

## Chapter 2

# Police Corruption

**Abstract** Institutional corruption, including police corruption, consist in actions which undermine institutional processes, purposes and persons (qua institutional actors). Moreover, corruptors and the corrupted could have done otherwise and are, therefore, typically (but not necessarily) morally responsible for their acts of corruption.

In this chapter I analyse the phenomenon of police corruption (Newburn 1999; Skolnick 1967; Klockars et al. 2004; Ivkovic and Haberfeld 2015). I begin with an analysis of the concept of corruption (Sect. 2.1) before moving on in the second section to discuss the causes of police corruption, in particular (Wilson 1968; Kappeler et al. 1994; Sarre 2005; Ivkovic and Haberfeld 2015). The third and final section is concerned with the general strategy for combating police corruption (Giuliani and Bratton 1995; Prenzler 2009).

### 2.1 Corruption

Providing an acceptable definition of corruption has proved to be an elusive goal.<sup>1</sup> Many of the available definitions are in terms of the abuse of power on the part of public officials e.g. ‘Corruption is the abuse of power by a public official for private gain’. Doubtless the abuse of public offices for private gain is corruption. But what of so-called noble cause corruption; corruption undertaken for the public good rather than private gain? Consider the police officer who fabricates evidence to secure the conviction of a known drug dealer. Noble cause corruption is particularly prevalent in policing (see Chap. 3). And what of private citizens—as opposed to public officials—who lie when they give testimony in court and, thereby, corrupt the judicial process?

Failure to provide a theoretical account of the concept of corruption might lead one to simply identify corruption with specific legal and/or moral offences, such as (say) bribery.

---

<sup>1</sup>Material in this section is derived from Miller (2010a, b, Chap. 4, 2011), Miller et al. (2005).

However, paradigmatic cases of corruption include police fabrication of evidence, perjury, abuse of authority, fraudulent use of travel funds by politicians, stuffing ballot boxes with false voting papers to win an election, falsifying experimental results to enhance one's academic status, and so on and so forth. So the list of legal and/or moral offences is going to be a very long one, indeed, indeterminately lengthy. In any case, naming a set of offences that might be regarded as instances of corruption does not obviate the need for a theoretical, or quasi-theoretical, account of the concept of corruption.

Corruption is fundamentally a moral, as opposed to a legal, phenomenon. While many corrupt acts are unlawful—or ought to be unlawful—this is not necessarily the case. Thus, historically in many jurisdictions bribery has not been unlawful. For example, prior to the 1977 Foreign Corrupt Practices Act it was not unlawful for US companies to pay bribes when engaging in business overseas. Moreover, evidently not all acts of immorality are acts of corruption; corruption, it seems, is only one species of immorality. Consider a suicide bomber who murders innocent children. Surely this is not an act of corruption since neither the victim nor the perpetrator remains alive, let alone in a state of corruption. Rather it is a human rights violation and, as such, serves to illustrate the distinction between human rights violations and corruption. This is, of course, not to say that human rights violations might not on occasion also be acts of corruption, e.g. a leader who unjustly and unlawfully incarcerates his or her political opponent (a human rights violation) might also be corrupting the political process.

I conclude that corrupt actions are merely one species of immoral actions, albeit an important species. What further features do corrupt actions possess, bearing in mind that I am restricting myself to cases of institutional corruption. More specifically, what further features do corrupt actions possess which warrant, at least in some cases, their being criminalised?

If a serviceable definition of the concept of a corrupt action is to be found—one that does not collapse into the more general notion of an immoral action—then attention needs to be focussed on the moral *effects* that some actions have on persons and institutions. An action is corrupt only if it corrupts something or someone—so corruption is not only a moral concept, but also a *causal* or quasi-causal concept (Hindess 2001).<sup>2</sup> That is, an action is corrupt by virtue of having a *corrupting effect* on a person's moral character or on an institutional process or purpose. If an action has a corrupting effect on an institution, undermining institutional processes or purposes, then typically—but not necessarily—it has a corrupting effect also on persons qua role occupants in the affected institutions. So an action is an act of institutional corruption only if it has the effect of undermining an institutional process or of subverting an institutional purpose or of despoiling the character of some role occupant qua role occupant. Let us refer to this as the *causal character of corruption*.

---

<sup>2</sup>This kind of account has ancient origins, e.g., in Aristotle.

In this regard, note that an infringement of a specific law or institutional rule does not in and of itself constitute an act of institutional corruption. In order to do so, any such infringement needs to have an institutional *effect*, e.g., to defeat the institutional purpose of the rule, to subvert the institutional process governed by the rule, or to contribute to the despoiling of the moral character of a role occupant qua role occupant. In short, we need to distinguish between the offence considered in itself and the institutional effect of committing that offence. Considered in itself the offence of, say, lying is an infringement of a law, rule, and/or a moral principle. However, the offence is only an act of institutional corruption if it has some effect (or, more precisely, if it is of a kind that tends to have the undermining of an institutional process or purpose), e.g., it is performed in a courtroom setting and thereby subverts the judicial process.

However, the undermining of institutional processes and/or purposes is not a sufficient condition for institutional corruption. Consider internal affairs investigators in some large jurisdiction who as a result of cutbacks in funding become less numerous and progressively less well trained in the context of a gradually increasing workload of cases. As a consequence, there may well be a diminution over the years in the quality of the investigations of these investigators, and so the police investigative processes are to an extent undermined. This is institutional corrosion, but it is not necessarily police corruption, notwithstanding the institutional damage that is being done.

Evidently, an act or policy might undermine an institutional process or purpose without the person who performed it intending this effect, foreseeing this effect or even being in a position such that they should have foreseen this effect. Such an act may well be an act of corrosion, but it would not necessarily be an act of corruption. Consider our internal affairs example again. Neither the government and other officials responsible for resourcing and training the investigators, nor the investigators themselves, might intend or foresee this institutional harm; indeed, perhaps no-one could reasonably have foreseen the harmful effects of their actions, or done anything about it if they had. So this is institutional corrosion, but not corruption.

Because persons who perform (avoidable) corrupt actions (corruptors) do so intentionally or knowingly—or at least such persons should have known the corrupting effect that their actions would have—these persons are blameworthy, *generally speaking*. This is an important respect in which corruption is different from corrosion. Moreover, those who are corrupted (the corrupted) have to some extent, or in some sense, allowed themselves to be corrupted; they are *participants* in the process of their corruption. Specifically, they have *chosen* to perform the actions which ultimately had the corrupting effect on them, and they could have chosen otherwise.<sup>3</sup> In this respect, the corrupted are no different from the corruptors.

---

<sup>3</sup>This holds even when people are corrupted through coercion, so long as they could have chosen to resist the coercion. On the other hand, if the action they performed was, for example, drug induced or otherwise not under their control, then they cannot be said to have chosen to perform it in my sense.

Notwithstanding that those who corrupt and/or are corrupted are generally morally blameworthy, this is not necessarily the case. For one thing it might be morally justifiable all things considered for someone to perform an act of corruption. Consider the payment of a bribe to an official to save the life of the member of one's family. For another thing, those who are corrupted and those who corrupt may be different in respect of their intentions and beliefs concerning the corrupting effect of their actions and this might make a difference to the blameworthiness of the corrupted, in particular. Specifically, it may not be true of those who allow themselves to be corrupted that they intended or foresaw or should have foreseen this outcome. This is especially likely in the case of the young and other vulnerable groups who allow themselves to be corrupted, but cannot be expected to realise that their actions, or more likely omissions, would have this consequence. Consider the case of young recruits into a corrupt police organisation who are inducted into the practice of 'cutting corners', are compromised and, thereafter engage in more serious forms of corruption. At least initially, perhaps these naïve young recruits did not, and perhaps should not have been expected, to foresee the effect of their actions on themselves and others. If so, perhaps they are not blameworthy for becoming corrupted. Here we need to note the existence of a sub-class of corruptors who are: (a) corrupt, but not morally responsible for being so, and; (b) whose actions are an expression of their corrupted characters and also have a corrupting effect.

In this connection consider two sorts of would-be bribe-givers whose bribes are rejected. Suppose that in both cases their action has no corrupting effect on an institutional process or other person. Now suppose that in the first case the bribe-giver's action of offering the bribe weakens his disposition not to offer bribes; so the offer has a corrupting effect on his character. However, suppose that in the case of the second bribe-giver, her failed attempt to bribe generates in her a feeling of shame and a disposition not to offer bribes. So her action has no corrupting effect, either on herself or externally on an institutional process or other person. In both cases, the action is the expression of a partially corrupt moral character. However, in the first, but not the second, case the bribe-giver's action is corrupt by virtue of having a corrupt effect on the bribe-giver himself.

I have argued that the corrupted are not necessarily morally responsible for being corrupted. I have also argued that typically corruptors are morally responsible for performing their corrupt actions. This seems correct so far as it goes. However, some of those who are not morally responsible for having been corrupted are, nevertheless, morally responsible for not now trying to combat their corrupt characters. To that extent they might be held morally responsible for their corrupt actions, even if not for having been corrupted.

In the light of the above account of corruption let us return to our earlier question concerning the criminalisation of corruption. Some acts of corruption might not be sufficiently serious to count as crimes, e.g. minor conflicts of interest in the allocation of workloads. However, many acts of corruption, at least when taken in aggregate, constitute a serious threat to central institutions. Consider in this connection widespread vote-rigging in elections. In the area of policing, corruption by police officers often constitutes a rights-violation in addition to undermining the

institution of the law and its processes. Consider fabrication of evidence which makes a mockery of the moral right to a fair trial.

So while the investigation of police corruption is not necessarily the investigation of serious moral rights violations which are also crimes; it often is. Moreover, the investigation of those acts of corruption which are not in themselves rights violations typically involves moral rights violations indirectly. For such acts being acts of serious corruption undermine central institutions and, in particular, the institution of the police. However, as was argued in Chap. 1, the institution of the police has as its fundamental purpose the protection of justifiably enforceable, legally enshrined, moral rights. Accordingly, police corruption, even when it does not directly involve the violation of moral rights, nevertheless, does so indirectly via undermining the processes and/or purposes of the institution of the police.

## 2.2 Causes of Police Corruption

As noted in the Introduction, over the years many commissions of inquiry into police corruption, such as the Mollen Commission into the New York Police Department and the Wood Royal Commission into the NSW Police Service, have uncovered corruption of a profoundly disturbing kind (Mollen 1994; Wood 1996).<sup>4</sup> Police officers have been involved in perjury, fabricating evidence, protecting pederast rings, taking drug money and selling drugs. Moreover, these commissions and numerous other studies have identified a number of causes of police corruption. Further, as also mentioned in the Introduction, in order to do their job effectively, police have been given a number of legal rights and de facto powers and wide discretion in the exercise of these rights and powers; and police have many opportunities to abuse these rights and powers. Police officers also face considerable temptations to avail themselves of these opportunities. They may be offered material inducements, such as the offer of money or favours in return for protection, or dropping of charges, for example.

A further contributing factor to police corruption is the inescapable use by police officers of what in normal circumstances would be regarded as morally unacceptable activity. The use of coercive force, including in the last analysis deadly force, is in itself harmful. Accordingly, in normal circumstances it is morally unacceptable. So it would be morally wrong, for example, for a private citizen to forcibly take someone to his house for questioning. Similarly, locking someone up deprives them of their liberty, and is therefore considered in itself morally wrong. Again, deception, including telling lies, is under normal circumstances morally wrong. Intrusive surveillance is in itself morally wrong—it is an infringement of privacy. And the same can be said of various other methods used in policing.

---

<sup>4</sup>Earlier versions of the material in this section and the following one appeared in Miller (1998a, b, 2010a, b, 2014).

Coercion, depriving someone of their liberty, deception and so on are harmful methods; they are activities which considered in themselves and under normal circumstances are morally wrong. Therefore they stand in need of special justification. In relation to policing there is a special justification. These harmful and normally immoral methods are on occasion necessary in order to realise the fundamental end of policing, namely the protection of moral rights. However, the fundamental point that needs to be made here is that the use of these harmful methods by police officers—albeit methods which in the right circumstances are morally justifiable—can have a corrupting influence on police officers. A police officer can begin by engaging in the morally justifiable activity of telling lies to criminals, and engaging in elaborate schemes of deception as an undercover agent, and end up engaging in the morally unjustifiable activity of telling lies and deceiving innocent members of the public or his fellow officers. A police officer can begin by engaging in the morally justifiable activity of deploying coercive force to arrest violent offenders resisting arrest, and end up engaging in the morally unjustified activity of beating up suspects to secure a conviction.

It might be suggested that such methods could be wholly abandoned in favour of the morally unproblematic methods already heavily relied upon, such as rational discourse, appeal to moral sentiment, reliance on upright citizens for information, and so on. Doubtless in many instances morally problematic methods could be replaced. And certainly overuse of these methods is a sign of bad police work, and perhaps of the partial breakdown of police-community trust so necessary to police work. However, the point is that the morally problematic methods could not be replaced in *all* instances. For one thing, the violations of moral rights which the police exist to protect are sometimes violations perpetrated by persons who are unmoved by rationality, appeal to moral sentiment, and so on. Indeed, such persons, far from being moved by well-intentioned police overtures, may seek to influence or corrupt police officers for the purpose of preventing them from doing their moral and lawful duty. For another thing, the relevant members of the community may for one reason or another be unwilling, or unable, to provide the necessary information or evidence, and police may need to rely on persons of bad character, or methods such as intrusive surveillance. So unfortunately, harmful methods which are in normal circumstances considered to be immoral are on occasion necessary in order to realise the fundamental end of policing, namely the protection of moral rights.

The paradox whereby police necessarily use methods which are normally morally wrong to secure morally worthy ends sets up a dangerous moral dynamic. The danger is that police will come to think that the ends always justify the means; to come to accept the inevitability and the desirability of so-called “noble cause corruption” (discussed in Chap. 3) (Delattre 1994; Miller 1999). From noble cause corruption, they can in turn graduate to straightforward corruption; corruption motivated by greed and personal gain (Sherman 1985). Further, as a matter of sociological fact, police display a high degree of group identification and solidarity. In many ways, such solidarity is a good thing: without it, effective policing would be impossible. But it can also contribute to police corruption. Police who refrain

from acting against their corrupt colleagues out of a sense of loyalty are often compromised by this failure, and ripe for more active involvement in corrupt schemes.

A particularly significant contributing factor to police corruption is the widespread use in contemporary societies of illegal drugs such as heroin, cocaine and Ecstasy. Police officers, especially detectives, are called on to enforce anti-drug laws in circumstances having the following features: (a) there are large amounts of money, and a willingness on the part of drug-users, and especially drug-dealers, to bribe police; (b) there are no complainants—the “victims” are not persons who would come to the police and report that they have been the victim of a criminal act; (c) corrupt police officers can accept bribes or steal drugs or drug money with relative impunity, given (b); (d) there is a feeling in some sectors of the community that drug addiction is not so much a crime as a medical condition, and that therefore drug-taking should not be regarded as a crime; (e) young police officers typically share the attitudes of their peers outside policing, and thus may regard the use of illegal drugs as a relatively minor offence, and; (f) police officers who are especially vulnerable, such as young police officers or those working in drug investigations, may out of fear turn a blind eye to drugs, or even succumb to drug-taking themselves, and thereby enter the spiral of corruption which moves from moral vulnerability to moral compromise, and thence to corrupt activities.

Let me now list some of the general conditions which contribute to police corruption. These conditions include: (a) the necessity at times for police officers to deploy harmful methods, such as coercion and deception, which are normally regarded as immoral; (b) the high levels of discretionary authority and power exercised by police officers in circumstances in which close supervision is not possible; (c) the ongoing interaction between police officers and corrupt persons who have an interest in compromising and corrupting police; (d) the necessity for police officers to make discretionary ethical judgements in morally ambiguous situations, and; (e) the operation of police officers in an environment in which there is widespread use of illegal drugs and large amounts of drug money.

In addition to these causes of police corruption, there are some less obvious ones. Firstly, lack of competence can be a contributor to, and even a species of, corruption. Normally we do not think that incompetence is morally blameworthy, even where it contributes to a bad outcome, since someone cannot be blamed for not bringing about what they did not have the capacity to bring about. However, we can blame people for failing to act to equip themselves with necessary skills or knowledge when they have been provided with the opportunity. For example, a police officer who out of laziness or indifference fails to acquaint himself sufficiently with certain aspects of the law, and then through ignorance of the law proceeds to make unlawful arrests, is engaging in a form of corrupt activity. His actions are wrongful, and the reason that he is performing those actions is self-interest, or at least self-indulgence.

We can also blame people for continuing on in a job when they know they do not possess, and cannot acquire, the necessary skills or aptitude for the job. This kind of moral failure is illustrated by a police officer who continues on in the job

knowing that he is too fearful to make arrests which he should have been making. Weakness is a moral failing, and he is weak. But weakness is not in itself corruption. What makes such a police officer corrupt is that even though he knows he is weak, and therefore lacking in the ability to adequately function as a police officer, he continues in the job for reasons of self-interest.

Secondly, police can count as corrupt even where they use their expertise for the achievement of the right ends, when they do so by making use of bad means. The officer who “verbals” someone he knows to be guilty of violent crime, in order to secure the conviction which would otherwise not happen, achieves such good ends as the punishment of the guilty, as well as the protection and reassurance of the public. These are ends which police should try to achieve, indeed ends which are partially constitutive of their role. As we have already said, this kind of corruption is known as “noble cause” corruption.

Having discussed the causes of police corruption we now turn to a discussion of the general strategy for combating police corruption. More specific aspects of this strategy, e.g. internal affairs investigations, use of integrity tests, and, indeed, the primary institutional vehicle by means of which this strategy might be realised, namely, an integrity system for police organisations, will be discussed in later chapters.

## 2.3 Combating Police Corruption: A General Strategy

In this final section, I turn to the question of combating police corruption (Giuliani and Bratton 1995; Prenzler 2007). I do so in the context of: (a) my assumption that policing ought to be conceived as having the (teleologically understood) moral foundations outlined in Chap. 1, and; (b) the proposition that moral vulnerability is a fundamental defining feature of police work, and that in the case of the profession of policing, the tendency to corruption ought to be regarded as a basic occupational hazard and treated accordingly (Miller 1995; Miller et al. 2005).<sup>5</sup> The general strategy for combating police corruption needs to attend to four basic areas, namely recruitment, reduction of opportunities for corruption, detection and deterrence of corruption, and reinforcing the motivation to do what is morally right.

It is obvious that if there is a tendency to corruption in policing, it is crucial that those who are recruited have the highest moral character. If there is a good chance that even those of good character can be corrupted, there is obviously no chance of those of bad character being reformed by undertaking police work. It is also important to recruit those who are capable of becoming competent. For the incompetent will find it difficult to identify strongly with the collective ends of the profession, and they can easily become disaffected and cynical. They are therefore

---

<sup>5</sup>Earlier versions of the material in this section appeared in Miller (1995) and Miller and Blackler (2005, Chap. 5).



susceptible to corruption. Consider, in this connection, the recruitment of South African *Kitskonstabels* in the 1980s, and the attendant corruption, indeed mayhem, that followed.

An important institutional device which ought to go hand-in-glove with recruitment based on general suitability is a vetting process. Adequate vetting processes attend in essence to the moral character of applicants and the ethical risk which they might pose. Accordingly, vetting processes check for criminal records, criminal associations and the like. Moreover, the greater the level of sensitivity of a police officer's role the more stringent the vetting process needs to be. A vetting process appropriate for new recruits is not necessarily sufficient for more senior positions in internal affairs, for example.

While it is important to try to reduce the opportunities for corruption the very nature of police work militates against massive reduction in the opportunities for corruption. Probably the greatest reduction in the opportunities for police corruption have occurred not as a result of policies directed at police, but rather as a result of legislative and other policies directed at offences and offenders. For example, decriminalisation, including the decriminalisation of so-called victimless crimes, such as prostitution and homosexuality, has arguably had the effect of reducing the opportunities for police corruption. On the other hand, in policing as elsewhere, opportunities for corruption can be reduced by a variety of methods such as target hardening e.g. locks, encryption, firewall etc., and segregation of duties and regular rotation of personnel in high risk areas, e.g. drug investigations.

The third area is detection and deterrence of police corruption. Detection and deterrence of police corruption is achieved in large part by institutional mechanisms of accountability, both internal and external, and by policing techniques such as complaints investigation (Landau 1994; Maguire and Corbett 1991; Prenzler and Lewis 2005), use of informants, auditing and surveillance (Miller 1998a, b). Here the above-described constitutive tendency to corruption in police work can be used to justify an extensive system of accountability mechanisms—a system more extensive than may be necessary in other professions—and used also to justify the deployment of techniques of detection and deterrence that might not be acceptable in some other professions, e.g. integrity testing (see Chap. 7).

In most police services, there is an array of accountability mechanisms, including internal accountability on the part of individual members of police services to their superiors and to departments of internal affairs. Indeed the existence of departments of internal affairs implies that police services realise that the tendency to corruption is a constitutive feature of policing. Typically, there are also mechanisms to ensure external accountability of a police service to government and the community. It is generally agreed that a well-resourced, independent, external oversight agency with intrusive powers to investigate police corruption is a key element of an effective integrity system for police organisations (see Chap. 4). However, this should not be regarded as an alternative to an internal affairs department. As mentioned in Chap. 1, it is important that police “own” the problem; hence the need to retain an internal affairs department notwithstanding the need for an external oversight body.

Sometimes mechanisms of accountability are less successful than they might be, due in part to the tendency for such mechanisms of accountability to come to embody and to reinforce the “us-them” mentality that sometimes exists between lower-echelon police officers and the police hierarchy on the one hand, and between police officers and departments of internal affairs on the other (see Chap. 5). Part of the solution to this problem may lie in the introduction of mechanisms of peer accountability to supplement existing mechanisms. Accountability mechanisms whose members include lower-echelon police officers may be more successful because peers may have a more precise knowledge of what is actually going on at street-level in a particular place at a particular time, but, more generally, because such mechanisms may be more acceptable to lower-echelon officers due to the fact that they are “owned” by them. This is especially the case in the context of the assumption that policing ought to be conceived as an emerging profession functioning in terms of collegial systems of accountability, rather than in terms of top-down hierarchical systems.

Mechanisms of accountability ought to include joint police/community institutional structures. Such structures allow communities to make known problems and to hold police to account—say, via ministers of police—in relation to police responsiveness to these problems. More generally, it is widely accepted among scholars that cooperation between that police and the community being policed is necessary for successful policing in many, if not most, areas of criminal activity. An ambivalent community will shield law-breakers and contribute to an us-them mentality between police and the policed. Moreover, an ambivalent community may well lead to a hostile, inward-looking and secretive police force in which police corruption is more likely to flourish.

Techniques of detection and deterrence that may be appropriate for an occupation with a constitutive tendency for corruption include not only routine procedures such as complaints investigation, but also techniques such as granting indemnity to corrupt officers in order to get them to implicate others, testing for drug use, and elaborate testing for corruption (Chap. 7). If corruption is an occupational hazard in policing, then extraordinary methods may have to be used to combat it. Some of these methods raise important ethical and other problems. For example, it is not unknown for criminals who have been granted indemnity to provide evidence which turns out to be false.

The final area that can be looked at in relation to reducing corruption is that of the motivation to do what is morally right. Obviously it is important to reduce where possible the opportunities for corrupt practices. Equally obviously, there will always be police officers who desire to do what is illegal or otherwise immoral, and so there will always be a need for mechanisms and techniques of detection and deterrence.

However, it is not enough to try to reduce opportunities for corruption, and to introduce an elaborate system of detection and deterrence. For one thing, systems of detection and deterrence have significant costs, and not only in terms of resources, but also in terms of the autonomy of individual police officers and the institutional independence of the police service. For while accountability is not the same thing as

commandability, the logical endpoint of increasing accountability is a huge corpus of regulations, and ongoing and intrusive investigative and regulatory activity, all of which stands in some tension with individual professional autonomy and institutional independence.

Most important, reliance on detection and deterrence alone bypasses the issue of moral responsibility which lies at the heart of corruption. In the last analysis, the only force strong enough to resist corruption is the moral sense—the desire to do what is right and avoid doing what is wrong. In what remains of this chapter, I want to briefly explore this notion of moral responsibility in policing.

If most police officers, including members of departments of internal affairs and of the police hierarchy—the ones who investigate corruption—do not for the most part know what is right and what is wrong, and do not have a desire to do what is right, then no system of detection and deterrence, no matter how extensive and elaborate, can possibly suffice to control corruption.

Knowledge of right and wrong, and the desire amongst police officers to do what is right, is importantly connected to issues of professionalisation in policing. I have argued elsewhere that professions typically exist to secure some fundamental end which is a human good or goods (Alexandra and Miller 1996). For doctors the end or goal is health, for lawyers justice, for academics knowledge, and for police—as argued above—protecting the moral rights of citizens. The achievement of this fundamental end (or ends) requires specialised skills, knowledge and individual—and especially discretionary ethical—judgement. Ideally, members of professions internalise the fundamental ends which define their particular profession.

The paradigm of a corrupt professional is one who not only abandons the fundamental end or goal of his or her profession, but also uses this professional position—or the skills and knowledge associated with it—for self-interested or immoral ends. The corrupt professional thereby undermines the ends of the profession. For example, the academic Cyril Burt fabricated evidence to support his psychological theories and thereby achieve academic fame.

The paradigm of a corrupt professional organisation, or section of an organisation, is not simply one in which individual practitioners exploit their position or skills for self-interested or immoral ends and ultimately suffer no loss of self-esteem. It is not simply one in which, on an individual basis, the ends of the institution have been abandoned in favour of the attractions of the corrupt life. Rather, in such institutions, or sections of such institutions, corrupt individuals engage in interdependent corrupt activity—and do so quite often at senior levels. Moreover, in a corrupt institution, or section of an institution, the fact that corrupt individuals cooperate enables them to powerfully influence those who are not corrupt; the corrupt compromise and intimidate those who desire to avoid becoming corrupt themselves, and especially those who seek to expose corruption. Corruption has become an institutional phenomenon; there is systemic corruption.

There is an important relationship between systemic corruption and social norms, in the sense of regularities in action which embody moral attitudes and principles (Miller 1997). Corruption is a species of moral wrongdoing, and therefore typically infringes social norms. So all corruption is moral wrongdoing, but not all moral

wrongdoing is corruption (as noted above). For example, murdering one's spouse out of revenge is a morally wrongful action, but it is not necessarily corrupt. One feature of corrupt actions that distinguishes them from many other species of immorality is that corrupt actions are typically motivated by felt self-interest. Another feature is that corrupt actions are not one-off actions, as is the above-mentioned act of murder. Rather, a corrupt action typically results from a disposition to perform that kind of action; corrupt actions are typically habitual actions.

Systemic corruption involves a large number of (typically institutional) actors engaging in cooperative corruption. So systemic corruption typically consists of a large number of individuals cooperatively and habitually engaging in wrongful actions that infringe social norms, and doing so out of believed collective self-interest. Given this relationship between corruption and social norms, it is not surprising that systemic corruption flourishes in contexts in which social norms are not robust; and systemic corruption is corrosive of social norms. Systemic corruption also undermines mechanisms of detection and deterrence. Effective systems of detection and deterrence rely in part on transparency. But transparency works as an anti-corruption measure only if those to whom corruption is made transparent are themselves committed to morally upright conduct, and have a clear grasp of what morally upright conduct consists in. Ultimately then, control of corruption relies on robust social norms. Since systemic corruption undermines social norms, it undermines the possibility of controlling corruption.

Given the importance of the desire to do what is morally right, and given this connection between corruption and social norms, what impact, if any, can professionalisation have on police corruption? Arguably—other things being equal—members of the professions are potentially less open to corruption than some other occupational groups, by virtue of the (well-founded) self-image many of the professions have that the fundamental collective end of professional work is a human good realised by the exercise of creative expertise, and that true professionals possess creative expertise and internalise this good. On the other hand, the elitism, and strong and closed cultures of many professions, in conjunction with the need to develop specific virtues and apply moral principles in specific professional settings, is fertile ground for corruption. Lawyers can end up with an addiction to legalistic procedures and winning in the adversarial system at the expense of substantive justice, police can end up routinely breaking the law in the service of noble ends, and doctors clubbing together to avoid one of their number from being successfully sued for malpractice. And minor corrupt actions can, over time, turn into major corruptions of character.

Professional expertise, individual autonomy, and internalisation of the moral ends of policing are important in terms of developing and sustaining the desire on the part of police to do what is right. However, focusing on police officers as individuals is not enough. The desire to do what is right needs to be reinforced by utilising the intrinsically collective nature of policing, and in particular, by stressing that police officers are collectively responsible for controlling corruption. It is a mistake to simply undermine police solidarity and loyalty, leaving only isolated individuals who are responsible only for their own actions and who do what is right

only because they fear to do what is wrong. It is equally a mistake to rely wholly on the individual heroism of the likes of Frank Serpico, Philip Arantz and Michael Drury. Serpico was a New York police officer who refused to be corrupted in 1966 and indeed reported corruption to reluctant superiors. He finally went to the *New York Times*. Subsequently, the Knapp Commission into corruption into the NYPD was established. Arantz and Drury were New South Wales police officers who blew the whistle on corruption. In the case of Arantz, in 1971 he disclosed NSW crime figures to the press—they contrasted sharply with the official ones. An attempt was then made to discredit him; the Police Commissioner ordered he be taken to a psychiatric ward. In the case of Drury, in 1982 he was approached by a corrupt detective to change his evidence in a forthcoming trial. When he refused to do so, he was seriously wounded by a “hitman”.

It is obvious that police officers are collectively responsible for ensuring that the moral ends of policing are realised. Law enforcement, maintenance of order and so on, cannot possibly be achieved by individual police officers acting on their own. Policing is a cooperative enterprise. However, police corruption undermines the proper ends of policing. Moreover, police corruption depends in part on the complicity or tacit consent of the fellow officers of the corrupt. So controlling police corruption is a collective moral responsibility. Accordingly, the notion of collective moral responsibility is fundamental to the design of an integrity system for police organisations (see Chap. 4). It also follows that not only is loyalty to corrupt officers misplaced, it is an abrogation of duty. Collective responsibility entails selective loyalty—loyalty to police officers who do what is right, but not to those who do what is wrong. The loyalty of police officers is only warranted by those who embody the ideals of policing, and in particular by those who are not corrupt. Indeed, collective responsibility also entails such actions as professional reporting, and support for, rather than opposition to, well-intentioned professional reporting (see Chap. 5).

The collective effort to ensure that the fundamental ends of policing are pursued will contribute to the internalisation by police officers of those ends, and of the morally appropriate means for their realisation. More importantly, such a collective effort will ensure that police officers identify with those ends, so that self-respect, as well as the respect of others, depends on the pursuit of those ends in accordance with acceptable shared moral principles, and on the collective opposition to corruption. In short, successful combating of corruption in policing crucially depends on the establishment and maintenance of an objectively morally-desirable structure of robust social norms. Such a structure includes norms prescribing the pursuit of the moral ends of policing, as well as norms prescribing the methods of policing. What specific policies could contribute to a robust structure of social norms in policing that resists, and indeed combats, corruption?

A structure of objectively morally-desirable social norms can be reinforced by ensuring a just system of rewards and penalties within the police organisation. Unjust systems of promotion, unreasonably harsh disciplinary procedures for minor errors, unfair workloads and so on, are all deeply corrosive of the desire to do one’s job well and to resist inducements to do what is illegal or otherwise immoral.

Morally-desirable social norms can further be reinforced by ensuring an appropriate system of command and control, including for the purposes of accountability; appropriate, that is, to the kinds of responsibilities that attach to the role of police officer. It may be that very hierarchical militaristic/bureaucratic systems of command and control are inappropriate in most areas of modern policing, albeit not in all (e.g. not in policing riots), given the nature of the role of police officer. Police officers have considerable powers—including the power to take away people's liberty—and they exercise those powers in situations of moral complexity. It is inconsistent to give someone a position of substantial responsibility involving a high level of discretionary ethical judgement, and then expect them to mechanically and unthinkingly do what they are told. Moreover, mechanisms of peer accountability are more appropriate to autonomous professional practitioners than top-down hierarchical mechanisms.

The desire and ability to do what is right do not exist independently of the habit of reflection and judgement on particular pressing ethical issues. This is so not only for individual reflective practitioners, but also when it comes to developing reflective organisations or groups. Moreover, the nexus between the desire and ability to do what is right, and the habit of ethical reflection, is especially important in policing. This is because of the moral vulnerability of police. Police confront a variety of temptations, they typically operate in unsupervised settings, they deploy harmful and normally immoral methods in the service of morally worthy ends, and they necessarily confront morally charged situations requiring the exercise of discretionary ethical judgement. Accordingly, the desire and ability to do what is right needs to be continuously reinforced by ensuring that ethical issues in police work, including the ethical ends of policing itself, are matters of ongoing discussion and reflection in initial training programs, further education programs, supervision, ethics committees and in relation to ethical codes. Since a desire to do what is morally right, and the attendant capacity for ethical reflection and judgement, are in fact important in policing—far more important than in many other professions—ethical discussion and deliberation ought to have a central place in policing.

## References

- Alexandra, Andrew, and Seumas Miller. 1996. Needs, moral self-consciousness and professional roles. *Professional Ethics* 5(1–2): 43–61.
- Delattre, Edwin. 1994. *Character and cops: Ethics in policing*, 2nd ed. Washington D.C.: AEI Press.
- Giuliani, R.W., and Bratton, W.J. 1995. *Police strategy No. 7: Rooting out corruption; Building organizational integrity in the New York police department*. New York: New York Police Department.
- Hindess, Barry. 2001. Good government and corruption. In *Corruption and anti-corruption*, ed. P. Larmour, and N. Wolanin. Canberra: Asia Pacific Press.
- Ivkovic, Sanja Kutnjak, and M.R. Haberfeld (eds.). 2015. *Measuring police integrity across the world: Studies from established democracies and countries in transition*. Dordrecht: Springer.

- Kappeler, V.E., Sluder, R.D., and Alpert, P. 1994. *Forces of deviance: Understanding the dark side of policing*. Prospect Heights, Ill: Waveland Press.
- Klockars, C.B., I.S. Kutnjak, and M.R. Haberfield (eds.). 2004. *The contours of police integrity*. Thousand Oaks: Sage.
- Landau, T. 1994. *Public complaints against the police: A view from complainants* Toronto: Butterworths.
- Maguire, M., and C. Corbett. 1991. *A study of the police complaints system*. London: Her Majesty's Stationery Office.
- Miller, Seumas. 1995. Creating good policing. Presented in July 1995 at the Ethics/Professional Standards Seminar, Masonic Centre, Sydney, as part of NSW Police Service Development Program.
- Miller, Seumas. 1997. Social norms. In *Contemporary action theory (volume 2—social action)*, eds. G. Holmstrom-Hintikka and R. Tuomela. Boston: Kluwer.
- Miller, Seumas. 1998a. Corruption and anti-corruption in the profession of policing. *Professional Ethics* 6(3–4): 83–106.
- Miller, Seumas. 1998b. Authority, discretion and accountability: The case of policing. In *Finding and implementing values*, ed. C. Sampford, N. Preston, and C. Bois, 37–53. London: Routledge.
- Miller, Seumas. 1999. Noble cause corruption in policing. *African Security Review* 8(3): 12–23.
- Miller, Seumas. 2010a. *The moral foundations of social institutions: A philosophical study*. New York: Cambridge University Press.
- Miller, Seumas. 2010b. Integrity systems and professional reporting in police organisations. *Criminal Justice Ethics* 29(3): 241–257.
- Miller, Seumas. 2011. Corruption. Stanford encyclopedia of philosophy. [www.plato.stanford.edu](http://www.plato.stanford.edu).
- Miller, Seumas. 2014. Human rights, police corruption and anti-corruption systems for police organisations. *Australian Journal of Human Rights* 20(2): 165–180.
- Miller, Seumas, and John Blackler. 2005. *Ethical issues in policing*. Aldershot: Ashgate.
- Miller, Seumas, Peter Roberts, and Edward Spence. 2005. *Corruption and anti-corruption: A study in applied philosophy*. Saddle River, N.J.: Pearson.
- [Mollen Commission] New York City Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department. 1994. *Commission report*. New York: Author.
- Newburn, Tim. 1999. Understanding and preventing police corruption: Lessons from the literature. *Policing and reducing crime unit: Police research series*, Paper 110.
- Prenzler, Tim. 2009. *Police corruption: Preventing misconduct and maintaining integrity*. London: CRC Press.
- Prenzler, Tim, and Colleen Lewis. 2005. Performance indicators for police oversight agencies. *Australian Journal of Public Administration* 64(2): 77–83.
- Sherman, L.W. 1985. Becoming bent: Moral careers of corrupt policemen. In *Moral issues in police work*, eds. F.A. Elliston and M. Feldberg. Totowa, New Jersey: Rowan and Allanheld.
- Skolnick, J. 1967. *Justice without trial: Law enforcement in a democratic society*. New York: Wiley.
- Wilson, J.Q. 1968. *Varieties of police behaviour*. Harvard University Press.
- [Wood Commission] Royal Commission into the NSW Police Service. 1996. *Final report*. Sydney: Government Printer.

<http://www.springer.com/978-3-319-46990-4>

Corruption and Anti-Corruption in  
Policing—Philosophical and Ethical Issues

Miller, S.

2016, XI, 106 p., Softcover

ISBN: 978-3-319-46990-4