

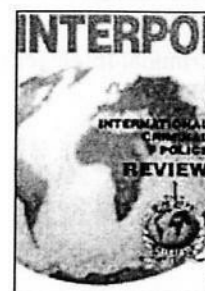


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International Criminal Police Review - No 483 (2001)



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## Ethics, integrity and the police culture

by **Ross E. Swope**

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*A judicious look at the fundamental notions of ethics and integrity, and at the roles of individuals and the institution in defending those values.*



A few years ago a good friend of mine, Steve Viccho, a medical ethics professor at Johns Hopkins University in the United States, mentioned an extension of a popular metaphor concerning police misconduct. We have all heard it - it had to do with a few bad apples in the barrel spoiling the bunch. What he said was it was not just the apples but the barrel that can cause ethical problems in policing. Frankly, I was taken aback by what he had said. He was wrong. Policing is an honourable, ethical profession and the overwhelming majority of police officers perform their duties with integrity. I should know, I have been policing for 27 years and have studied the profession for years. Viccho, after all was just an academic. It is only a very small minority, a few bad apples that create all the problems.

As a year passed I was not able to completely dismiss what Viccho had said. Especially so in light of the Christopher Commission Report (the investigative report on the Los Angeles, California Riot following the Rodney King incident) and the Los Angeles Rampart Corruption Report (the internal investigative report concerning serious criminal activity by police officers assigned to the Los Angeles Police Department Rampart Division). But I did not completely understand what he meant by suggesting that compromises in police integrity went beyond a few bad apples and that maybe the problem, at least in some cases, was the barrel.

I must extend my apologies for being so critical. I am now convinced that it is in fact not just a few bad apples but the barrel, the police culture that can compromise ethical conduct of many police officers. Yes, there will always be a few that should not be part of policing who find their way into police agencies no matter how rigorous our selection procedures are. But, these few generally sooner or later are effectively dealt with and will never

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Regional activities

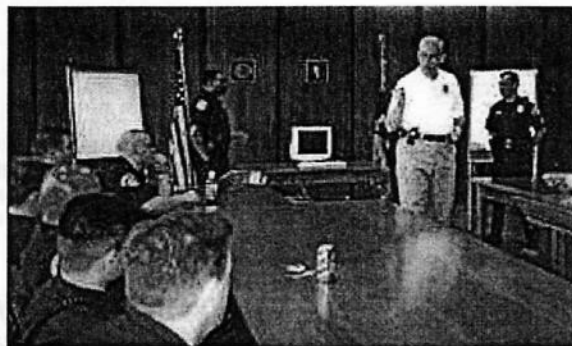
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crush a police agency. It is the unethical breeding environment of the barrel that generates the major difficulties. It is the barrel, the culture of the police organization that can cause the root-shaking scandals that police organizations are periodically faced with.

## Some past scandals

Police officers do not take on the profession as an opportunity to steal, extort, or accept bribes. They do not take on the profession as an opportunity to beat people, violate individual constitutional rights, or use excessive force. They do not take on the profession as an opportunity to plant evidence, lie and frame innocent individuals. Unethical, brutal, and corrupt behaviour is nurtured in the barrel, the culture of a police agency. The dangers of corruption, brutality, racism, deviance, and malfeasance can be inherent in the very nature of some police organizations, not in the character flaws of individuals.



Fear not. The bad barrel is not a new phenomenon. It is probably as old as policing itself, at least in the United States. It is also well documented. There were problems with police extortion and other corrupt activities as early as 1844, when the New York State legislature created its police force as the first municipal police department in the country. In the 1890s there was the Lexow Commission and the Mazet Commission to handle corruption in the New York City Police Department (NYPD). In other large cities in the United States, powerful, corrupt political machines developed in the latter half of the nineteenth century and obstructed efforts to foster police integrity.

In the 1910s there was the Curan Committee and the Becker/ Rosenthal Scandals that were concerned with corrupt activities of the NYPD. The Wickersham Commission report in 1931 documented corruption and brutality in the criminal justice system in the U. S.

The Seabury Hearings in the 1930s in New York City looked into corruption as did the Harry Gross Investigation in the 1950s.

During the Knapp Commission hearings, following publication of Frank Serpico's story in the New York Times in the 1960s, it was disclosed that plainclothes 'pads' existed throughout the department and that corruption was, to some degree, part of life in almost all police units. Bribes and kickbacks were an accepted part of all police operations both uniform and plain clothes. It was expected. Knowledge or participation went from the bottom to the top of the organization. It was part of the culture of NYPD. This corrupt culture made up several of the staves in the NYPD's cultural barrel.

In 1974 the Philadelphia, Penn-sylvania police were accused of engaging in criminal practices at all levels of the police force. In the 1980s, seventy-five Miami, Florida police officers were arrested for serious acts of police corruption. The 'Miami River Cops' as some were to become known were charged with high-level drug dealing and some with murder.

Then there were the shocking abuses committed by New Orleans Police Officers, where more than 50 police officers were arrested, indicted, or convicted from 1993 to 1995 on charges including rape, aggravated battery, drug trafficking and murder.

The Mollen Commission Report of 1993 found large-scale corruption in the NYPD involving extortion, brutality and theft.

The Christopher Commission, investigating the Los Angeles Police Department (LAPD) after the Rodney King beating, found that a significant number of LAPD officers 'repetitively use excessive force against the public and persistently ignore the written guidelines of the department regarding force' and that 'the failure to control these officers is a management issue that is at the heart of the problem'. The use of excessive force was acceptable. Knowledge, participation, or failure to provide vigorous and co-ordinated oversight went from the bottom to the top of the organization. It was part of the culture of LAPD. This corrupt culture made up several of the staves in the LAPD's cultural barrel.

In late 1997 and early 1998 three incidents occurred in which LAPD Officers were identified as suspects in serious criminal activity. These incidents in-volved bank robbery, false imprisonment and beating of a handcuffed arrestee and the third incident involved the theft of three kilograms of cocaine from the department's property division. As investigations continued it was discovered that much deeper corruption was occurring in the Rampart Division. Corruption in one form or another was part of the culture in the Rampart Division. This corrupt culture made up several of the staves of the barrel in the Rampart Division.

If the problem is the barrel then how is it these weak staves in the barrel leak integrity and what can we do about it? Can we build a sound barrel - a police culture with a foundation of integrity.

## **Building a sound barrel**

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With respect to such core virtues as prudence, trust, courage, intellectual honesty justice and responsibility, police officers fall into the same bell curve as the general population. There are some officers with few core virtues, many with some and few with many. The level of integrity in a police department depends on the influence exerted by those on the lower and upper portions of the bell curve.



Certainly, it is important for the chief executive to possess and exhibit integrity, but that is not enough. Dealing with mediocrity is the responsibility

not just of the chief but of the department's sergeants, lieutenants and captains. These are the last hands in the chain of command that touch the mail, these are the hands that maintain a solid barrel. All rules, regulations and directives aimed at integrity issues are useless unless they are accepted and supported by the sergeants and mid-level managers. These are the officers who control the police service and run the day to day operations. Since they are the ones who reinforce or ignore the message sent by the chief executive, they contribute significantly to the organization's culture: the barrel.

Police officers are very attuned to what their peers are doing or not doing; indeed, such observations exert considerable influence on those in the middle of the bell curve. Most officers know who hesitates to accept radio runs, who claims false injuries, who is consistently the second car to arrive in response to a 'man with a gun' call, who conducts a poor preliminary investigation, who sleeps on midnight's and who steps over the line when exerting coercive force. Detectives know who never goes to court, who never applies for warrants, who maintains a 10 percent closure rate and who gets lost for a whole tour of duty.

Unfortunately, unethical practices that go unchallenged can become the norm. Unfortunately, acts of corruption, brutality, and malfeasance that go unchallenged can become tolerable, unobjectionable and common. When the behaviour of those on the lower end of the core virtue bell curve becomes accepted practice, it can influence the way the officers in the middle of the curve behave. Why should I work so hard when others do not, is a legitimate and often expressed question. Frustrated and discouraged, these officers begin to exhibit conduct more like that of those on the lower end.

While those on the upper end will perform with integrity no matter what, the end result is a mediocre department that serves the organization and the public poorly, and invites more serious misconduct like corruption and brutality. Further exacerbating the situation, those with strong core virtues may get fed up with the working environment and leave. They may request a transfer to another assignment or leave the department altogether. A department can ill afford to lose its best officers for this reason.

### **Role of the hierarchy**

The good news is that an undesirable organizational culture, a leaking barrel, can be pre-empted. Sergeants, lieutenants, and captains can steer those in the middle of the bell curve to be influenced by those with strong core virtues. And, knowing which officers' behaviour falls into the lower end of the core virtue bell curve, they can therefore respond effectively to those officers' misconduct. Most officers want and expect to be part of an ethical, disciplined organization free of corruption. It is when some continually get away with misdeeds and are not held responsible or accountable that things start to fall apart. The police cultural barrel begins to leak integrity.

Officers and detectives know when a supervisor tolerates behaviour rooted in low core virtues. What the officers and detectives do not know is at

what point behaviour that falls into the low end of the bell curve becomes unacceptable. If an unanswered assigned radio call is not addressed, will falsifying an official police report be okay? Will stealing from a crack dealer go unpunished? Is it acceptable to use racial slurs? Do all criminal investigations warrant the same level of attention and investigative rigour? The officer or detective asks himself: 'At what point do I go to my superior when I see misconduct?'. If he does not know at what point behaviour becomes unacceptable then he may decide it is safer to remain silent. One really cannot expect an officer to risk exposing inappropriate behaviour if there is a chance that the supervisor will not take action. The officer will feel safer sticking to the code of silence and divert to the supervisor the total responsibility for dealing with those whose behaviour is unethical. The officer can rationalize his action: all responsibility for maintaining an ethical environment falls solely on the supervisor: that it is not part of his job and that is what the supervisors get paid for. It is just this environment that adds brick and mortar to the blue wall of silence, not because the officer lacks integrity but because the system of supervision creates it. If an officer believes nothing will be done when he reports misconduct, he will not make a report. If an officer is confused or in doubt as to the action his superior will take, the misconduct will not be reported. Even the most high minded in our ranks will remain behind the blue wall. A blue wall, not altogether constructed of a corrupt code of silent protection, but of frustration and knowledge of inaction and absence of ethical supervisory oversight. Frank Serpico, a New York City detective, suffered under such a system. With no one in the department to turn to, Serpico reported the corruption to the New York Times. The system was weakening the staves in the barrel and allowing the integrity to leak out.

I would argue that an officer's behaviour is influenced more directly by the actions or inactions in response to ethical shortcomings of his superiors than by the stated directives or written ethical code of an organization. Regardless of formal ethical codes, police are influenced by the standards of behaviour they observe in their superiors. They observe first hand how the sergeant or other superior handles a breach of integrity. That response is critical in maintaining an ethically healthy culture - a sound barrel. Police departments that have remained relatively free of corruption have supervisors and managers who know how to respond to mediocrity, unethical behaviour and acts of corruption. Their responses create the perceptions and interpretations for a police officer, providing guideposts for his subsequent moral judgments.

According to Aristotle, governments and other social institutions should be set up so that it is both possible and sensible for people to be honest, loyal, compassionate and fair. It is unwise to create and perpetuate work environments that make ethically responsible behaviour into an act of moral courage. Our goal is not only to create and maintain a sound barrel but to simultaneously improve or at least not impair the organization's capacity to control crime and meet community needs.

If it is in fact the barrel that is leaking integrity, it does not make sense for the officer to be honest, fair, loyal and trustworthy. Indeed, in such a culture, doing the right thing is more difficult than it should be and at times requires considerable courage. Police organizations must not be permitted to allow the barrel to leak. Officers should know that undesirable behaviour will be challenged. To be truly worthy of the public

trust, we must maintain a culture in which it makes sense to behave with prudence, justice, courage, intellectual honesty, responsibility, self-effacement of interests and trustworthiness and where these virtues can be continuously exercised as standard operating procedure.

We can replace the leaking barrel staves by holding subordinates responsible and accountable. By doing so the message is sent that lack of commitment, laziness, and mediocrity is unacceptable, pre-empting the opportunity for corruption, brutality, and criminal behaviour. This is not a daunting task. It only calls on people to perform their jobs with a high level of consistency and integrity. It calls for pride in one's work and a commitment to do the right thing.

### **Clear communication**

Conveying expectations can also prevent the leaking of integrity from the barrel. From an ethics and integrity standpoint, failure to communicate and enforce expectations has led to disastrous results in many police departments. If police officials convey the expectations that excessive force will not be tolerated, and reinforce it by a quick and vigorous investigation of complaints and dealing with offenders, a decrease in brutality complaint will likely follow. If the expectation is conveyed that members of the police department shall refrain from accepting gratuities of any kind and that violators will be dealt with, a decrease in graft and bribes will likely follow.



Police departments have orders and regulations prohibiting unethical conduct, but it is necessary to communicate the expectation to the officers that those specific orders and regulations must be followed. Communicating expectations on matters of ethics and integrity sets a tone and affects the organizational culture. It strengthens those barrel staves that can allow the leaking of integrity. It can make the difference between an organizational culture that accepts brutality or corruption, and one that does not. It can help create a culture of integrity. In other words a sound barrel.

It is apparent that the formal code of ethics or organizational value system can be quite different from the actual culture in which police operate. Violations of formal ethical standards on the use of coercive force, acceptance of preferential treatment, use of discriminatory treatment, the use of illegal investigative tactics, differential enforcement of laws for the disenfranchised, or other ethical failures can be supported by the police culture. Alternatively, police supervisors and managers can provide direction in bringing the operational culture of a police agency in line with the formal organizational code of ethics. They can do this by constant and consistent actions that convey and reinforce the expectation.

Certainly, a one time exposure is not enough. How often expectations must be conveyed depends on the amount of change needed, the seriousness of the problem being addressed and or the level of resistance encountered. In matters involving serious problems like brutality or corruption, the expectation may have to be communicated every day. An important aspect of communicating expectations is that they cannot be presented once and then forgotten. Recruit training alone will not serve.

Expectations conveyed not only by the chief but also by the department's entire leadership could reduce criminal and unethical behaviour. The continual communication and reinforcement of these expectations are among any leader's primary responsibilities and obligations. By leader I mean the sergeant, lieutenant, and captain, not just the chief executive. The barrel, the police culture, can be sound.

## Conclusion

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Police corruption cannot long exist without at least implicit or implied acceptance by the police agency. The organizational influence on police misconduct and deviant behaviour is found in the degree to which such misbehaviour is tolerated or even encouraged by the organization.

The barrel does not have to leak integrity. We have the ability and the responsibility to ensure it is sound. We must revitalize and reinforce our core values in the minds and hearts of all our personnel so that each and every police officer understands their responsibility to uphold the integrity of the department. Equally important is the need to address our expectations to managers and supervisors, including the consequences of any failure in that area. The action or inaction of managers and supervisors is critical in this regard in that they can easily create an atmosphere of eroding standards eventually leading to significant acts of corruption by their subordinates. They are the guardians of the sound barrel.