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DEVELOPING A POLICE
ANTI-CORRUPTION CAPABILITY

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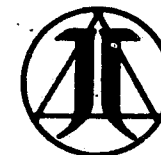
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DEVELOPING A POLICE ANTI-CORRUPTION CAPABILITY

Mitchell Ware

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Until recently police chiefs and their executives were not questioned about the operation of their departments or about the way they conducted internal discipline. However, today many people question the ability or determination of police officers to maintain a "clean house." Unfortunately, the public often hears of police difficulties and scandals through the media, and corrupt behavior becomes to many the expected conduct of police.

Many groups and individuals fail to think about the adverse effects of their acts on the effectiveness of a police department. Instead, a group like the construction industry may feel that a hostile act toward police — for example, obstructing traffic with illegally parked trucks — is an isolated incident with few adverse consequences. An individual, who offers a bribe to an officer, may also believe that his offer is an isolated event. To many citizens, a police officer is on duty twenty-four hours a day and either lives at the police station or makes his home available as a kind of sub-station in his community. It is not surprising that everything an officer does at the

police station and at home is subject to scrutiny and criticism.

To neighbors, a police officer is a convenient, powerful member of the community. Although the officer is expected to be a walking example of virtue with compassion and understanding of each problem of every citizen, he is also frequently expected to set aside integrity to accept a small gratuity for having helped in or having overlooked acts of misconduct. People always want to be able to obtain police help and advice, and when a problem confronts a neighbor, it is usually presented to the police officer living next door. Neighbors and friends often think nothing of attempting to use a police officer and whatever connections he might have to solve schooling problems, family disputes, or tax difficulties. The same citizens will not hesitate to criticize and report either the personal indiscretions or questionable conduct of an officer and his family.

An average citizen will bring a traffic ticket to the neighborhood police officer, because he wants the officer to "fix" the ticket. It does not matter to the neighbor that courts exist to hear his side of the story. He wants to avoid a court appearance and the payment of a fine, by asking the police officer to do an act which the same citizen would undoubtedly condemn if someone else made the same request.

Frequently, when guests at a party discover that a police officer is present, they tell the officer and each other usually loudly and interminably of a speeding ticket that was "fixed" or a traffic citation they did not deserve. The more intoxicated a citizen becomes, the louder and more repetitive become the complaints. However, if the officer at the same cocktail party is under the influence of the slightest amount of alcohol, some people will not hesitate to describe the "drunk cop" to others or will later file a complaint against the officer.

An awareness of his authority as a police officer and the realization that he can become a target of social criticism influence the thinking of an officer. That police are continually exposed to other people who engage in dishonest practices also influences conduct. Many off-duty officers become reluctant to appear at social functions held by people outside of their department. Officers may know that so-called reputable citizens are involved in frauds, buying stolen merchandise, or bribery, and they frequently become cynical and close ranks.

Police and Complainants

Many strong, influential citizen groups seek to direct and even control the activities of a police department. These community groups are constantly calling for change. Effective law enforcement depends upon a high degree of cooperation between the department and the public it serves. Police executives know and preach that courtesy by individual officers in all public contacts encourages understanding and appreciation, while discourtesy will breed contempt and resistance. Extreme courtesy can also lead to problems; a good officer may be offered a gratuity for a job well done or for being a "nice guy" who will overlook a small offense like petty gambling.

Although it is true and desirable that there be a certain amount of civilian input in a police department, care must be taken to prevent input from becoming control and control from becoming "fix." If a police officer or any member of the department fears retaliation by a group or loss of job, because he took enforcement action or offended someone in a particular group, then his department has serious problems.

Undue pressures must be resisted, but the police department should not ignore the charges of civilian groups. The rhetoric of rude and domineering groups, who immediately accuse all police officers of using third degree

tactics, must be heard. People must be heard who state that a person must have money or political connections to be safe from the police but who thereupon attempt with their own connections to influence the policemen's actions. Frequently, it will be difficult to change the attitudes of individual citizens, but the department cannot afford to overlook complaints completely. The chief executive, who weighs the possible effects of suggested change on such interrelated areas as the public, the criminal justice and law enforcement systems, the efficiency and overall operation of the department, and employee morale, has begun to respond positively to the interest groups and to make changes that could improve the department.

In the past, police have tended to scrutinize citizens who lodged complaints rather than to examine the complaint itself. If the complainant had influence or power in the community, the incident was investigated to placate the citizen, and sometimes an officer would spend a great deal of time finding a rule which could be used to make an arrest. However, if a complaint was made by someone with little community standing, the complaint was frequently not taken seriously unless it received the attention of the media. Often a complaint was disregarded on the assumption that the complainant did not understand police work or had a natural dislike for authority and complained about almost everything. Sometimes, the complaint was assigned to a personable officer who was able to placate the complainant without seeking a true solution to the problem.

When a responsive, effective system exists to handle public grievances, false charges will soon be recognized as rhetoric. Most people are law-abiding citizens who rightfully expect fair and courteous treatment by members of the department. Although the urgency of a given situation might demand firm action, intentional discourtesy or disrespect by police toward a law-abiding citizen should be

indefensible. Courteous and respectful conduct, firmness, and impartiality indicates professionalism, and they should not be interpreted by pressure groups as a manifestation of weakness or corruptibility. Police should be willing to refute any attempt to compromise their authority or the reputation of their department. An officer should never agree to help "fix" anything but should help people who need help or at least find someone to help them. Professional attitudes and conduct will overcome the misplaced beliefs that police officers are undereducated, dull, and corruptible.

Why Are Internal Investigations Needed?

Citizens have the right to question the operation of all public service organizations, including the police department. To function most effectively, a police organization needs public confidence and trust in the officers empowered to enforce the laws. Usually, complaints about the propriety or legality of an individual or corporate act are initially directed to the police. If, however, the individual suspected of improper conduct is a police officer or the suspect corporation is a police department, an executive officer must ask himself, "Who should investigate them? Who should police the police?"

Modern big city police departments must create and maintain internal investigation units to inquire into questions concerning the activities of departmental members. Most police approve of the work of internal affairs units, because it builds public confidence and trust in a police department. Police need the respect of the public; a lack of public confidence and trust can seriously erode the quality of police service. Moreover, officers who deal with criminals normally do not want to work with and associate with other police, including partners who are engaged in illegal activities. Internal affairs units try to uncover those activities and the corrupt police involved in

them.

A threat of external intervention in departmental functioning and policy-making becomes a reality when a department is unable or unwilling to resolve its internal problems through its internal affairs unit. Should external intervention occur, the ability of the police chief and his executives to direct and control personnel is substantially impaired. The police executive finds himself responsible for a department, but without the authority to administer it. If a police department cannot maintain its integrity through its internal affairs unit, other outside, federal or state commissions will try to do just that. These commissions may not understand why or how an officer acts and reacts; why or how an officer should act or react; or what variables in a given situation caused the officer to do what was done. Not understanding causes and effects, these commissions may conduct their investigations in a more emotional, reactive manner than internal affairs units would.

An external investigation may be conducted from a theoretical point of view as to "what should have been done" rather than from a pragmatic, street-level perspective of "what actually occurred." Rumor, hearsay, and false charges — if widely disseminated by the media — may influence non-professionals to reach conclusions rather than to weigh the evidence. When state or federal commissions must answer valid inquiries posed by the public, people begin seriously to question the desire of a police department to enforce laws in a fair and equal manner. Such questioning can lead to accusations of "cover up" and "whitewash."

A police executive should know how the department and its members are functioning to meet their responsibilities. If the police executive does not know where the trouble areas exist or why they are formed, procedures cannot be developed to eliminate malfunctions. Unless

internal problems are confronted and attacked, they grow, spread, and destroy not only the police executive, but also the ability of the entire department to function in the public interest. An internal investigation system provides the police executive with vital information about the operations of the department to help combat improper activities and to prevent other kinds of corruption from occurring.

A final reason a chief should consider having an internal investigation unit involves recent court decisions. A chief and a department can now be held liable for damages resulting from police brutality and other abuses, and if a department has not disciplined or has retained a police officer who has injured people, that department and its chief is liable for any future injuries the officer may cause. An internal affairs unit would, of course, investigate all complaints of alleged police misconduct for possible disciplinary action.

Establishing an Internal Affairs Unit

Two important problems must be kept in mind when a chief establishes a formal disciplinary procedure. First, he must be able to show the public that the department is making a sincere effort to act on complaints of alleged misconduct. Second, he must convince department members that the investigative procedure is necessary, will be fair and objective, and will provide protection against unwarranted and specious allegations.

Before a police executive begins to establish an internal investigation unit, the perimeters of that unit's jurisdiction must be determined. The perimeters will be linked closely with the goals the executive sets for the unit. If the goals are narrow, the amount of authority given to the unit will obviously be limited. Narrow goals might include the elimination of a particular problem, the investigation of a single complaint, or the investigation of a single officer. If

the goals are broad and include a long-range plan, the amount of authority delegated must be commensurate with the responsibility and sufficient to meet objectives. Broad goals might include the investigation of rumored, but as yet undiscovered improper or illegal activities by many members of the department. They might also include the detection of areas in which potential violations of the law might occur and the formation of plans with recommendations to prevent those violations. They could involve an evaluation of the department's efficiency and effectiveness in obtaining public approval and support in enforcing laws within its jurisdiction. A broad investigation could also discover whether department members voluntarily comply with existing rules and regulations by promoting positive morale-building programs to encourage adherence to those rules.

A number of factors must be considered in determining what goals should be established for an internal investigation unit. The factors will vary with each department, but generally, they should include the known and suspected problems of the department, the attitudes of the community and the mass media toward police, the size and composition of the department, and the attitude of the chief toward the maintenance of a viable, systematic check on the activities of employees.

It must be determined what is to be accomplished by an internal investigative unit before a decision is made on how to best accomplish it. Before a police executive can adequately make that decision, a target to be investigated must be identified.

Rules and Regulations

Rules and regulations of the department can be used to increase the accountability of personnel and should be designed to instruct officers about their responsibilities. A police officer should know how he is expected to act in

fulfilling his responsibilities; how he should conduct himself; and what might result from failing to live under the requirements and policies of the department. Rules and regulations may be complex and comprehensive, or they may be short and simple. They may be very specific, or they may be vague and general. Some departments rely on word-of-mouth explanations of rules; others prepare and publish volumes on the subject.

When rules are less precise, less formal, and less comprehensive, more discretion and more authority are necessarily conferred on the individual police officer. Law enforcement personnel know that an individual officer has a considerable amount of discretion in conducting day-to-day functions. As an officer's discretion increases, the department's ability to control the activities of the officer decreases. If a police officer is not told what conduct and what activity is proscribed, then the officer, not the department or the police executives, determines what conduct is permissible.

Impropriety thrives best in poorly run organizations, in which authority and responsibility are vaguely defined, discretion is broad, and supervision is minimal. Rules which increase discretion, instead of direction and control, are of questionable value in achieving the integrity of a department. To place an officer in a job where he receives little direction and guidance from superiors is an invitation to problems. Police generally understand and agree that they should be held to a higher standard of conduct than the public at large. Police officers usually agree that they should be held to a higher standard of conduct than civilian employees in their department.

Police understand the disciplinary processes in those agencies which issue clear and concise directives on disciplinary procedures. They understand supervisory behavior in disciplinary functions in those agencies having rules and regulations that codify management's supervisory

responsibility for discipline. Police also generally have favorable attitudes toward internal disciplinary procedures in those departments which solicit opinions from department members. They should be asked not only about rule-making, but about internal review and about assisting in establishing time limits affecting police in internal investigations. The attitudes of police are considerably less hostile toward internal discipline in those agencies that clearly document rules and procedures with written directives and training bulletins, disciplinary guidelines, and memoranda on applying those rules.

Very little disagreement generally exists among members of departments when specific rules of conduct governing behavior are fair and reasonable. These rules are usually enforced effectively in regard to courtesy to the public, the use of physical force, the use of firearms, moral conduct, insubordination, acceptance of gratuities, involvement in criminal conduct, or failing to arrive on time for work.

Police executives must prepare and issue concise, written rules and regulations. Writing them is probably the most difficult, yet the most important internal control of conduct. The negative cost of poorly devised rules can be great. With carefully and properly written guidelines, every member of the department will know exactly what he or she is expected to do as well as what he or she is prohibited from doing. To be effective, a written system of accountability must be designed so that the activity monitored by a set of rules can be periodically checked. A revision of the rules must be considered and undertaken whenever the need to change them occurs.

As new rules or regulations are revised, they should be furnished to members of the department as rapidly as possible. Should the department be extremely large, information should be referred through the chain of command, and all supervisors should be responsible that people in

their division receive and understand the rules.

Rules and regulations should be issued to meet certain criteria. Provisions must be based on essential fairness; they must apply to all department employees and must be enforced on a non-discriminatory basis. Rules should not be so rigorous as to require extraordinary conduct by individuals expected to follow them. However, they must not be so lax that they do not regulate. They should clearly define the area of concern and should state explicitly what constitutes a violation.

Rules and regulations concerned with discipline should include procedural provisions that allow any employee charged with a violation to have the right to explain themselves. The disciplinary procedure should allow for due process. However, the procedure should not be so rigid, cumbersome, formal or complicated as to make enforcement difficult, if not impossible. Administrative disciplinary actions are not criminal trials. The strictures placed on the prosecution in criminal trials are not needed in internal disciplinary matters.

The rules and regulations regarding discipline should involve enough deterrence and punishment to cause anyone who considers committing a violation to feel that if he or she does so, a reasonable chance exists that discipline will follow. If a serious infraction is committed deliberately, the member should know that a probability of detection, apprehension, separation from the department, or criminal prosecution exists. If the consequences of being caught and punished are uncertain, the effectiveness of the rules and regulations is seriously undermined. The disciplinary process then suffers problems similar to the criminal process. Finally, the administration of discipline should not be slow, cumbersome, or complex.

A complete set of the written rules of a department should be made available to every new employee at the time of employment. Each individual will, therefore, be

familiar with exactly what is expected of them during their tenure of employment. Everyone will be on notice that certain guidelines must be followed if they are to remain as members of the department.

Training programs which merely reiterate the code of ethics for police officers and review the laws related to criminal conduct will be helpful but not complete. Experience suggests that training should realistically explore the full extent of problems associated with police work. Instructors should not simply observe that corruption is illegal but should describe in detail how the situations leading to corruption occur. They should explore the ease with which departmental members can become involved in improper activity. Methods of avoiding involvement should be explained with illustrations of how subtle acts can lead to extremely large problems.

Complaint Procedures and Weaknesses

In developing the materials and location of an internal affairs procedure, special consideration should be given to allowing citizens to register complaints in an atmosphere of police neutrality. Care must be taken to avoid an atmosphere in which complainants are confronted by a merry-go-round of closed doors and unavailable personnel, clearly saying, "We don't want complaints." If a complainant believes that a police department is attempting to hide its investigation of internal matters or is unresponsive to complaints and is unwilling to admit mistakes, a lack of police credibility and a lessening of police effectiveness will undoubtedly result.

The greatest danger in an internal investigative unit rests with a member of the unit, specially assigned from the department, who may honestly and zealously investigate the activities of a fellow officer who may one day be a partner or superior of the investigator. Some departments have recognized this danger by making perma-

nent assignments to the internal investigative unit. Critics state that permanent assignments in and of themselves weaken the possibility of maintaining the integrity of all personnel assigned to the investigative unit. Other critics indicate that permanently assigned officers in internal units eventually become biased in one way or another and lose their credibility for being objective. Other departments have confronted this danger by placing only high ranking members in the internal unit, thereby unfortunately losing the services of a large number of supervisors.

Another weakness of an internal investigative unit involves the unrealistic view of complainants and observers who tend to believe that all cases can be successfully culminated with the acquisition of enough evidence to sustain a charge. Even with a large reservoir of manpower and excellent investigators, an internal unit cannot successfully investigate every case.

The Chief and Departmental Integrity

The chief of police and his immediate subordinates set the tenor for the whole department. The chief who takes a solid stand against misconduct in the ranks, who demands strong compliance with the rules and regulations, and who sees that penalties for violations are consistently administered will generally create an atmosphere of integrity throughout the entire organization. The chief, however, must be firm.

If an individual is found to be guilty of having committed a violation of the law or commits a serious violation of the department rules, that individual should expect punishment. If the violation is permitted to pass without action, all rules and regulations are affected. Officers will not know where they stand. The chief cannot afford to permit a situation to occur which breeds disrespect toward the rules, the department, or himself. The chief must regulate and discipline his constituents to

administer his department properly. He must have the final say in disciplinary matters, since he has the final responsibility for misconduct. He sets the standards for subordinates to follow.

As in any military or paramilitary organization, rank plays an important function in determining the amount of cooperation that one individual receives from others in the police department. If the police chief himself is unable to guide the internal investigations of the department, the person whom he appoints to guide it should hold a rank commensurate with his responsibility. It should also be remembered that the closer the internal investigation unit functions are to the top of the command structure, the more appeal the unit will have to those seeking assignments to it. When officers feel that the chief considers service in the internal investigations unit to be desirable, the unit will necessarily acquire status and prestige.

For community relations, it is also important for the chief to treat the internal investigations unit as an integral part of the department. By placing the unit on a high level, the chief is telling the citizenry as well as the members of the department that no acts of impropriety within his command will be tolerated.

Members of a police department, especially police officers, have many opportunities to become involved in misconduct. In no other profession are the opportunities more readily available or more constantly and discreetly thrust upon a potentially corruptible individual. A department must provide the kind of leadership that recognizes the creeping dangers of misconduct, while providing positive incentives for honesty and dealing harshly with deliberate acts of misconduct.

It is especially important in the selection of personnel to assess the integrity of people in key administrative positions in the internal unit. One of the most important concerns of a police chief, therefore, is the selection of

the commander of the internal investigations unit. The individual who directs this unit must be representative of the very finest in law enforcement and should be relied upon to acquire subordinate investigators with impeccable backgrounds. The commander should have a sense of detail and precision and a history of conducting thorough, objective, and meaningful investigations. Not only must a commander of the internal unit possess personal integrity and strong leadership ability, but he or she must maintain a climate in which each member will demand from peers the commander's kind of integrity. With all of these attributes, a commander will still risk having his or her reputation impugned and his or her performance attacked.

Acceptance of a dishonest officer or placing an individual with questionable competence in a key position can have a devastating effect. The use of inadequate personnel not only raises a question about a commander's capacity to fulfill responsibilities effectively, but it indirectly tells the rank and file members of the department that the administrative efforts of the department to deal with police misconduct are either inadequate or insincere.

Corrupt or incompetent unit members are often able to spread rumors attacking the reputations of honest individuals fighting internal problems. False charges of incompetence, bias, and corruption are extremely difficult to answer and have helped ruin the careers of honest police officers.

The commander seeking candidates for the positions of investigator within the internal investigation unit should have the authority to select, retain, or reject applicants. During the selection process, the commander must look for integrity, intelligence, dependability, proper attitude, background, and leadership ability. The importance of maintaining an image of fairness must be emphasized, especially in determining the caliber of personnel for the unit. Because very few people like being investigated, the

internal unit by its very nature will probably not be appreciated by the rank and file members of the department.

Once the personnel have been selected, the commander as well as the supervisors responsible for the selected and assigned personnel must be constantly aware of the attitude and direction taken by officers assigned to investigate complaints. If any investigator begins to show a tendency to be less than objective and fair, that investigator should be replaced. The unit cannot afford to have people assigned who are unable to be impartial. They must make recommendations in a detached way. In every investigation, the officer subjected to a problem and the people giving information must feel fairly treated.

The internal investigations system is one which requires utmost confidentiality, and all personnel must bring to their assignment in the unit the same sense of responsibility. Civilians must understand the importance of the activities conducted and their role in them. Any individual whether a sworn police officer or civilian who disrespects the requirements of confidentiality, who lacks integrity or a reputation for integrity, or who clings to the traditional role of protecting fellow employees known to be corrupt should not be involved with the internal investigations unit. Anyone who is unable or unwilling to accept the responsibility of the assignment should immediately be transferred to another unit.

It is well known that the best governed group is the one that voluntarily regulates itself. If members of the department and the community unanimously agree that certain rules are to be obeyed and that it is unwise to violate those rules, there will be few violations. The ultimate desirable situation is one in which all participate voluntarily in law enforcement.

With adherence to the rules and regulations and with public knowledge and acceptance of the performance of

police, the professional standing of a department becomes known. With the growth of the stature of the individuals in a department, public respect grows. When a department has acquired a reputation for integrity, professionalism, and non-tolerance of misconduct, the tendency of citizens to attempt to resist or influence law enforcement will lessen. When a department is accepted widely by the people it polices, the tendency of the community will be to respect those law enforcement efforts that keep, with the community's assistance, the police policed.

Corruption and Violating Regulations

Acts of corruption and flagrant violation of rules and regulations are two main problems facing a police department. Each act of corruption or violation may be distinct and autonomous, but to the general public, police misconduct, police bribery, and police drug trafficking are all labelled, "police corruption."

Corruption is described in many ways. In Webster's dictionary, to corrupt is "to make rotten, to rot, to contaminate, to make evil, to change from good to bad." Corruption has been defined as a vicious and fraudulent intention to evade the prohibition of the law and as an act of an official who unlawfully uses his position to obtain some benefit for himself or for another person, contrary to the rights of others. "Corruption" has also been used as an antonym for "honesty."

Corruption in police ranks can be defined as a type of proscribed behavior in which the officer becomes involved in an operation in return for some actual or potentially unauthorized material gain. Generally, it occurs when an officer, by the misuse of his official position, either improperly helps to expedite an unauthorized act or permits an unauthorized act to occur. As a recompense for misusing his official status, the officer expects to receive something of value which could include money,

goods, or services.

Violations of rules and regulations are not unlawful per se, and they are not necessarily done to obtain material gains. They are simply unauthorized breaches of prescribed conduct. They may or may not be intentional and may or may not have a detrimental effect on a department as a whole.

All violations of the criminal laws are violations of the police officer's oath of office and professional standards. Undoubtedly, they also will constitute a breach of the department rules or regulations. However, breaking an oath of office, a rule, a regulation, or a professional standard is not always a violation of criminal laws.

A major problem in combatting corruption involves the many different ways it can appear within a police department. Although a number of suggestions to control each form of corruption can be offered, the endless variety of schemes will continue to grow as long as police exercise the authority to deprive an individual of personal freedom and that individual seeks to evade the administration of justice. Because the opportunities for involvement in corruption by police officers seem to be limited only by a fear of being caught and the imagination of the police involved, many authorities believe corruption and misconduct to be endemic to the police profession. The authority given to police certainly makes it easy for them to receive tempting offers. The nature of the work itself can lead to systematic misconduct unless it is controlled and eradicated. Corruption can quickly spread until it ruins an entire agency. When corruption is widespread, the officers involved frequently become preoccupied with personal gain to the detriment of their department and community.

When abusive conduct becomes widespread and tolerated, the image of a department protecting its community becomes one of oppression. When members of the depart-

ment and citizens believe misconduct is common, an atmosphere is inevitably created in which many nefarious practices can thrive. Whenever an atmosphere of corruption is detected, procedures must be instigated.

Substantial disagreement exists about what constitutes police corruption. Some authors want to include in a definition all forms of police wrong-doing, ranging from petty, questionable behavior to excessive force, brutality, and verbal abuse. Others confine a definition to the acceptance of money, thereby eliminating many other true forms of corrupt activity.

Pragmatically, gray areas of definition appear frequently; for example, accepting a free cup of coffee constitutes a dilemma. The determination of when and how to draw the line between what is corrupt and what is not corrupt rests with the chief police executive. That line must be drawn, and it must be respected. Once the line is bent, it is, for all practical purposes, broken.

Accepting a cup of coffee, a reduced priced meal, a discounted purchase, and a present at Christmas time represent examples of what might be considered unreciprocated gifts. Generally, an individual gives this kind of gift without expecting something substantial in return. The gift-giver may expect some kind of reciprocation later, but there is no quid pro quo expressed when a present is given. Unsolicited gifts present a very difficult dilemma for a chief. If employees are allowed to accept unsolicited gifts, they are sometimes open to criticism and, in some cases, to possible legal problems.

On the other hand, if employees are told to reject insignificant token considerations of good will, an individual offering a free cup of coffee may feel hurt, because no intention existed to either offend or compromise. The motive may have been simply to show an officer and the department that their efforts are appreciated.

It is much easier to identify corruption when a

department employee receives something of value in return for official actions or official inactions. Reciprocal arrangements between willing givers and receivers cover an almost inexhaustible number of situations ranging from the patently illegal areas to the gray, ill-defined areas of activity. Defined or ill-defined, these activities result in corruption; an officer compromises professional standards in expecting a payoff.

Frequently, society condones practices which could technically be considered corrupt. Police have no monopoly on corruption; it is not exclusive to any profession, class, or occupation. Anyone in a powerful and influential position is subject to corruption; it is found in every aspect of public life and practically every aspect of private life. It has no geographical boundaries. However, people expect members of a police department to be immune from corruption. They expect more of a man or woman wearing a badge than they expect of their doctor, their lawyer, members of their family, or themselves. The slightest hint of police corruption is sufficient to cause a public indictment. Their expectations of police are not altogether wrong.

Other people in the administration of justice like prosecutors, judges, and legislators will also be quickly condemned by the public and mass media for the slightest hint of their involvement in corrupt activity. Those in positions of public trust have an awesome responsibility. The citizenry has entrusted public officials with their welfare, and those officials have taken an oath to represent the public honorably and openly. When public officials do not act in the best interests of the public but in their own self-interest, the citizenry has a right to condemn them.

Corruption found in police ranks is subject to much public condemnation, because people expect an officer in whom they place their daily safety and trust to be "super

human." Police corruption is unusual in that it is seldom detected. When a crime by police is detected, its nature has great news value.

The real difficulty in attempting to identify or define corruption lies in the very nature of American society. In business and in politics, giving something to receive something is acceptable practice. It is normal good business for a salesman to offer a bargain, a deal, or a gift to acquire a distributorship of merchandise. It is good business to offer money to obtain a favorable advertising position in a newspaper or to give a bonus to a retailer who buys extra merchandise to sell. It is an acceptable practice for a businessman to give gifts in order to obtain an advantage over a competitor. People tip postmen at Christmas time, and students give presents to teachers at the end of the year, yet both the postman and the teacher are on the public payroll, and the gift is not believed or felt to alter their professional performances.

Society frequently dismisses the sordid patterns of industrial and business blackmail and payola. A salesman who obtains a hundred thousand dollar business account with a promise of a kickback and a woman for the night is not considered corrupt. The purchasing agent who peddles his favors for a gift of a color television set is not thought to be corrupt.

Politicians frequently do favors to obtain voters' support. A politician will cause political decisions to be made which favor certain interest groups, who in turn give the politician their votes to keep him in office. Are politicians corrupt? Society does not think they are. However, when a police officer accepts something of value to perform a service of the same kind, society believes that that officer is corrupt. For example, if an officer permits an influential person or group to park in an illegal parking zone for a promise of promotional consideration, the officer is called corrupt. If a police executive agrees to invalidate

traffic citations for people who could benefit him in return, he is also considered to be corrupt.

The Code of Silence

Conditions for large-scale police misconduct could not exist for long periods of time without someone in the department overlooking that misconduct. Peer pressure could stop corruption, but through the years, a code of silence has developed among police. It is enforced by group fraternalism, mutual protection, and relative isolation from the rest of society. Although most police employees do not engage in corrupt acts, their failure to prevent corruption does involve them. Their silence gives the misconduct respectability.

Citizens infer that conditions leading to corruption and misconduct could not exist without the knowledge of, complicity of, and possible involvement of superior officers. In some localities, where the problems are pervasive, police recognition of corrupt patterns may well confirm the inferences of the public. However, evidence of misconduct and corruption does not always mean that superior officers are corrupt.

Many incredibly complex problems prevent a chief from dealing effectively with matters involving corruption, but they may seem conspicuous to the general public. Community members in some areas where corruption appears to be flagrant seem to have rationalized that it is easier, safer, and more convenient to participate in corruption than to use the criminal justice system to combat it. Given the consensual nature of arrangements underlying most corrupt behavior and the fear citizens have of complaining about police corruption, it is easy to recognize the difficulties a chief executive has in obtaining knowledge of isolated incidents of misconduct.

Sometimes a chief is prevented from hearing about corruption problems, because an honest police officer

really fears that a supervisor is involved in them. The officer may fear retaliation or loss of employment if the offense or condition is reported or exposed. Peer group pressure also influences the actions of an employee. Usually a member of the department who reports an errant, corrupt officer is labeled a "squealer" or a "stool-pigeon." Often the honest officer who has exposed another officer learns that others will not want to work with him or will not respond to his calls for assistance. His reputation as an informant will follow this honest member of the department throughout his career. Because many, if not most, top-ranking officers, were at one time patrolmen themselves, a reputation as a "squealer" may prove detrimental to a superior officer's effectiveness.

Loyalty is recognized throughout society as a very desirable characteristic. Police learn to respect "loyal, stand-up individuals," including criminals; they despise disloyal informants. Because of their regard for loyalty, departmental members will rarely report improper behavior of another officer. Although honest in every other respect, the average police officer may either lie or equivocate about the misconduct of a fellow officer, but usually he will claim to have no knowledge about an allegation of improper conduct. It is also rare for a departmental member to testify voluntarily against another officer in support of allegations of misconduct made by people outside the department. A normal police unit assigned to gather criminal evidence rarely extends its criminal investigation to discover and report evidence of police criminality. Units will rarely volunteer evidence that comes to their attention peripherally. A natural repugnance to informing on one's own group is understandable; police will gladly look for burglars in their community but will not look for them in their own ranks.

Solidarity and silence among police are reinforced daily. Officers learn that many people who seek their

friendship also seek to manipulate them for unethical purposes. They know and see individuals who try to incriminate other police. After a short time in the department, officers learn that it is better to have colleagues willing to testify for them than to have fellow officers willing to be indifferent toward a "stool pigeon." An honest officer may detest improper and corrupt practices but may feel somewhat powerless to do anything about them. His helplessness is not unique to the law enforcement profession; the same kind of defensiveness is fairly common in other professions. Most employees tend to feel that others have the responsibility for the detection of wrong-doing, thereby justifying non-involvement. The officer who is aware of improper conduct but is not a participant, remains silent.

Recognizing Corruption

The presence of corruption in a police department can usually be recognized in several ways. Observing that the traditional organized criminal activities, like widespread gambling, prostitution, and narcotics trafficking, exist is a basis for inquiry. However, those observations do not necessarily prove the existence of any corruption. They do not prove that organized criminal operations exist, because gamblers, prostitutes, and drug dealers are usually independent, unorganized operators who are constantly evading the police.

The laws, the attitudes, and the capabilities of the administration of justice must be considered before a department begins to investigate isolated corruption. Sometimes a lack of manpower or a different direction for enforcement priorities permits vice conditions to exist. Possible oversight, a lack of knowledge, or just simple inefficiency may permit widespread vice activities to occur.

Almost any business enterprise can be conducive to corruption. Most business shakedowns and extortions in-

volve the police with questionable businesses that border on being illegal. Pornographic studios, nude massage parlors, and homosexual dance bars are particularly vulnerable to police extortion. Legitimate commercial businesses are vulnerable, because they sometimes operate illegally or require certain conditions to exist before a license can be issued to them. Questionable activities are often vulnerable to corruption. Payoffs are made usually to enable those businesses to gain an advantage over competitors; by paying an extortion, they are allowed by police not to conform to the standard operations prescribed for all businesses by laws or ordinances.

Sometimes a payoff is made for extra service from the police. Trucking firms are willing to pay the police to operate overweight vehicles, use improperly licensed vehicles, or to use slightly defective trucks. Restaurant owners who want to park illegally when delivering orders or want their customers to be able to park illegally are potential sources of corruption. Private bus companies may arrange payoffs, because they want buses parked for lengthy periods in an illegal zone or want the police to allow drivers to park blocking sidewalks. Construction companies which violate ordinances and parking lot attendants at major sporting events frequently offer considerations to police to permit unauthorized activity. Taverns, theaters, and stores also pay police for extra attention and protection, especially in high crime areas. Bail bond companies and bondsmen pay officers for assistance in obtaining clients under arrest and bail jumpers.

Whenever a questionable or illegal activity occurs continually without any type of enforcement or control, the possibility of collusion exists. Evidence of corrupt financial arrangements is, however, needed. As has already been observed, in some situations, completely honest officers attempting to enforce laws, are unable to do so effectively.

The vice squad has been found to be the most vulnerable police unit to payoffs by organized crime members. Stories have been widely told about payoffs to all members of vice control squads and vice details with pro rata shares going to each to enable the purveyors of vice to receive protection and to exist without arrest and harassment.

In attempting to verify or discredit allegations of police protection of illegal services, police executives should measure the crime patterns in the affected area. Statistical data can be prepared to show whether or not a pattern exists indicating a low number of arrests by certain officers in areas with vice problems. The data when subjected to comparison can show either inefficiency or improper conduct. Simultaneously, other indications of payoffs are wide open, flagrant, legal violations, like taverns open after hours, street gambling, narcotics trafficking in playgrounds, or prostitution in the streets.

One of the most important ways to combat potential, systematic payoffs involves regular, mandatory rotation of the personnel in vice enforcement. Although a certain amount of experience is sacrificed by assigning new men periodically to vice activities, the loss is essential to the integrity and moral health of the department.

The chief executive of every police department must be able to investigate and control misconduct in his department. He must stay alert to the problems involved. He should try to develop and have new, innovative programs available to help investigate corruption. He must develop and expand existing techniques to minimize the potential for misconduct by employees. His plans must include effective controls by rules and regulations, an internal investigative capability, and a good inspections system. Moreover, the chief executive must remember that within the department self-discipline should be rewarded and deliberate misconduct should be punished. The best

deterrents of misconduct and corruption in a police department are peer pressure, professional pride in law enforcement, and a continuing atmosphere of honesty and integrity.

ABOUT THE AUTHOR

Mitchell Ware is a Deputy Superintendent of the Chicago Police Department and an Attorney at Law. Born and raised in Chicago, Mr. Ware attended St. Ambrose College and the DePaul University Law School. He has been a state trooper, a narcotics agent, and a television news reporter. In the 1960s, he became Superintendent of the Illinois Narcotics Division and later, Superintendent of the Illinois Bureau of Investigation. From 1967 to 1971, he was a Professor of Criminal Law at DePaul University, and in 1971, he became a member of President Nixon's Commission on Marijuana and Drug Abuse. In addition to his work in law enforcement, Mr. Ware has been active in community affairs having served as the Area Chairman for the Boy Scouts of America and as a member of the Board of Directors for the Easter Seal Society.

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