on the discussion of these issues in Kleinig (1996) chapter 9, pp.171-181

Perhaps the strongest argument against the acceptance of gratuities results from the idea that the provision of policing[4] is deemed to be a 'public good' (Jones and Newburn, 1998). Being a public good it is presumed that individuals and groups cannot or should not be prevented from using them and, moreover, that policing is indivisible: it cannot meaningfully be divided amongst individuals and groups (Johnston, 1992). The acceptance of gratuities, at least on a regular or systematic basis may, therefore, detract from the 'democratic ethos of policing' (Kleinig, 1996:178). As Feldberg (1985:274) put it: 'gratuities are simply an inducement to a police officer to distribute the benefit of his presence disproportionately to some taxpayers and not others'. Gratuities are an inducement to treat policing services as a 'club good'.

[4] The reference to 'policing' here is to 'public policing' rather than the provision of 'security' or policing services by the private, commercial sector

Figure 2: Arguments supporting and opposing the acceptance of gratuities and benefits	
A. Arguments in support of acceptance	
Appreciation	Natural and reasonable to show appreciation to those providing a public service. Rude to refuse.
Not significant	Gratuities are not significant enough to buy or cultivate favour.
Officially offered	When offered officially by a company or corporation (e.g. the discounted 'Big-Mac') no personal sense of obligation can develop.
Links with the community	Part and parcel of fostering close links with the community, including business people. In turn, a fundamental of 'good policing'.
Police culture	An entrenched part of police culture. Any attempt to end it will result in displeasure and cynicism.
Trust and discretion	Attempts to prohibit acceptance imply that officers cannot be trusted to exercise discretion and are incapable of making sensible moral judgements to guide their behaviour.
B. Arguments in opposition to acceptance	
Sense of obligation	Even the smallest gift inevitably creates a sense of obligation if it becomes regularised.
'Slippery slope'	Gratuities lead to a 'slippery slope' where the temptations become imperceptibly greater and refusal increasingly difficult.
Remove temptation	Not all officers can exercise proper judgement on what is reasonable to accept. More sensible for the organisation to remove temptation altogether.
Purchase preferential treatment	Businesses which offer gratuities are, in essence, seeking to purchase preferential treatment (e.g. encourage greater police presence in the vicinity of their business).

I have suggested that attempting to define corruption requires, at least, an examination of both the 'means' and 'ends' involved in such activities. A second way of exploring the boundaries of corruption is provided by Klockars' (1985) consideration of the relationship between 'dirty means' and 'legimate ends' in policing: what he terms the 'Dirty Harry Problem'.

The Dirty Harry Problem

The heart of this 'problem' is the question of whether and if so, under what circumstances, a 'morally good end' justifies the use of 'ethically, politically or legally dangerous means to its achievement' (Klockars, 1985:56). The answer is that 'dirty means' must always be regarded and punished as 'dirty' – even though

their use may be what is required of the 'just' police officer under some extreme circumstances. Klockars argues it is not possible for the officer to be both 'innocent' and 'just'. In deciding whether to punish an officer who has achieved ends we applaud but who, believing there to be no alternative, uses illicit means to achieve them, we face an ethical dilemma.

'Dirty Harry' problems are a staple part of police life, Klockars argues. One of the dangers of the 'moral cynicism' which many police officers may develop as a result of the realities of police work is that they may come to regard 'dirty means' as ends in themselves: meting out punishment to those who are 'guilty' but who, because of the inefficiencies of the criminal justice system, or other difficulties, are likely to escape retribution. Klockars then goes on to examine three attempts at a resolution of the Dirty Harry Problem (see Figure 3).

Figure 3: Resolving the 'Dirty Harry Problem'	
Resolution	Description
'Snappy bureaucrats'	A professional policing model associated with reformists like August Vollmer, in which officers are highly trained and obey clearly laid out bureaucratic rules and regulations. In Klockars' view, 'dirty means' do not disappear from such a model, merely that the motivations for their use focus more on career and organisational goals rather than punishment.
'Bittner's peace'	A view of policing which substitutes keeping the peace for 'the presently prevailing police ends of punishment' (Klockars, 1985:67). Though agreeing with Bittner's view of policing, Klockars argues that it is unrealistic to expect that other ends of policing will disappear. For as long as other ends – such as 'punishing the guilty' – are present, dirty means will be found.
'Skolnick's craftsmen'	Police officers see themselves as 'craftsmen' who care about their work and find it 'just'. Skolnick's craftsman resolves the Dirty Harry Problem by entering 'another moral realm' in which the means he uses are justified by the ends.

The difference between Skolnick's and Klockars' views of the Dirty Harry Problem lies in their attitude to creating a more 'morally sensitive' or ethical police officer. Skolnick is a pessimist in this regard, whereas Klockars sees a solution, albeit an uncomfortable one.

The 'slippery slope' to 'becoming bent'

A number of tricky ethical dilemmas have been raised so far in this chapter. Before concluding, one further issue – linking the subjects of 'gratuities' and 'dirty means'

– must be considered. That is, the relationship between minor and major transgressions of the rules of ethical conduct particularly whether there is a 'slippery slope' which necessarily leads from the former to the latter. According to Kleinig (1996:174) it is still very common to find woven into theories about the sources of police corruption 'the suggestion that actual corruption starts off in a small way and then becomes increasingly addictive'. There are two versions of the 'slippery slope' argument, he suggests: the logical and the psychological.

● **The 'logical' version:** posits 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 is that because both *are wrong*, or both are wrong *for the same reasons* having engaged in minor acts of illegitimate conduct opens up the way for more significant transgressions. A second version of the argument has it that although the 'gap' between minor and major transgressions may be significant, there are many other transgressions in this gap which make the setting of some 'logical boundary' impossible. Whichever version of the argument one employs, the 'logical' conclusion is that the acceptance of minor gratuities like a free cup of tea ought to be avoided.

● **The 'psychological' version :** the best known example is that contained in Sherman's (1985) paper 'Becoming Bent'. Sherman's focus is on the police officers' 'moral career' – the process of self-labelling that takes place as an officer moves from minor perks to more serious forms of corruption. He argues that there is a continuum from one to the other which involves a series of stages each of which require a moral decision to be made. Each stage involves a gradual redefining of the 'self' as who will accept (ever more serious) forms of bribery. The individual steps are small, often beginning with the acceptance of police 'perks' – free coffee and meals from restaurants, but the overall journey is long and may be terminated along the way (often with the justification that certain forms of 'graft' are 'dirty' whereas, by implication the ones that had been accepted were 'clean')[5].

The key policy implication of Sherman's argument is ensuring that there is some point – a boundary – where the redefintion of self that is required is so great that most will be discouraged from making the leap. As Kleinig (1996) points out what is interesting about this version of the slippery slope argument, is that it does not necessarily hold the acceptance of minor gratuities to be unacceptable (though Sherman is clearly uncomfortable with such gratuities). What is problematic about

[5] *This is similar to the 'grass-eating'/`meat eating' distinction made by the Knapp Commission. 'The meat eaters are those patrolmen who... aggressively misuse their police powers for personal gain. The grass eaters simply accept the payoffs that the happenstances of police work throw their way'. The Commission went on to argue that the 'grass eaters were the heart of the problem because their great numbers tend to make corruption "respectable"'.*

their acceptance is that doing so requires a redefinition of self that makes the acceptance of more significant 'gifts' easier.

Summary

There is no straightforward solution to either the question of definition or to the ethical problems outlined. The discussion illustrates the simple but uncomfortable fact that complex ethical problems are an inherent part of policing. Recognising the problems and the complexities involved is an important stage in constructing a coherent administrative policy response to them. The next stage is understanding the sources and causes of corruption in the police service. We turn to this issue in Chapter Three.

3. The causes of police corruption

In previous chapters I have looked briefly at corruption and the history of policing, and have considered definitions of corruption and typologies of corrupt practices. Even this basic review allows us to say some fairly definitve things about police corruption:

- it is pervasive – corrupt practices are found in some form in a great many police agencies in all societies;

- it is a continuing problem – there is evidence of corrupt practices from all stages of police history;

- it is not simply a problem of the lower ranks – corruption has been found at all levels of the police organisation;

- there are certain forms of policing, or areas of the police organisation, which are more 'at risk' of corruption; and

- it is not simply financial: activities (including 'process' activities) extending beyond bribery and extortion have been examined.

This helps us begin the process of explaining the 'causes' of corruption: that is to focus on the nature and context of police work. Predictably there are many competing explanations for police corruption in the criminological literature[6]. One of the traditional 'occupational explanations' of corruption has been that it is the product of 'bad apples' and atypical of the organisation. In this chapter, we begin by examining briefly the reasons why the 'bad apples' theory of police corruption has been largely discredited in recent years, before moving on to examine what it is about the nature and context of police work that facilitates or causes corruption.

A few bad apples?

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. Thus, perhaps best known of all, after the revelations of Officer Frank Serpico in New York City, the Knapp Commission hearings 'destroyed the police union's argument that police corruption was confined to a few 'rotten apples' in an otherwise healthy barrel' (Sherman, 1978: xxviii). In Knapp's view:

[6] *Roebuck and Barker (1974) list a range of competing explanations including: dishonest and criminal recruits (Lewis and Blum, 1964); faulty training and supervision (Tappan, 1960); political corruption (Gardiner, 1970); dearth of professional standards (Skolnick, 1967); societal demands for illegal services (Merton, 1958); and, socialisation of newer recruits into corrupt practices (Stoddard, 1968).*

"According to this theory, which bordered on official Department doctrine, any policeman found to be corrupt must promptly be denounced as a rotten apple in an otherwise clean barrel. It must never be admitted that his individual corruption may be symptomatic of underlying disease… A high command unwilling to acknowledge that the problem of corruption is extensive cannot very well argue that drastic changes are necessary to deal with the problem." (Knapp, 1972:6-7)

The Knapp Commission concluded that corrupt 'pads' existed in every plain clothes gambling-enforcement squad in New York, and that corruption could be found, indeed was often extensively found, in drugs enforcement, criminal investigation and in uniformed patrol. A system of internal corruption, where managerial discretion and favour were bought and sold in a marketplace of payoffs, was also uncovered. Corrupt practices were highly, and often sophisticatedly organised, and were protected and reinforced by tolerance of, or selective blindness towards, it by non-participating officers (Henry, 1994).

The reform commissioner, Patrick V Murphy, supported and reinforced the Knapp Commission's view that the idea that the barrel was 'clean' could not be supported:

"The 'rotten apple' theory won't work any longer. Corrupt police officers are not natural-born criminals, nor morally wicked men, constitutionally different from their honest colleagues. The task of corruption control is to examine the barrel, not just the apples – the organisation, not just the individuals in it – because corrupt police are made, not born." (quoted in Barker and Carter, 1986: 10)

Further evidence, and in some respects even more worrying evidence, of the pervasiveness and embeddedness of police corruption comes from two further, more recent, official inquiries. What both the Royal Commission into New South Wales Police (Wood) and the Mollen Commission investigating allegations of corruption in New York found was not only 'traditional' forms of organised corruption associated with 'regulatory forms of policing', but more insidious forms of what Knapp referred to as 'meat eating'. Thus Wood (1997a:153) talked of 'the active involvement of police in planning and implementing criminal activity, sometimes in partnership with known criminals and on other occasions in competition with them'. Both Commissions were clear that the corruption they detected was organisational in character. The conclusion drawn by the Wood Commission was that its own findings 'must dispel, for all time, any explanation based upon individual deviance or opportunistic corruption. The problem to be addressed is much more fundamental' (Wood, 1997a:22).

The causes of cor ruption

Before it is possible to consider ways in which institutionalised police corruption might be prevented it is important to understand what gives rise to corruption, what makes it possible? Once again, the literature is reasonably consistent in identifying key issues in the development of corrupt practices within police organisations. What tends to vary is the way in which these issues are compartmentalised. Sherman's (1974) outline of what he refers to as the 'constant' and 'variable factors' in police corruption is used as a means of organising the discussion (see Figure 4). Constant factors are those which facilitate corruption, the extent of which is subsequently influenced by a number of variable factors.

In the rest of this chapter each of these 'factors' is discussed briefly, before moving on to a discussion of drug-related corruption.

Constant factors

Discretion

Police officers have considerable freedom to exercise in making decisions about whether to enforce particular laws in particular situations, giving rise to the opportunity for such decisions to be influenced by considerations of material or other gain rather than by professional judgement. One of the key sources of deviant goals are resources available within the police organisation. It is not just the variability in the use of discretion that is crucial here. It is also the focus of police work. There are some forms of police work that bring with them greater opportunities for, and therefore greater likelihood of, corruption. It is in the nature of the violations being policed that one of the key 'resources' for corruption is found, and which makes particular departments, divisions or units worth 'capturing'. We return to this below in relation to 'legal opportunities for corruption'.

The second aspect of 'discretion' concerns the possible existence of both internal and external conflict about the goals of policing. As Goldstein (1975:26) says, 'Police officers are expected to operate in a manner that is in sharp contrast to the formal provisions governing their duties'. Thus, whereas there is a legalistic presupposition that the purpose of police organisations is to enforce all laws, not only is this impractical, but 'clients' of police organisations will tend to the view that it is appropriate for there to be priorities in enforcement practices. However, they will not always agree about what these priorities are. The question of who determines priorities becomes extremely important. Sherman (1978) suggests that in most organisations, goals and priorities are set by a continually evolving group

Figure 4: Causal factors affecting the development of corrupt practices	
A. Constant factors	
Discretion	The exercise of discretion is argued to have both legitimate and illegitimate bases.
Low managerial visibility	A police officer's actions are often low in visibility as far as line management is concerned.
Low public visibility	Much of what police officers do is not witnessed by members of the public.
Peer group secrecy	'Police culture' is characterised by a high degree of internal solidarity and secrecy.
Managerial secrecy	Police managers have generally worked themselves up from the 'beat' and share many of the values held by those they manage.
Status problems	Police officers are sometimes said to be poorly paid relative to their powers.
Association with lawbreakers/contact with temptation	Police officers inevitably come into contact with a wide variety of people who have an interest in police not doing what they have a duty to do. Such people may have access to considerable resources.
B. Variable factors	
Community structure	Refers to the degree of 'anomie', the political 'ethos', and the extent of culture conflict.
Organisational characteristics	Levels of bureaucracy, integrity of leadership, solidarity of work subcultures, moral career stages of police officers, and the perception of legitimate opportunities.
Legal opportunities for corruption	Moral: so-called 'victimless crimes' (Schur, 1965) associated with the policing of 'vice'. Regulative: the exploitation of minor or trivial regulations such as those associated with construction, traffic and licensing.
Corruption controls	How the guardians are themselves 'guarded'.
Social organisation of corruption	Two basic forms: 'arrangements' and 'events'.
'Moral cynicism'	Association with lawbreakers and contact with temptation is inevitable in police work, inclining officers towards moral cynicism.

of people best conceived of as a 'dominant coalition' (which may consist of people outside the organisation as well as those inside). It is the reaction of the dominant coalition to deviant practices which marks the boundary between individual and organisational deviance. There are occasions, he argues, when

dominant coalitions adopt 'deviant goals' and it is at this point that police agencies become 'corrupt'.

Low managerial visibility

Linked closely to the discretion inherent in much police work is the fact that it is often difficult for others to 'see' it. As Goldstein (1990:6) observes 'under the best of circumstances, police agencies have several peculiar characteristics that make them especially difficult to administer. Police officers are spread out in the field, not subject to direct supervision'. This enables them to resist 'managerial edicts, policies and even disciplinary actions' (Manning, 1979:63). Importantly, there is also, it is suggested, a degree of complicity in 'rule-bending' or rule-breaking which is engendered by the existence of discretion and low visibility in the job. In the more extreme forms of 'process corruption' such as the excessive use of force, the relative invisibility of the work may actually be exploited. It is in relation to those parts of the police service that are most secretive – or least transparent – that accusations of malpractice (process or financial corruption) are most common (Evans and Morgan, 1998). The authors argue that it is possible to introduce compensating factors. Thus, most of the provisions recommended by the Committee for the Prevention of Torture – in line with the European Convention – concern the need for greater transparency.

To the idea of 'low managerial visibility' we might add the issue of managerial 'support' for malpractice. The relative absence of agreed upon standards in policing is not simply a source of flexibility for patrol officers. It is also a source of practical and ethical dilemmas – one of the things that may in the officer's eyes make it difficult to do the job. According to Wilson (1968) relationships between patrolmen and administrators tend to be defined by the extent to which the former feels 'backed up' by the latter. 'Good governors' identify with, and protect, the ranks. Indeed, they may need to become implicated in their activities (McConville and Shepherd, 1992; and below). Even when managerial influence is being brought to bear it may encourage malpractice. Thus, Punch (1994:27) points out that some 'senior officers may constantly reiterate the need to stick to the formal rules but then, in their behaviour, display an emphasis on success even where the rules may have been bent'.

Low public visibility

Linked again to the inherent discretion available to police officers, and also to the limited degree of managerial oversight that is possible in much policing, there is a third factor – low public visibility. Much of what police officers do is only visible to

the person or people with whom they are immediately engaged. Perhaps more importantly, the police have considerable access to 'private spaces' where they cannot be observed at all: premises and domestic dwellings that have been burgled; buildings where there is reason to believe a crime may be committed.

Peer group secrecy

Sherman (1978) argues that corrupt police departments are socially organised in relation to a number of informal rules. The rules have two main purposes. First, to minimise the chances of external control being mobilised and, secondly, to keep corrupt activities at a 'reasonable' level. The rule most often referred to in this connection, is the rule of silence. 'Officers are socialised into not cooperating with investigations of their colleagues. Whether or not he participates financially in corruption activities, an officer's adherence to the 'blue curtain of secrecy' rule puts him squarely within the 'corruption system', the members of an organisation who comply with the deviant goal'. (Sherman, 1978:47)

Discussing police occupational culture in Britain, McConville and Shepherd (1992:207) say 'the most important thing that probationary officers learn in their first few months in the police is the need to keep their mouths shut about practices, including those in breach of the rules, which experienced officers deem necessary in discharging policing responsibilities'. Secrecy becomes 'a protective armour shielding the force as a whole from public knowledge of infractions' (Reiner, 1992:93).

It is not just secrecy, but the strong bonds of loyalty within 'police culture' that is identified in several official inquiries as both facilitating and encouraging corruption and hampering inquiries and control efforts. The Wood Commission found that:

> "The strength of the code of silence was evident during the Commission hearings. Almost without exception officers approached by the Commission initially denied ever witnessing or engaging in any form of corrupt activity. Even with an undertaking that police would not be disciplined for failing to report certain forms of corruption, the offer of amnesty and the availability of protection against self-incrimination, officer after officer maintained this stand until presented with irrefutable evidence to the contrary. Each knew the truth, yet the strength of the code, and the blind hope that no one would break it, prevailed." (Wood, 1997a:155)

According to the Wood Commission, the code of silence most probably contributed to the emergence of corruption in four ways:

● for honest and inexperienced officers it influenced them to accept corruption as part of the job;

● for managers it engendered a sense of futility that corruption could be challenged or the police service reformed;

● for corrupt officers it was a means by which they could manipulate and control fellow officers; and

● for internal investigators it discouraged vigorous inquiry.

Managerial secrecy

The code of silence is not simply something which applies to the 'rank and file'. The Wood Commission in NSW identified an 'us and them' attitude which, they suggested, 'encourages police to adopt an adversarial position to anyone who is not a police officer or who challenges police activity' (Wood, 1997a:155; see also Shearing, 1981; Mollen, 1994)[7]. Similarly, the Mollen Commission (1994) made reference to a police culture that exalts loyalty and suggested that corruption was allowed to flourish once again in New York not only because of the silence of honest officers too afraid to talk but also 'because of willfully blind supervisors who fear the consequences of a corruption scandal more than corruption itself' (1994:1).

[7] It is important not to overstate the extent of this 'internal solidarity'. We will return to the issue of solidarity and the extent to which so-called 'police culture' is monolithic in the next chapter

Status problems

It is often suggested that bribery and general financial corruption is a far from unexpected outcome in circumstances where public officials are inadequately paid. Van Reenen (1997) cites low pay as a cause of a lack of integrity for people in all positions, particularly in societies where consumption is highly valued but salaries are low. However, even in societies where police officers are reasonably well paid, and where corrupt activities are deemed unacceptable, the fact that there is a perceived mismatch between income and responsibilities may lead to the development of corruption. Similarly, perceived inequities of income within police forces may also make the temptations toward corruption more attractive. In the UK, the most recent expression of concern about the consequences of 'police poverty' came from the Commissioner of the Metropolitan Police. In an interview, Sir Paul Condon said 'If you're not paying your police officers a wage they can live on, you are almost inviting them to indulge in malpractice… it's getting tougher

and tougher for young police officers to make ends meet. That doesn't mean they all go off and do bad things, but if you're serious about integrity you must make sure there is a reasonable level of pay and conditions that … doesn't tempt them into malpractice'.[8]

Association with lawbreakers/ Contact with temptation

One of the ever-presents of police work is 'organised criminal interests' who engage in crime as a business enterprise (Goldstein, 1975). They cannot carry out their business – at least not with the freedom they would like – without ensuring a minimum of interference from the police. If one adds in to the mix the discretion available to the officer, and the limited visibility of police actions, not to mention a code of secrecy, the opportunity to succumb to the temptations with which an officer will inevitably come into contact are great. Those who are most interested in corrupting police officers may well have little to lose and a lot to gain from bribery and other forms of illegality, and they may also have access to substantial sums of money or other benefits (Kleinig, 1996). Punch (1994) refers to the dangers inherent in encouraging police officers to develop close ties with criminals as 'going native' (see Daley, 1994).

Variable factors

Community structure

The context in which police agencies work is always likely to have a very significant impact on the nature and style of that work, including the extent to which officers engage in corrupt practices. The literature from North America and Australia points to both the direct and indirect influence of the political environment and political culture in influencing levels of corruption (see Goldstein, 1975; Knapp, 1972; Mollen, 1994; Fitzgerald, 1989; Wood, 1997). Indeed, Sherman (1978:32) suggests that 'capture by the political environment is probably the leading explanation of why police departments become corrupt'. There is much less evidence of politically-influenced or oriented corruption in the UK, no doubt largely as a result of the general lack of local political control of policing, certainly during most of the twentieth century.

Sherman (1978:32) also argues that 'community tolerance, or even support, for police corruption can facilitate a department's becoming corrupt', ie they may legitimate corruption. Community tolerance of such activities (particularly what he refers to as 'little' scandals) may, he argues, encourage police departments to view their corrupt practices as legitimate. On a more mundane level it is clear, for example, that businesses often have a vested interest in maximising police presence

(at least at certain times of day) and in reinforcing positive relations with the local police. For example, Macdonalds in Australia[9] offer half priced food to emergency services staff, including police officers (see Finnane, 1990; Kleinig, 1996).

Organisational characteristics

In its final report the Wood Commission concluded that 'a service that is seen to do what it can to maintain high morale, to encourage personal and career development, to avoid boredom, frustration, stress and cynicism, to develop meaningful understanding and practical guidance in relation to ethical and integrity issues, and to emphasise its role of service, is far less likely to have a serious corruption problem than a service which ignores these factors' (1997a:32). A strong link was drawn between the absence of 'professional pride' and the development of corruption and malpractice within the organisation. Maintaining morale, professional standards and respect for authority within the organisation are in this view considered essentially to be 'protective factors' guarding against the drift into corruption.

Legal opportunities for corruption

Sherman (1978) in his study of four corrupt forces is clear about where the most significant source of corruption lies:

> "Although New York police have used their official powers to protect or commit every crime from burglary to election fraud and murder, the main source of police corruption there has always been the purveyors of illegal pleasures: prostitution, alcohol, gambling, and, in recent years, narcotics." (1978: xxv)

Sherman's observation pretty much holds true for police forces everywhere. Officers working in the areas cited above stand on what Manning and Redlinger (1977:354) call 'the invitational edge of corruption' where the temptations are particularly acute. Goldstein (1975) refers to 'unenforceable laws': activities which are prohibited by legislatures around the world, but which large numbers of people continue to engage in. Even where there is public support for doing so it is not straightforward for the police to enforce the law. The consequence is that non-enforcement is relatively common, and the opportunities for negotiating a 'price' for the exercise of discretion become frequent. Corruption becomes an easier option. The Fitzgerald Inquiry into corruption in Queensland contemplated a radical solution to this problem. It suggested:

> " … restrictive laws which seek to prohibit activities for which there is a substantial demand and which are very profitable encourage the involvement of

organised crime and corruption … [L]egal sanctions do not necessarily prevent harmful activities. If the law cannot be or is not enforced, its practical effect as a disincentive to misbehaviour is decreased. It is brought into disrespect … One alternative may be decriminalisation. That would reduce demands on valuable resources, allow regulation and control of activities and reduce or eliminate the risk of associated crime. Decriminalisation or legalisation may also reduce the risk of police corruption." (quoted in Palmer, 1992:119)

Corruption controls

Sherman argues that it is likely that the differences in levels of corruption between police departments that appear to have similar 'organisational resources' and political environments may be accounted for by the 'central variable' in his study, 'social control' inside and outside the agency (Sherman, 1978:41). Though few others are prepared to speculate on the exact role played by controls, few doubt that the absence of appropriate control mechanisms, or inadequate funding of, or other support for, such controls is a powerful stimulant to corruption. The Mollen Commission, for example, was scathing about the state of corruption controls within the NYPD. In the face of massive corruption problems the Department:

"… allowed its systems for fighting corruption virtually to collapse … For at least the past decade, the system designed to protect the Department from corruption minimized the likelihood of uncovering it. In a Department with a budget of over one billion dollars, the basic equipment and resources needed to investigate corruption successfully were routinely denied to corruption investigators; internal investigations were prematurely closed and fragmented and targeted petty misconduct more than serious corruption; intelligence-gathering was minimal; integrity training was antiquated and often non-existent." (Mollen, 1994:2-3)

The social organisation of police corruption activities

Sherman argues that police corruption activities are socially organised in two basic forms: 'arrangments' and 'events'. All corrupt acts are events. When they are duplicated, generally on a regularised basis, they become arrangements. The crucial difference between the two, according to Sherman, is that arrangements are more susceptible to detection by premonitory investigatory methods. They are equally susceptible to postmonitory control. In theory, therefore, the greater the degree of organisation characterising corrupt activities within a force the easier they should be to detect proactively. This is dependent however on a number of other factors, including both the means and will to engage in detection of corrupt activities.

Systematic Police Cor ruption

In a highly systematised pattern, described to the Commission by numerous sources and verified during our investigation, plainclothesmen collected regular bi-weekly or monthly payoffs from gamblers on the first and fifteenth of each month, often at a meeting place some distance from the gambling spot and outside the immediate police precinct or division. The pad money was picked up at designated location by one or more bagmen who were most often police officers but who occasionally were ex-policemen or civilians. The proceeds were then pooled and divided up among all or virtually all of the division's plainclothesmen, with each plainclothes patrolman receiving an equal share. Supervisory lieutenants who were on the pad customarily received a share and a half and, although the Commission was unable to document particular instances, any commanding officer who participated reportedly received two full shares. In addition, the bagman received a larger cut, often an extra share, to compensate him for the risk involved in making his collections.

(*The Knapp Commission* 1972:74)

Moral cynicism

In Goldstein's view the extent to which the nature of day-to-day police work contributes to corruption has rarely been fully recognised:

> "The average officer – especially – in large cities – sees the worst side of humanity. He is exposed to a steady diet of wrongdoing. He becomes intimately familiar with the ways people prey on one another. In the course of this intensive exposure he discovers that dishonesty and corruption are not restricted to those the community sees as criminal. He sees many individuals of good reputation engaging in practices equally dishonest and corrupt … It is not unusual for him to develop a cynical attitude in which he views corruption as a game in which every person is out to get his share." (1975:25)

According to Kleinig (1996:77) it is this cynicism about morality in general, and about 'the moral seriousness of those they serve' in particular, that results in the moral constraints that should guide police conduct weakening. Police officers recognise that they are expected to adhere to standards that they know others in positions of power and responsibility do not necessarily observe. A further subject of police cynicism may be the criminal justice system itself. According to Goldstein (1975:25) 'an officer who sees the processing of hundreds of petty offenders through a city's minor courts cannot help but be struck by the futility of the procedure – the lack of justice, the lack of dignity, and the ineffectiveness of the criminal process'.

This experience may, under some circumstances, also lead to the kind of moral cynicism described above and, more concretely, to an absence of concern about fairness and justice in the exercise of their powers. From there, it is a small step to the corrupt use of police discretion. The Fitzgerald and Wood Inquiries in Australia made reference to the widespread nature of 'process corruption' ('verballing', threats, planting evidence) with the former concluding that, in part, this was a consequence of 'contempt for the criminal justice system, disdain for the law and rejection of its application to the police, disregard for the truth, and abuse of authority' (Fitzgerald, 1989:200). Dixon (undated, a), examining numerous inquiries into police malpractice and corruption, suggests that one of the common features of such cases is derisory police attitudes towards the law: 'Police officers are presented with, and themselves relay, contradictory messages: law is both the fundamental structure of society and the object of their activities, and yet simultaneously an irrelevant, outdated obstacle to the achievement of socially-mandated tasks of
crime control and order maintenance' (undated, a: 6).

In this chapter we have examined the reasons for rejecting the 'bad apple theory' of police corruption and then considered 13 factors associated with the development of corruption in police organisations. Before moving on to consider strategies for the prevention of corruption I want, briefly, to conclude by considering drug-related police corruption. There are two main reasons for this. First, doing so illustrates many of the factors discussed in the main part of this chapter. Secondly, there is currently considerable concern within the police service in many different jurisdictions about possible increases in drug-related corruption and the threats it poses.

Drug-related police cor ruption

The essence of Manning and Redlinger's (1977) argument about the 'invitational edges' of corruption is that the problems police officers face in attempting to regulate an illicit market such as the sale of drugs are similar to the problems associated with the regulation of other (legitimate) markets. One of the key differences is that sellers in illicit markets have limited opportunities for legitimate 'political' influence or for lobbying. Consequently, the focal point for 'effective control of their market' is enforcement agents. Hence:

> "The *structural constraints* of legally suppressed markets expose the agent to an accumulation of attempted influence. Because sellers want effective control over their markets, they must find ways to neutralise enforcement agencies. If they

cannot avoid at least arrest and charge, and it is probable that eventually they cannot, then they must attempt to gain favourable influence with agents." (Manning and Redlinger, 1979:356)

Moreover, there are a number of other 'pressures' associated with policing drugs markets. First, there is generally no 'victim' – the exchange is usually consensual. Therefore, enforcement officers are dependent on securing information from close to the market. Doing so 'within the rules' is not always straightforward. As a consequence, Manning and Redlinger (1977:358) conclude that 'agent corruption is a product of the requirements of narcotics law enforcement and a theme found in the history of the enforcement enterprise'. In addition to the absence of a victim, the status of such offences is contested; there is widespread use of illicit drugs despite potentially severe consequences if infractions of the law are detected and prosecuted. It must also be acknowledged that the use of illicit drugs by police officers themselves is also likely to have increased in recent years as 'recreational' use has grown among the general population. Undercover officers may be even more prone to use than other officers (see Marx, 1988). This may have contributed to the breaking down of the distinction between 'clean money' (minor bribes connection, for example, with the non-enforcement of traffic violations) and 'dirty money' (from activities widely regarded as illegitimate, such as drug-related crime) (Maas, 1996; Mollen, 1994).

One commentator has suggested that 'drug trafficking and drug-related crime… are so pervasively corrupting that police confront almost impossible obstacles when they attempt to move against them' (Langer, 1989: 293).Drugs law enforcement has a number of characteristics – some of which it shares with other forms of policing – which make it particularly prone to corrupt practices:

- it is usually 'secretive, duplicitous and quasi-legal' (Manning and Redlinger, 1979);

- the use of informants is widespread;

- it is extremely difficult to regulate;

- the 'war on drugs' rhetoric often increases pressure for results;

- securing sufficient evidence to convict is often difficult (the temptation to

engage in process corruption is great);

● officers may be required to buy or, occasionally, use drugs in the course of their work; and

● very large sums of money may be available to the corrupt officer.

Research and official inquiries into the policing of illicit drugs in the UK and abroad provide evidence of a broad range of corrupt activities: bribery of police officers to lie on oath and to provide confidential records (Knapp Commission, 1972; Sherman, 1974); increased drug use by officers (Carter, 1990); participation by police officers in drug dealing and protection of major drug operations (see McAlary, 1996); arrogation of seized property; illegal searches and seizures (eg the planting of drugs); the protection of informants; and, involvement in violence (sometimes indiscriminate) (see Mollen, 1994: 2; also United States General Accounting Office, 1998).

Manning and Redlinger (1979) conclude that officers working in the drug-related area 'are more often placed upon an invitational edge of corruption'. It is a conclusion which applies more generally to all policing aimed at regulating legally suppressed markets (such as prostitution and pornography). As should be clear by this stage, these are indeed the areas of policing where corrupt practices, and especially entrenched corrupt practices, are most often found. It is not just that they are the forms of policing that are most proximate to the 'invitational edge' of corruption. These areas of policing also tend to be characterised by the greatest degree of secrecy and invisibility from managerial, administrative or democratic oversight. In addition, according to Carter (1990), police departments tend to have 'inadequate policies, procedures, training, supervision, support resources, and administrative control to detect and respond to officer drug use and corruption' (quoted in Henry, 1994: 170).

Here, then, is possibly the major problem now faced by those seeking to control police corruption. Those areas of police work that have the strongest link with, or are closest to, the 'invitational edge' are also those which are generally subject to the least managerial scrutiny and, in the specific case of drugs, are increasingly associated with extraordinarily large sums of money and therefore very high levels of (financial) temptation.

4. Cor ruption control

This final chapter looks at the experience of attempting to prevent or control police corruption in the UK, US and Australia.[10] The bulk of the chapter focuses on the strategies that have been adopted by forces and governments (local or national) in combating corruption. Strategies are considered under four general headings: human resource management; anti-corruption policies; internal controls; and, the external environment and external controls.

Human resource management

Police forces that have experienced significant problems of corruption have responded by amending a whole range of existing employment and training practices, and by implementing new procedures. There is not the space here to be exhaustive. For ease of discussion, we consider human resource management under four broad headings: recruitment; training/ ethics; professional pride; and, police management responsibility.

Recruitment

A 1997 Commission on Police Integrity studying corruption in Chicago (the largest US police department outside New York City) recommended higher standards in relation to recruitment and screening (Commission on Police Integrity, 1997). Key amongst the Commission's recommendations were: the introduction of full screening of the background of all candidates; a higher minimum age standard to be set at 23, arguing that 21 was too low (in that it wouldn't allow for sufficient evaluation of adult work and behaviour records)[11]; candidates with experience of higher education should be sought and those who continue with their education once hired rewarded; and, most controversially, the use of polygraph testing in its initial screening of candidates (a practice already used by some law enforcement bodies in the US).

Training/ Ethics

Reforming recruit training is the most common response among police agencies attempting to deal with corruption. Goldstein, writing in the 1970s (Goldstein, 1975) noted that most police training avoided discussion of corruption. This, he suggested, was often done in the rather naïve belief that discussing wrongdoing was inherently undesirable and might even encourage such behaviour. The reverse is true, he suggests, and 'subsequent discovery by new officers of the true dimensions of corruption is among the major factors that discredit the value of recruit training' (Goldstein, 1975: 43).

[10] *The geographical focus is largely determined by the literature that has formed the basis for this review. Wher material is available, reference will be made to forces in other countries such as Japan.*

[11] *The Wood Commission recommended raising the minimum entry age in New South Wales to 21.*

Even where discussion of ethics does form part of training, Goldstein argues that it is generally done in a manner that is unlikely to resonate with new recruits or make much difference to subsequent behaviour. 'If recruit training is to have any impact on corruption, it must explore fully and realistically all the dimensions of the problem and include specific examples of corruption known to exist or to have existed in the department' (1975: 43).

Goldstein's observations were almost certainly completely accurate in the 1970s, and quite likely are still an accurate description of what happens in most jurisdictions now. This is confirmed, for example, by the Wood Commission which noted that recruit training in New South Wales had, until relatively recently, rarely focused on ethics or integrity and had almost no element of practical application or guidance. Moreover, the instruction which was available was often totally inappropriate, with mentoring or buddying of new recruits often taking place in the most high corruption sections of the force. These conclusions mirror those of the earlier Mollen Inquiry in New York.

A new anti-corruption strategy was developed in New York which placed heavy emphasis on ethics and values training for officers, especially those in supervisory positions (Giuliani and Bratton, 1995). Wood recommended that the teaching of ethics and integrity should be practically integrated in every aspect of police education and training in New South Wales, from recruitment, through continuing education to management training (1997: 542).

There are good reasons to believe that an emphasis on ethics and integrity is important to tackling corruption in police departments (see Kleinig, 1996; Palmer 1992):

● ethics contribute to the image of law enforcement as a profession;

● a code of ethics helps to engender self-respect among individual officers;

● a code of ethics may contribute to mutual respect among officers and to the development of a positive *esprit de corps* and

● a code of ethics provides guidance as to *how* the law should be enforced.

As Klockars (1985) points out in his discussion of the 'Dirty Harry Problem', moral judgements about when to use 'dirty means' rest on two technical issues: first, the range of legitimate options available and, secondly, the competence of the

individual officer. There is, in this regard, a straightforward link between training, competence and malpractice/corruption. Straightforwardly, the better officers are at using legitimate means, the less they will need to have recourse to illegitimate ones. Police agencies that train their officers, and provide them with the resources they require to achieve the goals of the job legitimately should, he argues, find that its officers are less likely to (have to) resort to 'dirty means'.

Professional pride

There is some disagreement in the literature over the significance of pride in integrity. A common hypothesis is that the more pride police officers have in their department, the more 'resistant' they will be to corruption. Sherman, in his examination of managerial reform strategies in four forces, found that little of the reform executives' attention (generally police administrators) was found to have been directed at building pride. Rather, they tended to concentrate on the removal of temptation and increasing fear of detection. As a consequence, he argues that pride is the consequence of long-term reform efforts, rather than a cause of the reduction of corruption. Fear of detection, he suggests, appears to be 'causally prior to pride in integrity, at least in police departments in which corruption was once widespread' (Sherman, 1978: 144). On the other hand, there are those writing in the field of corporate or business crime, for example, who take the view that deterrence via the threat of prosecution is less likely to have lasting long-term benefits than other more persuasive measures aimed at ensuring compliance (Braithwaite, 1989). Central to such measures are increased emphasis on managerial responsibility.

Police management responsibility

Management and supervision are discussed in greater detail below in connection with 'internal control' issues. However, there is one aspect of management that it is most relevant to discuss at this point: the issue of responsibility. One of the implications of the rejection of the 'bad apple theory' is that, in order to proliferate, corrupt practices need, at the very least, the implicit support of officers in supervisory and managerial positions. One of the key aspects in any strategy designed to tackle corruption is inculcating a sense of 'responsibility' for police integrity among staff in those positions. The best known strategy for tackling this is that associated with Patrick V Murphy in New York. Integrity was a centrepiece of his approach to reform and police commanders and supervisors were held personally accountable for combatting corruption in their commands (Mollen, 1994). As Officer Frank Serpico said in his testimony to the Knapp Commission, 'police corruption cannot exist unless it is at least tolerated at higher levels in the Department' (Mass, 1997:383).

Punch (1994) refers to 'positive symbolic leadership'. By this he means a form of leadership in which senior officers state explicitly and openly that:

- the ends never justify the means;

- they are running a 'clean' organisation even if this weakens their ostensible effectiveness;

- they will be as open as possible about internal deviance and will co-operate fully with external agencies; and

- they will personally serve as role models for integrity (Punch, 1994: 34).

The key point of 'positive leadership', he argues, is that it sends an unambivalent message to the rest of the organisation and to those outside the organisation.

Anti-corruption policies

As with any change within organisations, it is policies that are changed first (and then, one hopes, that practices change in line with policies). The area of corruption control is no different and forces that have struggled with corrupt practices have sought to develop policies that would codify the standards of behaviour expected of staff and outline the general parameters of the organisation's response to the problem. Another aspect of Punch's model of 'positive social control' for police organisations is the role of what he refers to as 'codes and compliance'.

In addition to formal rules and regulations, he argues that police forces should construct and adopt an ethical code which 'spells out a wider concern with integrity and ethical behaviour in police work' (1994: 34-5). The purposes of such a code are to:

> "…help to maintain ordinary moral decency in at least three ways. First a code can simply serve to remind police of what is (and therefore what is not) expected of them. Second, it can provide a common vocabulary for discussion of hard cases… Third, the emotional language so common in police might also help to inspire an officer to do more than she would otherwise do." (Davis quoted in Dixon, undated b:5)

Clearly, it is one thing to design and adopt a code of ethics, it is another to make it meaningful to police officers. There may be considerable cynicism within

organisations to general statements of intention. One method of reducing the likelihood of this is to ensure that such codes, though given the firm backing of the senior management of the organisation, are not drafted in a process that is solely 'top down'. Involving the community is also likely to add legitimacy and help avoid the adoption of inappropriate or impractical rules. Moreover, it is not enough to talk about ethical principles as abstract entities, they need to be tested against real, concrete policing dilemmas. Punch suggests the establishment within forces of an 'ethical commission' that officers can appeal to confidentially and perhaps even anonymously when faced with ethical dilemmas.

Equal consideration needs to be given to the means by which officers will be encouraged or persuaded to comply with the standards set out in the code. Punch suggests the use of a 'compliance officer' whose concern is the establishment of positive measures to engender compliance. His crucial point, however, is that there is an organisational responsibility to consider, in as creative a way as possible, how compliance can be maximised – this is not something which can be left to individual officers. More particularly, the responsibility of supervisory officers for the promotion of ethical conduct should be reinforced wherever possible. Ethical behaviour should be rewarded and not just unethical or corrupt behaviour punished.

Finally, it is worth briefly commenting on the relationship between codes of ethics and other rules governing police behaviour and the exercise of discretion. It is sometimes suggested that the adoption of codes will result in the unhelpful fettering of police discretion. This, however, is not the logic of such codes. Indeed, as Dixon (undated, b: 26) points out: 'the dichotomy between rules and discretion is false. An elaborate structure of rules is inevitable, given the nature of policing. Such rules should not aim to suppress discretion, but to improve its exercise. Discretion is no more inherently undesirable than rules. Good policing inevitably involves officers taking responsibility for their decisions. The regulation of discretion should aim to assist officers in doing so'.

Internal controls

Sherman (1987) distinguishes between two kinds of internal control policies: 'preventive control' and 'punitive control'. The latter are attempts to deter malpractice and corruption through an increased emphasis on detection and punishment of wrongdoing. The former, as the name implies, refers to those policies that seek to change the organisation in ways that would serve to prevent the commission of corrupt practices.

Preventive control

Under this general rubric three main approaches to changing the organisation – and, in particular, to changing internal administrative practices – may be identified: internal accountability; tight supervision; and, the abolition of procedures that encourage corruption.

Internal accountability

One of the issues for police agencies is how to ensure that those in supervisory and managerial positions take responsibility for tackling corruption. While police departments may place great emphasis, at least at a rhetorical level, on the idea of accountability to the community, it is frequently the case that they are reluctant to impose accountability within the organisation (Nixon and Reynolds, 1996). One of the responses to the identification of widespread corruption is the institutionalisation of an internal accountability policy. Such a policy seeks to diffuse responsibility for control of misconduct both vertically and horizontally. In effect the organisation does this by employing, in essence, the idea of vicarious liability. Under such a policy managers are held responsible for the behaviour of their staff, and peers are held to be responsible for ensuring probity within the ranks. In the aftermath of both the 1970s and 1990s corruption scandals in New York this was a key issue. The response in both cases, in the words of the Mollen Commission, was 'reinventing the enforcement of command accountability' (Mollen, 1994: 5).

Tight supervision

Increased or tightened supervision is an almost ubiquitous response to the emergence of a corruption scandal. The extent to which this is possible is constrained by the extent of decentralisation already present within the police agency. In Chicago in the 1990s one of the responses to corruption was to increase emphasis on 'early warning' systems. The use of such systems is based, largely, on the idea of the 'slippery slope' of corruption. As the Commission on Police Integrity (1997: 20) put it, 'in almost all instances, police officers who get into serious trouble begin with relatively minor violations of department rules which evolve over time into [more serious] behaviour'.[12]

One way of tightening control is to increase the number of rules and the amount of paperwork. However, there are numerous examples where officers have been able to comply with the bureaucratic requirements, whilst continuing with activities which are clearly outside the standards of behaviour the forms are attempting to instil (see McAlary, 1994). In New York after the Knapp Commission, decentralisation, but not debureaucratisation, was the principal strategy, in particular the increase of

[12] *Even the most serious cases, such as that of Officer Michael Dowd in New York in the 1990s appear to have started with more minor rule violations such as the exploitation of sick leave. (See McAlary, 1994).*

corruption control powers to field commanders. A policy of supervisory presence at arrests was adopted for a few corruption-prone patrol tasks. The most elaborate procedure employed in Newburgh in the US was the installation of tachographs in patrol cars.

Abolition of procedures encouraging corruption

There are some areas of policing which are much more prone to corruption than 'routine' police work. As Goldstein, Punch and others point out, the places where corruption is most likely to be found are quite predictable. It is possible to identify formal police procedures that inadvertently encourage corruption. For example: unrealistic productivity targets; inadequate means for paying informants; and, insufficient funds for buying drugs from 'dealers'. The reform administration in New York ceased using arrest productivity as a means of evaluating individual performance, and sought to move away from using reported crime rates as a means of assessing the performance of particular 'field commanders'. Funds for informers and 'buy money' for drugs were increased substantially.

Punitive control

Sherman argues that the punitive control policies are practical applications of the deterrence theory: 'the policies were attempts to increase the detection and punishment of corrupt acts in order to deter all officers in each department from engaging in corrupt acts' (Sherman, 1978: 146). Punitive control strategies are discussed under two headings: detection and investigation.

Detection

This refers to the process by which control systems gain information about rule violations. It is important first to distinguish types of intelligence. Intelligence may be proactively or reactively collected (in Sherman's terms it may be 'premonitory' or 'postmonitory', Sherman, 1978). Premonitory systems acquire information before or during the act, postmonitory systems get information after the act. The former are generally more reliable than the latter. However, 'corrupt police agencies' do not generally employ premonitory control methods to detect police corruption. 'By definition, such departments approve of corruption and do not seek to punish it, except in excessive instances that threaten to draw public attention to police corruption in general' (Sherman, 197: 45). There are three primary sources of intelligence about police corruption: citizens; police officers themselves; and, the probing of police activities.

- **Citizens:** Every police agency receives some information about possible police corruption from members of the public. This is despite the fact that the 'social organisation of corruption' means that most of it will remain hidden from the public. How prepared and how well organised police agencies are to collect and respond to such intelligence varies. A number of issues arise here. How can police agencies ensure that complaints of corruption are properly and fully recorded? Adopting and enforcing procedural rules for controlling the intake of complaints is problematic. Going public on the difficulties associated with the management of complaints may in itself lead to a drop in the number of complaints being made. One method of testing the system is to have internal affairs or complaints investigation bureaux telephone anonymous complaints themselves and then study recording and reporting practices. There is a second problem associated with such reports: how should police agencies treat anonymous reports of corruption and malpractice? A proportion of people making complaints will wish to remain anonymous. Yet for a number of reasons, but particularly protecting officers from malicious complaints, some agencies are reluctant to accept anonymous reports. Sherman is unclear how much difference the quantity of corruption intelligence received from the public makes to the ability of internal policing units to detect corruption. Moreover, most of the intelligence provided is used for postmonitory detection. Nonetheless, the more flexible and responsive police agencies are to reports from the public, the greater the likelihood that they will enhance their premonitory intelligence capabilities.

- **Police officers:** The best source of intelligence is that from police officers: both 'honest' and 'corrupt' officers, though it is the latter who are of greatest use to investigators. As Sherman (1978: 159) puts it: 'while honest officers still had more opportunity than citizens to infer corruption or to observe it accidentally, they may still have been ignorant of much or most of the corruption activities. What honest officers did not know, corrupt officers did know. The problem was to induce corrupt officers to betray their co-conspirators and provide the information needed for premonitory detection of corruption.'

Two assumptions about policing and corruption have made agencies shy away from attempting to use corrupt officers as a source of premonitory intelligence. The first is the idea that corruption is simply the province of a few 'bad apples' and that once they have been discarded the problem is dealt with. The second is that police agencies are often thought to be overridingly loyal and monolithic – the code of silence is too strong to allow officers to 'betray' their colleagues. As we have seen in previous chapters, there are strong reasons to believe both of these assumptions to be misplaced. The 'bad apple' theory has

been rejected by most of the major inquiries into police corruption. The idea of a 'monolithic' police culture is also now challenged. Thus, the Wood Commission, using the work of Chan (see Chan, 1997) rejected explanations of corruption as the product of police culture[13], and argued that significant cultural change was possible.

Enlisting the support of honest officers in the battle against corruption whilst essential, was recognised to be far from easy. Nonetheless, the Mollen Commission were optimistic and argued, in part on the basis of the reforms introduced by Commissioner Murphy after the Knapp Commission, that such a strategy was possible. What they might also have noted, however, was that although such a strategy is possible, and probably necessary, it comes with its own costs. New York under Patrick Murphy was one force that did successfully use police officers in the fight against corruption. The most controversial policy in New York was undoubtedly the use of 'field associates'.

Field Associates – The New York Experience

Where previously only the organised crime and narcotics units in the New York Police had an undercover capability, under Murphy one was added to the Internal Affairs Division. The field associates programme was designed to break the code of silence which was viewed as hampering the fight against corruption. Literally hundreds of officers, estimated as being up to one in ten officers in patrol precincts (Henry, 1990) agreed to report any corrupt activities among their colleagues.

Reports of corrupt activities increased significantly as a result, in part, of this strategy. In addition, it appears that the strategies adopted by the reform administration in NYPD were, at least temporarily, successful in reducing corruption within the Department. However, one of the consequences of the field associates programme was the rise of a significant morale problem.

According to McCormack and Ward (1987) in order to be successful a field associates programme needs to be well publicised internally, and all officers encouraged to participate.

It is now widely recognised that intelligence and information from officers is one vital weapon in tackling corruption. For example, the Knapp Commission, perhaps best known for its distinction between 'grass eaters' and 'meat eaters' also included a third category: the 'birds'. The birds were officers who flew above

the corruption, seeking safety 'in the safe and rarefied air of administrative positions' (Henry, 1994). At some point in the future, however, once promoted into senior management positions, the birds would come to play a vital role in the reform of the police department.

- **Probing police activities:** This is the generally proactive detection of corruption by internal police units. Internal affairs units are relatively common in police agencies that have, or are concerned about, problems of corrupt practice. Aggressive action against corruption is inherently problematic for those working within the organisation. It is, for obvious reasons, easier for outsiders to be tough. Because of this it is important at least in part for internal authority 'to be insulated from the pressures that would corrupt it' (Marx, 1992:157). This is perhaps the primary impetus for the establishment of internal affairs capabilities.

In addition to the detective function that such units have, McCormack (1987:155) suggests that:

> "A strong proactive internal affairs initiative provides 'an excuse for being honest' that may be acceptable to many of the rank and file ... Under intense supervision, reluctance to engage in unethical conduct may be viewed not only as acceptable but also prudent. As a result, many officers who are seeking ethical guidance may secretly welcome such efforts if policies are realistic and fair."

In studying the work of such units, Sherman lists four sources of probing:

- Criminal informants: though they are often unreliable, Sherman suggests such informants have the best access to information. In a few cases in New York such informants were paid for their information, others were offered immunity from arrest.

- Wiretaps: these were used in some police departments on both 'professional criminals' and officers suspected of corrupt activities.

- Corruption 'patrols': these were members of the internal policing units who looked for general indications of corruption activities. Locations known for gambling, prostitution, drugs sales and illegal drinking would be observed for signs of 'payoffs'.

● 'Integrity tests': are perhaps one of the most controversial tactics. Artificial situations would be constructed in which officers would be given an opportunity to commit corrupt acts. Officers who failed the 'test' would be arrested. Oakland Police Department used integrity tests in relation to its most persistent form of corruption – thefts of property from arrestees (using criminology students as 'stooges') – whereas in New York integrity tests were used across the range of corrupt activities: theft from persons and property; protection of (fake) gambling operations; and drugs sales. Such tests change the question being asked from 'is he corrupt?' to 'is he corruptible?' (Marx, 1992). More recently in the UK the idea of integrity testing has been adapted as one of the proposed responses to the problem of racism (Macpherson, 1999). Ethical tests raise a host of ethical questions. There are, for example, issues about the proper role of the state and about how 'enticing' inducements to corruption can be reasonably made. Kleinig (1996:161) takes the view 'that when people are entrapped we lack an evidentiary basis for thinking of them as criminals'. In practical terms, the outcome of 'stings' and integrity tests is itself often confusing.[14]

Marx (1988; 1992) refers to the more sophisticated covert practices now practised widely in policing as the 'new surveillance'. Crucially, it is particularly well suited to corruption control: 'the diffuse, often victimless quality of corruption lends itself well to discovery via covert means' (1992:155). This is a position endorsed by Sherman (1978) who suggested that premonitory detection strategies were associated with, at least short-term, declines in corrupt activities. It is worth noting Marx's (1992:164) point, however, that there have been no systematic efforts to evaluate 'the government's use of undercover tactics against itself'.

Investigation

Sherman (1978) argues that the detection of corruption is a necessary, but not a sufficient, condition for the imposition of punitive sanctions against corruption. Detection may provide the targets, investigation then generally follows in its wake, before sanctions can be considered. The literature on police corruption is, however, full of sorry tales of the failure of police forces to investigate properly allegations of, or intelligence concerning, corrupt practices (see, for example, McAlary, 1994).

Given the relative invisibility of corrupt activities, the collection of direct evidence of the commission of a corrupt act requires particular tactics. The targets of investigation vary and may be broad or narrow (ie the identified officer(s) or broader groups of which they are a part). The nature of the definition used is

[14] Marx (1992:167) describes a case reported in the New York Times where, as part of an FBI investigation, 'an informer offered a $5000 bribe to [a] superintendent of police, who at first pretended to be interested. However, as the bribe was to be passed, the superintendent rejected it and arrested the informer. He later sought to have the FBI agents involved arrested for bribery. The FBI in turn threatened to have him arrested on obstruction of justice charges. The FBI demanded its money and bugging equipment back, while [police department] officials wanted to give the $5,000 to charity.' In addition, the Australian High Court recently ruled that drug importations' done as part of 'sting operations' were illegal, forcing state and federal parliaments to pass laws allowing the police to break the law

linked closely with the method of investigation followed and the model of corruption held by investigators. The use of a more limited definition generally means that a model of investigation along the lines of a criminal trial will be adopted where the focus is on establishing whether specific events occurred. This mode is based on a largely individualistic model of corruption. It tends not to consider patterns and trends in corruption, and by focusing on individuals rather than groups or networks, it runs the risk of 'tipping off' others who may be involved in corruption activities. A broader definition is closer to 'fishing expedition'. It always looks for patterns in corruption –focuses on 'arrangements' rather than 'events' – and has as its target the greatest number of corrupt officers possible. As a strategy it allows investigators to postpone making arrests until the optimum amount of evidence has been collected.

As with detection, investigation increasingly involves 'undercover' techniques.These include: surveillance; turn-arounds; body-microphones; wiretaps; and, faked situations Whilst intelligence from wiretaps, direct observation by 'corruption patrol officers', and integrity tests have all proved important in anti-corruption activities, verbal testimony remains the most common source of information in this, as in all forms of criminal investigation. However, the manner in which such interviews are conducted may impact on the willingness of witnesses to provide evidence, and the timing may affect the possibility of gathering premonitory evidence. There are notable examples of police forces being openly antagonistic towards members of the public alleging corrupt activities (McAlary, 1994; Maas, 1997), with complainants finding themselves subject to cross-examination and interrogation. The failure to ensure the co-operation of witnesses reduces the opportunity of collecting important 'postmonitory' evidence of corrupt activities, but also undermines – sometimes fatally – the opportunity for enlisting the help of the witness in premonitory activities. Interviews conducted too early in an investigation may also impact negatively on the opportunity for gathering premonitory information. Rather in the manner of the precipitate arrest, interviewing a 'key player' in a network of corruption may tip off all the others involved and lead to the destruction of other evidence.

The external environment and external controls

In addition to implementing strategies aimed at changing the organisation, strategies aimed at changing the environment are also important in tackling corruption. As was outlined in Chapter Three, there are considerable pressures on police agencies to become corrupt from the 'organisational environment'. The two major environmental elements posing a threat have been labelled the 'task

environment' and the 'political environment' (Sherman, 1978). In this view, changes in enforcement policies may be effective in reducing some of the risks from parts of the task environment, but they do not directly impact on the environment itself. A key aspect of this part of preventive control tend to be policies which attempt to change the behaviour of key actors in the task environment: 'the corrupters and potential corrupters of the police, and the victims and potential victims of police corruption' (Sherman, 1978: 137). One approach involves the attempt to encourage the public to be more vigilant and more willing to report suspicions of corruption – forces tend to vary as to whether they will accept anonymous allegations. Of all the strategies to change the task environment studied by Sherman, the most systematic was a bribery arrest campaign in New York.

The Bribery Ar rest Campaign, New York City, 1971

In September 1971, in a speech to the New York City Chamber of Commerce, the Commissioner of Police launched an attack on the police-corrupting public. He announced that it 'takes two to bribe'. He told the businessmen that police officers would no longer respond to bribery attempts by saying 'you can get into trouble talking like that.' Instead, he put the public on notice that the new response to bribe offers would be, 'you are under arrest'. On the same day he issued a teletype message to all officers ordering them to arrest any briber, whoever the person, whatever the occasion, including hotel managers, restaurant owners, merchants, building superintendents, housing contractors, tow-truck drivers, and motorists. The rank and file responded immediately with a dramatic increase in the number of bribery arrests. The Commissioner held several press conferences at which he praised officers who had spurned large sums. Some of them were even promoted.

From: Sherman, L.W. (1978) *Scandal and Refom*

Perhaps the greatest obstacle to reforming a corrupt police department is the existence of a corrupt political environment. This is particularly relevant in jurisdictions such as the US and Australia, where greater local control of the police service exists. Sherman's work on four US cities found evidence of a dramatic change in the integrity of the local political environments, enabling the police department to sever the main links between politics and police corruption.

As I have already discussed, one of the standard responses of leaders of organisations faced with strong evidence of corruption within that organisation is

to suggest that corrupt activities are simply the product of one or two individuals who are out of control. The organisation, it is implied, is 'clean'. For this and other reasons it is generally significantly more difficult to have organisations defined as corrupt than it is to do so in relation to individuals. Thus, in parallel with 'corporate crime' it is possible often for the organisation to avoid sanctions because the focus of prosecutions is generally on individuals and, similarly, individuals may sometimes be able successfully to use the organisation as a 'shield' (Punch, 1996). Four obstacles have been identified as hindering the investigation and prosecution of organisations:

● Resources are not routinely allocated to the control of deviant organisations. There are two main reasons for this. First deviance is generally defined – socially and legally – in individual rather than organisational terms. Secondly, there is a general expectation that organisations will control or police themselves.

● Organisations often have a considerable capacity to keep information about their deviant activities from reaching 'control systems'. It is generally difficult for those outside an organisation to discover what goes on inside (and this is particularly the case when internal activities are corrupt).

● Organisations can often prevent other organisations from exerting control over them. Sherman argues that two legitimate grounds are often cited by control agents to account for their failure to mobilize control in response to information about deviance. First, that the information is false or that the source is unreliable. Secondly, that the information available is insufficient to meet the standards of proof required.

● Even when social control is mobilised there are few effective means of punishment. Punitive sanctions may be both material and symbolic. The former are rarely applied to organisations, the latter can be. It is for this reason that during corruption scandals there tends to be a battle of definition over whether the deviance identified is deviance by individual members or deviance characteristic of the entire organisation. As Sherman (1978: 24-5) puts it: 'the imposition of a symbolic sanction against the organisation is a matter of manipulation of appearances'.

Where there is widespread corruption, relatively little is likely to change in the absence of 'scandal' (Sherman, 1978). The 'heat' produced by major scandals can have a genuinely if often short-lived reformatory effect. In large part, of course, this is because of the activity and action that the scandal stimulates. For example,

environmental pressures and opportunities for corruption, an absence of internal control and a corrupt 'dominant coalition' must be replaced by a change in or insulation from the environment, an increase in internal control and a new dominant coalition dedicated to reform if corruption is to be tackled. None are likely to happen in the absence of external scandal[15].

Because of the role of scandal in the process of reform it is important to consider the role of some of the major official inquiries that have been set up the aftermath of scandals – Knapp, Mollen, Fitzgerald, Wood. Commissions can become the focus of change or reform programmes and may give such programmes their (initial) impetus (see, for example, Nixon and Reynolds, 1996 on the Fitzgerald Inquiry in Queensland). Indeed, the study of such inquiries and of corruption control strategies leads to three general conclusions:

- corruption, including widespread and institutionalised corruption, may be signficantly reduced if the right conditions pertain and the appropriate strategies are adopted;

- scandal, and official public inquiries set up in the aftermath may play a vital role in the establishment of successful corruption control strategies;

- even in a 'successfully reformed' police agency, some low level corruption is likely to persist; and

- without extreme vigilance more organised corruption is likely to re-appear.

Possible unintended consequences of corruption control

Before concluding it is important to consider one final issue. Running throughout this report has been the assumption that it is important to prevent or control corrupt activities – notwithstanding the fact that corruption may be difficult to define and, in practice, may sometimes not be easily distinguishable from deviant behaviour which falls short of corruption. Following from this there is the assumption that efforts to control or prevent corruption are to be seen as a positive development. Whilst that may be so, it is also important to acknowledge two other points. First, that corruption control strategies are not always ethically uncomplicated. Secondly, that corruption control strategies may have unintended as well as intended consequences. This is particularly the case given the increased use of undercover techniques. It is imperative that the parameters of prevention strategies are acknowledged.

As Marx points to in much of his work, undercover or covert tactics raise troubling issues. These include:

- the stimulation of crime that would not otherwise have occurred;

- the redirection of resources away from crimes 'known' to the police towards 'possible offences';

- the involvement of police officers in criminal activity;

- inappropriate behaviour on the part of the state;

- the protection of criminals, and the non-prosecution of offences committed by those criminals, because of their 'usefulness'; and

- where state officials are themselves the 'target' of such tactics, the danger is that the legitimacy of particular state institutions is threatened.

The reform of a corrupt police dept is a major social change and is only achieved at a certain cost. There may be unintended, and sometimes undesirable, consequences:

- There may be an increase in individualised police corruption (as individual officers seek to maintain their standard of living). However, he goes on to argue that any increase in individual corruption may well be short-lived, 'pride in the department as an honest organisation could eventually pose strong opposition to officers persisting in individualised corrupt acts' (1978: 257).

- Certain civil liberties principles may be sacrificed as the use of covert surveillance increases. There is the possibility that police officers that feel that their own rights are violated by their superiors might be less willing to protect the rights of the public they police.

- There may, at least for a period, be a significant impact on the public perception of policing and a concomitant decrease in the legitimacy accorded the police.

- Aggressive attempts at controlling corruption within the police organisation may create challenges in which employees in effect say 'if by your actions you imply that you don't trust me and treat me like a potential criminal when I work hard and risk my life, then I'll show you' (Marx, 1992: 168). Punch (1994) notes that

the paradox is that more control can weaken control by disturbing normal patterns and generating resentment. He goes on to argue:

> "There is no doubt that there has to be close supervision, formal prohibitions, and strong sanctions in an organisation with such a sensitive task as police have and with a mandate that is defined by the criminal law. If a policeman is corrupt then he is a criminal and must expect tough sanctions. But it is doubtful if a tough 'regime' is the best remedy for the corruption issue. Probably the two most important elements are clarity of guidelines and seriousness of resources… Everyone in the organisation must know what is not acceptable and that infringements will be pursued professionally and with vigour." (Punch, 1994: 33-4)

There seems to be considerable agreement with this position. McCormack (1996) for example has suggested that it is quite possible to effect behavioural change within organisations as a result of the imposition of strong internal controls which heighten the risk of detection. However, he argues that 'long-term change depends more upon internalising new ethical standards' (McCormack, 1996: 245). Both, it appears, are required. Sherman says that conformity to organisational policy is maintained by 'a good balance of pride and fear, deterrence and voluntary compliance' (quoted by McCormack, 1996). Just to prove the point that this is simpler than it sounds, Simpson notes that 'the question of what constitutes a "good balance" seems, however, to be what constitutes the problem in this discussion' (Simpson, 1977: 136).

5.   Conclusion: Toward 'ethical policing'

What are we to make of the evidence that is currently available on the subject of police corruption? First of all, we must repeat the points made several times during this report. Police corruption is not new, it has been part of policing for as long as we have had policing. It is also pervasive. It is unlikely that there are many police organisations that are completely corruption-free. That said, although most police organisations are likely to be able to find examples of corruption within their ranks, examples of organised corruption do not reach the public domain all that frequently. In part, because 'individual cases' of corruption are more visible, the idea of 'bad apples' in otherwise clean barrels continues to have considerable currency. This is reinforced by a reluctance on the part of police agencies to admit to organisational corruption, even where there is evidence to suggest that corrupt activities are entrenched.

However, the 'bad apple theory' of police corruption has, at least as far as official inquiries are concerned, now effectively been discredited. Successive Commissions of Inquiry have catalogued examples of highly organised, systemic corruption. Often, but by no means always, such corruption has been located within specialist parts of the police service, in particular those units dealing with the regulation of so-called 'victimless' crimes (Schur, 1965) such as prostitution, gambling and illicit drugs. The implication of this observation – that the places that corruption appears are rarely surprising – is that it should be possible to target any anti-corruption strategies adopted by particular police agencies in those areas where organised corruption is most likely to develop. However, equally important is that whilst strategic prevention and control are the proper aims of anti-corruption strategies, outright elimination of corrupt practices is generally unrealistic. Eleven key points summarise the general messages arising from this review:

● police corruption is pervasive, continuing and not bounded by rank;

● any definition of corruption should cover both 'financial' and 'process' corruption, and should acknowledge the varying means, ends and motives of corrupt activities;

● the boundary between 'corrupt' and 'non-corrupt' activities is difficult to define, primarily because this is at heart an ethical problem;

● police corruption cannot simply be explained as the product of a few 'bad apples';

● the 'causes' of corruption include: factors that are intrinsic to policing as a job;

the nature of police organisations; the nature of 'police culture'; the opportunities for corruption presented by the 'political' and 'task' environments'; and, the nature and extent of the effort put in to controlling corruption;

● some areas of policing are more prone to corruption than others;

● although there are many barriers to successful corruption control, there is evidence that police agencies can be reformed;

● reform needs to go beyond the immediately identified problem;

● reform must look at the political and task environments as well as the organisation itself;

● reform tends not to be durable; and

● continued vigilance and scepticism is vital.

As is suggested above, there are certain areas of policing that are more prone to corruption than others: vice, drugs, licensing and those areas where police officers have regulatory powers are generally cited as being 'corruption-prone' and, indeed, figure largely in accounts of police corruption around the world (Mollen, 1994; Morton, 1992; Wood, 1997). Punch (1994) suggests that three issues emerge from this fact. First, given that there is some predictability to corruption there should be some 'cautious anticipation' of the dangers that might result from certain types of policing and from the placing of particular individuals close to the 'invitational edge'. Second, this means that 'vulnerable people' should not be placed in situations where the opportunities are particularly tempting to them. Clearly, there are problems in defining 'vulnerability' in this regard. Officers known to have, or have had, 'drink problems' and officers with debts might be two that would fall into the category. Thirdly, it is, or at least may be, possible to reduce opportunities in particular areas. Punch (1994), for example, suggests it is quite possible to remove some kickback opportunities by taking some decisions out of the hands of officers. Police agencies often respond to the inherent vulnerability of some jobs by ensuring that the staff posted to them are rotated on a regular basis. The Fitzgerald Report (1989) recommended the rotation of officers in sensitive or 'high risk' areas on a three year to five year basis. Regular drug-testing of employees is becoming more common and though in operation in New York prior to the Mollen Commission inquiry into corruption, was tightened up subsequently. Finally, a declaration of assets and financial interests is one further way of screening

employees both for potential vulnerability and for unexplained income. This has now become standard for senior officers in the New South Wales Police Service and for all officers working in designated 'sensitive areas' (Palmer, 1992).

One response to the challenge of corruption has been to propose that the whole approach agencies take to the task of policing needs to be reformed. More particularly, some commentators have suggested that the adoption of the approach and style generally associated with 'community policing' is likely to reduce the likelihood of corruption (Bracey, 1992). This, for example, is the response adopted by the New South Wales Police Service in answer to to concerns about corruption raised by the Lusher Inquiry (Lusher, 1981).

Whilst there is much in the community policing model which, if implemented successfully, would be expected to reduce certain forms of 'corrupt' activity – especially 'process corruption' – there are great dangers in treating community policing as if it were a panacea for the problems of policing, corruption included. First, as this report should have made clear, designing a strategy for tackling corruption requires an approach that is multi-faceted and focuses both on the environment being policed as well as the police organisation itself. Secondly, it is perfectly possible that community policing itself brings with it a certain 'corruption-proneness' – the possibility that corrupt practices may be facilitated and will flourish unless particular vigilance is exercised. As Kleinig (1996: 232) puts it, 'police who become too closely identified with and involved in the community they serve often find it difficult to fulfil their law enforcement function. The risk of corruption must also be faced. Not only will associations be forged that make enforcement difficult, but police may start to share some of the perspectives of those whose activities they are expected to be curbing'. The likelihood is that any style or approach to policing will bring with it certain implications for corruption and, therefore, for corruption control. While there may be many arguments that can be advanced in support of community policing (or problem oriented policing, and so on) a reduction in the opportunities or likelihood of corruption is unlikely to be central.

At the core of this report is the idea that the central facet of any anti-corruption strategy should be an emphasis on 'ethical policing'. Much 'corrupt' behaviour by police officers – bribery, shake-downs, the protection of criminal activity – is in itself illegal and therefore clearly unethical. There is, however, as Chapter Three illustrated, a range of other activities which are not so straightforwardly classified. Policing involves making difficult ethical choices or decisions. There is considerable evidence to suggest that police agencies have tended to downplay, or

to completely ignore, the ethical dilemmas that their officers inevitably have to confront. Relatively little emphasis, if any, is put on ethics training for new recruits or for those in service. Indeed, statements or codes of ethics, where they exist, often tend to be little more than general statements of intent which simply sit in folders or hang decoratively on office walls, rather than living documents which inform day-to-day practice and are the subject of active discussion and debate. Without doubt, a much more sustained focus on what might constitute 'ethical policing' is not only a key challenge for the police service in the next century, but an important element in the attempt to control corruption.

Of course, these issues do not only affect the police. There has in the UK in recent years been an increasing focus on ethics and standards in public life. Whilst, at least initially, these discussions were largely confined to 'political life', there are good reasons why such principles should be extended to public services such as the police service. 'Integrity' – which has formed a very significant focus in this report – lies at the heart of the 'Nolan principles' (Nolan, 1998). Nolan defines this straightforwardly as the duty of holders of public office not to 'place themselves under any financial or other obligation to individuals or organisations that might influence them in the performance of their official duties'. The Nolan Committee went on to outline six other principles of public life – selflessness, objectivity, accountability, openness, honesty and leadership – and to argue that these applied across the public service. Such principles require some elaboration in order to clarify their precise application to policing. However, they potentially provide the basis for the establishment of something that might be recognised as 'ethical policing' – not dissimilar to attempts that have previously been made, for example, to articulate the values that underpin what might be described as 'democratic policing' (Jones et al, 1994).

'Ethical policing' is, however, not a solution to the problem of corruption. Partly, this is because any successful anti-corruption strategy must involve much more besides. Equally, however, it is because as is the case with many significant social or organisational problems, there is no such thing as '*a solution*.' There are two fundamental reasons for this. First, responses to complex problems are themselves usually complex or multi-faceted. They are rarely simple or straightforward. Secondly, rarely is it the case that such problems are 'solved'. Rather, the more realistic aim is usually to attempt to minimise the impact of the problem. The available evidence suggests that corruption within the police is unlikely ever to be completely eliminated. Unfortunately, all too often official inquiries into police corruption somewhat undermine the force of their otherwise impressively realistic recommendations by suggesting that the implementation of new tactics

will, for example, enable a new Commissioner to 'drive corruption from the ranks' (Mollen, 1994: 6).

The are a number of dangers that may result from such an assumption. The first is the danger that unrealistic expectations will be created among the public leading to a sense of betrayal when (possibly minor) future examples of corrupt activity come to light (as they surely will). Secondly, and alternatively, it may simply increase public scepticism about the ability of the service to reform itself. Similarly, pronouncements about the aim of completely eliminating corruption may lead to disenchantment and/or scepticism within the police service itself. Finally, and perhaps most importantly, such naïve assumptions about corruption may lead police management, and others responsible for the governance of the police, to 'take their eye off the ball'.

The evidence reviewed in this report suggests that any complacency about corruption, or lack of realism about the prospects of reform, will lead to the cycle beginning all over again. Whilst there are examples of conspicuous success in reforming highly corrupt police forces, there are equally conspicuous examples of corruption returning with equal if not greater force to those self-same forces some years in the future. Vigilance and realism must be the watchwords of the police administrator seeking to control corruption.

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