# How the Inspector General can manage corruption and police misconduct in New York Police Department

## Background of police corruption

The Office of Inspector General (OIG) has struggled over the past years to realize its mandate and establish a positive relationship with the public. It is important to note that police misconduct and corruption have been the major impediments to realization of the vision of New York Police Department (NYPD). Corruption in the police department dates back in early 1750s and has been a developing epidemic not only in the New York City but in US at large. All police officers are expected to adhere to the Law Enforcement Code of Conduct as soon as they enroll in police academy. The Law Enforcement Code of Conduct clearly outlines the primary roles of police officers. According to LECC, all police officers must serve and protect the rights of citizens equally and embrace integrity during service delivery (Garrett, 2015). As a result, the law requires officers to avoid acts of corruption and misconduct and neither to tolerate such acts by fellow officers. In addition, police officers must not employ unnecessary violence of force unless in situations where persuasion and negotiation have proved ineffective (Sarikaya, 2015). Despite the existence of such rules, there have been several cases and allegations of corruption and misconduct among officers in NYPD.

Equally important, police corruption has been enhanced by a dramatic increase in illegal trade in drugs whereby officers either act in groups or alone to obtain money from drug dealers or facilitate distribution of such drugs themselves. Many police officers specifically from narcotics unit have been caught in corrupt dealings (Agbiboa, 2015). As a criminal justice manager, it is imperative to understand aspects of corruption in order to effectively deal with the menace. Corruption in police department can be categorized as either internal or external. Internal corruption involves interactions among the police officers within the department. For instance, favored assignments, sexual advances, inappropriate promotions, bribery, nepotism, tribalism and gender inequality all constitute corruption and misconduct within the department. On the other hand, external corruption entails police officers’ interaction with the community (Newburn, 2015). For example, bribery, theft, burglary, free meals, free services from the public are but not limited to the forms of external corruption. Similarly, police brutality constitute many cases of misconduct that have been reported by the public over the past years.

Consequently, brutality not only culminate to physical and emotional trauma on the victims but also distrust in the legal and justice system. Most importantly, police officers have perpetuated corruption and misconduct through abuse of authority, seeking personal gratification and cover up of illegal activities by their colleagues (Khalid, 2016). All these forms of corruption have and will affect all stakeholders in the justice system, whether citizens, police officers or other law enforcement agencies (Garrett, 2015). Several laws have been established to take care of crimes such as brutality and bribery but there is need to come up with laws and regulations to combat police corruption and misconduct specifically brutality and bribery.

## Literature Review

There are numerous body of literature that tend to expound on the nature of police corruption and misconduct and the best strategies that can be employed by stakeholders to combat the vice. Equally important, there is need to understand the definitions of certain terms that contributes to a comprehensive understanding of corruption in police department.

## Definitions

### Misconduct

In the police department, there are several levels of conduct and actions committed by police officers who are either on or off duty which culminate to misconduct. These actions can be classified under judgment errors, deliberate victimizations of innocent citizens and any criminal element (Fitch, 2011). Irrespective of whom the victims are, corruption and misconduct tarnish the image police officers and reduces their credibility. Therefore, in case such minor acts are left unchecked for a long period, the agency may develop a culture of corruption in the long run which may make the community lose trust in it. According to Khalid (2015), misconduct is the improper behavior of deliberate wrongdoing by a police officer. For instance, police officers often steal from criminals and the public, take bribes, embrace gratuities in return of special treatment and mostly inflict pain on innocent citizens through physical torture. As a result, such behavior breaches the trust and faith the community has on police officers.

Police corruption and misconduct can be exhibited in many levels of the police department. In some situations, they may be what is termed as a ‘few bad apples’ while in other cases, there may be a number of unorganized groups of officers who act independently to perpetuate acts of corruption. In many cases, corruption scandals involve organized groups of officers who team up to engage in illegal activities (Orole, Gadar & Hunter, 2015). In such situations, there exists a team leader who understands the span of such illegal activities and takes control and coordinates the whole incident until the objective is achieved.

### Character Defined

Before a criminal justice manager anticipates an officer’s potential for misbehavior and corruption, it is critical to understand various characters who are vulnerable to corruption and misconduct. According to Fitch (2011), four different characters exist in the police department; the bad character is an officer who will exploit every opportunity for personal benefits. Another one is the uncontrolled character, who is an officer that will let their desires overcome principles of integrity. The next personality is the self-controlled character who will resist any attempt of wrong doing but adhere to the higher standards and rules of law expected from police officers by the community. Finally, the excellent character who is an officer that embrace work ethics and integrity in every aspect of their personal life and professional duty. Therefore, it should be the desire of every police department to recruit such characters, unfortunately, most officers drawn in law enforcement agencies lack this character.

## Understanding corruption

Corruption if fundamentally an ethical issue and many law enforcement agencies have struggled to combat the vice despite rampant cases. Therefore, it is imperative to develop a definition that separates the corrupt and non-corrupt activities in the police force. Understanding the definition of misconduct and corruption is critical towards developing effective administrative policies aimed at solving the problem (Agbiboa, 2015). According to one of the renowned scholars in this field, police corruption can be defined as an act, promise to act or attempted action by an officer or a group of officers characterized by abuse of official authority and under the motivation of personal benefits. This definition provides a clear guide to understanding corruption and misconduct. From the above definition, it is evident that corruption entails actions leading to abuse of office, power for personal gains.

Equally important, it is critical to have a look at actions that can be classified as unethical or corrupt behaviors by police officers. A comprehensive overview of corrupt actions may look like this:

| Type of corruption  | Explanation  |
| --- | --- |
| Kickbacks  | Receiving money, services or materials due to business referrals  |
| Shakedowns  | Accepting bribes for failing to follow justice requirements. For instance, failing to execute arrest warrants |
| Corruption of authority  | Receipt of materials, services by virtue of an officer’s position or rank |
| Opportunistic theft | Stealing materials from arrested criminals, accident scenes |
| Cover up of illegal activities | Protecting fellow officers involved in misconduct, and providing favorable environment for such actions to continue |
| The fix | Sabotaging undergoing criminal investigations |
| Direct criminal engagement | An officer committing crime in violation of criminal norms |
| Inappropriate business  | An officer engaging in other activities which may result to conflict of interest from the existing roles |
| Flaking  | Planting of evidence mostly in drug cases |
| Internal payoffs  | Selling opportunities such as promotion, shift allocation and holidays by senior officers to the junior officers in return of money |
| Other forms of misbehavior | Drinking when on duty, brutality and discrimination based on ethnicity, gender and religion |

### The Bad Apples Theory

Usually, when a corruption scandal is detected within the police department, many people tend to think that the problem is only confined to some few rogue officers. It is highly possible for individual officers or small groups to engage in acts of corruption but the history of corruption in law enforcement agencies reveals a series of institutionalized scandals. The notion of bad apples in the police department could have serious damaging implications. First, it shifts the focus and concentrates only on a few individual officers and leaving out those in higher ranks who should also be subjected to scrutiny (Garrett, 2015). Secondly, this theory assumes that deterring the few bad apples mean everything else in the agency is sound but that is not the reality. Consequently, only the officers considered bad apples get investigated and punished. Such response to corruption scandals is limited since it is informed by the deterrence theory. Worse still, such response fails to identify all officers involved in the criminal act (Khalid, 2016). The primary purpose of corruption control strategies is to focus on the entire organization and not just the few individuals. Therefore, embracing the bad apple theory could be disastrous to the agency since it promotes the culture of impunity.

## Factors that promote police corruption

Police corruption and misconduct do not just happen but are embedded in some factors within the agency. Therefore, it is imperative to clearly understand the primary factors that contribute to police corruption and misconduct. These factors include;

### Administrative inadequacy

Inadequate proper supervision and misuse of authority by senior police officers are some of the salient factors making police officers vulnerable to corrupt activities. Autocratic justice managers tend to use their authorities to intimidate junior officers who fail to deviate from justice procedures in order to further their individual interests. Many leaders in law enforcement agencies also attempt to use the code of silence to intimidate non-compliant officers who fail to follow the administrative lines established for personal gains. Other law enforcement leaders view authority as a means of punishing their enemies and rewarding their friends hence perpetuate acts of corruption (Orole, Gadar & Hunter, 2015). Consequently, junior officers who are frustrated and angry by lack of respect accorded to them by supervisors tend to compensate by engaging in illegal activities in the streets.

### Police discretion

The law grants law enforcement officers the authority to make decisions on policies and operations. As a result, the command or patrol officers decide how every situation should be handled and which laws should be applied when and where. The discretion is granted due to the fact that no specific laws suit every circumstance (Newburn, 2015). In the process, officers may tend to manipulate laws and situations in order to promote personal interests.

### Public indifference

The public have also played a critical role in promoting police corruption. Many people believe that police authority should not be questioned in cases of crime control. As a result, police officers have taken advantage over that belief to extort money from people rather than fighting crime. Also, other public members pay bribes in order to receive quick services from the officers (Khalid, 2016).

### Political intervention

Many politicians would want to engage law enforcement officers in actions that would favor and strengthen their political career (Garrett, 2015). For instance, those who are engaged in corruption scandals would bribe officers to conceal the information otherwise threaten them regulations that may not favor the officers.

### The code of silence

The code stipulates the conduct of officers when carrying out their duties. Law enforcement officers are not supposed to share critical information with outsiders whether bad or good. As a result, the code allows officers to conceal illegal activities within their ranks. Therefore, commitment to group work outweighs the sworn oaths and principles of integrity (Orole, Gadar & Hunter, 2015). The officers instead swore allegiance to their colleagues even the corrupt fellows.

## Analysis of corruption in police department

In order to analyze the vice of corruption in law enforcement officers, it is important to take a look at some few cases.

### Case one

Three commanders in the NYPD have been arrested over a corruption graft involving two politically connected business people. The police commanders are Deputy Chief Michael Harrington and Deputy Inspector James Grant. The two were accused of receiving various gifts such as free flight to Las Vegas, jewelry, video games for their children and free hotel rooms in Rome and Chicago (Baker & Rashbaum, 2016).

### Case two

Over ten Jersey City police officers have been accused of running their security operations without involving the city’s administration. While the law allows them to work as security officers when off duty and payments done through the city’s administration, the accused officers offered their services without involving authorities and were even paid for days they never showed up for the job (Dienst & Valiquette, 2016).

## Analysis of cases

In the first case, the corruption case involves a small group of top officers whose characters can be classified as bad or uncontrolled. Despite their knowledge on codes of ethics and principles of integrity expected from them, the officers’ uncontrolled desire for personal gains outweighed their call for duty (Baker & Rashbaum, 2016). From this case, it is clearly evident that the top officers took advantage of their positions and top ranks to grant favors to their friends who were in business activities. Such conduct constitutes abuse of power and furtherance of personal interests instead of serving with integrity. Equally important, the officers’ motives were driven by selfish interest as they were able to acquire some gifts and free air tickets and hotel rooms. Also, the officers lack morals and are opportunistic characters who would grab any opportunity without considering its consequences on the credibility of law enforcement agency and personal integrity (Khalid, 2016).

In the second case, we see officers who are opportunistic and take advantage of the authority granted to them to engage in activities contributing to conflict of interest. As the law allows such officers to serve as security agents when off duty, the officers took advantage and exploited the chance to increase their earnings by concealing the information to the City’s authority. In this case, the city of Jersey is a victim of such corrupt officers as it is deprived the opportunity to legally make income from their services (Dienst & Valiquette, 2016). The officers are motivated by selfish interests and would exploit any other business opportunity despite the fact that such business may contravene the law and lead to conflict of interest with their current roles.

In most corruption cases, it is believed that the officers engage in an organized group which is usually facilitated by their leaders to achieve the illegal objectives. In order to defend their characters, law enforcement officers have developed various strategies to rationalize their conduct (Khalid, 2016). For instance, denial of injury whereby the officer claim since nobody got injured, therefore, they should not be charged of misconduct. Another strategy is denial of victims. In such cases where there are no legitimate victims of corruption or misconduct, the officers claim their actions cannot be considered as acts of impunity (Garrett, 2015). Other officers also blame victims as the first offenders who lured them into such acts. Also, most officers claim that they were victims of circumstance and had no other choice but to engage in such activities (Agbiboa, 2015). They usually blame it on peer pressure or unethical supervision by their leaders. Rationalization has been one of the catalysts of corruption in the police department.

## Recommendations for managing corruption in the police force

Eliminating police corruption may be a toll order if effective strategies are not put in place. These strategies should be both internal and external since there are external variable with significant influence on corruption. They are as follows;

### Detection and investigation

New York Police Department should establish a mechanism for detecting potentials for corruption. This can be achieved by analyzing integrity history of various officers. Also, the department should establish clear mechanism for receiving complaints from the public and other stakeholders for investigations and prosecution. In this case, the agency must develop a system that involves all stakeholders like the public and police officers (Newburn, 2015). The reporting desk must be made accessible to the public and the identity of reporters in serious criminal cases concealed to ensure their security and cooperation.

Institutional reforms

The NYPD should embrace a culture of integrity whereby integrity is the core driver of service delivery. Also, rules that govern misbehavior should be established and availed to all officers after thorough training. Consequently, the administration must make it a mandatory requirement that all cases of misconduct be reported to the relevant authorities (Sarikaya, 2015). In connection to reporting misconduct, the organization can also establish whistleblowing legislation. In this case, the agency needs to establish a reward system for the whistleblowers to encourage officers to make misconduct reports. Consequently, the agency will be able to deal with the negative implications of the code of silence (Newburn, 2015). The police organizational hierarchy should also be flattened to prevent misuse of power by senior officials.

### Punishment and discipline

The organization must establish a robust system that fairly investigates, listens and procedurally discipline rogue officers. The establishment of professional standards unit within the agency will enable the organization gather intelligence, conduct investigations and determine corrective actions against corrupt officers. The organization can also establish a behavior change oriented system focused on instilling good characters on the officers and providing regular training on the effects of corruption to the society (Garrett, 2015). An independent disciplinary committee must be establish to ensure even senior officials undergo disciplinary actions.

### Improve selection and recruitment process

The selection panel must be fully equipped with necessary resources and adequately staffed. Equally important, the recruitment panel must compose of people with unquestionable integrity to avoid compromise. In addition, the integrity history of potential recruits must be critically checked. This can be achieved by obtaining referral letters, criminal history interrogation, and psychological tests to detect any unwanted characters and performing drug tests (Sarikaya, 2015). Those who fail to meet standard criteria must be disqualified from the process. In connection to this, the officers must be continuously monitored, their associates and life styles checked to detect any potential misconduct.

### Organize regular trainings

The agency needs to establish a well-structured training program for its officers with a focus on integrity issues and anti-corruption. Regular trainings are the sure way to impart long term behavior change among the officers rather than focusing on reactive strategies like punishing offenders (Newburn, 2015). The trainings must also include work ethics and moral values that leaders are expected to embrace in the society.

Corruption is a vice that has affected the whole society and negatively affected credibility of the agency. Despite its high levels, the problem can still be controlled through concerted efforts and a collaborative approach. Therefore, all stakeholders must be involved and actively take part in the fight against corruption in NYPD.

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