

## *Corruption and the "Code"*

### Chapter 8

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## *Character*

- The best index of a person's character is how he treats people who can't do him any good, and how he treats people who can't fight back

■ *Abigail van Buren*

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## *Perceptions*

- Vast majority of police officers are honest and strive to be ethical in all they do, but there are exceptions
- Unfortunately, there is a perception, especially in big cities, that police corruption is widespread
  - NYC poll: 93% believed that police were "corrupt" – (Kraus, 1994)

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## Reality

- Police are no more deviant than any other group
- Corruption has been a reality since the beginning of policing
- Most incidents of police misconduct involve marginal behavior
- A few incidents involve blatant misconduct

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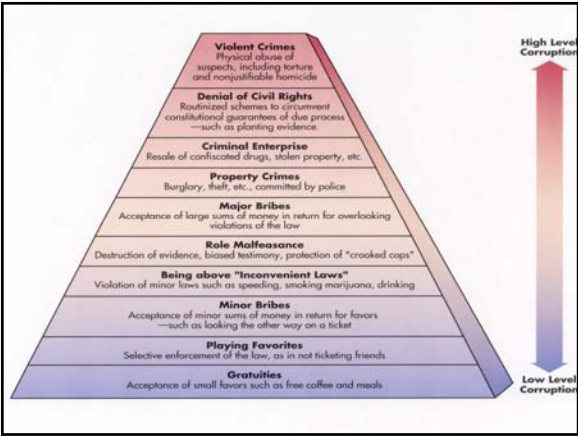
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## Areas of Abuse of Police Authority

- Physical abuse:
  - Excessive force
  - Physical harassment
- Psychological abuse:
  - Disrespect
  - Harassment
  - Ridicule
  - Excessive stops
  - Intimidation
- Legal abuse:
  - Unlawful searches or seizures
  - Manufacturing evidence

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## Corruption

- Exploiting one's position for personal gain at the expense of those one is authorized to serve
  - Graft
  - Theft
  - Protection of illegal activity
  - Excessive force
  - Other ethical violations enabled by police authority

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## Types of Corruption

- Passive corruption (Grass Eaters):**  
Opportunistic ethical violations
  - accepting bribes and gratuities
  - unsolicited protection money
- Active corruption (Meat Eaters):** Initiating corrupt practices and regular ethical violations
  - Participate in "shakedowns"
  - Robbing drug dealers/selling drugs
  - "Shopping" at burglary scenes
- One must also make the distinction between ethical transgressions and criminal behavior

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## Criminal Cops

- NYPD
  - Buddy boys – 13 indicted, 200 transferred
  - Michael Dowd
- LAPD - Rafael Perez
- The Miami River Cops – Robbing drug dealers, homicide
- Cleveland – 44 cops indicted for protecting cocaine shipments
- Chicago – Robbing drug dealers, shaking down Polish immigrants

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## Gratuities

- **Gratuities** are items of value received by an individual because of his/her role or position, rather than because of a personal relationship with the giver
  - Free coffee/drinks
  - Free movie/sports tickets
  - Discounted or free meals
  - Discounted dry cleaning
- Not gifts – a gift is personal and has no strings attached

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## Gratuities for Police: Unethical?

- **Yes:**
  - Erode public confidence in police
  - Undermine professionalism
  - May become expected
- **No:**
  - Cement relations between police and public
  - Help officers stay informed
  - Often given by those who use police most

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## Gratuities

- Some gratuities are given out of sincere appreciation, but the true intent of the giver and the receiver are difficult to determine
- If free coffee is always available at a certain store, then it may affect the police officers patrol route and questions of unequal protection arises

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## Cohen

- Believes that gratuities are dangerous because what might start without intent on the part of the officer may become a patterned expectation
- **It is the taking in an official capacity that is wrong**
  - The social contract is voided when citizens give up their liberties to exploit only to be exploited, in turn, by the enforcement agency that prevents them from engaging in similar behavior

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## Kania

- Rejects slippery slope/unjust enrichment argument
- Police should be encouraged to accept freely offered minor gratuities
  - They should be considered building blocks of positive social relationships
- Officers who stay and drink coffee with store owners and business people are better informed than those who don't
- A gift freely given, ties the giver and receiver together in a bond of social reciprocity

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## Kania

- According to Kania there is only a problem when:
  - The intent of the giver is to give in exchange for some future service, and not as a reward for past services rendered
  - The intent of the taker is not to receive unsolicited but appreciated gifts, but rather to use the position of police officer to extort goods from business owners
    - Dragging the Sack
- The giver expected special treatment, and the officer has the intent to perform the special service, then that would be an unethical exchange as well

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### *Arguments Against Gratuities*

- Professionals (including police) don't take gratuities
- Leads to an expectation of different treatment
- Abuse of authority; creates a sense of entitlement
- Can add up to substantial amounts of money
- May lead to more serious forms of corruption
- Contrary to democratic ideals (fee for service)
- Leads to public perception that police are corrupt

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### *Gratuities – Macintyre and Prenzler (1999)*

- Surveyed officers to see if they would be influenced by gratuities (café owner-traffic violation)
  - 15% - no ticket but would continue to go back for meals
  - 41% - warning and not go back for meals
  - 44% - ticket
- Supervisory officers more likely than rookies to write a ticket

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### *Gratuities*

- Gratuities are generally considered unethical in professional ethics when the profession involves discretionary judgment about the giver
- It is also helpful to distinguish gifts from gratuities - **gifts clearly have no strings attached**

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### ***On-Duty Use of Drugs and Alcohol***

- Elements of police work that can lead to drug use include:
  - The exposure to a criminal element
  - Relative freedom from supervision
  - The uncontrolled availability of contraband
- Undercover work
  - Use to maintain cover
  - Rationalize stealing contraband

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### ***On-Duty Use of Drugs and Alcohol***

- Periodic/random drug testing
  - 60% of protective service workers
  - 14% of other professionals
- Drug use
  - Creates potential for more serious behavior
    - Stealing evidence
    - Blackmail
    - Stealing from drug dealers vice arresting them
  - Compromising one's decision-making abilities
  - Jeopardizing fellow officers

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### ***On-Duty Use of Alcohol***

- Alcohol use
  - Heavy use
    - Protective Services – 8%
    - Construction – 12%
    - Sales – 4%
  - 8% of officers reported drinking on duty
    - (Barker and Carter – 1994)

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## ***Drugs and Deviance***

- Drugs are often at the root of most serious deviance
  - Involves large amounts of money
  - Attitude that it is “just drug money”
- Deviant behavior
  - Using drugs on duty
  - Buying drugs
  - Selling drugs
  - Providing protection for drug dealers
  - Stealing from/robbing drug dealers
  - Using drugs to pay informants

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## ***Measures Against Drug Corruption***

- Leadership
- Management and supervision
- Better training and discipline
- Better evidence handling
- Early warning systems
- Internal auditing of the use of informants
- Audit controls for drug enforcement units
- Periodic turnover of staff

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## ***Graft***

- Graft involves exploiting one's role to one's own benefit
  - Accepting bribes or protection money
  - Kickbacks from tow truck drivers, or getting rewarded monetarily for referring certain bail bondsmen or attorneys is also considered graft
  - Overlooking prostitution and gambling in exchange for info
  - Changing testimony or forgetting in a way that would aid the defense in exchange for money

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## ***Sexual Harassment and Assault***

- Continuum of sexual invasion - Kraska and Kappeler (1995)
  - Viewing victim's photos/video for prurient purposes
  - Field/custodial strip searches
  - Illegal detentions
  - Deception to gain sex
  - Trading favors for sex
  - Sexual harassment
  - Sexual contact
  - Sexual assault
  - Rape

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## ***Sexual Harassment and Assault***

- Kraska and Kappeler (1995)
  - Looked at 124 cases of police sexual misconduct
    - Found that departments that ignored/condoned the exchange of sex for lenient treatment emboldened other officers to use more aggressive tactics
- When a police officer asks someone he has stopped for a traffic violation for a date, issues of power and coercion are also involved
  - "Bimbo hunting"
  - "Driving While Female"

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## ***Mass Trooper Accused of Sexual Misconduct***

- Trooper Thomas L. Parker was suspended with pay in 1999 after three women complained he inappropriately touched them while administering driving license tests.
  - A driving instructor alleged that he touched her during a road test and later pulled over and kissed her. The woman complained that she had a boyfriend and Parker responded that he had a gun.
  - Another driving instructor alleged that the trooper reached into the back seat and grabbed her foot while giving a driving test.
  - A third driving instructor said the trooper told her that he had a "foot fetish" and often made inappropriate comments.

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## Sexual Assault




Timothy Carre James Fallon Jr.

- Rape while on duty-Police/Corrections Officers
  - 2002 Philadelphia, PA
    - Officers James Fallon and Timothy Carre accused of raping a stripper in the back of their patrol car
    - Officers claimed it was consensual
    - Both pleaded guilty to indecent assault and official oppression
    - Both are fired but avoid jail

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## Excessive Force

- Police have the uncontested right to use force when necessary to apprehend and or subdue a suspect of a crime.
- When their use of force exceeds that necessary to accomplish their lawful purpose, or when their purpose is not lawful apprehension or self-defense, but rather, personal retaliation or coercion, then the use of force is unethical and illegal

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## Excessive Force

- One of the most serious and divisive human rights violations in the U.S.
- The use of force may be perfectly acceptable and justified
- Use of force depends on discretion of the individual officer
- Individuals who question or refuse to recognize police authority become vulnerable to the use of force

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## *Excessive Force*

- Department policies about the use of force are open to wide interpretation
  - Since police officers have such wide discretion in their jobs, the interpretation of policy is especially troublesome
  - What is considered necessary force is based on the officers perception of the situation
- Some contend that such vague policies justify all but the most egregious instances of excessive force

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## *Rodney King*

- Police
  - 12 police cars
  - 1 helicopter
  - 27 police officers
- King struck 56 times
  - 11 skull fractures
  - Broken cheekbone
  - Fractured eye socket
  - Broken ankle
  - Missing teeth
  - Kidney damage
  - External burns
  - Permanent brain damage



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## *Culture of Force*

- LAPD – Christopher Commission
  - Held management responsible
    - LAPD policy was to use escalating force proportional to a suspect's "offensive" behavior
      - Policy justified all but the most blatant abuse of police power
    - LAPD culture tolerated, even encouraged, a high level of violence
      - Creation of "elite" units
    - Leadership did not actively discourage excessive force
      - Failed to punish those who had repeated citizen complaints of violence
- 1990: LA paid out more than \$11 million in civil rights cases for excessive force violations

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## Abner Louima



- New York –
  - Occurred in a police station with a squad room just outside the men's bathroom
  - Taken to bathroom with the intent of beating him; sodomized with a broken broom handle
  - Officer Justin Volpe convicted and is serving 30 yrs in state prison



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## Human Rights Watch (1998)

- The Human Rights Watch identified serious problems in Atlanta, Boston, Chicago, Detroit, Indianapolis, LA, Minneapolis, New Orleans, NY, Philadelphia, Portland, Providence, San Francisco, Washington, DC
- Report cited “**police leadership**” and the “**blue wall of secrecy**” as serious barriers to reducing police violence

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## Research on Excessive Force

- Difficult – all info regarding use of force is controlled by police
- General findings:
  - Force is present in a small percentage of encounters
  - A small percentage of officers seem to be responsible for a disproportionate percentage of force encounters
  - Some studies do find an association between force and race or socioeconomic status **but other factors, such as demeanor, seem to have more influence**

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## *Who Uses Excessive Force?*

- Certain characteristics associated with officers who use excessive force
  - Lack of empathy
  - Antisocial and paranoid tendencies
  - Proclivity toward abusive behavior
  - Inability to learn from experience
  - Tendency not to take responsibility for one's own actions
  - Cynicism
  - Strong identification with the police subculture

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## *Some Factors in the Use of Excessive Force*

- Suspect being male
- Suspect's race
- Suspect's demeanor
- Suspect agitation
- Suspect intoxication
- Suspect's use of force
- Socioeconomic status of suspect
- Officer being male
- Officer's race
- Age of officer (younger)
- Officer having prior injuries
- Encounter involving a car chase
- Number of citizens present
- Number of police officers present
- Knowledge suspect committed prior (especially violent) crimes

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## *Deadly Force*

- Deadly force is another aspect of the problem of police authority
  - Studies show that strict department policies about use of deadly force do help to lower civilian deaths at the hands of police, without negatively affecting officer safety
    - NYPD shooting policy
  - In cases of deadly force the race of the victim is often perceived as a factor
    - Minority communities often perceive the use of deadly force within a historical context of police racism and harassment

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### *Worldwide Problem*

- **New South Wales (Wood Commission)**  
**1997:** Over 200 officers and civilians charged with fabrication of evidence, theft, armed robberies, sale of drug evidence, sale of information, and a protection racket
- **France, 1998:** 23 police officers charged with corruption for bribes, pocketing traffic fines, selling confiscated alcohol, and stealing from motor vehicles
- **Mexico, 1996:** 4,400 officers were dismissed for drug smuggling/corruption

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### *Worldwide Problem*

- **South Africa:** Police videotaped beating car thieves, kicking suspects in the face; attacking suspects with police dogs
- **Russia, 1997:** Minister of Interior takes cross country trip; stopped 22 times; offered a bribe each time; 21 out of 22 accepted. 1000 St Petersburg officers fired for corruption
- **China, 1998:** More than 11,000 Chinese officers punished for corruption

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### *Measures of Corruption*

- Countries with high scores for police honesty
  - Finland
  - Denmark
  - New Zealand
  - Sweden
- Countries with low scores for police honesty
  - Azerbaijan
  - Bolivia
  - Kenya
  - Uganda
  - Bangladesh

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## ***Worldwide Problem***

- Finland has the lowest level of corruption
  - Finns trust their police more than any other professional group, including court officials and church officials
  - Finland has open, accountable government
  - Police are highly educated
  - Have strong ethical code
    - Gratuities joke

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## ***Explanations of Deviance***

- Individual explanation
- Institutional (or Organizational)
- Systemic (or Societal)

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## ***Explanations of Deviance - Individual***

- Rotten Apple argument
  - Officer was a deviant before hiring
    - Individuals make their own choices to engage in deviant behaviors and organizations have no responsibility for unethical conduct (nothing wrong with the barrel)
- Rotten Bushel argument
  - Development of a police personality (officer became a deviant after hiring)
    - Groups of officers then band together to commit deviant acts
- Both implicate screening/recruiting process

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### *Sherman's Moral Career Theory*

- **Moral career** is a term that explains the stages of rationalization for increasingly corrupt behavior that police officers go through
  - Once an officer gets through the first moral crisis, it becomes easier and easier to rationalize new and unethical behavior

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### *Rationalizations of Deviance*

- The public thinks every cop is crooked—so why try to be honest
- The money is out there—if I don't take it, someone else will
- I'm only taking what's rightfully mine; if the city paid me a decent wage, I wouldn't have to get it on my own
- I can use it—it's for a good cause—my son needs an operation, or dental work, or tuition for medical school, or a new bike . . .
  - Murphy and Moran, 1981

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### *Explanations of Deviance - Institutional/Organizational*

- OE point to situational or structural elements for police departments that tolerate or even encourage corruption
  - Rapid hiring without proper background checks
    - Miami
    - Washington, DC
  - Lack of enforcement of rules and regs – poor supervision
  - Low public visibility
  - Peer group secrecy
  - Tension between discretion and bureaucraticism
- These implicate structure and supervision

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### *Explanations of Deviance – Systemic/Societal*

- The public sends mixed message to police about which crimes should be enforced against whom
  - If the public does not comply with the law, officers may rationalize non-enforcement of the law
  - If the public engages in illegal activities, officers may feel justified in doing the same
- These types of vague standards for enforcement coupled with a public directive to control crime at all costs may implicitly encourage police corruption – at least against individuals considered by society to be of low moral worth
  - If the public believes crime control is more important than due process, police will act on that message
- These implicate the relationship between police and the public

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