

Fostering Integrity in a Law Enforcement Agency
Corruption Prevention Strategy
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Public Policy is defined as whatever governments choose to do or not to do. The same definition holds true for law enforcement organizations considering an anti-corruption policy within their agency. They can either take a proactive stance to minimize problems, do nothing, or create policies that are superficial but do not really attack the problem. The premise of this article is that even though there is no magical solution or specific policy that can eliminate all forms of police misconduct, agencies can and should take a proactive stance to reduce the fertile climate which allows corrupt activities to thrive.

This article will discuss the issues surrounding police misconduct/corruption, and proffer both long and short-term strategies that should be implemented by any law enforcement agency concerned with the potential of corruption invading their department. Before discussing what agencies can do to prevent corruption, it is important to establish a working definition of what is meant by the term "corruption". The traditional definition of police corruption is generally considered to be an officer's misuse of police authority for personal gain. This a classic definition which involves essentially three key elements:

- The conduct is prohibited by law or rule
- The conduct involves misuse of position
- The conduct involves a reward or personal gain to the officer.

This quid pro quo definition is used throughout the volumes of literature, which describe the phenomenon of police corruption. This form of corruption was very prevalent during the 60's and 70's, especially in large urban departments. It was exposed via the Knapp Commission and the media when numerous scandals revealed widespread institutional graft and payoffs were an accepted organizational practice within the New York City Police Department, as well as other major city departments.¹ As a result of these growing scandals, it was learned that specific units within police agencies had more opportunity to benefit from quid pro quo corruption and became fertile ground for this type of corruption to flourish. Vice units and other areas of law enforcement where *discretion* is a major component were exploited during this era, which led to many of the more notorious police scandals. This discretion was used as a bargaining chip by the corrupted officers to extract compensation for overlooking certain illegal activities. Prostitution organized gambling, and narcotics have been areas of enforcement susceptible to this type of corruption because of the large sums of cash they generate and their characterization as victimless crimes. This type of corruption has historically been considered to begin gradually and progress under the theory of the *Slippery Slope*, discussed by O.W. Wilson and Patrick Murphy. Under this theory, officers accept minor perks such as free coffee and meals and begin to slide toward accepting gratuities for which illegal favors are expected in return. Modern day scholars now refer to this as *Donut Shop Ethics*.

Also widely discussed by police scholars reviewing this period are the *Rotten Apple Theory* Vs. The *Rotten Barrel Theory*. When a corrupt officer is exposed, police chiefs and government officials have traditionally calmed the public outcry by explaining that a couple of rotten apples in a large barrel cannot be helped and is not symptomatic of a major organizational problem. Clearly, exposure of any police corruption and the attendant breach of trust is problematic for

¹ The Knapp Commission Report on Police Corruption (New York, N.Y, George Braziller, Inc., 1973), p.p. I-II.

police officials. The organization will be labeled as corrupt and the inherent condemnation from the public and the media could jeopardize the continued employment of the chief. At the same time, the failure to aggressively investigate and expose this behavior may result in an epidemic of corruption throughout the organization which, unchecked, deteriorates into the so-called *Rotten Barrel*.

These theories are all as valid today as they were 30 years ago. However, this writer submits the following definition of police corruption which encompasses a wider range of criminal behavior in which officers today are engaging as opposed to the traditional quid pro quo activities of the past several decades.

Corruption: *Any type of deviant behavior by a law enforcement officer whereby he/she commits a criminal act or breach of departmental rules in order to receive unlawful or unauthorized compensation, or intentionally utilizes his powers of authority to physically, psychologically, or legally violate the dignity of another individual.*

This definition widens the scope of misconduct classified as corrupt to include types of malfeasant behavior in which officers purposely inflict physical and mental harm upon individuals, and utilize their power and authority to legitimize the abuse. Corruption in law enforcement, as we enter the twenty-first Century, no longer resembles the quid pro quo activities investigated by the Knapp Commission. Today, a very small percentage of police officers around the country are engaging in serious criminal misconduct which include home invasion robberies, drug trafficking, and, in some cases, even murder. Other incidents whereby officers have intentionally beaten, sexually molested or tormented individuals have become prevalent enough that these types of behavior should be classified as corruption.

Any discussion of corruption within a police department would be incomplete without mentioning this caveat: the police department is typically a microcosm of the community they serve and generally reflects the level of corruption tolerated within government, education, private industry, and other segments of that community. Nothing is more damaging to a police department than a corruption scandal. It will severely damage the public trust and the ability of the department to function without intense scrutiny; the inflicted damage will take years to repair, maybe even decades.

There also exists two schools of thought on what causes a police officer to engage in corruption;

- Individual: The lack of values and conscience that an individual officer has internalized in his personality to prevent the officer from engaging in this type of behavior.
- Structural: The informal structures that exist within the organization which provide both the opportunity and encouragement to engage in corrupt acts.

There have been numerous incidents where an individual officer engages in corrupt activity independently of his co-workers and close inspection reveals no infrastructure within the department, which facilitated the act. Other scandals, however, have demonstrated the existence of informal peer group structures and a code of silence, which clearly impacts the decision-making process of officers. The LA Majors case, the New York Buddy Boys, and the Miami River Cops are just three examples of infamous cases in which entire squads of officers have been arrested for serious criminal misconduct.²

² FBI Academy. "Maintaining Integrity in Law Enforcement Organizations: Selected Readings. Major City Chiefs Association, NEI, January, 1994, p.p.114-115.

In designing an anti-corruption strategy for law enforcement, police administrators should keep in mind two specific objectives. A successful approach will require both short-term and long-term goals. Specifically, the primary focus should be the following:

Short term goals

- Change behavior by heightened risk of detection
- Reduce opportunity and temptation

Long term goals

- Develop a value system and high ethical standard within the agency
- Manage the culture of the department

In 1989, the International Association of Chiefs of Police (IACP) adopted an anti-corruption policy, which provides valuable insight on how to prevent and control the extent of corruption within a law enforcement agency. The model policy, which the IACP adopted, will serve as the basis for this discussion.³ The following are specific recommendations that should be implemented by all law enforcement agencies concerned with corruption potential:

1. *Determine the nature and extent of corruption within the organization;*

The proverb, "You can't hit your target if you don't know what you're aiming at," is an accurate statement in designing an effective strategy. While law enforcement agencies in every corner of the United States have experienced problems with police misconduct, they have not all been of the same strain. A critical component in developing a successful anti-corruption strategy, and usually a good first step, is for an individual agency to identify where the greatest magnitude of opportunity exists for corruption to invade their department. For example, Miami, New York, and Los Angeles have all experienced serious corruption involving money laundering and narcotics partly because they are importation regions for the narcotics trade. Other cities are more susceptible to misconduct involving zoning violations or prostitution related misconduct. However, few agency administrators actually stop to analyze exactly which components of their department are most susceptible to corruption, which would enable them to develop effective strategies for prevention.

2. *Adopt a code of ethics and state specific prohibited acts;*

Value-Based leadership in which value statements and a common ideology are adopted as a guiding set of principles for all agency personnel to follow is extremely beneficial for law enforcement organizations to establish. A code of ethics is important, however, in the true dynamics of organizational behavior these guiding principles become meaningless if the culture of the organization has nullified their existence. For example, most departments have a rule that prohibits accepting any type of discount or gratuity from a vendor. This rule becomes meaningless to a new recruit, the first time he/she observes a supervisor and fellow squad members accepting discount meals routinely during their meal break. The officer is often told, "Don't worry kid, everybody does it." The problem starts to become more severe as officers face other situations and the line of acceptable vs. unacceptable behavior becomes more and more blurred. Policy must be clear and enforceable in order to be effective. If discount meals is an acceptable practice, then why not define what the parameters of acceptability are? If meals are okay, what about discounts on rent, automobile purchases, the movies, etc.? The point is, either the agency must establish the boundaries of acceptable behavior or the officers will forge these boundaries themselves. Some agencies have established ethics boards which can be consulted

³ IACP/BJA National Law Enforcement Policy Center, Corruption Prevention, February 01, 1989, p.p. 1-5.

and issue opinions when a questionable situation arises. The key to developing effective policy in this area is twofold: First, there can be no deviations, and if a violation occurs there should be an immediate and appropriate sanction. Secondly, the chief and his command staff should lead by example. Remember the old adage, behavior at the bottom conforms to the attitudes at the top. If the chief or other supervisors are receiving privileges, i.e. reduced green fees or complimentary tickets to sporting events, then the rank and file officers are given the green light to engage in the same behavior. The lines of acceptable behavior should be clear and bright and apply to every member of the agency!

3. *Full commitment from the chief to expose and eliminate corruption;*

Perhaps the most essential element of a departmental strategy to reduce corruption within an agency is the degree of commitment that the head of the agency demonstrates toward this issue. When looking at some of the worst historical police scandals, administrators failed to recognize the symptoms of growing corrupt behavior within their ranks. Some have held the belief that exposing corruption within the organization would be more damaging to their personal career than allowing the corruption to go undetected. In the Michael Dowd case in New York, Sergeant Trimboli was warned that the Department could not afford another scandal like the Buddy Boys in the 77th precinct and he was not given the support to successfully expose Dowd's activities.⁴ In Los Angeles, the Christopher Commission clearly established that racist attitudes existed and the filing of misconduct complaints by persons who were abused was a difficult process at best. Paul King, Rodney's brother attempted to file a complaint the morning following the beating and was essentially turned away at the station.⁵ A chief of police and his entire staff must send a resounding message throughout the agency that misconduct will not be condoned and will be exposed and eliminated at all costs. This could pose a threat politically to the continued employment of the chief, but the danger of not aggressively pursuing corrupt activities is far more substantial to the chief, the department, and the community they serve.

4. *Evaluate policy and procedures constantly to determine vulnerability points;*

Weak policy in specific enforcement areas such as informant handling, evidence processing, money seizures and search warrants can leave a police agency very vulnerable to abuses and misconduct. Narcotics evidence, for example, should routinely be given both qualitative and quantitative analysis testing to ensure the integrity of all evidence is maintained. Money seizures in the millions of dollars are routine in nature in several regions of the country but many departments have no specific guidelines on handling large-scale seizures. Tamper proof evidence bags, videotaped counting rooms and even banks are used by many agencies concerned with the potential that exists when these types of seizures occur. The Los Angeles County Sheriffs Office Major's Squad was completely disbanded in the late 1980's when an entire squad of narcotics detectives were arrested for stealing millions of dollars.⁶

5. *Ethics training;*

The average amount of ethics training given to police recruits in the United States is between 2-4 hours.⁷ In-Service ethics training for more experienced officers is almost non-existent in many agencies. While one cannot legislate morality or expect to develop an individuals value system in an 8-hour training day, this training can have enormous value. Every single training session that

⁴ The City of New York, Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department Commission Report, Milt Mollen, Chair, July 7, 1994, p.91.

⁵ The Independent Commission of the Los Angeles Police Department, 1991, Summary of Report, p.53.

⁶ Frontline Video Series, "When Cops Go Bad," October 16, 1990.

⁷ Police Chief Magazine, 01/01/98, Ethics Training in Law enforcement, Subcommittee Report to the IACP, Reference # 51129.

officers attend should have an ethical component built into the lesson plan. For example, if an instructor is teaching recruits how to write reports, they should also be taught the consequences of embellishing or fabricating the reports as well. Most ethical decisions in the field occur within 3-5 seconds. Many departments are now providing simulation exercises that confront the officer with a dilemma and force them to make rapid decisions. After 15-20 scenarios, the officers begin to automatically think about the consequences of a wrong decision. Also, critical to the ethics training is having the command staff participate. If they display support and participate in these programs, they tend to have more impact.

6. Recruitment and Selection;

Recent scandals in New Orleans, Miami, and Cleveland indicate the significance of doing thorough background checks on officers prior to hiring them. The best judge of future behavior is past behavior. Agencies which have failed to expend the time and resources to thoroughly conduct background investigations eventually regret the consequences. Many departments assign inexperienced investigators to this assignment and consider this a low priority item. To screen out potentially malfeasant applicants, a comprehensive selection process, which includes psychological testing and polygraphs, is extremely beneficial.

7. Effective Disciplinary Action System;

An effective disciplinary action system is essential for any police agency to function properly. With respect to corruption prevention, it becomes especially significant that all personnel in the agency expect that violations of policy result in sanctions. If intentional violation of a rule does not result in an appropriate level of discipline, the rule will not deter future violations. If the agency has an Internal Affairs process that accepts complaints and investigates them thoroughly, some officers will be more hesitant to engage in malfeasant behavior. It is essential that discipline for departmental violations be consistently applied to all members of the organization, regardless of rank. The ultimate goal in the long term is for officers to follow the rules and tenets of the organization because they respect and believe in the departmental mission and core beliefs. A discipline system which is inconsistent and perceived as bias substantially reduces the credibility of the entire process.

8. Establish a proactive Internal Affairs Unit;

One thing we have learned from the major law enforcement scandal of the 80's and 90's is that Internal Affairs units need to be adequately staffed. Some agencies have failed to provide the Internal Affairs units with sufficient equipment, manpower or resources to accomplish their function properly. The Mollen Commission in New York as well as the Christopher Commission in Los Angeles both made recommendations to elevate the status and support of the Internal Affairs process. Early Warning Systems have been developed and are continuing to evolve which help police administrators identify officers who exhibit characteristics and behavior that could become damaging to the agency, as well as the community. Larger agencies throughout the United States are beginning to realize the value of conducting stings and other proactive types of investigations to reduce the potential of corruption. Internal Affairs should be staffed with the most talented investigators available in the department and given the tools and support required to accomplish a very difficult assignment.

In conclusion, corruption as discussed in this article is a very corrosive element that will spread like rust if not contained and eliminated. Like the rustproofing on vehicles, police administrators can insulate their departments from this very viable threat by taking it seriously and implementing the recommendations discussed. This is a complex and difficult issue. Only a few solutions were considered in this discussion. The key to the entire process is the Chief of Police who engages the department to become vigilant to the threat of malfeasance by the officers empowered to serve the community. The Chief who has the insight to establish effective policy, commitment to

provide the necessary resources, and has the political courage to excise corruption from their agency once discovered, will build the necessary trust with the community to police effectively.