

# *police corruption*

A PERSPECTIVE ON ITS NATURE  
AND CONTROL

Herman Goldstein

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# foreword

As the crime rate continues its unabated increase, the need to upgrade the police grows more acute. But progress is impeded by many forces, among them police inertia, personnel immobility, political interference and corruption.

For too long corruption has been the skeleton in the police closet. Failure to discuss corruption openly has permitted it to flourish. A dearth of research on the subject handicaps police administrators, elected officials, journalists and citizens anxious to address the problem of corruption.

The reduction and control of police corruption can be complex. Many well-meaning police administrators have been unable to master the uses of power, unable to obtain public support and unable to control a large bureaucracy in ways sufficient to achieve substantial control of corruption. Holding top and middle management strictly accountable through the use of powerful sanctions is essential if the police administrator is to deal successfully with corruption and avoid the high risk of personal blame for its existence. Yet, the environment engendered by the civil service mentality can protect the echelons immediately beneath the chief while the chief is held accountable for corruption. Therefore, despite civil service restraints, the chief must find ways to make his subordinates in management actively participate, and hold them strictly accountable, for a positive approach to the control of corruption.

Corruption in policing is widespread, while good research on the subject has been limited to a few cities. In this monograph, Herman Goldstein of the University of Wisconsin Law School has shed much needed light on many aspects of corruption. Other aspects also need to be illuminated, including the impact of the

news media, the influence of unions, the restraints of the civil service system, the role of enlightened police leaders beyond their individual departments and the responsibility of state government. Increased effectiveness in controlling crime is one of several valuable results that can follow increased understanding of police corruption and its reduction. By moving the discussion forward, Professor Goldstein has developed several questions worthy of further exploration.

This monograph has been adapted from a chapter in a book Professor Goldstein is preparing on policing and is published as a service to policing in the belief that corruption should no longer be an unspoken issue.

Patrick V. Murphy  
President  
Police Foundation

## *preface*

This monograph is addressed to the present and future leadership of the police field. It examines police corruption, one of the most perplexing problems that police administrators confront. Its intent is to help these administrators understand the numerous aspects of the problem and, more importantly, to elicit their involvement in developing more effective ways in which to deal with it.

The monograph is not intended to be a blueprint or manual for combating corruption. It would not have been possible to provide such a document, even if desired, for not enough is known about police corruption. There are more questions raised here than are resolved. Where conclusions are offered, they should be regarded as working hypotheses, to be proved or disproved by future experience and research.

While full responsibility for the monograph is mine, I want to acknowledge the great amount of help I have received from many friends and associates. Their comments and criticisms, reflecting a wealth of experience and a number of unique perspectives, were extremely useful. I am particularly indebted to the following, who graciously agreed to review the earliest drafts: Henry J. Sandman, Director of Public Safety in Cincinnati; Otto B. Kreuzer, former Chief of Detectives in Chicago; Patrick V. Murphy, former Police Commissioner in New York City and now President of the Police Foundation; William H. T. Smith, former Deputy Police Commissioner in New York City and now Staff Director of the Police Foundation; Robert M. Igleburger, former Chief of Police in Dayton; Egon Bittner, Professor of Sociology at Brandeis University; and Mark Furstenberg and Robert Kiley, formerly on the staff of the Police Foundation and now on

the staff of the Police Commissioner and Mayor respectively in Boston.

A revised draft of the monograph was discussed at a special seminar on corruption conducted by the Police Foundation in November 1973. Police administrators in attendance were Boston Commissioner Robert di Grazia, East St. Louis Chief William Dye, Cincinnati Chief Carl Goodin, former Newark Police Director Edward Kerr, Birmingham Chief James Parsons, former District of Columbia Chief Jerry Wilson, and former St. Petersburg Public Safety Director James P. Morgan. Their criticisms helped to clarify a number of points.

Lawrence M. Sherman, who has himself written about corruption and recently edited a book on the subject, reviewed the manuscript and provided helpful criticism as well as substantial bibliographical material. Gary Hayes, Charles Sklarsky, and Waring Fincke contributed research and editorial help while students at the University of Wisconsin Law School. Lucille Hamre, in her always efficient fashion, produced several drafts of the manuscript. I owe a special note of appreciation to John Heaphy, Joan Wolffe, Tom Brady and Sharon Winkler of the Police Foundation staff who assisted in preparing the manuscript for publication.

H.G.

Madison, Wisconsin  
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# *introduction*

Of all the problems involved in the complex business of policing, few are more fundamental than corruption. When corruption exists in a police agency, the potential for dealing effectively with the multitude of other problems is severely diminished. This is true because two factors that are essential elements of any program to improve the quality of police service are seriously eroded. First, public confidence in the police is undermined. Second, the police administrator's ability to direct and control his personnel is substantially reduced.

Given the importance of the problem and the extent to which it siphons off the time and energy of the administrator, it is curious that corruption has not received more attention in the major effort made in recent years to improve police operations. Some of the reasons for this are themselves a part of the problem and are examined in detail later.

In preparing this monograph I have been very conscious of the sensitivity of police personnel to open discussion of corruption and have been acutely aware of the need to keep the problem in perspective. I recognize that many police agencies have succeeded in maintaining the highest level of integrity. I realize, too, that agencies whose reputations have suffered from public disclosure of corruption contain many honest officers, and that it is grossly unfair to single out police for criticism without acknowledging the corruption in the rest of the criminal justice system, in other areas of government, in the professions, and in society as a whole. I have proceeded, however, in the belief that those having a professional commitment to police administration have a special obligation to concern themselves with the corruption that occurs in police agencies. I believe this to be true even if an administrator has no immediate problem within his own agency and

even if the corruption that exists elsewhere makes police corruption look minor by comparison.

The first part of the monograph focuses initially on some of the complexities involved in defining corruption. It then examines the reluctance of police to discuss corruption openly. This is followed by an examination of the impact that corruption has on the typical police organization and the quality of police service. Subsequently, variations in the magnitude of corruption are explored, the various patterns of corruption are examined, and some of the contributing factors are identified and analyzed.

In the second half of the monograph, attention shifts to remedial measures. Some of the most common problems confronted by the police administrator in attempting to prevent and control corruption are discussed. This is followed by examination of the solutions most commonly proposed for coping with corruption, and assessments of their relative strengths and weaknesses.

## *defining the problem*

There is considerable disagreement about what constitutes police corruption. On the one hand, there is a tendency to define the term so broadly as to include all forms of police wrongdoing, from police brutality to the pettiest forms of questionable behavior. On the other hand, police corruption is sometimes defined so narrowly that patterns of behavior with all the characteristics and consequences of corrupt acts are excluded.

For purposes of this inquiry, police corruption means acts involving the misuse of authority by a police officer in a manner designed to produce personal gain for himself or for others. Excluded from consideration are the various forms of police misconduct where authority may have been abused, but where there is no indication that the abuse was motivated by a desire for personal gain. Police administrators devote substantial time to investigating complaints about officers' misuse of authority when, for example, they stop and question people, seize contraband, make arrests, or conduct searches. Many would argue that such actions should be seen as part of the corruption problem, involving a corruption of power. But unless an officer's action in such encounters was motivated by a desire for personal gain, the problems raised differ significantly from those raised where personal gain is a primary objective.

Admittedly, the line is not a clear one. Corruption and physical abuse are sometimes inseparable. Police have, for example, been known to use force or the threat of force to obtain payoffs. But most of the complaints alleging improper use of force do not include charges of corruption for personal gain.

Drawing a line that excludes police wrongdoing with no personal gain is not intended to minimize the gravity of other forms of police misconduct. On the contrary, it is essential to emphasize

that a significant body of police wrongdoing exists apart from that analyzed here.

The term bribery is commonly used to describe all forms of police corruption, but this is technically incorrect. All police bribery is corruption, but not all police corruption is bribery. In the criminal offense of bribery the officer must usually have solicited, received, retained, or agreed to accept something of value or personal advantage which he or she was not authorized to accept. The officer must also have known the bribe was offered with the intention of influencing official actions. Many patterns of police corruption lack these elements. This is not to say these other forms of corruption are legal. Officers guilty of corrupt acts may be charged with a number of other offenses, such as official misconduct, perjury, extortion, or theft.<sup>1</sup>

Since most forms of corruption are criminal, it is important to view police corruption in criminal terms. But should all forms of crime involving police officers be viewed as part of the corruption problem? What about those occasional incidents where police commit crimes such as petty theft, burglary, or robbery—behavior referred to as police criminality?<sup>2</sup> In most communities such incidents are commonly regarded as the ultimate form of corruption, as blatant violations by those entrusted with preventing criminal activity and enforcing the law. This view is reinforced because such activities usually occur in agencies known to have a high tolerance for corruption. This relationship is understandable, since many of the conditions contributing to the commission of these offenses by police also allow corruption to thrive. The officer who uses his authority, along with the camouflage, information, and access to premises that it provides, in order to steal or rob, is very much a part of the corruption problem.

This does not mean, however, that all police criminality falls into this category. The officer who commits a burglary without making use of his authority is no more a part of the corruption problem than the officer who murders his wife. In the police community, as in the larger community, one can expect a certain percentage of the population to engage in deviant conduct.<sup>3</sup> Obviously, every effort should be made to prevent these crimes, but to ignore the possibility that they will occur reflects more faith in the ability to identify persons likely to commit crimes than is justified by current knowledge. Crimes committed by police will probably continue to be seen as a form of corruption. But without the misuse of authority, which is the defining element of corruption, crime by police presents a problem which differs little from the problem of crime in the larger community.

Probably the most difficult problem in defining police corruption is whether to include only acts resulting in significant gain

or to extend the definition to include *any* favor or *any* gift.

Many would argue that there is nothing wrong with accepting free coffee, meals, or a gift at Christmas under certain conditions. It is probably natural for a police administrator struggling to cope with gross forms of corruption to feel irritated when pressed to turn attention to the officer who accepts free cups of coffee.

On the other hand, those who argue that small favors and gifts are the first inroads into police integrity and objectivity have much to support their position. For that reason, so-called petty forms of police graft will be included in this discussion. This does not mean that all forms of corruption are the same and must be treated the same. The important questions to consider are *whether* a line should be drawn, and if so, *where*.

Police corruption is not limited to monetary gain, because gain may be in the form of services received, status, influence, prestige, or future support for the officer or someone else. For example, the officer who agrees to tolerate criminal activity by a local politician may believe this will lead to a promotion. A police officer who grants immunity to certain violators may simply be executing an agreement made by his superiors in exchange for political support.

The most prevalent forms of police corruption prior to the 1940s were tied into the web of corrupt practices that pervaded municipal government. The primary benefit for the officer was the opportunity to continue working for the agency; in many jurisdictions participation in corrupt practices was a condition of employment. As appointment and promotion on a merit basis were introduced through civil service and as job security was guaranteed, the tie between local political corruption and police corruption was altered and, in some cities, gradually severed.<sup>4</sup> For most police officers civil service brought freedom to function in a corruption-free manner. But this newly acquired independence also afforded corrupt officers an opportunity to profit more directly and personally, since they were no longer in debt to local politicians for their jobs.

There are still agencies whose operations are dominated by local politics. But even in the many agencies where partisan influences have been largely eliminated, remnants of previous practices can be found. The continued existence of these practices requires their inclusion in an exploration of the corruption problem.

## *the need for candor*

Until recently, it has been almost impossible to generate open discussion of corruption by police themselves. If corruption was discussed at all, it was done privately, among officers who knew and trusted each other. Corruption was seldom referred to in police administration and law enforcement texts. It was rarely covered in any depth in police training programs or discussed formally at meetings of police administrators. Most strikingly, administrators of some of the most corrupt police agencies have publicly denied the existence of a problem. When confronted with evidence of wrongdoing, they have de-emphasized the problem by dealing with the wrongdoers and claiming that they, like a few rotten apples, were exceptions in an otherwise clean barrel.

Today there is a greater willingness to discuss the problem. The session on police corruption at the 1973 meeting of the International Association of Chiefs of Police was among the most heavily attended of the entire conference. Articles on the subject are appearing in police journals. Several conferences have recently been held for the specific purpose of encouraging more open concern. But even at meetings called to discuss the problem, some participants try to divert attention from police corruption by insisting that it should be seen as only a part of the problem of corruption in the criminal justice system and society.

Why is open discussion so difficult?

Cynics argue that those who are corrupt or potentially corrupt obviously have an interest in diverting attention from their own improprieties. Honest police administrators who have failed to control corruption have no desire to call attention to their failure. But these explanations do not account for the silence of police leaders strongly committed to rooting out corruption or the silence of rank-and-file police personnel who themselves are honest.

One major reason for this unwillingness to discuss the problem is that it is difficult to do so without impugning the integrity of honest police personnel and contributing toward an already prevalent stereotype that labels all police corrupt. Many police officials feel that public discussion also undermines public confidence in the police in a manner disproportionate to the prevalence and seriousness of the corrupt acts.

There is little doubt that disclosure of a single instance of corruption in a large police agency adversely affects the reputation of the entire agency and makes all officers suspect in the eyes of a substantial segment of the community. This tends to be true even when an agency ferrets out its own corruption and when the disclosure reflects the agency's intense desire to rid itself of corrupt practices. Likewise, any effort by a newspaper, the mayor, a group of citizens, or even the police administrator to stimulate a public discussion of police corruption tends to besmirch the reputation of all police personnel. The effect sometimes extends beyond the agency involved. The most isolated instance of corruption may impugn the integrity of police personnel in agencies far removed from the area where the corruption is exposed.<sup>5</sup> As a result, the low status accorded police is reinforced, the respect upon which their effectiveness depends is further diminished, and their own self-image suffers. Given the far-reaching and rather indiscriminate effects any ventilation of corruption has on the reputation of police and their morale, police inclination to suppress open discussion is understandable.

Apart from these considerations, there is a strong feeling among police that they have been made scapegoats, that because they are responsible for policing the conduct of others, some segments of the community delight in alleging police corruption. Some personnel even argue that certain elements of the community, by seizing every opportunity to paint the police as corrupt, hope to convince themselves that their own corruption is less serious.

A police officer learns a great deal about the corruption of citizens. He learns how individuals exploit each other and of the existence of a multitude of corrupt schemes in a community. He may witness overt corruption in the prosecutor's office, in the courts, and in the relationships between lawyers and clients. It understandably angers him to know that institutions and professions which enjoy more prestige and status than his are as corrupt, if not more corrupt, but that police are most commonly singled out for attention. What we now know in this Watergate era about corruption in government lends substantial support to these feelings.

Yet, understandable as the reluctance may be, it is impossible to deal in an innovative manner with corruption and to develop community support for confronting it unless the problem is fully discussed. Not addressing it openly will have an even more devastating effect than will the negative consequences of open discussion.

At the same time, it should be apparent that the police administrator who addresses the problem must, in order to maintain his credibility with his personnel, constantly acknowledge the extent to which corruption constitutes a problem elsewhere in society. He must argue convincingly that corruption elsewhere is no reason for tolerating it among police.

He also must guard against becoming a fanatic. The problem can arouse an emotional involvement that can be dysfunctional. Important as it is to address corruption, concern with it must be related to the magnitude of the problem in the given community and be balanced by concern with other problems.



## *costs and impact*

Total agreement on how corruption affects a police operation has yet to be reached. Some have argued that the type of professionalism that curtails corruption also introduces rigidity into other aspects of police work and reduces police effectiveness in situations calling for a high degree of flexibility.<sup>6</sup> Routine corruption is variously seen as inevitable, or as a necessary condition of governmental functioning, or as the price the public pays for the double standard resulting from pressure to enforce laws that are widely violated.<sup>7</sup>

Those in corrupt agencies who have attempted to provide quality police services usually dismiss such arguments, maintaining that significant corruption seriously diminishes an agency's ability to achieve its objective. The stronger arguments appear to be on their side.

The existence of corruption clearly impairs an agency's credibility in enforcing the law. Police commonly work to build their image as law enforcers. They frequently make appeals to citizens to be law-abiding and point out the need for widespread respect for the law. When police engage in corrupt practices, they are themselves usually guilty of an offense constituting a serious violation of the criminal code. If legislative provisions for punishment are indicative, those who engage in bribery are considered to have committed as serious an offense as those who engage in aggravated assault, major theft, or simple robbery.

The police officer who accepts bribes is obviously doing what he is paid by the taxpayers to prevent. He is like a fireman setting fires or a physician spreading disease. The enormity of his offense is compounded when his activity contributes to the spread of serious antisocial behavior; for example, when he tolerates the

sale of hard narcotics or engages in sales himself. The contradictory nature of his activities, however, is rarely recognized for what it is. The president of an association of police officers in New York City stated a common position when he said, "Corruption is not the No. 1 priority of the Police Commissioner. His job is to enforce the law and fight crime."<sup>8</sup>

Because corruption is not equated with other forms of criminal activity, police officers sometimes proceed with indignation against some minor offenders while prepared to leave them alone for a payoff. This absurdity is not lost on those who live where petty offenses are common. Black citizens in particular consistently rate the integrity of police officers much lower than whites do and react with understandable disdain when urged, by officers known to be corrupt, to have greater respect for the law.<sup>9</sup> Corruption continues to be a major cause of failures to improve relationships between police and the black community.

Where police officers are controlled by payoffs from outside parties, the formal administrative control structure of the agency becomes increasingly ineffective.<sup>10</sup> Rules, regulations, and operating procedures promulgated by the administrator are held in contempt. As a *Life* magazine article once put it, "You can't expect cops on the take to take orders."<sup>11</sup>

This problem is aggravated when the administrator is committed to changing the orientation and operating philosophy of the agency. If his personnel are corrupt, it becomes extremely difficult to develop greater sensitivity in his subordinates to the culture and interests of minority groups, to elicit a stronger commitment to due process, or to encourage more effective responses to domestic disturbances. The values that the corrupt officer develops in many ways are the opposite of those for which the administrator seeks support. The officer who routinely profits by exploiting narcotics addicts and peddlers is not likely to take seriously a request that he act with greater respect for minority interests and individual rights. His response, at best, is likely to be minimal compliance.

Effecting change almost always requires altering the way personnel are organized. If corruption is pervasive, its patterns are generally related to the organization of the department. Indeed, one of the objectives of a police administrator in reorganizing may be to reduce corruption. Altering the organizational structure, however, is likely to be seen as a threat to the arrangements from which corrupt officers profit. Corrupt subordinates will resist such changes and may even work actively to sabotage them.

The effect on administrative control is especially devastating if supervisory personnel are corrupt. A large-city precinct

commander who routinely accepts bribes may lose control over his subordinates. In order to carry on his illegal commitments, it may be necessary to do or refrain from doing things that would eventually make such activities known to subordinates. If the commander shares his profits with his officers or openly tolerates their own corrupt practices, he may still continue to exercise reasonably effective supervision. If he does not, the knowledge subordinates have about his illegal activities renders the commander impotent and gives the officers license to operate without regard for departmental regulations and procedures. Without effective supervision, police officers typically respond more slowly to calls for assistance, avoid assigned duties, sleep on the job, and perform poorly in situations requiring discipline and organization.<sup>12</sup>

These inadequacies become apparent to the public, but the relationship of corruption to such inadequacies may not be equally apparent. This accounts in part for the common tendency of people to say they are willing to live with police corruption as long as the police keep the streets reasonably safe. These people fail to recognize that the corrupt police officer is not likely to do the kinds of things that he should be doing. The officer who spends his time in corrupt activities does little police work.<sup>13</sup> He is unlikely to take seriously requirements that he check the security of various premises, that he investigate suspicious circumstances, or that he respond speedily to calls for assistance. In extreme cases, he may even see such requirements as intrusions on his time. If his supervisors are also corrupt, it becomes even more likely that he will ignore these responsibilities.

The prevalence of corruption also affects the overall atmosphere in the corrupt police agency. With the disclosure of any pattern of corruption there is an expectation that the administrator, in addition to proceeding against the guilty officers, will take steps to deal with the corrupt practices that are exposed. This frequently takes the form of a new procedure or prohibition intended to prevent similar incidents. The ineffectiveness of such hastily drawn remedies is often so apparent that they suggest either intentional efforts to deceive the public into believing something is being done or incredible naivete about the effectiveness of administrative procedures. Moreover, the breadth of new regulations often creates more problems than are solved.

When an arrested person is found to have paid off a police officer to arrange his release, the police often overreact by prohibiting the release of any arrested individuals except on court-authorized bail, thereby requiring all arrested persons to be taken to court. It then becomes impossible for a police officer to release someone legally arrested when information proving innocence is

acquired. Instead, the person must be told that while the police made a mistake (and perhaps regret it), they are without authority to correct their error immediately; the person must sit in jail and await a court appearance.

After a few years, so many prohibitions accumulate that the agency's written orders and regulations provide little positive guidance but consist instead of a long series of negative precepts, starting with "A member of this department will not, under any circumstances. . . ." It is disconcerting to realize that the agency's overall direction and control have been dictated not by a desire to do an effective job but rather by a desire to respond to disclosures of corrupt practices. This emphasis upon negative guidance creates an atmosphere of distrust that is demoralizing to honest and well-intentioned police officers.

## *variations in magnitude*

It would be helpful if there were some way to measure accurately the actual amount of corruption. This would avoid the distortions which have marked much of the public discussions of the issue. Unfortunately, the very nature of corruption makes it impossible to quantify. If we spoke only of allegations resulting in convictions, we would be grossly underestimating the problem. It is therefore necessary to lean heavily on the results of public investigations and the experience of those who have dealt with corruption from within a police agency.<sup>14</sup> There are, however, limitations on these sources.

While it is not possible to quantify the problem of corruption and thus make meaningful comparisons, it is obvious to close observers that there is wide variation in the reputations of police agencies. Many agencies enjoy a national reputation of high integrity. Within them, it would be very unusual for an officer to become involved in corrupt behavior. Within other agencies corruption is limited to so-called clean graft, i.e. acceptance of tokens of appreciation for services rendered. Then there are agencies in which corrupt practices are limited to petty offenses, such as accepting bribes from a traffic violator or vice operator. There are still other agencies, especially in larger cities, where corruption pervades the entire organization.

An agency's reputation can vary over time. A number of cities where wholesale corruption once existed have succeeded in reversing their image. Los Angeles, Oakland, and Kansas City, Missouri, for example, were once plagued by corruption but now enjoy a reputation in police circles for high integrity. New York City has enjoyed periods of reduced corruption, but that department's history is marked by a series of major public investigations

suggesting that gains were short-lived. The Lexow Hearings of 1894, the Curran Committee investigations of 1913, the Seabury Investigation of 1930, the investigation into the Harry Gross scandal in 1950, and the Knapp Committee investigations of 1971 are instructive signposts in that history. The reports from each of these investigations refer to practices and problems that remain remarkably unchanged. The recurrence of corruption can be documented in many other large cities as well.

It is a common impression that the extent of corruption in a police agency is heavily influenced by the moral climate of the community.<sup>15</sup> A community where business and governmental affairs are conducted honestly is likely to have a high level of integrity in police operations. In contrast, it is unrealistic to expect police to adhere to high standards of integrity in a community where bribery of public officials and payments for special favors in the private sector are common.

Such a contrast exists between the neighboring states of Illinois and Wisconsin. In Illinois, exposures of corruption at all levels of government are routine. Corruption among police, with variations in magnitude among various localities over a period of time, has generally been recognized as a fact of life. Wisconsin, on the other hand, enjoys a reputation for honest government at all levels and no tolerance of corruption. Isolated incidents that surface in Wisconsin are minor compared to those in Illinois, and they are usually exposed by governmental agencies having the responsibility for dealing with them. Bribery among Wisconsin police is rare. In Illinois the citizenry no longer seems shocked by revelations; in Wisconsin documentation of a minor corrupt act leads to public outrage.

Along with variations among jurisdictions, it is important to note the variations in the practices of different units within the same agency and of individual officers within those units. Where corruption is under control, incidents that surface will usually involve only a small number of people in the agency. More importantly, however, even in a department permeated by corruption, there are notable variations. This was summed up well in the recent Knapp Commission report on New York City:

Corruption, although widespread, is by no means uniform in degree. Corrupt policemen have been described as falling into two basic categories: "meat-eaters" and "grass-eaters." As the names might suggest, the meat-eaters are those policemen who . . . aggressively misuse their police powers for personal gain. The grass-eaters simply accept the payoffs that the happenstances of

police work throw their way. Although the meat-eaters get the huge payoffs that make the headlines, they represent a small percentage of all corrupt policemen. The truth is, the vast majority of policemen on the take don't deal in huge amounts of graft.<sup>16</sup>

The grass-eaters may not, in a corruption-dominated department, be acting out of free choice. As the Knapp Commission noted:

One strong impetus encouraging grass-eaters to continue to accept relatively petty graft is, ironically, their feeling of loyalty to their fellow officers. Accepting payoff money is one way for an officer to prove that he is one of the boys and that he can be trusted.<sup>17</sup>

The commission reported that officers who made a point of refusing small payoffs were not fully accepted into police fellowship.

## *the numerous forms*

One of the major problems in combating corruption is that it takes such varied forms. There is a common tendency to associate most corruption with the police role in regulating private morals. Police responsibility for enforcing laws involving gambling, prostitution, homosexuality, narcotics, and alcoholic beverages has unquestionably accounted for much corruption.<sup>18</sup> In a department riddled with corruption, however, corrupt practices extend to many other areas. It is generally recognized that the circumstances surrounding all arrests create a high potential for profit. "Collars make dollars" is the way it is expressed by some police officers. One of the most amazing things about police graft is the endless variety of schemes that come to light. Opportunities for personal profit in a corrupt agency seem to be limited only by the imagination and aggressiveness of those most intent on realizing private gain.<sup>19</sup>

### *Various Schemes*

Listed below are some of the most common corrupt practices in which police have been known to engage in their dealings with citizens. The list is by no means exhaustive. It does, however, identify most of the major areas where a police agency is vulnerable.

- a. Failing to arrest and prosecute those the officer knows have violated the law.

*Examples:* Motorists parked overtime or illegally.



Traffic violators, including drunk drivers (the "traffic-fix" being perhaps the most common).

Gamblers, prostitutes, narcotics users, homosexuals.

Violators of minor regulatory ordinances, such as those regulating business hours.

Violators of the conditions of a license administered by the police agency.

Juvenile offenders.

More serious offenders, such as burglars and persons engaged in organized criminal activity.

- b. Agreeing to drop an investigation prematurely by not pursuing leads which would produce evidence supporting a criminal charge.

- c. Agreeing not to inspect locations or premises where violations are known to occur and where an officer's presence might curtail the illegal activity.

*Example:* Taverns in which prostitution or gambling flourishes and probably contributes to the volume of business.

- d. Refraining from making arrests on licensed premises where an arrest would result in license review that could lead to revocation.

*Example:* Taverns, night clubs, dance halls, motion picture theaters.

- e. Reducing the seriousness of a charge against an offender.
- f. Agreeing to alter testimony at trial or to provide less than the full amount of evidence available.
- g. Providing more police protection or presence than is required by standard operating procedures.

*Examples:* More frequent and intensive checks of the security of private premises.

More frequent presence in a store or other commercial establishment, such as a hotel, club, or restaurant where the officer's presence benefits the owner by keeping out "undesirables."

Observation of parked cars while owners attend a social gathering or meeting in an area where cars are commonly stolen or damaged.

Escorting businessmen making bank deposits.

- h. Influencing departmental recommendations regarding the granting of licenses.

*Example:* Recommending for or against continuance of a liquor or amusement license by either giving or suppressing derogatory information.

- i. Arranging access to confidential departmental records or agreeing to alter such records.

*Example:* Selling arrest records of persons being considered for jobs to private employers.

- j. Referring individuals caught in a new and stressful situation to persons who can assist them and who stand to profit from the referral.

*Examples:* Making referrals to bondsmen or defense attorneys.

Placing accident victims in contact with physicians or attorneys specializing in the filing of personal injury claims.

Arranging for delivery of bodies to a funeral home.

Selecting the ambulance or tow truck summoned to the scene of an accident or an illegally parked car.

- k. Appropriating for personal use or disposal items of value acquired on the job.

*Examples:* Jewelry and goods from the scene of a burglary.

Narcotics confiscated from users or peddlers.

Funds used in gambling.

Valuables found at the scene of a fire.

Private property of a drunk or a deceased person.

Confiscated weapons.

These examples show that many segments of the public, including organized criminals, legitimate business interests, private citizens, and the pettiest of offenders stand to gain by influencing the decisions a police officer makes. Some act under threat of criminal prosecution, but many are not under any threat of police action. The latter include those who are trying to buy extra police services or benefit from information and situations to which police have access.

Those who are threatened with arrest have quite different motives for offering money to police. Some are primarily concerned with being able to continue their illegal activity (e.g., the professional burglar, the dealer in stolen merchandise, the gambler, the narcotics peddler, and the street prostitute). Others are anxious to avoid the inconvenience of arrest, fines, or other consequences of conviction (e.g., the motorist who fears loss of his license). Someone facing arrest is especially likely to offer a payoff if his livelihood is threatened (e.g., the salesman, the taxi driver, the truck driver, or the tavern keeper). Some may be primarily interested in not having their situation given any publicity (e.g., the errant spouse or the homosexual). This diversity in the background of the briber and the objective sought should be a warning against some of the more simplistic remedies offered as solutions to corruption.

## *Degrees of Organization*

There is a great variation from one community to another (and within the same community at different times) in the extent to which corruption becomes organized. For example, a single officer may enter into an agreement with businessmen to tolerate illegal parking in a designated area. A sergeant may enter the agreement, sharing whatever funds he receives with his personnel; or a lieutenant may make the arrangement, sharing payments with sergeants and patrolmen. There even have been frequent allegations that police commanders have established systems for the routine collection of payments from businessmen, tavern keepers, vice operators, and others, with the funds being distributed to some or all members of the police unit serving the area.<sup>20</sup>

The initiative for an organized system of corruption may also come from organized criminal interests. An operator of a large gambling operation, for example, may seek out the commander of the area where he operates and offer a payoff for immunity, with the understanding that the commander will distribute appropriate portions to subordinates.

Occasional discovery of collection records, such as a "bagman's little black book," has provided some indication of the type of organization police form in order to assemble and distribute graft in a routine manner. Only a few major inquiries into corruption have succeeded in documenting the full extent to which corruption is organized. The Knapp Commission gives an indication of how large and complex the organization can be in describing the pad—a system for distributing payoffs received for tolerating gambling in New York City:

In a highly systematized pattern, described to the Commission by numerous sources and verified during our investigation, plainclothesmen collected regular bi-weekly or monthly payoffs from gamblers on the first and fifteenth of each month, often at a meeting place some distance from the gambling spot and outside the immediate police precinct or division. The pad money was picked up at designated locations by one or more bagmen who were most often police officers but who occasionally were ex-policemen or civilians. The proceeds were then pooled and divided up among all or virtually all of the division's plainclothesmen, with each plainclothes patrolman receiving an equal share. Supervisory lieutenants who were on the pad customarily received a share and a half and, although the Commission

was unable to document particular instances, any commanding officer who participated reportedly received two full shares. In addition, the bagman received a larger cut, often an extra share, to compensate him for the risk involved in making his collections . . . .<sup>21</sup>

Investigators have suspected the existence of similar arrangements in other jurisdictions involving criminality other than gambling, but it is understandably difficult to acquire solid proof.<sup>22</sup>

### *Internal Corruption*

If officers on the street are realizing financial profit in their relationships with citizens, officers with positions in station houses or at headquarters tend to devise ways to supplement their own incomes. They may do this by exacting payments from street officers in exchange for the services which so-called inside men are in a unique position to provide or withhold. Investigations of police corruption in several large cities have described such practices as street officers paying inside men for falsifying attendance records, influencing the choice of vacations and days off, reporting them on duty when they were not, providing them with records faster than usual, arranging for them to be called at the beginning of a court session, and giving them passing grades in training programs. Of special importance is the practice of paying superiors or other police personnel to influence assignments. Certain assignments are much more desirable for the corruption-prone officer, a point made with great clarity in the Knapp Commission report.<sup>23</sup>

Occasionally, police officers working inside can develop their own direct relationships with special interests, for instance, by offering to check the files for private employers to determine if job applicants have arrest records.

If citizens believe corruption is common in the police agency, an atmosphere is created in which many nefarious practices can thrive. This occurs, in large measure, because of the secrecy surrounding the arrangements police establish and the public's widespread ignorance of what a single officer can deliver. For example, an individual officer can command a very high price when promising immunity to a large vice operator. The amount, he may explain, is necessary to take care of all his supervisors and the special units established to check on vice enforcement. This may, in fact, be the case; but more likely the officer pockets the full amount, knowing from his experience there is little likelihood that

even the most incorruptible supervisors and investigating units will interfere with the operation. If they do, he can apologize to the operator, or even go so far as to refund the payoff with an expression of regret that things did not work out right. This practice, not at all uncommon, creates the impression that the police are much more corrupt than they are and that corruption is much more organized than it is. Without adequate means for establishing the facts, both the public and police administrators are left guessing as to whether such cases illustrate the unusual greediness and audacity of a single officer or the wholesale purchase of an agency. Nor can they know how often and for how much unscrupulous officers have sold immunity which they were not in a position to deliver.

# contributing factors

In order to devise effective means for controlling corruption, some understanding of the contributing factors is essential. Several of these factors are fairly obvious and have been cited frequently; it is unnecessary to do more than restate them here. Others, much less obvious, may be just as important. They are, therefore, explored in greater detail.

## *Commonly Cited Factors*

- a. *Unenforceable laws.* Legislatures continue to prohibit conduct in which large numbers of people are engaged. Such prohibitions are difficult to enforce, even with widespread public support. This makes non-enforcement common, and, in turn, provides numerous opportunities for the public to buy immunity and for police to take or withhold action in exchange for payoffs.
- b. *Organized criminal interests.* Those who engage in crime as a business are a common source of corruption because their survival and profits often depend on their ability to buy freedom from interference.
- c. *Improper political interference.* Politicians and political parties attempt to exert control over the exercise of police authority in ways that will contribute toward building their power and their support.

All three factors listed above often are inextricably inter-related, with each feeding on the others. Much organized crime, for example, involves violations of unenforceable laws, such as those pertaining to gambling, prostitution, and narcotics. Political pressure on the police often has, as one objective, the tolerance of organized criminal interests and vice.

The impact and interrelationship of these factors have been extensively documented in numerous investigations, in the literature on overcriminalization, organized crime, local government, and police corruption, and in accounts by police administrators.<sup>24</sup> Their importance, however, may have been overstated. Changes that have been proposed would be limited in their effect.

It is, for example, a gross oversimplification to argue that decriminalization will eliminate corruption. Even the most ardent supporters of decriminalization agree that some form of regulation would necessarily remain. It follows that opportunities for corruption also would remain and might even increase in areas that continue to be regulated. Elimination of the prohibition against the use of liquor may have ended or reduced some forms of corruption, but any knowledgeable police administrator would point out that much of the current corruption problem stems from liquor consumption and sale.<sup>25</sup>

The direct link between partisan politics and the police has been broken in most cities. But the introduction of civil service, merit-based promotions, purchasing through competitive bidding, etc., has not eliminated corruption. Corruption-prone police can find areas unaffected by these reforms in which to operate.

Political influence in the past has been narrowly and somewhat naively defined in terms of pressure from machine-type politicians. But the most professional of city governments is still, hopefully, political. Otherwise it would have no accountability to the public. So long as this is true, opportunities will remain for corrupt practices to build up around political decisions affecting police operations.

Coming to grips with overcriminalization, organized crime, and improper influences on police would substantially reduce corruption. It would not be eliminated, however, and it is therefore important to look at some of the less frequently cited factors contributing to its existence.

### *The Nature of Police Work*

The extent to which the day-to-day nature of police work contributes to corruption has not been adequately recognized.



The average officer—especially in large cities—sees the worst side of humanity. He is exposed to a steady diet of wrongdoing. He becomes intimately familiar with the ways people prey on one another. In the course of this intensive exposure he discovers that dishonesty and corruption are not restricted to those the community sees as criminal. He sees many individuals of good reputation engaging in practices equally dishonest and corrupt. An officer usually can cite specific instances of reputable citizens defrauding insurance agencies by false claims, hiding earnings to avoid taxes, or obtaining services or merchandise without payment. It is not unusual for him to develop a cynical attitude in which he views corruption as a game in which every person is out to get his share.<sup>26</sup>

Given the temptations for additional income, it is easy to see how corrupt police rationalize their behavior and minimize its gravity. Whether accurate or not, the impression that corruption pervades society leads an officer to reflect on his own plight. Improvement in police compensation rates has not kept pace with that offered other occupational groups. Despite dramatic improvements in many larger and some smaller cities, low pay continues to be a problem.<sup>27</sup>

Furthermore, many individuals who try to bribe police are themselves engaged in professional criminal activity. As this reasoning goes, if a hard-working officer takes money from a criminal, it is not as if the criminal were being deprived of something that was legitimately his. The funds the officer accepts are funds the criminal should not have had in the first place.

### *Prosecutors and Courts*

Of all the external activity contributing to police agency corruption, none is as significant as that of the prosecutors and the courts. Police functioning is intricately related to the operations of these agencies. An officer who sees the processing of hundreds of petty offenders through a city's minor courts cannot help but be struck by the futility of the procedure—the lack of justice, the lack of dignity, and the ineffectiveness of the criminal process in dealing with the behavioral problems which bring defendants to court. The same impression is generated by the processing of more serious offenders. In agreeing not to make an arrest or to drop a charge in exchange for a payoff, an officer may justify his action by claiming that further processing would produce no more effective or just disposition.

This reasoning is greatly reinforced when the prosecutor's

office and the courts are also corrupt. Through their daily contacts with prosecutors, judges, and other court personnel, police become very aware of wrongdoing. The honest officer understandably resents delivering cases to persons who, shielded by the high prestige of the prosecutor's office or the bench, extract monetary payments in exchange for favors. When this happens, the officer usually cannot register any objection because corrupt prosecutors and judges deliver on agreements by using discretion that is officially theirs. A prosecutor need not account for his decision not to prosecute a case, nor must a judge account for his decision to dismiss one. Many officers who have successfully resisted other temptations to realize personal gain from their activities have felt that the subversion of justice in the rest of the system made their own integrity completely pointless and have succumbed. The rationale then goes something like this: "If my efforts put cash into the hands of corrupt prosecutors, court clerks, and judges, I'm a fool for not taking it myself."

### *Police Discretion*

Police officers are expected to operate in a manner that is in sharp contrast to the formal provisions governing their duties. While it is commonly assumed that the police have no authority to exercise discretion, they do so most of the time. While they are required to operate under the laws of their jurisdiction and rules of their department, they are frequently expected by their superiors, their fellow officers, and the public to bend these laws and rules and, on occasion, to ignore or violate them.<sup>28</sup> This contributes to the corruption problem in several ways.

First, it is a major factor contributing to the peer pressures that support corrupt behavior. Officers become heavily dependent on one another to carry out their informal operations in ways that will minimize their vulnerability to charges of illegality or impropriety. Should they face such a charge, they feel they must, as a minimum, be able to depend on their fellow officers for support. The resulting fraternal bond comes to serve in the corruption-prone department as a shield behind which corruption can thrive. Thus the investigation of corrupt practices becomes more difficult for the police administrator.

Second, the shared awareness of the police that they operate with questionable legality much of the time constitutes still another rationale for corrupt behavior. In a number of police agencies, for example, supervisors tell officers to locate and confiscate weapons without regard to the legality of the required

search. Such administrative pressure clearly erodes whatever respect an officer might have for the law. The officer reasons that if he has departmental approval to act illegally in conducting searches and seizures, nothing is wrong with a mutually accommodating and seemingly inoffensive arrangement that supports minor graft. The fact that police are constantly being informally told they must bend, ignore, or violate laws and rules makes it difficult to maintain that similar flexibility is not to be tolerated with regard to corrupt behavior.

### *The Addictive Element*

Once an officer has agreed to accept the profits of corruption, he usually becomes addicted to the system. He comes to depend on the additional income, expanding his personal budget by the amount of graft he anticipates. This expansion often takes the form of payments on a new car, home, or other major purchases. Under these conditions, any possibility that illegal income may be cut off or reduced poses a threat similar to the possibility of a sizable salary cut for the honest employee. Thus the pressures from an officer's peers to engage in corruption are augmented and may eventually be overshadowed by self-generated financial pressures.<sup>29</sup>

If a corrupt officer goes further and seeks to build his financial holdings through investments or gambling, his attitude may become so exploitative and predatory that he sees himself as being in business. This pattern is sometimes revealed when officers are charged with extortion.

# *administrative dilemmas*

Citizens frequently boast about bribing a police officer. They engage in conversations regarding the corrupt practices of police personnel. Occasionally they may even report such activities anonymously to the local police administration. Almost invariably, the inference drawn by citizens is that these conditions could not exist without the knowledge and possible involvement of superior officers and the police administrator. In some localities where corruption is pervasive, inside knowledge about the patterns of corrupt practices may well confirm these inferences. Evidence of corruption at the bottom, however, does not always mean corruption at the top. Several incredibly complex problems confront the administrator who relentlessly pursues corruption, problems that prevent him from dealing effectively with the kinds of violations that may seem so conspicuous to the citizenry.

## *Drawing the Line*

When a police administrator declares himself against corruption, he is confronted by questions about his stance. Does he mean an officer should not accept a free cup of coffee? How about a meal? What about a Christmas gift? What about a reward sincerely offered for meritorious service? And what about the tip offered by a visiting dignitary to the officer who served as his bodyguard? These are clearly on the periphery of the corruption problem. They are not usually the practices which prompted the administrator to speak out against corruption, nor are they likely to be of central concern to those most troubled by the existence of corruption.<sup>30</sup> They cannot, however, be ignored, for they raise

several more fundamental questions. Should police be subject to a substantially higher standard of conduct than those in other governmental agencies, the business community, and the private sector generally? Is it preferable to have a departmental policy absolutely prohibiting the acceptance of any gratuity? Or is it desirable to have what some would characterize as a more realistic policy which permits officers to accept minor gratuities offered not to corrupt but in sincere appreciation for a job well done?

Most administrators, at the risk of sounding fanatical, have chosen the first alternative. The late O. W. Wilson always maintained that a police officer should not be allowed to accept any gratuity, not even a free cup of coffee. Patrick Murphy more recently stated: "Except for your paycheck, there is no such thing as a clean buck."<sup>31</sup> These men would argue that the smallest offerings have a corrupting influence and that accepting them lowers the officer's immunity to more substantial gifts. Free coffee doubtlessly is used to get officers into places which commonly experience trouble and to induce the officers to look more kindly on the giver. It is a small step to the next stage where officers provide different service to those who offer coffee and those who do not. If it is permissible to accept free coffee, what about a modest lunch? And if free lunches are permissible, what about more elaborate meals? If acceptance of the latter for the officer is tolerated, what about bringing along family or friends? Those who advocate an absolute ban on gratuities argue that it is impossible to draw up standards that both accommodate expressions of sincere gratitude and assure that an officer will not do something he should not do in exchange.

An opposing viewpoint, less often expressed, is that absolute prohibitions are so unrealistic that they undermine efforts to get at more serious forms of corruption. The argument is that the probability of stamping out free coffee and meals is so remote that such a ban conveys the impression that the administrator does not really intend to do very much about corruption. Holders of this view say the administrator should establish guidelines permitting the acceptance of small offers of appreciation, thereby enabling him to be much more absolute and effective in dealing with more serious forms of corruption.

Several other lines must be drawn. Should police be permitted to sell tickets to an event sponsored by a police association? In police agencies that may otherwise be corruption-free, police regularly sell tickets to an annual ball or police-sponsored sporting event, often during working hours. Advertisements are solicited for program books distributed at these events. Because these solicitations are conducted openly and a ticket of admission or an

advertisement is offered in exchange, they are seen as being quite different from the usual forms of corruption. But are they so different? Ticket buyers frequently do not attend the event. The solicitations, at a minimum, carry an identification of sponsorship which to many citizens suggests that future delivery of services depends on the response. A variation on this practice is the sale of stickers that merchants, homeowners, and car owners display in their windows indicating they support the police association.

Should police be permitted to do indirectly what they are prohibited from doing directly? For example, if solicitations are banned, what about the police association that hires private solicitors to sell the tickets or stickers and fill the ad books? What about the privately published but official-sounding magazine catering to police interests that is distributed to all police personnel, its contents often consisting largely of advertisements placed by establishments subject to police licensing and regulation?<sup>32</sup>

Should publicly announced rewards be viewed as a form of corruption? Today rewards are sometimes prohibited, along with gifts and gratuities.<sup>33</sup> There was a time when most criminal apprehensions were made because of a reward system.<sup>34</sup> Victims of criminal offenses often post a reward for the person providing information leading to the arrest of the offender. Bail bond companies offer rewards for the arrest of those who jump bail. If police officers are among those eligible to receive these rewards, as they are in many jurisdictions, these cases often receive extra attention. Time is taken away from equally serious matters involving victims unable to offer rewards. In many respects a system of privately sponsored rewards is much like some forms of corruption, but many such systems exist in conjunction with vigorous anti-corruption programs.

### *Acquiring the Evidence*

There is no more formidable barrier to eliminating corruption than the blue curtain—the conspiracy of silence among police. Rarely does an officer report the corrupt behavior of a fellow officer. It is equally rare for a police officer to testify in support of allegations of corruption made by persons outside the agency. It is unusual for a police intelligence unit, assigned to gather information on criminal activity, to discover and report evidence of police wrongdoing. For the police administrator, the situation is like the one he faces in dealing with organized crime. There is almost no way the curtain can be penetrated.

The procedure most commonly employed for investigating corruption in a police agency depends for its initiation upon a citizen's complaint. Given the consensual nature of the arrangement underlying most corrupt behavior and the fear citizens have of informing against police, this procedure obviously brings only a small percentage of existing corruption to the attention of an administrator. Complainants may include a wife annoyed because her husband uses limited family funds to pay the police, an out-of-towner behaving in line with the noncorrupt norms of his community, an idealistic person confronted with his first bribe solicitation or a person angered by officer who violates an agreement for which he has been paid. Another complainant could be someone who stands to gain if a specific form of corruption is ended, such as a tavern keeper competing with an illegal liquor distributor whose continued operation is made possible by payments to the police.

The value of these complaints is limited because most are submitted anonymously. It remains for the police to acquire the evidence needed to prosecute or to bring departmental charges against the officers involved. When a complainant does identify himself, there are often other problems. If he is an out-of-towner, it is expensive to bring him back to the community for the subsequent proceedings. Furthermore, while his sense of duty may extend to reporting the corrupt act, it is unlikely to extend to being inconvenienced for substantial periods of time. Counsel defending a police officer have been known to seek delays in such cases, confident that the key witness will tire of appearing at court trials or civil service proceedings. Of the complainants who live in the community, the value of many as witnesses is diminished because they have extensive criminal records or are of questionable emotional stability.<sup>35</sup>

In view of all these limitations, why do police administrators wait for complaints instead of instigating investigations of their own? They have available all the techniques police use in investigating serious criminal activity—surveillance, undercover operations, paid informants, the exchange of immunity for information, and the staging of situations that encourage corrupt police officers to violate the laws (but do not constitute entrapment).

All these techniques can be used legally, but pressures from within the department and the community can combine to prevent the reform-minded administrator from using them. Their use typically raises the charge of gross unfairness from the police association. This, in turn, draws surprisingly substantial support from the larger community. There is a certain irony in the association's position, for it is rank-and-file personnel who most steadfastly

defend use of these techniques to control other forms of crime. The explanation for this inconsistency, aside from the self-interest of the corrupt officer, apparently lies in a refusal to see corruption as a form of criminal conduct. Public response must be attributed to the citizens' desires to preserve their own interests in being able to pay off police, to their ignorance of the magnitude and seriousness of corruption, or simply to their tendency to defend the police. The result is that relatively few administrators aggressively try to ferret out wrongdoing, and many of those who do soon dilute or abandon their efforts because of the opposition they encounter.

There have been a few occasions when an officer has reported corruption in an agency. Where the report was made internally, it sometimes was discounted by supervisors or the administrator.<sup>36</sup> Where it was made to another agency and publicized, the report has on occasion led to full-scale public inquiry. If, however, the testifying officer is motivated by the desire to obtain immunity from prosecution for his own acts, the impact of his testimony will be limited because his credibility will always be subject to question.<sup>37</sup>

### *Attacking Corruption vs Maintaining Morale*

To be effective in coping with corruption, the administrator must publicly acknowledge the problem and must mount an aggressive program to attempt to control it in a manner that receives full public exposure. This is true for several reasons.

First, he will have no public support for the punitive actions he must take unless the public is aware of the magnitude and consequences of corruption.

Second, despite the secrecy surrounding many aspects of police work, the actions commonly involved in responding to corruption cannot be taken privately. They require procedures traditionally subject to public scrutiny and the involvement of officials outside the agency, such as civil service personnel, prosecutors, and judges.

Third, the administrator must communicate with those who offer as well as those who accept bribes. The greatest potential a police administrator has for reducing corruption may lie in convincing the citizenry not to offer bribes and threatening criminal prosecution of persons who continue to do so.<sup>38</sup>

Important as it is for the administrator to speak forthrightly, however, ventilation of the problem impugns the reputation of the honest officer, who understandably resents having people view him as dishonest and has no easy way to distinguish himself from those implicated.



In a sincere effort to educate the public, investigating commissions have made public the testimony of police officers and offenders who have alleged widespread corruption. However inclined one may be to weigh such testimony, innocent officers are left defenseless. A somewhat similar situation occurs when an administrator reassigns or demotes an officer on the basis of suspicions about the officer's integrity. The administrator may conclude the officer is guilty because of numerous complaints against him, but may find no legal way to obtain evidence of the officer's corruption. From the standpoint of the officer involved, and of other officers, the action is damaging to the officer's reputation and appears arbitrary. Both situations seem hypocritical to the officer trained to believe that a person he may actually see commit a crime is, nevertheless, considered innocent until proved guilty in court.

Police administrators are acutely aware of the effect that disclosure of corruption has on police morale. They also assume that effective police service depends on high morale.<sup>39</sup> Much policing involves the performance of unpleasant tasks, sometimes in the face of great dangers. Under these conditions, the officers believe it is essential that they have the support of their administrator. The more threatening and dangerous police work becomes, the greater the demand will be for blanket support from superiors and the chief.

In a corruption-free department, an administrator who speaks out against corruption does not adversely affect his relationship with his personnel. In an agency that has acquired a reputation as being corrupt, however, such a stance will be interpreted by the rank and file as an unfriendly gesture supporting their critics. The administrator's speaking out will be demoralizing to the force, with the result that he risks losing his subordinates' support. Without their support he may be rendered ineffective, not only in dealing with corruption but also in getting his agency to provide routine police services. Personnel hostile to their administrator can easily affect the quality of police service in a way that makes it difficult for the administrator to keep his position.

In the past some traditional police administrators had no difficulty in resolving this dilemma. They supported their personnel at all costs and developed an uncanny ability to publicly deny or minimize corruption while presiding over thoroughly corrupt agencies. The unwavering support they earned from their personnel by providing this cover kept them in office. The experience of these administrators lends support to the contention that a department allowed to root out its own corruption will, too often, do nothing. On the other hand, many administrators who dealt aggressively

with corruption found that a combination of internal and external pressures made it impossible for them to continue in their jobs.

Against this background it is understandable why public pronouncements on corruption by many responsible police administrators are carefully guarded and appear at times to be defensive. A chief may recognize the existence of corruption, but still attempt to minimize the problem by maintaining that it most likely involves only a small percentage of the force (the rotten apple theory). He may combine words on corruption with praise for the courage of police personnel. Or he may seek to place police wrongdoing in perspective by pointing out that the public shares responsibility for the problem. The public and operating police officers are left to judge for themselves whether such statements are offered as excuses or whether they are simply a reflection of the administrator's difficult position.

### *Monitoring Integrity vs Building Trust*

A police chief cannot take on the job of policing his agency alone or even with the aid of a small group of officers. Yet this is precisely the position in which a chief places himself when he creates a special investigative unit to work out of his office. With the creation of such a unit the command staff usually abdicates whatever responsibility it has for dealing with the problem. This is understandable, since investigating corruption is an unpleasant job. Its negative character detracts from a supervisor's ability to relate to his subordinates.

Is there an alternative? Giving supervisory personnel absolute responsibility for investigation is fraught with danger if they are corrupt. It is obviously futile to refer complaints to a command officer who is profiting from the practices about which complaints are filed. Where corruption is pervasive, complaints tend to be used by corrupt supervisors as a means of identifying "leaks" in their system.

Various compromise procedures have been developed, but none is completely satisfactory. The most common holds each command officer responsible for corruption in his unit. To support this responsibility, he is given all information received about corruption on the assumption he will act to correct the problem. At the same time a special "bird-dog" unit is created to audit conditions in each command and to make its own investigations in response to citizen complaints. Exposure of corruption by this so-called bird-dog unit is commonly interpreted as *prima facie* evidence of the failure of the accused officer's superior to control

corruption. Theoretically, establishing two independent checks in this manner assures the integrity of both. In corrupt departments, however, it may be extremely difficult to maintain the integrity of the bird-dog unit. Because of its exceptional powers, its members are offered far larger bribes than those offered at lower levels. If the integrity of this unit is undermined, the entire system collapses.

### *Measuring Integrity*

Among the major factors contributing to the anxiety of police administrators is the continuing uncertainty experienced in assessing the magnitude of corruption and in evaluating the integrity of those on whom they most heavily depend for its control.

There are a few obvious measures of corruption. Large numbers of cars routinely parked illegally in an area covered by an officer given clear responsibility for parking enforcement is a good indication something is wrong. Licensed premises open after hours is another fairly obvious sign that arrangements have been made with officers responsible for enforcing closing hours. Unfortunately, these high visibility indicators are rare. Most forms of police corruption carry few visible signs and, as efforts to deal with corruption intensify, those which do exist become less visible.

Knowledge about the exact nature of corruption is important not only for its value in coping with the problem but also to assess the integrity of those in key administrative positions. Rewarding a dishonest officer through promotion or placement in a key position can have a devastating effect. It not only raises questions about his capacity to carry out his new responsibilities; it tells the rank and file who know the man is dishonest that administrative efforts to deal with corruption are either inadequate or insincere. The problem is complicated when corrupt officers float rumors impugning the integrity of those fighting corruption. This may result in the administrator making a special effort to support his subordinate. How far should the administrator go, however, in denying the allegations when he has no adequate means for investigation? False charges of corruption, extremely difficult to deal with, have ruined the careers of some excellent police officers. Such charges are a powerful weapon in the hands of irresponsible individuals.

An administrator will occasionally receive information that throws a cloud over his entire assault on corruption. For example, having made what appears to be substantial progress in cleaning up gambling corruption, it is disconcerting for an administrator

to learn that a newly appointed supervisory officer has been offered a substantial amount of money to continue the corrupt relationship that existed with his predecessor, who maintained an image of high integrity. How does one evaluate such information? Are the corrupters hoping to work out an arrangement with the new commander which they did not in fact enjoy with his predecessor? Was the previous commander, in fact, corrupt? If he entered into an arrangement behind his facade of integrity, how common is the practice in other areas of the department? What does this say about the success of other anti-corruption efforts?

Some use has been made of financial questionnaires to investigate allegations of corruption and to defend police officials against false charges. But proposals that the questionnaires be made mandatory have been met by complaints that they constitute an unwarranted intrusion into the personal affairs of an officer. Their use has generally not been pressed over these objections, primarily because there is no reason to believe a corrupt official would complete a questionnaire honestly. There have also been efforts to require that ranking officers submit to polygraph examinations. These suggestions have been met by similar objections, together with expressions of concern over the reliability of the tests.

# *common solutions: strengths and weaknesses*

It is common sport to predict that an honest administrator appointed to run a corrupt agency will either be co-opted or totally frustrated in his new position. The prediction often proves true. The history of reform provides many illustrations of elaborate attempts to eliminate dishonesty followed by rapid reversion to prior practices.

It is difficult for an administrator to do all that has to be done in order to maintain a constant alert for corruption, even in a corruption-free agency. It is irksome and time-consuming to have to deal with an occasional outbreak of corrupt practices. Relatively speaking, however, these tasks seem minor when compared with the formidable task of coping with corruption in an agency where the problem has reached epidemic proportions. The pervasive nature of the problem, the deep roots of existing practices, the unlimited opportunities for development of new practices as old ones are controlled, and the extent to which a department's moral climate is dependent on that of the criminal justice system and the community as a whole are major obstacles to success.

Yet, in the face of all of these limitations and past failures, there are experiences which indicate that corruption can be reduced to a point where a previously corrupt agency may develop a reputation for integrity. From among these experiences, some impressions can be drawn of the strengths and weaknesses of some of the most commonly proposed methods for coping with corruption.

### *Changes in Existing Laws*

It is indisputable that a change in legislative policy with regard to laws generally recognized as unenforceable would substantially reduce police corruption. Elimination of certain criminal sanctions would reduce the amount of police work which lends itself so readily to the development of corrupt behavior. By removing the basis for much petty corruption, decriminalization would eliminate the activity that often accustoms officers to accepting bribes and makes them targets for corruption related to more serious offenses.<sup>40</sup> However, in the absence of any significant reduction in the use of criminal sanctions, other than those associated with Prohibition, there is little basis for measuring the exact impact of such a change. Many questions remain unanswered.

Will corrupt police move to other areas as the unenforceable laws are repealed? As has been noted, even the most ambitious effort to eliminate regulation of private morality will probably retain prohibitions against behavior that is nonconsensual, that involves children, or that constitutes a nuisance to others. To what extent would police corruption become concentrated in these areas? Reference was previously made to the extent corruption is currently tied to the regulation of liquor. How does this compare with the amount of corruption that prevailed during Prohibition? Is there a tendency for new patterns of corruption to emerge as, for example, is alleged to have occurred where gambling has been legalized? None of these queries is intended to rebut arguments about the desirability of modifying the large number of unenforceable laws now on the books. There are, in many instances, sufficiently strong reasons for doing so on other grounds.

Among the factors previously noted as contributing to corruption is the widespread belief that police are supposed to enforce all laws. The belief is heavily supported by administrators who believe any formal recognition of police discretion would aggravate the corruption problem because an officer would, in effect, be provided with an official license to react differently to similar circumstances. Unfortunately, this view fails to recognize that the opportunity to threaten prosecution of all laws is what makes solicitation of bribes possible. If legislatures recognized the existence of police discretion and provided methods for administrators to control it, the power of the corrupt officer would be substantially undermined. At the same time the change might introduce a more effective means for holding an officer accountable for his decisions.<sup>41</sup>

Legitimizing police discretion would contribute significantly to reducing the air of questionable legality that pervades much of what police do. To further meet this problem and, more importantly, to improve the overall quality of police service, legislatures should give police properly restricted authority to fulfill their actual responsibilities, provide alternatives to the criminal process, and make needed resources available.<sup>42</sup> Such steps would reduce the frequency with which police must adapt, and sometimes pervert, the criminal process in order to carry out their responsibilities. It would create a healthier atmosphere in police agencies, an atmosphere in which appeals for integrity and adherence to the law would not be subverted by a shared awareness of a need to function with questionable legality.

### *Educating the Public*

There is little question that substantial segments of the public do not realize how detrimental their bribing or otherwise corrupting an officer is to the overall effectiveness of the agency. They see their act as an isolated one with limited consequences. Since a citizen's offer is frequently made in sincere appreciation for a service rendered, the benevolence of the act is commonly seen as overshadowing whatever taint of wrongfulness it might carry.

While police administrators have a general responsibility to educate the public on the problem of corruption, they have a particular responsibility to make citizens aware of how their individual actions affect the quality of police service. There is a significant element in each community that would respond affirmatively to this information and to a request to stop engaging in practices previously seen as harmless.

An appeal of this kind seems especially appropriate when investigation reveals a pattern of corruption in which the corrupters are a special category of citizens such as restaurant owners, hotel keepers, construction firms, or taxicab drivers. The fear of the consequences of not offering a bribe while competitors do so results in wholesale conformity with the pattern. If an entire category of businessmen agreed to simultaneously abandon corrupt practices, the pattern would be terminated effectively. Such an agreement requires intensive efforts by the police administration, usually in collaboration with an association serving as the umbrella for the businessmen involved. In some jurisdictions an effort of this kind would be viewed as naive; in others, it might work.

## *Stance of the Administrator*

Careful review of past efforts to deal with police corruption leaves little doubt that the administrator's posture determines the agency's effectiveness in coping with the problem. The factor most clearly distinguishing the relatively few successful efforts has been the unequivocal stance against corruption taken by those leading the effort. Corrupt as well as honest police review the pronouncements by police administrators to detect their true attitude and intent. They have learned from past experience that publicly stated positions do not necessarily describe real intentions, but may actually constitute a defense to protect prevailing practices. It becomes critically important, therefore, that the message from police administrators, however conveyed, reflects an unwavering commitment to dealing with corrupt behavior directly, quickly, and decisively.

But the necessity for a strong stance against corruption should not be equated with waging a war on corruption. There is an element of phoniness about most such efforts very much like that in the frequently declared wars against crime. Such a declaration suggests a goal of total elimination and victory, which is as unrealistic for corruption as it is for crime. Police officers, more so than the average citizen, recognize these statements as mere rhetoric.

What response does one offer to those who argue that adopting such a forthright posture will, because of the criticism it generates among subordinates, drive the chief out of office? In situations where the problem is most aggravated, one can counter with the contention that little else matters. If corruption cannot be controlled, there is little chance of achieving other significant reforms. One could also persuasively argue that it is preferable for a community to have evidence (i.e. the departure of a progressive chief) which draws attention to the inability of an honest administrator to control the agency. This is better than having the citizenry lulled into believing that, because they trusted the head of the agency, the honesty of the force was assured. There have been numerous examples in recent years of enlightened police administrators who equivocated on the corruption problem, sincerely believing that they could deal with it behind their public pronouncements. When they left, their agencies were in much worse condition than when they took office.

But the administrator who is committed to dealing with the problem and who also wants to remain in office must be able to characterize his efforts to attack corruption as something other than an attack on his own personnel. He must be able to



get the department and the community to see his anti-corruption program as a way of lending support to the honest, hard-working, dedicated, and heroic police officer. This is not easy. It requires that every effort aimed at dealing with corruption carry with it the administrator's explanation of how it contributes to the safety, integrity, strength, and overall effectiveness of the dedicated officer.

### *Tenure of the Administrator*

For many years, granting a police chief tenure was seen as the necessary first step in combating corruption.<sup>43</sup> It was generally assumed that administrators without tenure were vulnerable to improper political pressures and corrupt influences, while those with tenure would resist such pressures. Currently, some argue that existing tenure arrangements should be modified, making the chief more accountable to his community. This development requires reexamination of the importance of the chief's tenure as it relates to his role in controlling corruption.

Guaranteed tenure has not always produced corruption-free administrations. Too much faith may have been placed in this single reform. However, few efforts to control corruption have succeeded without some guarantee of tenure for the top man. The need for freedom from improper pressures remains as great today as ever, although the form of such pressures may have changed. More importantly, if the administrator's stance on corruption is critical, it obviously follows that he must speak from a position of strength. The chief's strength, in turn, is heavily influenced by the degree of job security he enjoys. Many subordinates will not respond positively to a chief who does not have tenure and who appears in danger of losing his position, especially if the subordinates are tenured.

Actual longevity in office, made possible in part by tenure, may be of even greater importance than tenure in bringing about lasting change. However committed and secure a police chief may be, it still requires a substantial period of time to effect change. Significantly, those agencies once known for corruption which have since acquired a reputation for integrity were directed by one person for an extended period of time.

How is the continuing need for tenure reconciled with the need for greater accountability of police chiefs? First, there are some methods which can be employed to improve accountability without affecting tenure, and these may be adequate in most jurisdictions. More formal structuring and visibility of now hidden

policy is one such method. Second, where greater control over the appointment and removal of a police administrator is essential, modifications in existing arrangements through designated terms of office and the use of contracts are preferable to a system where appointment and dismissal are at the whim of the appointing authority. Appointment and dismissal subject to community whim are no more workable than a commitment of tenure so ironclad that it results in insulating the police administrator from the control of the body politic.

### *Improved Administration*

The preoccupation of some police reformers with achieving greater operating efficiency has drawn much criticism recently. As a result of this criticism, the emphasis previously given to organizational improvement has been played down. In addressing police corruption, however, some minimum standards of administration must be met. Corruption thrives best in poorly run organizations where lines of authority are vague and supervision is minimal.

A police chief must place his house in order before he attacks corruption. This usually involves the introduction of techniques for increasing the accountability of operating personnel. Many are elementary, and few would doubt their value. Others, which have become a part of the traditional package of administrative improvement programs, are of questionable value in achieving the desired results. Thus, while improved administration is a factor in corruption control, it must be emphasized that all the elements of the typical police reorganization are not equally valuable.

This is illustrated by a reporting procedure frequently introduced as part of reorganization. This procedure requires each unit to show regular evidence of its activities in those areas where officers commonly accept bribes. Monthly, weekly, and even daily reports may be required on arrests made for gambling, prostitution, narcotics, and violations of liquor laws.

But arrests obviously do not provide an accurate measure of corruption. The pressure to make them can be easily satisfied by arresting petty offenders operating independently of larger protected operations, by arresting offenders in a way which assures the charge will be dropped, or even by arresting innocent persons with the understanding that charges cannot be proved. Among the numerous additional ways to satisfy pressures for arrests is an arrangement with the corrupting party to make

people routinely available to the corrupt officer to enable him to fill his arrest quota.

Experience suggests that while the introduction of various forms of accountability may produce some short-term benefits, their long-term value is questionable. Corrupt personnel demonstrate an unusual capacity to accommodate themselves to these procedures. At the same time the negative cost of poorly devised systems of accountability is far-reaching. Improper and illegal use of police authority is encouraged. Innocent people are adversely affected. The criminal justice system becomes clogged with cases which should not have been brought in the first place. Efforts to elicit a higher standard of conduct from police personnel are reduced to a sham. Numerous hours are consumed in paperwork. Written systems of accountability have great potential but they must be carefully designed and constantly monitored.

### *Recruit Training*

One of the most common recommendations for dealing with corruption is that it be realistically covered in recruit training. Most police training programs avoid discussion of corruption, often on the rather naive grounds that it is undesirable to draw attention to wrongdoing. There seems to be a fear that open discussion might invite rather than prevent corrupt behavior.<sup>44</sup> Subsequent discovery by new officers of the true dimensions of corruption is among the major factors that discredit the value of recruit training.

Where corruption has been discussed in training, the usual procedure has been to review ethical codes, laws relating to bribery, and departmental procedures followed in dealing with corrupt conduct. Often the training has consisted of lectures delivered by departmental chaplains or warnings by supervisory officers of the consequences of corrupt acts. It is doubtful that any of these measures work.

If recruit training is to have any impact on corruption, it must explore fully and realistically all the dimensions of the problem and include specific examples of corruption known to exist or to have existed in the department. The more realistically training deals with corruption as a hazard of police work, the more credibility the staff is likely to have and the greater the probability that the officer will take warnings seriously. Training should be designed not simply to make it clear corruption is prohibited. It should provide an officer with an understanding of the problem that will enable him to avoid involvement.<sup>45</sup> It

should seek to instill in an officer a desire to protect his integrity, not out of fear of apprehension, but because corruption is wrong.

### *Internal Investigation Units*

Many departments have established internal investigation units to concentrate responsibility for the investigation of corruption and to give continuing attention to the agency's integrity. In a large agency, this unit will be of substantial size. In a smaller department, the responsibility may be given to a single officer.

Many problems arise from the establishment of special units. In some larger cities there are several levels of investigators. Those at the top check the integrity of those assigned to check the integrity of those at the bottom—a situation contributing to the paranoia that often pervades an agency. A proliferation of levels often dissipates responsibility to the point where no one except the top administrator feels totally responsible for ferreting out corruption. Their creation may also serve to force the cost of corruption higher, since a corrupt officer may extract from a briber a fee sufficient in amount to take care of both himself and those nominally responsible for overseeing his integrity.

The greatest weakness of special investigative units is one seldom acknowledged by police. It is absolutely unrealistic to expect officers on special assignment, however honest and dedicated, to investigate zealously the activities of fellow officers who may one day be their partners or superiors.

It has been suggested that this problem can be overcome, especially in larger departments, by permanent assignments to the investigative units. Others are quick to point out that this may intensify the problem of maintaining the unit's integrity. Still others argue that officers assigned to investigating corruption over a long period of time, like those permanently assigned to vice investigations, eventually lose their value as fair and objective investigators.

The problems with internal investigation units and the lack of any readily available solution lend support to the use of investigative assistance from outside the agency, a possibility examined later.

### *Investigations and Prosecutions*

Despite their weaknesses, internal investigation units can be of great value. Much depends on the program that the

individual unit develops for itself.<sup>46</sup>

In fashioning a comprehensive internal investigation program, police have much to learn from society's response to other forms of criminal activity. Admittedly, there is great doubt as to the value of criminal prosecution and punishment as a crime deterrent. In the absence of any better alternative, however, society continues to lean heavily on the criminal justice system. Similarly, with the same doubts, the police must continue to lean heavily on the criminal justice process in seeking to deter corruption. Police themselves consistently argue that, if the deterrent value of the system in regard to criminals is to be maximized, the likelihood of apprehension and conviction must be high, the certainty of punishment clear, and the process must function without unreasonable delay.

The likelihood of apprehension is not very high if police limit their anti-corruption efforts to investigating complaints. Despite the difficulties noted earlier, a strong case can be made for police utilization of all legal means available for ferreting out corruption.

Granting immunity from prosecution to an officer willing to testify against fellow officers—repugnant as this may be to some—is as justified in a bribery proceeding as it is in a proceeding against other forms of crime. This technique, which has come to be known as “turning corrupt officers around,” was considered unthinkable in the past. Police administrators argued that it would be intolerable to retain but to forego prosecuting an officer who admitted to having been involved in corruption. It is difficult to separate this concern from an awareness that “turning” a corrupt police officer requires that the agency be prepared to subject itself to publicity that can be markedly damaging to its reputation. Nonetheless, since the Knapp investigation, the New York City department has made extensive use of “turned around” officers to great advantage in its effort to combat corruption.<sup>47</sup>

Using undercover men can be justified if an administrator is willing to share with the public the problems resulting from their employment. Actors have posed as drunks in the apprehension of officers who remove valuables from a drunk's pocket; accidents have been staged to obtain firsthand evidence of an officer's practice of making referrals to doctors and lawyers; and gambling operations have been simulated to acquire evidence of payoffs in exchange for freedom to operate. Pressures resulting from disclosure of these undercover practices have dissuaded agencies from continuing their use, but there are indications that the techniques were effective in apprehending guilty officers and

serving as a deterrent. The public and police sensed an increased likelihood that corruption would be identified and those involved prosecuted.

As previously noted, there is a great deal of uncertainty about how much dependence can be placed on fear of detection as a deterrent. Many chiefs argue that the extent to which the public and corrupt police fear apprehension is the factor most directly influencing the level of corruption. They also argue that the extent of fear can be substantially increased and the amount of corruption reduced by a single well-publicized investigative effort initiated by the agency in a community where efforts have never been made before. Unfortunately, hard data are unavailable to prove these claims. Sociologists will quickly point out that the relationship between fear of detection and deterrence is much more complex, that corrupt officers and citizens, like other criminal offenders, will respond in varying ways.

If generating fear has value, it is important to recognize that the amount of fear generated can be substantially more than is justified, given the actual capacity of an agency to identify and apprehend wrongdoers. The specific nature of this capacity need not be revealed, just as it is not revealed in routine police functioning. The police are rarely called upon to spell out and quantify the precise nature of their ability to detect criminal activity. But periodic success in detecting crime reinforces the widespread notion that the police have the capacity to do so.

Those who planned the effort to reduce corruption in Chicago in the early 1960s recognized that offering and accepting bribes for ignoring traffic violations was common. Some officers obviously were not involved, but while they did not accept bribes they rarely arrested the party offering one. Therefore, all personnel were instructed to arrest the person offering a bribe and to file a special report. A small number of officers immediately conformed. The arrests and resulting prosecutions were highly publicized. At the same time, the public was urged to report any officer soliciting bribes. A few responded, and immediate action was taken.

The mere fact that a relative handful of officers arrested those who offered a bribe, and that a few citizens reported bribe solicitations, introduced such a high degree of uncertainty into the practice that many people thought it had been substantially reduced. The benefits of this uncertainty were short-lived, however, and gradually diminished as officers and the public probed the effectiveness of the system, concocted methods of avoiding detection, and located areas unreached by the new detection methods.

In the case of the common traffic bribe, the citizen may, through conversation prior to offering a bribe, try to determine if the officer is likely to accept it. Corrupt officers, on the other hand, may restrict solicitation to out-of-town drivers who are not likely to be aware of policy and would be least likely to remain for investigation and prosecution. They may also restrict solicitation to those who depend on their drivers' licenses for their livelihood, knowing that such workers have a much greater stake in continuing to drive than in contributing to the integrity of the police force.

All of these considerations make it clear that aggressive action in ferreting out corrupt practices is essential, but that such action will lose its effectiveness unless two conditions are met: (1) there must be periodic evidence to remind both police and citizens that action is being taken; and (2) there must be a continuous and aggressive effort to identify new patterns of corruption and the offenders involved in them.

Over a prolonged period of time deterrent value depends on the certainty that involved citizens and officers will be prosecuted and punished. If a corrupt officer finds the consequences of being caught are minor, or that there is a high probability he can avoid prosecution and disciplinary action, he will have much less respect for the effort directed at him.

Speaking of the support a community must provide to police for an effective attack on corruption, Whitman Knapp, the head of the commission appointed to investigate corruption in New York City in 1970, observed:

A police officer who—totally alone and unobserved—is placed in a position where the mere acceptance of a proffered bribe may produce more wealth than an entire year's salary, or in the more usual position where the pressures are more subtle, is entitled to at least three elements of support to fall back upon:

(1) The officer in such situations should be entitled to feel confident that society is so organized that if a bribe be refused and the matter reported to superior officers, there is a reasonable chance that the corruptor will land in jail; on the other hand,

(2) such officer should feel that if he or she yields to temptation there is a reasonable chance that he or she—and any other officer similarly situated—will be apprehended, separated from the force and subjected

to criminal prosecution; and, finally and perhaps most importantly,

(3) such officer should be confident that a refusal of the bribe and a report of the corruptor would produce commendation—and not hostility—from his superiors and fellows.<sup>48</sup>

A review of actions taken by police administrators against corrupt officers shows that when the consequences of being caught are uncertain, the effectiveness of the initial action taken to identify the behavior is undermined.

When criminal prosecutions are initiated, there tends to be a high rate of acquittals. If there is a finding of guilty, the widespread impression is that penalties tend to be low. Failure to convict or the imposition of modest penalties may be proper dispositions in some cases. They often result, however, from the poor quality of the cases being presented, reluctance to press a prosecution vigorously, or, most seriously, corruption of the prosecution and court. There is an understandable reluctance on the part of prosecutors, judges, and court clerks to punish an officer engaging in criminal conduct less serious than their own.

Many departments are reluctant to initiate a criminal prosecution, preferring to use departmental disciplinary procedures. Internal action lessens the likelihood of adverse publicity. The standard of proof required in the past has generally been lower than that required in a criminal prosecution. Most importantly, acquittal in a criminal prosecution may be used by the officer as a defense against dismissal. The disciplinary process in many departments, however, suffers problems similar to the criminal process. It is slow, cumbersome, and complex.

### *External Investigations*

There appears to be growing support for anti-corruption investigative efforts based outside the police agency. These investigations have taken three forms in the past several years: (1) those conducted by specially constituted groups such as the Knapp Commission in New York City and the Pennsylvania Crime Commission in Philadelphia;<sup>49</sup> (2) those conducted by the United States Department of Justice;<sup>50</sup> and (3) those conducted by a specially appointed prosecutor such as the one in New York City assigned to ferreting out corruption in the entire criminal justice system.<sup>51</sup>



The last two forms of investigation have special appeal to rank-and-file police personnel since they do not single out the police but proceed against governmental corruption wherever it exists. Federal prosecutors in several cities and the special prosecutor in New York City have taken action against local prosecutors and judges as well as the police. These moves against other areas of corruption meet many of the objections police have expressed to external investigative efforts.

Beyond this factor, it is becoming increasingly apparent that the existence of an outside agency affords officers a place where they can turn if they know their superiors are corrupt or if they have been frustrated by corrupt prosecutors and judges. Honest officers have been much more willing to cooperate with such investigations. That they can often read newspaper accounts of developments that grew out of information they provided adds to the credibility of the agency and reinforces their confidence in it.<sup>52</sup>

External investigations also have proved to be valuable to the police administrator. By airing the true magnitude of the corruption problem in a given community, they have helped to create an atmosphere which has justified aggressive action on the part of the administrator that he may not have been able to take without such disclosures. The pressure generated by these investigations has offset, to some degree, the tendency of police personnel and substantial segments of the community to characterize the anti-corruption efforts of a police chief as unwarranted attacks upon the reputation and integrity of his subordinates.

It has been argued that there is no need for a special external investigation if the local prosecuting attorney is doing his job. But the experience nationwide makes it clear that, because prosecutors are so dependent upon police cooperation in carrying out their daily responsibilities, they cannot afford to offend the police by bringing a prosecution against them.<sup>53</sup> It is only under the most extraordinary circumstances that a prosecutor will aggressively undertake to investigate police corruption.

Growing recognition of the value of external investigations raises questions as to whether such units should be institutionalized. Should a permanent agency be created at the level of state or local government that would have a continuing responsibility for investigating corruption in criminal justice agencies? Those who oppose such a development argue that much of the effectiveness of recent external investigations has stemmed from their temporary character, and that the atrophy that so often accompanies permanent status would make the formally established organization much less effective.

There is a separate need for external investigations designed to give police administrators a more accurate measure of agency corruption. These need not involve an effort to acquire the kind of evidence required for criminal prosecution.

An auditing service of this kind would be of tremendous value to the administrator. It would provide him with routine feedback on the effectiveness of his efforts. The service could take the form of a state, regional, or national organization permanently staffed by personnel whose advancement depended entirely on their effectiveness and who had no connections with a police agency. Few police administrators are in a sufficiently strong position to request such a service. There is reason to believe, however, that many would subscribe if it were urged upon them—especially if a subscription produced certification of the agency's integrity. (Analogous situations may be found in other fields, such as university accreditation and objective auditing of newspaper and magazine circulation.)

### *Rewarding the Honest Officer*

The honest officer who survives in an organizational atmosphere permeated by corruption is usually very lonely.<sup>54</sup> The pressures for conformity make it impossible for him to take any action without recognizing that he may eventually have to leave. If an officer does risk being ostracized for reporting corrupt practices, what assurance does he have that his actions will be looked on favorably by his superiors? Will the administrator protect him from the acts of retaliation he can anticipate? What will be his future position when top administrators and supervisory staff change? Many competent officers have found that to have reported corruption even once had the effect of permanently impairing their careers. The facts of the situation become obscured over time, but the reputation of having been disloyal remains.

There have been proposals for a system of awards to encourage and recognize a high level of integrity. These, ironically, are one of the major factors that actually deter officers from reporting corrupt behavior. Formal recognition in an agency riddled with corruption only compounds problems. The honest officer would appreciate most an opportunity to report corruption in a way that does *not* require his testimony or identification. An administrator can make good use of these reports, employing independent forms of investigation to disprove or verify the allegations. An aggressive follow-up will encourage the honest

officer and demonstrate the administrator's sincerity. If these leads are pursued vigorously and other efforts aimed at reducing corruption are stressed, the current imbalance that rewards those who are corrupt or remain silent could be significantly altered. Once this occurs, it would be much more feasible to introduce a system of awards designed to recognize contributions toward increasing departmental integrity.

Evidence of integrity certainly should be a factor in considering an individual for promotion. A measurement of this factor should not be based solely on the extent the individual has maintained a corruption-free reputation, but also and more importantly on the extent to which he has actively safeguarded the department's integrity by initiating actions against those who have offered bribes or officers who have accepted them.

## *the challenge ahead*

Corruption is endemic to policing. The very nature of the police function is bound to subject officers to tempting offers. Corruption takes on a systemic character in a police agency. If uncontrolled, it tends to spread throughout the agency, infecting every element in the organization. In its more advanced forms it takes on a preemptive quality—it overshadows all other problems as personnel become preoccupied with pursuing personal gain and as the leadership tries to cope with the problem. Solutions, so far, seem inadequate and certainly are not guaranteed to produce permanent results.

Some consider the problem of corruption unsolvable. Given corruption's complexity and the extent to which it is tied to the even larger complexities of human behavior and social disorganization, it is tempting to adopt this posture. Observers who have reviewed past efforts to deal with corruption and who have assessed the situation across the country over a span of years may well be justified in concluding that it is more sensible—and certainly more realistic—to recognize corruption as a problem to be lived with rather than one that can be eradicated.

Police administrators, however, cannot afford the luxury of such a detached viewpoint. Difficult as it has been to stamp out all corruption, it is clear that it can be reduced, and, in some specific situations, eliminated. Moreover, it is important that a view of the problem not be restricted to the failures. Many police agencies have had a great deal of success in maintaining the integrity of their personnel.

It follows that police leadership has an obligation to work aggressively toward controlling corruption, however awesome and frustrating the task. The skilled administrator must come to see

the problem not as unmentionable, but rather as a natural and expected challenge to his administrative ability. He must explore the feasibility of applying elements of the various solutions that have commonly been proposed, selecting that blend which seems most likely to contribute toward a reduction in the magnitude of corruption in his community.

An essential first step for the administrator is to explore the problem thoroughly, both independently and with fellow administrators. There is great need for a much more open exchange of views, experiences, and ideas. Such an exchange could result in the development of more effective techniques for coping with the problem. It could result in the development of new forms of support for the administrator who is anxious to deal with it. It could also result in the launching of new research efforts and experiments aimed at gaining greater insight into the problem than is currently available.

## notes

1. Some conduct viewed as corrupt may not violate the law of a given jurisdiction, but may violate departmental regulations.
2. See James Q. Wilson, "The Police and Their Problems: A Theory," 12 *Public Policy*, p. 189 (1963).
3. It is sometimes helpful to recognize that if the members of a medium-sized or large police agency and their families lived in a community of their own, the community would surely experience some crime and have need for its own police force.
4. There were some obvious exceptions, however, where civil service itself fell under political control.
5. Wilson, "The Police and Their Problems," *op. cit.*, p. 204, points out that this phenomenon shows the extent to which the public perceives policemen as an organization rather than a profession. The misconduct of one policeman is often sufficient to bring the entire department under suspicion. The misconduct of one doctor rarely discredits others in the medical profession.
6. See James Q. Wilson, *Varieties of Police Behavior*, pp. 148-49, 283-84 (1968).
7. See William Foote Whyte, *Street Corner Society*, p. 138 (1955).
8. *New York Times*, p. 1, col. 2 (September 3, 1971).
9. President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: The Police*, p. 148 (1967) (hereafter cited as *Task Force Report*).
10. An exception, of course, is where the administrator is himself corrupt, in which case he may exert unusually tight control over departmental operations in order to avoid detection and assure continuance of his ability to deliver on corrupt agreements.

11. L. Smith, *Life*, p. 40 (December 6, 1968).
12. The latter point, however, has been questioned by some. In a number of large-scale confrontations between police and demonstrators in recent years, it has been argued that the absence of adequate supervision, organization, and discipline accounted for the poor performance of the police. It seemed logical to attribute at least some of these conditions to the existence of widespread corruption in the agencies involved. Police officers who have grown accustomed to functioning on their own, with little or no direction from their supervisors, are not, without special training and preparation, likely to look to their supervisor for guidance when suddenly summoned together to function under adverse and often highly emotional conditions. It is often pointed out, however, that some of the most corrupt agencies did the best job when called upon to handle large-scale disorders and massive crowds. A number of suggestions have been made to account for this seeming paradox: an overestimate of the importance that organization, discipline, and supervision play in the handling of such incidents; the practice of some agencies to organize new units that quickly develop an *esprit de corps* that compensates for weaknesses in the larger organization and provides the needed unity and coordination; or the possibility that police officers rise to the challenge of public disorders to redeem themselves in the eyes of a public which suspects them of corruption.
13. Frank Serpico, the corruption-fighting New York policeman, observed that the corrupt officers he knew were often first-class investigators who would have been highly effective in coping with crime if they had spent their time at it instead of pursuing graft. Peter Maas, *Serpico*, p. 169 (1973).
14. In 1973, the Police Foundation arranged to receive clippings of newspaper articles about police corruption from across the country. In a period of two months, clippings were received from thirty states. They reported on alleged corruption in small cities, sheriffs' offices, state police forces, and suburban departments. The reports reflected the full range of corrupt practices described on pp. 16-19.
15. Virtually every study of police corruption has reached this conclusion. See Whyte, *op. cit.*, p. 138; John A. Gardiner, *The Politics of Corruption: Organized Crime in an American City* (1970); Commission to Investigate Allegations of Police Corruption and the City's Anti-Corruption Procedures (New York City), *Commission Report* (Whitman Knapp, Chairman, 1972) (hereafter cited as Knapp Commission, *Report*); James F. Richardson, *The New York Police* (1970). These studies fail, however, to account for the situation where a police agency has been notably upgraded while the general community atmosphere and political structure have remained ostensibly unchanged. Why reform has succeeded in some cities, but not in others, has not been adequately studied.
16. Knapp Commission, *Report*, p. 4.
17. Knapp Commission, *Report*, p. 65.
18. For an analysis of the relationship between corruption and the responsibility of the police for the enforcement of laws against vice in

- the history of policing in this country, see Lincoln Steffens, *The Shame of the Cities* (1904); Arthur Woods, *Policeman and Public*, pp. 110-34 (1919); August Vollmer, *The Police and Modern Society*, pp. 81-118 (1969); Albert Deutsch, *The Trouble With Cops*, pp. 75-95 (1954); Jonathan Rubinstein, *City Police*, pp. 372-433 (1973).
19. There have recently been several interesting efforts to categorize the various forms of police corruption. See, for example, Julian B. Roebuck and Thomas Barker, "A Typology of Police Corruption," 21 *Social Problems*, p. 423 (1974).
  20. Such a system was recently documented in the federal prosecution of two district commanders in the Chicago Police Department. It was established that \$275,000 was collected from thirty tavern owners in a period of four years. *Chicago Tribune*, p. 3 (February 5, 1974).
  21. Knapp Commission, *Report*, p. 74.
  22. For a journalistic treatment of similar systems outside of New York City, see Ralph Smith, *The Tarnished Badge* (1965), and Robert H. Williams, *Vice Squad* (1973).
  23. Knapp Commission, *Report*, pp. 67-68, 167-68; Rubinstein, *op. cit.*, pp. 394-98.
  24. On overcriminalization, see notably Herbert L. Packer, *The Limits of the Criminal Sanction* (1969); Williams, *op. cit.* On organized crime, see Gardiner, *op. cit.*; Donald R. Cressy, *Theft of the Nation*, pp. 187-95 (1969). On local government, see Gardiner, *op. cit.*; *Political Corruption: Readings in Comparative Analysis* (Arnold J. Heidenheimer, ed., 1970). For personal accounts of police administrators, see, for example, James Parsons, "A Candid Analysis of Police Corruption," *Police Chief*, p. 20 (March 1973); Patrick Murphy, "Police Corruption," in *The Police Yearbook* (1974).
  25. For a description of liquor-related corruption in Philadelphia, see *Report on Police Corruption and the Quality of Law Enforcement in Philadelphia*, the Pennsylvania Crime Commission (March 1974) (hereafter cited as Pennsylvania Crime Commission, *Report*); and Rubinstein, *op. cit.*, pp. 419-29.
  26. A recent observer of police operations in Philadelphia claims policemen see themselves as "operating in a world where 'notes' are constantly floating about, and only the stupid, the naive, and the faint-hearted are unwilling to allow some of them to stick to their fingers." Rubinstein, *op. cit.*, p. 400.
  27. A British police officer captured this situation when, in writing in a British anthology, he observed:

Police know a great deal of the easy-money ways of living that affluent societies tend to nurture—like weeds in a flower-bed. This is bound at times to lead to comparisons unfavourable to the lot of the policeman. A personal and not very typical wave of bitterness was felt years ago



when, as a detective inspector earning 400 pounds a year, the writer prosecuted an aircraft stevedore who was systematically stealing from passengers' luggage. My income was 8 pounds a week, his was 12 pounds a week and, responsibilities apart, he stole. It was one occasion when pay structures quite failed to make sense. The danger is that if this situation is presented to a police officer without his being prepared for it he may well find himself in a state of mind when accepting easy money seems no more than tardy justice. Police cannot expect to be paid at the rate of a West End prostitute or a successful thief, but there is plainly an obligation on society, on governments, to pay wages which will seem reasonable even when measured against some of the wilder injustices of rewards in society.

Frank Elmes, *The Criminologist*, p. 287 (Nigel Morland, ed., 1972).

28. See, for example, Herman Goldstein, "Police Discretion: The Ideal Versus the Real," 23 *Public Administration Review*, p. 140 (1963); *Task Force Report*, pp. 13-18; Wilson, *Varieties of Police Behavior*, pp. 83-139; American Bar Association, *Standards Relating to the Urban Police Function*, pp. 116-25 (Approved Draft, 1973) (hereafter cited as *The Urban Police Function*).
29. Sherman describes another dimension of this addiction, a gradual escalation to more serious forms of corruption as officers make the psychological adjustment by which they rationalize their behavior. See Lawrence W. Sherman, "Becoming Bent: Moral Careers of Corrupt Policemen," in *Police Corruption: A Sociological Perspective* (Lawrence W. Sherman, ed., 1974).
30. Ironically, however, there is a tendency in some agencies to concentrate on the enforcement of these minor offenses to the exclusion of more serious forms of corruption. This may be attributable to a desire to demonstrate anti-corruption activity without actually interfering with the more serious forms of corruption.
31. *New York Times*, p. 1, col. 8 (October 29, 1970).
32. For an interesting journalistic investigation of this common problem, see a series of articles in the *Milwaukee Journal*, August 18 through August 22, 1974, about methods used to sell advertising for magazines published in the name of various law enforcement and firemen's groups.
33. See, for example, the regulations of the Oakland, California Police Department cited in *Task Force Report*, p. 213.
34. Leon Radzinowitz, *A History of English Criminal Law and Its Administration from 1750*, vol. 2, pp. 57-138, 239-44 (1956).
35. For a journalistic account of the reluctance of a jury to believe a prostitute who had been extorted by a vice officer, see Nicholas Pileggi and Mike Pearl, "What Happens When Cops Get Caught?" *New York*, pp. 23-29 (July 23, 1973).

36. The most famous case in recent years involves officers Frank Serpico and David Durk of the New York City Police Department, who could get no one to investigate their allegations of corruption except the news media. See the Knapp Commission, *Report*, pp. 196-204.
37. Officer William Phillips, a turn-around witness for the Knapp Commission, was branded a "rogue cop" by the police association.
38. A campaign launched by Commissioner Patrick Murphy in New York City to arrest those attempting to bribe police officers resulted in increasing the number of arrests from 56 in 1969 to 670 in 1972.
39. Actually, the relationship between morale and productivity is not clear by any means. See, for example, Charles Perrow, *Complex Organizations: A Critical Essay* (1972), in which he concludes that a happy worker is not necessarily a good worker (p. 104).
40. See Knapp Commission, *Report*, pp. 132 and 263; Sherman, *op. cit.*, pp. 185-203.
41. For a detailed examination of the merits in recognizing and controlling discretion, see *The Urban Police Function*, pp. 125-44; and Kenneth C. Davis, *Discretionary Justice* (1969).
42. *The Urban Police Function*, pp. 87-114.
43. See Raymond Fosdick, *American Police Systems*, pp. 249-67 (1920), for one of the early statements of a theme that has become one of the basic tenets of the professional movement among police.
44. For an account of the consideration given to corruption in training programs, see Arthur Niederhoffer, *Behind the Shield*, pp. 43-54 (1967), and William A. Westley, *Violence and the Police*, p. 155 (1970).
45. New training methods, such as role playing, are now being employed in this area by the Oakland, California and New York City departments. For a description of a field-based "integrity workshop," see Edward Doyle and George Olivet, "An Invitation to Understanding: Workshop in Law Enforcement Integrity," *Police Chief*, pp. 34-46 (May 1972).
46. Patrol activities have recently been characterized as either proactive (looking for crime and developing information sources) or reactive (responding to citizen complaints). See Albert J. Reiss, Jr., *The Police and the Public* (1971). The alternative programs of internal investigation units lend themselves to being characterized in a similar fashion.
47. See "Bribe-Taking Policemen Help Catch Officers," *New York Times*, p. 1, col. 2 (October 28, 1973).
48. Knapp Commission, *Report*, p. 278.
49. The complete reports of these two groups make valuable reading.

50. Increased involvement by the federal government is based upon two developments: (a) a broadened interpretation of the Hobbs anti-racketeering act, 18 U.S.C. § 1951, which prohibits interference with interstate commerce and which has been used to indict police officers who have interfered with the sale of liquor through extorting payoffs; and (b) enactment of the Organized Crime Control Act of 1970, which provides for the establishment of special grand juries to investigate misconduct, malfeasance, or misfeasance involving organized criminal activity by an appointed public officer or employee and which establishes certain reporting procedures when such misconduct is discovered. 18 U.S.C. § 3333. In addition, the 1970 act makes it a crime for an elected or appointed official of a state or political subdivision to conspire with another to obstruct the enforcement of the criminal laws of the state or political subdivision with intent to facilitate illegal gambling. 18 U.S.C. § 1511.

For a detailed and comprehensive examination of the legal basis for the rapidly increasing role of the federal government in the investigation of local police corruption, see Herbert Beigel, "The Investigation and Prosecution of Police Corruption," 65 *Journal of Criminal Law and Criminology*, p. 135 (1974).

51. See Maurice H. Nadjari, "New York State's Office of the Special Prosecutor: A Creation Born of Necessity," 2 *Hofstra Law Review*, p. 97 (1974).
52. For an interesting case study of a situation in which many of the benefits of an external investigation were achieved by a team of newspaper reporters aided by twenty-eight police officers, see *The Indianapolis Star*, starting with the issue of February 24, 1974.
53. The Pennsylvania Crime Commission is the most recent group to reach this conclusion. For their analysis of the district attorney's conflict of interests, see Pennsylvania Crime Commission, *Report*, pp. 807-19.
54. For a classic case, see Peter Maas, *Serpico* (1973).

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## about the author

The career of Herman Goldstein has been a blend of practical experience in government and policing and of work in the academic field. He learned at firsthand of the problems of police corruption when he served from 1960 - 1964 as executive assistant to the late O. W. Wilson who was then superintendent of the Chicago Police Department. Wilson was called to Chicago after the department was hit with a major corruption scandal. Mr. Goldstein, currently professor of criminal justice administration at the University of Wisconsin Law School, has also worked for the Public Administration Service and as a consultant to several commissions and organizations interested in the improvement of the criminal justice system. These include the Knapp Commission which investigated alleged corruption in the New York City Police Department, the National Advisory Commission on Civil Disorders, the President's Commission on Law Enforcement and Administration of Justice, and the Police Foundation. Mr. Goldstein is the author of several articles on policing and is currently preparing a book on the subject. Most recently, he is the coauthor of *American Bar Association Standards Relating to the Urban Policing Function*.