

Not Victimless: Understanding the harmful effects of police corruption

A. Introduction

The assumption that police corruption is wrong or a problem to be combatted is often taken for granted in many discussions or analyses of the topic. Perhaps this is due to the fact that the term "corruption" is not neutral, that its connotation of "moral perversion" or "depravity"¹ implies that anything labelled corrupt must just inherently be "bad" and is not to be tolerated. Thus, there is sometimes little attention paid to what is wrong with corrupt acts. However, a reliance on a moral view of corruption which just assumes it to be bad can lead to an inadequate understanding of the problem. Especially when corruption seems to be quite widespread and an almost accepted part of some "sub-cultures", unless we articulate exactly what is wrong with it, some people may wonder why it needs to be combatted at all and if it is not better to just ignore it.²

This paper seeks to identify the major effects of corrupt acts on the criminal justice system, police relations with the public and the organisational culture of the police. It will emphasise the "civic morality"³ side of police corruption, i.e., the social harm that corrupt acts result in. The primary purpose of this discussion is to combat the view of police corruption as "victimless". It seeks to bring to the attention of the reader the very damaging effects of corrupt acts and to point out that such acts not only have indirect consequences, but often identifiable victims.

Before outlining some of the major effects of police corruption, it is important to have some idea of what is being referred to by the term "police corruption". Thus, this paper starts by defining police corruption. After that, the effects of corruption are divided into two sections: first, those that have more easily identifiable victims and second, those whose effects need to be viewed in a broader context. Where appropriate, examples of corrupt acts are provided to illustrate the points being made. This is not meant to imply that either the effects of police corruption are always easily distinguishable from each other or that each corrupt act has only one effect. Rather, this exercise is an attempt to broadly outline some of the major effects of corrupt acts and identify some of the practices most strongly related to specific effects.

A definition of police corruption

The definition of police corruption used in this paper is the following:

Any illegal conduct or misconduct involving the use of occupational power for personal, group or organisational gain.

Thus, to be considered corrupt, an act:

- Must be a violation of South African criminal or civil law or qualify as misconduct under the SAPS or traffic officers regulations.⁴
- Must use either the legal or organisational powers of the police. That is, in committing the act, a police officer needs to have made use of some form of knowledge, access, credibility or legal or other power available to her/him by virtue of her/him being a member of the police service.
- Must be motivated by the desire to achieve some identifiable personal, group or organisational benefit or reward.

An officer not arresting someone for possession of dagga in return for some money would be an example of a corrupt act using legal police powers (i.e., the discretionary power of non-enforcement). An example of organisational powers being used would be an officer using her/his access to police records to steal and destroy a case docket in return for payment of some sort. In addition, if the officer destroyed the docket of a case where a friend or family member was the defendant, it would also be an example of corruption, as the benefit of helping someone close to you is clearly identifiable. Finally, a police commander ordering her/his officers not to investigate the alleged criminal activities of a politician who is influential and friendly towards the police is also acting corruptly, since there is a benefit to the organisation in terms of continued support from the politician.

It should be noted that there are some "improper" or questionable police practices and forms of misconduct that are not necessarily forms of corruption. One example would be an officer acting in a racist or prejudicial manner towards an alleged offender, perhaps by being discourteous or perhaps by other, more overt means (eg. using unnecessary force). Since it is difficult to identify any tangible gain for the officer involved, such an act would not be defined as corrupt in terms of the definition being used here. However, it needs to be recognised that such actions are still problematic – and may even be crimes – and that they may have the same effects as forms of police corruption. Also, such behaviour may still be viewed by some people as "corrupt". Thus, in the following analysis of effects, where especially appropriate or relevant, practices other than those formally defined as corrupt are also identified and discussed.

B. At Whose Expense?

What the effects in this section have in common is that they often entail an identifiable person or group of people being harmed and are quite closely connected with the actual operation of the criminal justice system. In fact, they usually result in either the perversion,

obstruction or diversion of the aims of justice. Also included in this group are practices which serve to divert police resources towards a particular group, and therefore potentially increase the vulnerability of other individuals, or groups, to crime. As such, the types of corruption looked at in this section often have the most obviously detrimental impact. However, it may not always be the case that a person committing some of the corrupt acts discussed here will concern her/himself with the very direct and dire consequences of her/his actions.

Victimisation

There are a few different ways in which corrupt acts committed by the police result in direct forms of victimisation. One obvious way is when the powers available to police officers are used in committing crimes that have direct victims. One example of this is outright stealing from individuals and businesses. This usually entails officers using their access to certain areas, such as unlocked shops, crime scenes or vehicle compounds, to help themselves to various goods. Officers have also been known to collude with professional criminals in operations such as car hijacking rings. Such cases, as Gauteng anti-corruption unit (ACU) Senior Superintendent Adrian Eager points out, are "particularly perturbing as some of [the] vehicles are obtained" by methods "which could involve murder."⁵ In such a case, police officers need to realize that they are not just using their powers to rob people, but, by giving police assistance to these operations, are also guilty of complicity in the assault and sometimes murder of the car owners. Another example where officers are only one step removed from the shooting or killing of people is when they sell firearms from police storage or when they rent out their own issue for a brief period.⁶

Another form of victimisation relates to the investigation of cases and the securing or providing of evidence. When police officers use "illegitimate methods" – such as lying about the circumstances surrounding an arrest or tampering with evidence – simply in order to secure convictions and falsely enhance their performance it must be viewed as corrupt. (In circumstances where such illegitimate methods are used in building cases against legitimate suspects, the use of such methods is still an offense; but since it is no longer motivated by personal gain, it is not, according to the definition being used, corrupt.) Such actions may result in the unlawful arrest or conviction of possibly innocent defendants. An example is the case of the junior examiner in the Western Cape who allegedly mismatched numerous fingerprints in order to provide "favours" for detectives, by helping them to falsely "build stronger cases."⁷ Another instance is what is referred to as "verballing" among police officers in Queensland, Australia – when the police corroborate earlier falsifications or fraudulently strengthen the case against the defendant by lying in court, knowing that their credibility as officers will give their testimony more weight than that of the accused.⁸

There are other cases of perjury that are forms of corruption and result in direct victimisation. As mentioned earlier, even though racist or brutal acts committed by police officers are usually not, strictly speaking, forms of corruption (as they result in no obvious

gain), they are instances of victimisation. Thus, when an officer covers up for such behaviour by committing perjury, such as by claiming that the victim resisted arrest or was abusing the officer, it is not only a corrupt act (as the officer is gaining by avoiding personal harm), it is also a part of the victimisation process.

The practice of receiving kickbacks is one that is often viewed as victimless. However, besides the fact that certain businesses or people are not given a fair chance to compete for work, kickbacks can also have other, very direct victims. One type of kickback, discussed by James Morton in his look at police corruption in Britain, was when police officers in London would use their considerable "influence over the distribution of legal aid work" to direct cases to specific lawyers, in return for money or other payment or favours. One result of this practice was that lawyers had to be wary of offending, or being "hostile" to the police, and make sure that they "let the police officers down lightly if there were discrepancies in their evidence." In one instance, a "young solicitor who had given the police a hard time whilst defending and obtained an acquittal" was told by a senior partner that "he had received a call from a senior officer reminding him that the firm also relied on the police for their prosecution work."⁹ In effect, their ability to effectively do their job was compromised, with their clients, the defendants, being victimised. Also, kickbacks that officers receive from businesses such as towing operations or car garages can also lead to victimisation, with officers seeking, or even manufacturing, violations to enforce for the sole purpose of making corrupt funds. One example, also from Morton's study, was of officers seeking out and citing vehicle owners for infractions such as driving with worn out tyres and, rather than handing out fines, giving them warnings and directing them to "a co-operative garage", one that gave the police regular payments.¹⁰

The extortion of money by police officers is also an overt form of victimisation. Here, police powers of enforcement or police authority may be used in committing a corrupt act. One example of this is the allegation that some police officers in the US Virgin Islands "routinely shake down prostitutes" and "illegal aliens", extorting money from them "by threatening to turn them in to the Immigration and Naturalization Service."¹¹ A South African example of extortion was an incident where five officers used their police authority in allegedly falsely informing a man that "his vehicle had been used in a crime and would have to be confiscated", seizing his car and demanding R6000 for its return.¹² Also, when officers refuse to do their jobs, or suggest that certain tasks will not be done, or done properly, unless the person needing police assistance "greases the wheel", they are certainly victimising the hapless citizen.

One final instance of direct victimisation is the case of police officers siding with, and often providing police powers to, "favoured" people or businesses, usually ones that provide some goods (eg. free meals, drinks), when they are in conflict with other citizens. There are reported cases of, for instance, police officers serving, in effect, as security or bouncers for businesses like pubs or restaurants and helping such establishments "take care" of troublesome customers.¹³ In such cases, it is clear that such customers are being

victimised with the police taking a particular side rather than acting in terms of the principles of law enforcement.

Fostering Impunity

"Fostering impunity" here refers to those situations when corrupt acts committed by police officers serve to provide those who have violated the law with immunity against having the law properly enforced against them. This occurs when perpetrators of specific criminal acts are able to receive lighter punishments, or avoid punishment altogether, for their crimes. In assisting such perpetrators, police officers obstruct the criminal justice process and contribute to further injustice done to the victim. Such practices should therefore be understood as amounting to a form of secondary victimisation.¹⁴ Reports of police commanders interfering in investigations, to the point of travelling to other jurisdictions to have cases against powerful criminals quashed, are instances of this type of secondary victimisation. Also, every time an officer sells or destroys a docket, s/he has become an accessory to the crime (which could be murder) allegedly committed in that case. The same goes for those who assisted in the escape of Josiaha Rabotapi, a man "wanted in connection with 16 murders and 13 armed robberies."¹⁵ Finally, a more subtle way of helping offenders escape the consequences of their acts is for officers to "make a bad case", one that they know the defence can exploit, or to intentionally perform in court in such a way as to help the defendant's case.¹⁶

In connection with the above forms of obstruction of justice, a further consequence of this fostering of impunity is the damage it does to other police officers' morale. When officers committed to catching perpetrators and solving cases see their work undone time and again by other officers, it cannot but have devastating consequences for morale. Even if officers are unaware that it is other police officers who are undermining their work, simply witnessing the neutralisation of their efforts can lead to considerable frustration and despair. As one victim of a car hijacking put it when the alleged perpetrators was set free soon after "quick detective work" had led to their apprehension: "the detectives were very excited about the bust. I feel sorry for officers who had worked so hard to catch these guys, but how can you lose high-priority criminals like that?"¹⁷

A further form of fostering impunity is when police protection of offenders becomes more regular or systematic. Often, such corruption is linked with organised crime rings such as drug syndicates. Here, the fostering of impunity has at least two major effects. First, it allows drug traffickers (or car hijackers or firearms smugglers) to consistently evade law enforcement and thus more effectively run their operations. Thus, police officers are directly complicit in the devastating harm that drug trafficking (or other organised criminal activity) causes a community and its members. Second, it is certainly not unknown for those who deal in drugs to be engaged in other criminal activity, often in the course of running their business, such as racketeering, armed robberies and murder. By allowing these criminals to remain at large and by giving them the message that they are immune from being brought

to book, corrupt officers are actively facilitating the committing of these crimes. In Latin American countries such as Colombia, Bolivia and Peru, where such police collusion with drug cartels is believed to be rife, it can reach the stage where the criminals are viewed as "more powerful than government". Here, the consequence of fostering impunity is "that the drug barons are not simply above the law – they are a law unto themselves."¹⁸

Of course, granting immunity through corrupt acts is not limited to police interactions with those commonly perceived as serious criminals. A less obvious, seemingly more benign or even innocent case would be traffic officers who solicit or take bribes for not enforcing traffic violations such as speeding. Such corruption may be justified or rationalised away as not having a victim or any negative consequences, yet it is a perfect illustration of the negative consequences of corrupt acts which foster impunity. The fact is, every time it is done, it contributes to a culture of lawlessness on the road, or at least an attitude that the laws need not be taken seriously. However such laws exist for a reason – to ensure road safety. If they can be flouted with relative ease, it contributes to a decreased level of respect for the rules of the road and may lead to an increase in hazardous driving and traffic accidents. Such long term consequences of corruption are no less real or damaging for being more removed from the individual act and need to be understood by officers whose job it is to ensure that laws aimed towards the security of people are not violated with impunity.

Connected with the above point is the more general impact that acts of favouritism may have on police, and public, perceptions of the law. When people such as politicians, police officers in general and friends of police officers are seen to be given favourable treatment with regards to the enforcement of violations of the law, this feeds into a culture of impunity. In the words of one analyst, such treatment increases people's perceptions of "the fallacy of impartial law enforcement."¹⁹ The law is seen to be malleable, not fairly applied to all and thus applicable only to those without influence or connections. These perceptions may have the reverse effect of Robert Klitgaard's "fry the big fish"²⁰ approach to combatting corruption. Klitgaard recommends that to effectively send the message to the general public that corruption will not be tolerated, one needs to expose and prosecute prominent people in a society who are guilty of corruption, thereby making it clear that no one is above the law. The granting of immunity to some may have the opposite impact of undermining the legitimacy of the law, in effect contributing to a view of the law which sees it as applying "just for the little guys"²¹ and an attitude which views getting caught, not the actual infractions, as being the problem, or something to avoid.

Diversion of Resources

This category refers to instances of public resources, in the form of police time, property or person power, being stolen, misdirected or unfairly allocated, thereby draining the resources available for proper or legitimate law enforcement ends. Often, the end result of this is that the overall efficiency and effectiveness of the criminal justice system is hampered. One example of this is when business owners, such as those operating a restaurant or pub,

provide police officers with "perks" such as free or discounted meals or drinks and in return get more visits and protection from the police. In effect, they buy more service from the police, causing an improper distribution of police resources which results in other businesses or community members being treated unfairly and not receiving adequate police services. Furthermore, when this type of misallocation becomes even more serious, such as the case of some police commanders in Mexico selling "security services", in the form of on duty officers working as private security guards, to "merchants and bankers", it is no longer just a case of some favourable treatment towards a few businesses. Rather, it is clear that the policing resources, which are paid for with public money, are being diverted for entirely private ends.²²

The selling of police resources can reach the point where legitimate police services are used for improper or even illegal ends. Examples of this are incidents uncovered by the Mollen Commission on corruption in New York of on duty officers using their uniforms or police vehicles to provide protection and escorts for drug transactions.²³ This entails police powers being corruptly used for the pursuit and facilitation of criminal activity and while it goes beyond the diversion of resources, such diversion is one of its negative consequences.

Another example of this kind of diversion of resources is the case of Australian politicians in the 1970's using the police for "surveillance of troublesome politicians and other opponents of the ruling regime."²⁴ However, in this case, when such subversion of police powers takes place within the context of a broader misuse of the police, it is unclear if individual officers were necessarily acting corruptly, as they may have simply viewed these tasks as part of their job, with no extra personal incentive or reward. Nevertheless, it is clear that such a (mis)use of the police still results in a form of misallocation or diversion of resources from legitimate to illegitimate ends.

Some other forms of misuse of resources should also be mentioned at this point. Forms of misconduct such as sleeping on the job or absenteeism also serve as a drain on police resources and are therefore similar in impact to cases of "diversion". While such actions may not, strictly speaking, be defined as corrupt (since neither really uses any form of occupational power), they do reduce the ability of the police to operate effectively and, as a result, also deprive the public of services that have been paid for.

One final set of practices in this group are more general forms of "office" corruption that involve the abuse of powers not exclusive to the police. One example, cited by James Morton in his survey of police corruption in Britain, is of senior officers using workers, such as gardeners, who are being paid with police funds, to do private work.²⁵ In Victoria, Australia, as a response to large sums of cash being stolen by police from the pool of lost money turned in by members of the public, one police department simply "covered the losses through its general budgetary process allowing the thief to escape with the cash."²⁶ Here, both the theft and the decision to not cover up for the perpetrator resulted in a misuse

of public resources. Finally, outright theft from public resources, such as the alleged collusion between a police inspector and a community policing forum member in the Northern Province to embezzle money from a "peace rally fund"²⁷ is a further example of the corrupt depletion of public resources.

C. At What Expense?

This section discussed those "less direct" effects that most corrupt acts have in common. Such effects are not so much about any identifiable victims being harmed but rather have more to do with negative consequences for the organisational culture of the police and the relations between the police and the public. The costs discussed here are perhaps less immediately perceptible, but no less significant. They damage areas such as the morale of honest officers, the level of integrity of the police and the degree to which citizens are willing to co-operate with the police. Thus their impact needs to be seen in a broader context.

Spreading a culture of corruption

One of the most universal and damaging effects of corrupt acts, especially of those viewed as "petty" or without victims, is that any one act contributes to an attitude or culture which is conducive to future acts of corruption. Every instance of corruption bends or violates a rule or law and, similar to the granting of impunity, may contribute to an officer's perceptions of the law as applying differently to different people and increase the ease with which violations can be rationalised. Lawrence Sherman points to this in his study of how officers become corrupt. He espouses what may be called an "evolutionary view" of corruption, where there is a progress in "moral depravity" with a corrupt officer beginning with minor acts and possibly ending up committing major violations.²⁸

The first opportunities for corruption that an officer is exposed to and may take advantage of are usually what are viewed as minor violations – such as petty theft from a store that has been broken into or a small bribe for not enforcing a parking violation. An officer may justify such corrupt acts as having no "real" victim and therefore harmless. However, it is here that an officer's self-image can begin to change, from an honest person committed to upholding the law to one that may sometimes break a rule or two her/himself. With each infraction, further violations become more palatable and gradually, more serious crimes may be able to be rationalised. For example, an officer who regularly commits "harmless" thefts from crime scenes or drug busts is more likely to "take the next step", such as soliciting corrupt funds for protecting illegal gambling rackets, than an officer who refuses the initial opportunities. A little over a year ago, there was a story in Business Day of an officer who was found guilty of "violating a corpse by removing its heart" so that he could sell it.²⁹ Once an officer has undertaken such an overtly pre-planned activity, one that required more than just taking advantage of opportunities that came his way, one wonders to what degree he is still able to retain any moral constraints on his actions or still view himself as having sufficient integrity to be a police officer.

A similar point has been made by many analysts with regards to the progression of vice-related corruption as well as its connections with other corrupt acts with more direct victims. Sherman asserts that the process between taking a bribe for allowing a bar to remain open for an hour longer to accepting money for allowing drug deals is a gradual one filled in by steps such as "looking the other way" for prostitution and gambling offences in return for a pay-off.³⁰ With each step, a more serious (from the officer's point of view) violation is overlooked and rationalised by being victimless and thus "ok" to not enforce. What may happen is that eventually an officer's frame of reference has changed so much that an activity once thought unimaginable (i.e., "helping drug pushers")³¹ may become acceptable. Even within the parameters of colluding with drug syndicates, there are degrees of wrongdoing, degrees that can eventually become blurred. As David Sisk has pointed out, officers who initially draw the line at accepting bribes for not enforcing laws dealing with the possession or selling of drugs may soon be induced to "promote the criminal organizations" that pay such bribes and "such promotion will include a reluctance to enforce laws against crimes with victims when committed by these same organisations."³²

Besides changing an officer's self-image or perception of what is acceptable, petty corrupt acts can lead to more serious ones in other ways as well. One way is when the giving and taking of bribes becomes so routine or common that it is almost expected. A range of activities, such as kickbacks from towing operators and legal firms, bribes for speeding up firearm license applications or paying commanding officers in order to receive vacation time (as happens in Mexico city),³³ can contribute to such an atmosphere flourishing. Even "gifts" from members of the community, where no exchange takes place (i.e., the officer provides no immediate service for the gift), can lead to an officer becoming accustomed to receiving "perks" or payments in the course of her/his job. As the National Director of the Anti-Corruption Unit Stefan Grobler points out, officers find it very easy to adjust to having a higher income, to the point where they may become dependent on corrupt funds to maintain their lifestyle.³⁴

In addition to the effects that committing corrupt acts has on an officer her/himself, it also has an impact on the general culture of a police organisation. Each time an officer commits a corrupt act in front of other officers, the group's tolerance level for such behaviour may increase. By taking small kickbacks or bribes or engaging in petty theft, corrupt officers send out a message to each other that such behaviour is acceptable and perhaps even encouraged. These messages or signals help officers "size up" others in the organisation, differentiating between those who will commit corrupt acts and those who will not. Furthermore, they affirm the attitude that "the formal rules", either of society or of the police organisation, "are largely a sham". Instead of such rules, what is to be followed is the informal "code" of the sub-group of peers that often forms the most important reference group for an officer.³⁵ Petty corrupt acts also play an important role in socialising new recruits into this sub-culture. An illuminating example is provided by one former officer who, on his first shift, witnessed his "old timer" partner steal "25- or 30-cent candy bars" from the supermarket. Upon entering the patrol car, the partner insisted he share in the "loot" and

told him that "everybody did it and that [he] should get used to it."³⁶ In such a case, where the value of the goods being stolen is so small, it is clear that the importance of the act is as much symbolic as it is material. Also, once an officer has committed a corrupt act, no matter how petty, her/his willingness or ability to expose or discuss the corrupt activities of others may be severely diminished.

The ability of the behaviour of corrupt officers to "convert" those officers seeking to remain honest should not be underestimated, particularly where such behaviour is part of the culture of a particular police department. First, it scarcely needs to be pointed out that seeing their peers commit even minor acts of corruption can have a devastating impact on the morale of those officers who are committed to upholding the law. Second, by not going along with such corrupt activities, honest cops risk alienating themselves from their peers, a dire consequence indeed in such a close-knit occupation, especially when one considers that there may be situations when an officer's life may depend solely on the support provided by her/his peers. This isolation from one's peers and the low morale of an honest officer may be further compounded by the fact that an honest cop, by refusing to "play by the rules", can be hindered in her/his career advancement. More than one observer of police culture has noted the kinds of demotions, transfers and menial tasks that are the lot of an honest officer, largely as a result of the fact that they make the "wrong" arrests (i.e., enforcing violations against those who pay bribes or are influential) or do not go along with other officers' thefts and graft.³⁷ In addition to the damage this does to an effective officer's productivity, such ostracisation may also lead to an honest officer, after considerable resistance, becoming corrupt.³⁸

It should be noted that, in respect of the above processes of how corrupt acts become acceptable, forms of police misconduct other than corruption can also play a significant role. The Mollen Commission found that in addition to encouraging junior officers to steal or take bribes, senior cops socialised new recruits into a culture of breaking the rules by encouraging them to engage in acts of brutality, "as a rite of initiation to prove the officer is a tough or 'good' cop",³⁹ i.e, one that plays by the rule of the peer group. Also, infractions committed by officers in an effort to do their jobs (which can be described as the use of "illegitimate means for legitimate ends"), such as lying in a police report in order to establish grounds for searching a suspect, may also lead to police officers viewing the law as not applying to them. One former detective in New York, Robert Leuci, claimed that it was such "well-intentioned" infractions which were his introduction to rule-breaking, but that they soon became "a casual thing" and not long after, he had "graduate[d] to bigger crimes" for personal gain.⁴⁰

One other type of corruption which has a strong impact on spreading a culture of corruption, or at least allowing corrupt activities to flourish, is when officers collude in the covering up of corrupt acts. This can take a number of forms, from acts of misconduct, such as not properly following through on investigations or "burying" troublesome files (i.e., those cases that suggest some police involvement in corrupt acts), to illegal acts such as perjury. The

motivation for such actions may vary. It may be personal gain in the form of an officer helping out a friend. Or it may be a kind of organisational gain, in the form of a general recognition and acceptance among the police that cops are to be given special treatment – treatment bordering on immunity from law enforcement. Or, as perhaps is often the case, such interference may be the result of a desire to try to avoid damaging publicity, either for a specific unit or for the police service as a whole. In any case, such actions are corrupt. Officers cannot decide whether or not a certain investigation ought to be pursued based solely on its possible negative consequences for their friends or for the police in general. By using police powers such as access to documents, influence over other officers or credibility in a court of law in order to effectively undermine an investigation they are guilty of, at the very least, serious misconduct and often of committing criminal acts. As asserted by the Mollen Commission, it is very unlikely that corrupt officers in New York would have been able to operate effectively without the collusion of usually honest cops such as commanding officers and those in the internal affairs department involved in the "burying" of files and the obstruction or prolonging of investigations involving corrupt activities by other police officers.⁴¹

Decreased public trust

One impact that basically all corrupt activities have is that they decrease public trust in, as well as respect for, the police. Any corrupt act – from citizens witnessing minor kickbacks (eg. from tow truck operators) or "gifts" given by business owners, to reports in the press of bribe taking or collusion with criminal syndicates – reduces the confidence people have in the fairness, integrity and honesty of police officers. Recently, a police inspector in Mpumalanga was found guilty of a variety of "petty" corrupt offences such as demanding "brandy and bags of peanuts from job applicants and residents applying for firearm licenses". The magistrate who sentenced him stated that, rather than inspiring confidence among citizens in the police, the former inspector "ha[d] convinced people that it is simple to buy the police" and that "his actions destroyed his community's trust in the police and the law".⁴² The damage that corruption does by reducing public confidence in the honesty of the police has a few different consequences.

Perhaps the most severe harm that a decrease in public trust of the police has is that it causes a deterioration in relations between citizens and officers and, as a result, reduces the effectiveness of policing in a community. As Mpumalanga Police Commissioner Alfred Malete has stated, a large number of arrests are "made due to the community co-operating with [the police] or reporting crimes to [the police]".⁴³ Without such public involvement, police efforts in fighting crime are severely hampered. A case in point is the San Jose police department, who, before Joseph McNamara became police chief, had very poor relations with the city, marked by distrust and animosity on both sides. As McNamara states, officers needed to "realize that unless people reported crimes, provided evidence, served as witnesses and – when on juries – believed police testimony, criminals would not be convicted." It was only after efforts were made to repair relations between the public and the

police that "the police made more arrests than ever and crime decreased to the point that San Jose became one of the safest large cities" in the United States.⁴⁴

Thus, given the importance of public assistance to the police in fighting crime, it is easy to see the detrimental effect of police corruption. Perceptions of corruption result in a lack of trust in the police service. A poll taken last year revealed that 67% of respondents believed that members of the SAPS accept bribes and over half said that they felt "that the police lack credibility" and view them as being "corrupt and having no integrity".⁴⁵ If people lose faith in the integrity of police officers, the amount of cooperation the police receive from the public also decreases. This can reach the point "where many people don't even bother to report many criminal activities"⁴⁶ to the police, having no confidence in either the abilities or commitment of officers to solve cases. Perhaps the following statement referring to the impact of corruption on police community relations in the US Virgin Islands puts it best: "Public distrust of officers often means that victims and potential witnesses don't come forward and criminals go free."⁴⁷

Another impact of the lack of public trust in police officers that occurs as a result of perceptions of corruption is the decrease in credibility that police officers have as officers of the court. As the Mollen Commission states, the impact of this on the performance of the criminal justice system "can be devastating." Public trust "in even the most honest officer" may be eroded, leading "the public to disbelieve police testimony" with the result being that "the guilty [are] set free after trial."⁴⁸ Last year this scenario played itself out in the city of Philadelphia, with over one hundred convictions "overturned in cases involving six police officers who pleaded guilty last fall to corruption charges." As a result, one district attorney asserts that many "current cases that should result in convictions [are] being dismissed because juries and defense lawyers [are] increasingly questioning the integrity of police officers."⁴⁹ To cite one more example, in the US Virgin Islands, "charges of corruption on the force are so widespread that defense attorneys routinely try to discredit police officers testifying in court."⁵⁰

In understanding the impact of corruption on officer-citizen relations, one also needs to consider the role it plays in influencing police perceptions of their relationship with the rest of society. Many students of police culture have noted an "us. vs them" mind set being common among police officers.⁵¹ The secrecy, stress and danger of police work leads to an insular and close-knit occupational culture that results in a strong distinction being made between members of the police and regular citizens. Such a distinction often entails some officers seeing "the public as a source of trouble", or even as "the 'enemy'",⁵² and thus isolating themselves and their peers from the rest of society. This division may be further entrenched by a perception on the part of some officers of public animosity towards the police. Thus, any time an officer feels hostility from members of the public, her/his allegiance and loyalty to the community of officers may be strengthened and her/his ties with the community outside of the police weakened.

Corruption can be both a result and a cause of this separation of the police from society. The isolation of the police can lead to a divergence of officers' values from those that the rest of society at least professes to uphold. It may also result in a lack of recognition of, or concern over, the harmful effects that corrupt acts have on society. Thus, it can make committing such acts easier to rationalise or justify. At the same time, every instance of corruption can further reinforce the distance between society and the police by increasing public hostility and distrust towards the police. Also, every time an officer commits a corrupt act, s/he may be affirming yet again her/his status as an outsider who follows the informal rules of a corrupt peer group, not the formal rules of society. Thus the relationship between an "us vs. them" mentality among the police and incidents of corruption can be a circular one. As long as officers play by the rules of their peer group and the public continues to negatively label them, any rapprochement between the two is unlikely. A final point, perhaps particularly relevant with regards to South Africa, is that the negative labelling by society may be even more damaging if the police feel it to be hypocritical. That is, if there exists a feeling that most members in society also view the formal rules as being a sham, and act accordingly, then the police may feel even greater embitterment for being singled out and judged by a double standard.

D. Conclusion

A better understanding of the many effects of police corruption gives us a clearer motivation for why it ought to be combatted. Does it also provide some indications as to how one may be able to address the problem? Before concluding, I would like to suggest a few ways in which it may. First, in terms of the implications of this analysis for the efforts of bodies such as the ACU, a few suggestions may be put forward. In an interview, Director Grobler stated that the ACU's priorities are those corrupt acts which have the most detrimental impact on the criminal justice system.⁵³ Judging by the actual operation of the ACU, these would seem to be generally those identified in the first section under "at whose expense", such as the sale of firearms, docket theft or collusion with car hijacking rings. It is suggested that other practices identified in this section, such as the falsification of evidence or testimony, receiving kickbacks from legal firms or the receipt of payments from private businesses should also be listed as priorities, if there is evidence of their occurrence.

In addition, while it is certainly appropriate that the ACU focus on these forms of corruption which have the most serious and direct short term consequences, one also needs to consider a few questions: To what degree are the more serious corrupt acts the end result of a process of becoming corrupt? Is their existence facilitated by an acceptance or tolerance of more petty forms of corruption? Of course, one needs to recognise the devastating and direct impact that more serious forms of corruption have on individual victims and the functioning of the criminal justice system and thus make attempts at curbing such corruption. However, some unit or body, perhaps the ACU, also needs to take responsibility for addressing other forms of corruption which may have longer term effects. If

as, Director Grobler has stated, the primary concern of anti-corruption work is to combat corrupt acts "which have an impact on the way officers do their jobs",⁵⁴ then there certainly needs to be a recognition and prioritisation of the need to address the earlier acts which may lead to the more serious ones.

In addressing these earlier acts it will not only be necessary to make use of investigative measures. Longer term strategies – such as education and in-service training – are also needed. Arguably some of the resources which are spent on lengthy and expensive investigations might be better utilised in training, education, increasing accountability or closer supervision, especially during an officer's first couple of years on the service?

In particular the training of recruits should focus more on discussing the effects of, and likely opportunities for, engaging in corruption. Especially with regards to the spreading of a culture of corruption, through "petty" or apparently victimless corrupt acts or the receipt of seemingly innocuous gifts, recruits need to be alerted properly about the possible complexities and moral risks that they will face in their line of work. In the words of Director Grobler, new officers have to recognise the "red flashes" or be able to hear the "alarm bells" of corruption very early in their careers.⁵⁵ One of the major purposes of this paper was to assist police officers in recognising the very serious consequences of corrupt actions. If police officers are able to recognise these consequences this recognition may serve as a preventive measure against corruption, particularly if officers internalise the view that corruption does indeed have victims and that even minor acts can have a very damaging impact on how they do their job.

Finally, as was noted by the Mollen Commission, honest police officers are among the most important resource in the fight against corruption. They may be witness to a variety of corrupt acts and experience first hand the very damaging consequences of corruption. Thus, they have both the opportunity and the motive to speak out against corruption. However, as we have seen, one of the effects of corruption is the way in which it ostracises and may silence honest officers, especially in situations where commanding officers are acting corruptly by "looking the other way" with regards to corrupt cops. Thus, a major task in fighting corruption needs to be to "provide constant support and recognition to officers who, by reporting corruption, choose to do what is right rather than what their [peer group's] culture expects of them." It must be made clear that "those who expose corruption will be rewarded, and those who help conceal it punished."⁵⁶ Honest officers need to acknowledge the harm that even minor corrupt acts may cause and take steps to oppose each instance which they are witness to.

Notes:

¹ As defined in *Collins English Dictionary, 3rd ed.*, HarperCollins, Glasgow, 1991 p. 39 1.

² For one example of this, see the review of James Morton's survey of police corruption in Britain, *Bent Coppers*, by Rudolf Klein in the *Times Literary Supplement*, 28 January 1994, p. 26.

³ For a discussion of "private" versus "civic" morality, see Loek Halman "Is there a moral decline? A cross-national inquiry into morality in contemporary society", *International Social Science Journal*, 45, 1995, pp. 426-427.

⁴ For the purposes of this paper, not only members of the SAPS, but also traffic officers, who fall under local or provincial "safety and security" jurisdiction, are regarded as police officers.

⁵ Glynnis Underhill and Kurt Swart, "Probe into cop corruption runs into 'obstacles'", *Star*, 29 June 1996.

⁶ This example was provided by Stefan Grobler, director of the Anti-Corruption Unit, in a personal interview on 22 May 1997.

⁷ "Fingerprint scam uncovered", *Star*, 14 February 1997.

⁸ Mark Finnane, "Police Corruption and Police Reform The Fitzgerald Inquiry in Queensland Australia", *Policing Society*, Vol. 1, 1990, pp. 166-167.

⁹ James Morton, *Bent Coppers*, Little Brown and Co., 1993, pp. 224-225

¹⁰ *Ibid*, pp. 225-226.

¹¹ Mervin Claxton, "Corruption and Disorder: Police Department at Core of Crime Crisis", *Public Service*, 13 December 1994, online:
<http://www.pulitzer.org/winners/1995/winners/works/public-service/13corruption.html>

¹² "Policemen held on charges of extortion", *Business Day*, 23 October 1996.

¹³ Morton, *op cit*, p. 211

¹⁴ Sharon Hammond and Justin Arenstein, "Township thugs still have police on their side", *Weekly Mail and Guardian*, 6 September 1996.

¹⁵ Sasha Jensen, "Police helped 'most wanted'", *Star*, 20 February 1997.

¹⁶ Such forms of police "assistance" to defendants and their counsel is discussed in P.K. Manning and J.L. Redlinger's "Invitational Edges", Carl B. Klockars and Stephen D.

Mastrofski, eds., *Thinking about Police: Contemporary Readings 2nd ed.* MacGraw-Hill Publishing, New York, 1991, p. 359.

17 Priscilla Singh, "Suspicion on police after suspects freed", *Star*, 20 February 1997. 14

18 "Crime and Transformation", *Financial Weekly*, 24 April 1997.

19 Lawrence Sherman, "Becoming Bent", F. Elliston and M. Feldberg, eds., *Moral Issues in Police Work*, Rowman & Allanheld, 1983, pp. 253-265.

20 See his article "Frying Big Fish: Campaigns against Corruption", *Indicator South Africa* Vol 9/No 3, 1992, p. 13.

21 D. Bell, cited in Ellwyn Stoddard's "Blue Coat Crime", Carl B. Klockars, ed., *Thinking about Police: Contemporary Readings 1st ed.*, MacGraw-Hill Publishing, New York, 1983, p. 339.

22 Sam Dillon, "Mexico City Police Fight Corruption Within Ranks", *New York Times News Service*, 18 October 1995, online: <http://www.latinolink.com/mexlOI8.html>

23 Mollen Commission Report, *Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department*, City of New York, 1994, pp. 32- 33.

24 Finnane, *op cit*, p. 164.

25 Morton, *op cit*, p. 220.

26 Raymond Hoser, "Police Corruption in Victoria", 1996, online: <http://www.lexicon.net.au/~adder/vrb1.htm>

27 Sello Seripe, "Inspector in scandal", *New Nation*, 8 August 1996. 1996.

28 Sherman, *op cit*, pp. 253, 263. It should be noted that Sherman's analysis does not assume that all officers follow this path – he does state the importance of individual differences in background, values and character. In any case, the following discussion only partly draws on his model.

29 Bonile Ngqiyaza, "Body parts judgement", *Business Day*, 14 March 1996.

30 Sherman, *op cit*, p. 263.

31 *Ibid*, p. 259.

32 David Sisk, "Police Corruption and Criminal Monopoly: Victimless Crimes", *Journal of Legal Studies*, Vol. IX, June 1982, p. 403.

33 Dillon, *op cit*.

34 Personal interview with Stefan Grobler, 22 May 1997.

35 Sherman, *op cit*, pp. 256-257.

36 Stoddard, *op cit*, p. 344.

37 For three examples, see Morton, *op cit*, pp. 229-230, Shenim, *op cit*, p. 258, and Stoddard, *op cit*, pp. 344-345.

38 Sherman, *op cit*, p. 258 and Stoddard, *op cit*, pp. 344-345.

39 Mollen Commission, *op cit*, p. 47

40 Sarah Glazer, "Police Corruption", *Congressional Quarterly Researcher*, 24 November 1995 p. 1046.

41 Mollen Commission, *op cit*, pp. 90- 101.

42 "Police inspector is jailed for 18 years", *Citizen*, 18 March 1997.

43 "8 policemen arrested", *Sowetan*, 18 July 1996.

44 Cited in Glazer, *op cit*, p. 1049

45 Sharon Chetty, "Police 'not doing enough to fight crime'", *Sowetan*, 28 March 1996.

46 Angella Johnson, "Police chief is shipped out after R70m thefts", *Weekly Mail and Guardian*, 29 November 1996.

47 Claxton, *op cit*.

48 Mollen Commission, *op cit*, p. 43

49 "Philly: Impact of Frame Ups", *New York Times*, 24 March 1996 online:
<http://www.netural.com/lip/polabuse/1565.html> (posted by Bob Witaneck).

50 Claxton, *op cit*.

51 For a couple of examples, see Sherman, *op cit*, pp. 256-257 and Stoddard, *op cit*, pp. 339- 340.

52 Mollen Commission, *op cit*, p. 58.

53 Interview with Grobler, 22 May 1997.

⁵⁴ Quoted in Angella Johnson, "Crooks in uniform under investigation", *Weekly Mail and Guardian*, 7 June 1996.

⁵⁵ Interview with Grobler, *op cit*.

⁵⁶ Mollen Commission, *op cit*, pp. 57-58.