

Police corruption: apples, barrels and orchards

Maurice Punch investigates police and organisational deviance, followed by a response from Stan Gilmour.

In my work on police corruption I speak of 'organisational deviance' where the organisation encourages or colludes in deviant behaviour. There are no 'individuals' in organisations, I claim, and people who enter them change identity. And the pressures, rationalisations, and opportunities for deviance – for or against the institution – are always related 'collectively' to the social nature of work, the diverse cultures, and the structure of the organisation.

Police corruption occurs in almost every force at some time. It is not universal, there are corruption-free forces, but it can be a near permanent feature while it can also reoccur either cyclically or episodically (Newburn, 1999). There was a 20 year cycle of scandals in New York and several decades of persistent deviance within the Royal Ulster Constabulary. That cycle and persistence indicate that it can't just be the personnel because they have changed over time. Furthermore I've not encountered police recruits joining in anticipation of deviant delights. Invariably they are motivated to abide by the law, are even idealistic, and may be even excellent officers before becoming bent. In short, a bad cop was a good cop first; so what makes him 'bad'? (Note: It is predominantly a 'he' through exclusion of women cops with self-exclusion by women.)

By 'corruption' I don't mean the standard definition of doing or not doing something against one's duty for personal gain. In contrast I'm

using 'corruption' – and perhaps we need a new conceptual vocabulary – for serious police misconduct which abuses the authority of office and betrays trust. Typically it is *not individual* but collective, involving criminal conspiracies causing considerable harm with multiple victims. It relates to discrimination, abuse of rights, excessive force, illicit deals with criminals, and interfering with the course of justice. The offence or offences may include several categories at once. Say a group of cops frequently use excessive force against young males from minorities which is compounded by a cover-up with false statements and perjury leading to false imprisonment. Furthermore such police crimes are frequently associated with certain groups, units, and segments of the police organisation and can be recurring if not systemic. They are then not sporadic and spontaneous but a deliberate 'SOP' (Standard Operating Procedure).

How then does our 'clean' recruit react when he encounters malpractice? Newcomers soon become aware of the clean and dirty zones. Corrupt practices may not be universal and can exist close to excellent policing with rituals of avoidance to maintain boundaries. The institution presents a maze of clean and dodgy segments to be negotiated. Bob Leuci protested when allocated to a notoriously bent unit of the New York Police (NYPD); he went instead to Narcotics where he soon became corrupted (Leuci, 2004). Some retired officers recount

knowing full well in the past that parts of the organisation were deeply deviant and consciously avoided them.

Every cop faces some departure from rules and diverse opportunities for deviance. This seems to be a reality shock for many; and one sees a range of adaptations. The *grass-eaters* passively accept the free meals and discounted goods on offer. I wouldn't classify this as corruption but it does provide an environment for the serious stuff. The *meat-eaters* are proactive and go after the 'graft' (pay-offs) and regulate the relations with organised crime and its illicit enterprises. Some carnivores are *predators* who rip off dealers, steal their drugs, and exploit criminals. The *Dirty Harries*, or *noble-causers*, break the rules to achieve 'justice' by arguing the ends justify the means. The *birds* are gentle creatures, gliding on high and ignoring the grime below. There are *professionals* determined to do sound work and with integrity. Yet the professionals too can come unstuck by pushing the boundaries and innovating to achieve results.

Typically this is group behaviour and not individual. Cops *never* do it alone. The nature of the work turns police into highly social animals shaped by the collective. Behind every bent cop, then, there are *always others*, including supervisors, who either took part or knew about it.

Importantly those categories are monitored by codes of inclusion-exclusion and the powerful occupational culture. Cops can even move across categories. A fervent meat-eater might become a pious bird on promotion, suffering instantaneous amnesia about a murky past. In Hong Kong the wisdom is 'you can get on the bus [corruption], get off the bus but you mustn't stand in front of the bus'. You will be tolerated if you step off providing you do not confront the system. The social cement of corruption is the code of silence backed with threatened sanctions. And inclusion is based on being tested, fitting in, and not rocking the boat. If an officer wanted to become a detective in certain forces he had

to be a heavy drinker, accept bribes, engage in deviant practices (e.g. planting evidence, lying in court), and keep his mouth shut. The first 'bung' was a *rite de passage* to membership but also a test of compliance with the code.

Corruption was a condition of membership and silence was a condition of remaining a member. Bent cops often recall that the powerful desire to be included in an elite unit was stronger than their reserve about taking that first bung. Once in they were introduced to wider patterns of deviance and slid further down the slippery slope.

Whole parts of a force could become routinely and systemically corrupt. The defensive metaphor of the 'bad apples' conveys an image of a few reprehensible individuals who, if removed, will no longer contaminate the otherwise healthy apples. But when Serpico went to the NYPD Plainclothes Division only one of the almost 500 cops was straight – Serpico himself, making *him* the 'deviant' (Maas, 1974). When Commissioner Mark cleaned up the Met in the 1970s he called the Detective Branch the most routinely corrupt organisation in London and threatened to replace all 3,000 of them.

This indicates bad barrels, or more appropriately rotten orchards, and maybe even a contaminated fruit industry with infected apples at the bottom, plums in the middle, and cherries at the top. Why don't we look up more often and scrutinise those shiny cherries?

Crucially, how is this all possible? How can a form of organised crime exist within the police organisation? I will refer to four main factors, two from the occupational culture and two from the covert organisational value system.

Firstly, there is often a strong macho culture in policing based on the demonizing of out-groups who become subjected to 'just deserts'. Hence a 'real villain' deserves to be set up to get a conviction. Or if a suspect gives the police a hard time in a car chase he is likely to be treated roughly on arrest. These 'operational codes' are pervasive and, given the high autonomy of

front-line policing, not easy to combat.

Secondly, and allied to this, is a highly competitive stance posited on winning at all costs with the maxim 'if you play by the rules you lose'. Frequently encapsulated in this is complete disillusion with the criminal justice system and its putrid pomegranates (lawyers) and over-ripe mangoes (judges). This can be justified by cops as noble cause but the sour alienation can easily turn to meat eating and predatory corruption.

Thirdly, however unctuous the rhetoric of the police organisation is, there can be a coercive emphasis on results, on cutting crime 'at all costs' and on solving key cases. Nudges and winks from above convey 'you can't make omelettes without breaking eggs'. For many inside and outside the organisation the core business remains combating crime and that translates into hitting the numbers. Too often only results count and not the methods.

And fourthly the police organisation is a 24 hour emergency agency that sometimes has to instantaneously shift from decentralised functioning to command-and-control mode. In a major riot this might mean going from 'soft' to 'hard' enforcement and the institution may feel that when the

going gets tough it needs tough units to 'do the business'. Often pockets of crude, heavy-handed policing are covertly accepted as a sort of Praetorian Guard for 'real policing' when the wheel comes off.

In practice, there are often clear elements of encouragement, collusion, or wilful blindness, with benign or malign neglect, from above in relation to deviant practices.

Typically this goes with weak internal control, hostility to external control, banishing the few bad apples but praising the gallant majority and, of course, no organisational learning. Effectively the hierarchy is tolerating crime within its own organisation and evading accountability. This is a perversion if not a pathology of policing in a democracy where accountability is of the essence. Bent cops and a bent force are blatantly not accountable and both form an affront to good policing. Corruption is fundamentally a betrayal – betraying the office, the organisation, the public, and fellow officers.

In brief, my message is that it's not a matter of bad people but of bad or poorly functioning systems. Also that corruption as serious **organised** misconduct is recurrent and resilient, shifts in its forms and over time and adapts to control and to fresh



opportunities. It is a permanent occupational hazard. This may seem a gloomy gospel but there are positive developments in recent years in the leadership of the Service, in newly assertive internal control and in fresh monitoring systems. Of significance are the oversight agencies with the relatively recent formation of fully independent investigations. Research continually informs us that police cannot be left to investigate themselves and good governance requires they should not be asked to do so. The founding of the IPCC (Independent Police Complaints Commission), as with the Police Ombudsman in Northern Ireland, is then crucial to the new architecture of accountability.

But there can never be complacency. Indeed it could be argued that the very nature of policing and its structure is altering rapidly in the UK with new opportunities for deviance and new challenges for accountability. I would strongly support the idea of a Royal Commission on the roles, functions, and accountability of policing including new agencies such as SOCA (Serious Organised Crime Agency) and links with private policing. In anticipation of this there has to be unrelenting effort at getting the system right. So let's get down to cultivating the orchard and stop blaming the apples.

Response: Stan Gilmour

Maurice Punch is clear when he states, 'I'm using 'corruption' – and perhaps we need a new conceptual vocabulary – for serious police misconduct which abuses the authority of office and betrays trust. Typically it is *not individual* but collective, involving criminal conspiracies causing considerable harm with multiple victims'. Corruption in this sense is therefore collective, organised criminality (or rule breaking) that is inherently difficult to define but works as a functional alternative to 'real' policing rather than in strict opposition to it. 'Typical' corruption is the mundane and everyday reality

of egoistic abuses of power, of greed, and of selfishness that characterise the lack of virtue we see in sub-cultural 'double-losers'; it's also more about the harm these people cause to the fabric of communities and the reputation of the police than strictly about the offences they commit.

There is an important distinction to be made between serious corruption and (serious) misconduct, a-typical behaviour *versus* the everyday insults to rights-regarding policing. Any plan to counter police corruption must engage with both elements; as Punch quite rightly explains, pruning will not work if the infection is systemic. In his appendix to 'Police Corruption' he gets to grips with some solutions. Most importantly he draws our attention to the institutional failure(s) that underpin police corruption and how 'determined and perceptive leaders who understand policing' can make a difference if they have the safety net of competent front-line supervisors. In my view it is the message that is the important starting point; espoused values can differ from values in action and vigorous supervision will only be successful if leaders 'walk the talk'. But what is stopping them?

Grass eating, nepotism, and clientelism can all be bulwarks against exposure for a police manager in a high risk posting but such self protection measures are tinder to the sparks of corruption that flare under a frightened, diffident, or remote boss. One facet, I suggest, of the elite squads that Punch focuses on is the obvious lack of real power that was wielded by the team leader. Several cases suggest the precarious position of the unit head; the focus on 'performance'; the top down accountability arrangements; the shame that accompanied perceived failure; and all these interacted with one other to form a catalyst for leadership paralysis in risky situations. The key to breaking into some of these cultural supports of corrupt practice is 'the need to shift the emphasis and culture in police misconduct matters towards an environment focused on

development and improvement as opposed to one focused on blame and punishment' (Taylor Report, 2008). Such an approach may allow mid level leaders to experiment with different accountability models and be creative in wresting authority from their subordinates.

To differ with Maurice there seems to be an overly historic focus throughout his analysis. I kept asking what does the horizon look like? There is a new generation of police officers and a new organisational paradigm with the (re)invention of Neighbourhood Policing and the employment of Community Support Officers, Prevent Engagement Officers, and increasing partnership delivery of everything from community safety to national security projects. This 'multi-pluralisation' of policing functions, with rapid changes in the composition of the work force and with increasing respect for individualism, might well lead to changing the traditional pathologies in police culture. But as Maurice himself concedes, we need to engage in an 'unrelenting effort' if we are to move towards getting this right. ■

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