

# Towards Understanding and Combating Police Corruption

by

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Corruption can be difficult to define and even more difficult to combat, but a range of simple steps could be taken to address this intractable problem.

The South African Corruption Act (94 of 1992) defines an act of corruption as occurring between two parties when some benefit (not legally required) is exchanged for favourable treatment in discharging powers of office. Although the advantage of this definition is that it provides a fairly clear statement as to what constitutes a corrupt act, the shortcomings of this approach are highlighted when one applies it to certain forms of behaviour that most of us would identify as being corrupt.

For example, the notion that there have to be two parties to a corrupt act rules out any act that a police member may engage in alone. Consequently, incidents such as an individual police member stealing from a crime scene or personally choosing not to arrest a friend or a family member would not satisfy the legal definition of corruption. In South Africa, the police member could be guilty of "misconduct" according to the SAPS discipline regulations, but not guilty of a legal offence.

Many legal definitions of corruption, such as the one contained in the Act, also presume that some direct gain accrues to the individual concerned. It is, therefore, very difficult to prove corruption if there is no physical evidence of gain, or where the act was on behalf of a group of people rather than an individual. A police member may destroy evidence from an investigation, or lie by providing a false alibi to protect a colleague or perhaps cover up illegal or inappropriate activities that an entire unit is involved in, and not be chargeable under the Act.

## Scope of the problem

It is impossible to know how widespread corruption truly is since most corruption is unreported, but constant references in the popular press and in government investigations give the impression that it is very common indeed. Confirmation for this assertion comes from a recent study undertaken by Professor Ben Smit (1998) on the morale of police detectives, in which a majority of 200 detectives responded "in agreement" to the statement "Many police officials are corrupt."

Further confirmation comes from field-work done by the CSVr in Community Police Forums (CPFs) throughout Gauteng. Out of the 16 fora studied in the Vaal area, 14 have

formally raised the issue of corruption occurring at their police stations, with bribery and extortion being cited as the main problems. Allegations are that police members release suspects for money or refuse to help members of the public unless a payment of some kind is made.

During an 18-month period between 1996 and the end of 1997, the National Inspectorate reported that R675 700 worth of items were stolen from Johannesburg Central police station, including nine vehicles, 70 fire extinguishers, 21 police radios and R100 000 in cash.

During the same period, a Soweto police station reported 124 case dockets as stolen or missing. Figures released in 1999 suggest that a police officer is three times more likely to commit certain categories of crime than an average citizen given the proportion of police charged with offences.

Figures released from the SAPS National Anti-Corruption Unit reveal that the number of police members under investigation for corruption increased constantly from 2197 during 1996 to 4374 during 1999. The number of police members arrested and charged with corruption related activities by this unit alone almost doubled from 475 during 1998 to 844 during 1999.

### **Types of corruption**

Syed and Bruce (1998) conducted a review of the international literature published over the last two decades, and managed to identify 22 types of practices that can be described as corruption specific to the police. The practices fall into the following seven main categories:

#### **Favouritism**

- "Looking the other way" for family and friends.
- "Looking the other way" for colleagues and influential people.
- Using police influence to provide illegitimate assistance to members of the above groups.

#### **Bribery and extortion**

- Taking a bribe for non-enforcement of a violation.
- Bribery for the obstruction of the criminal justice process.
- Bribery for direct intervention in the criminal justice process.
- Extortion.
- Limited paid protection to criminal operations.
- Regular paid protection to criminal operations.

#### **Kickbacks**

- Paying for favouritism regarding the delegation of legitimate tasks.
- Payment (among police officers) in return for the awarding of work-related opportunities for corrupt incomes.

- Payment regarding delivery or favourable treatment in respect of delivery of legitimate services.
- Payment for delivery of illegitimate services.

#### **Diversion of police resources**

- Officers or commanders selling, or providing disproportionate police services, during or after working hours.
- Officers or commanders selling legitimate police services to criminals.
- Targeting (using police powers illegitimately to help or victimise certain groups).

#### **Deceptive practices**

- Falsely enhancing the performance reports of self or others in the police.
- Making false statements or committing perjury.

#### **Theft**

- Stealing from a crime scene and other areas of legitimate police presence.
- Stealing from stored goods, such as evidence and recovered property.

#### **Pre-meditated criminal activity**

- Pre-meditated criminal acts for personal gain.
- Extensions of corruption, such as pooling of corrupt money among officers or selling stolen goods.

Of the 22 types of corrupt practices identifiable in the international literature, sixteen were found to have been reported in the South African press over the fifteen month period between February 1996 and April 1997. This study, therefore, suggested that corruption within the [South African Police Service](#) was quite widespread and varied in nature.

#### **Reasons for corruption**

In addition to understanding the forms of police corruption, an understanding as to the causes of police corruption can also help in developing measures to tackle the problem. Based on a wide range of studies, American criminologist, Dr. David Carter, summarises the various factors that contribute to corruption in the police as being:

- greed;
- personal motivations, such as ego, sex, or the lust for power;
- cultural intolerance;
- socialisation from peers and/or the organisation;
- poor selection of officers;
- inadequate supervision and monitoring of behaviour;
- lack of clear accountability of the police officers behaviour;
- no real threat of discipline or sanctions.

Ellwyn Stoddard (1983) explains how socialisation can play a significant role as "a new

recruit can be socialised into accepting illegal practices by mild, informal negative sanctions such as the withholding of group acceptance". If the officer embraces these unlawful practices, it is clear that the norms of this new reference group can come to take precedence over the formal norms of the police service. This will usually be the case if there is little support within the police for those that "blow the whistle" on corruption.

Corruption can also become endemic in certain police units where the environment of certain tasks can leave police specifically susceptible to corruption. Units dealing with such crimes as drugs and illegal aliens are particularly susceptible to endemic corruption. Manning and Redlinger (1979) highlight how police members working in such areas often find themselves on the 'invitational edge of corruption.' This is because these crime types are usually secretive in nature, extremely difficult to regulate, seemingly endless in occurrence and large sums of cash may be available to the corrupt officer.

Experts in the field of behavioural science look at the recruitment steps in the hiring process as being the crucial time to screen candidates in terms of acceptable or unacceptable behaviours or predictors of future problems. There is a need for more professional testing to determine applicants' mental and physical abilities, as well as deeper background investigations and better interviews to bring out personality problems.

This belief has been echoed by a number of experienced international police officers such as Paul Myron (1992), Chief of the Los Angeles Detective Division, who states that his department would select "only about 4% of all who apply, the brightest, healthiest, most upright 4%."

But the introduction of better selection practices now will only really begin to impact in the medium to long term. It also does not deal with the good police member who later becomes corrupt. The urgent question that needs to be answered is what measures can contribute to controlling corruption in the SAPS with more immediate effect.

### **Discipline**

Throughout the transformation of the South African Police Service there have been plenty of complaints about the lack of monitoring of behaviour and instilling of discipline by supervisors. For example, in the Smit study all the groups of detectives interviewed agreed with the statement that "discipline at my station is poor." All the respondents to a subsequent CSVN study of the police disciplinary procedures raised a substantial decline in discipline as serious problem confronting the transformation of the SAPS.

While the reasons for this decline are woven into the complexities of transformation, the effect in terms of corruption has been twofold. Firstly, the energy spent on trying to ensure a basic level of service delivery keeps attention away from warning signs of competent yet corrupt cops. Secondly, many in the police believe that the disciplinary system is ineffectual and therefore start to develop a sense of impunity. Consequently, perceptions of individual accountability can start to break down and some police members may become more open to engaging in corrupt practices.

Such a situation provides more opportunities for individual police members to feel that they have more discretion and may be more likely to "take chances" that could be construed as

misconduct, for example, using police vehicles during working time for private business without permission.

Lawrence Sherman's (1983), "evolutionary view" of corruption is useful in explaining how this situation can open the door to increased corruption in the police. The police member begins committing minor violations when it is clear that detection is unlikely. In having to deal with the disjuncture from being totally honest to being able to break a regulation, the member may find ways of trying to justify what they did. Often such justifications are based on a sense of entitlement, e.g. "I do not get paid enough and therefore I should be entitled to make use of my police powers and opportunities to suit my personal needs."

Although this is a useful theory in understanding how some police members become corrupt, it does not explain why some members carry on until they are involved in serious criminal corruption. However, the point needs to be made that effective supervision, discipline and accountability of police members is can go along way to preventing "good cops" from embarking on what may become a slippery slope towards difficult moral justifications and increasing levels of misconduct and corruption.

### **Public perceptions and impunity**

Although the public's perception of police corruption is not necessarily accurate, opinion polls do provide indicators to the general attitudes and experiences of society. A survey conducted by the Sowetan in 1996 on public perceptions towards the police had alarming results. To the question, "Why do you think criminals are often not convicted after their arrest?" 67% responded "because police accept bribes."

Once police corruption becomes systematic, it begins to foster a sense of impunity among criminal individuals or groups in society. Certain communities in society then see powerful criminals as untouchable. The result is that communities feel that they are not protected by the police. Consequently, they cease to place trust in the criminal justice system as a whole and the police in particular.

Furthermore, police corruption can have a negative effect on those honest police who are trying to do their jobs properly. The effect on police morale can be devastating if officers, who have been working hard to capture dangerous and wanted criminals, find later that this person has been allowed to escape by corrupt police members. Also, the more honest police members see those around them getting away with making money from corrupt activities, the greater the pressure will be to adopt the "if you can't beat them join them attitude."

### **What must be done?**

It is within the police that the most significant changes need to take place. At the very least, critical consideration needs to be given to human resource issues such as salaries, basic management, discipline and support structures.

When many misdemeanours such as the misuse of police equipment and absenteeism go undetected and unpunished, it is highly unlikely that more serious misconduct and corruption can be effectively detected and challenged. Police personnel will feel that there

is no serious accountability and will therefore be less likely to act against corruption.

An Australian research project (Pope, 1996) supports this position by also identifying a number of reasons that reduced the willingness of employees in the public service to take action against corruption. These included:

- a belief that the behaviour was justified in certain circumstances;
- the attitude that there is no point in reporting corruption as nothing useful will be done about it;
- a fear of both personal and professional retaliation;
- possessing a relatively low position in the organisation;
- the nature of their relationship with the perpetrator and their supervisor;
- concerns about insufficient evidence.

Issues around discipline, ethics and corruption need to be worked into the processes of recruitment and selection from the very beginning. At the very least there needs to be greater attention paid to training and education throughout the lives of police members.

David Carter states that "Officer training on matters related to corruption, integrity, ethics and social responsibilities should be provided on a regular basis to keep awareness of the problem omnipresent. Training should be provided which explicitly addresses the threats of corruption, and actions to take when corruptive advances are made towards the officer."

It is not helpful to educate police members without providing structures for support should they need them. Support needs to be in the form of guaranteed protection of their families, job security, and transfer opportunities. Counselling and other forms of social support are needed. Managers need to be able to ensure that they can offer support to members who are witnesses to corruption and want to do something about it. Police members need to be made aware of these services and they should be easily accessible.

The issue of ill-discipline and corruption are closely linked to one another. None of the goals of the SAPS can be achieved without a clear and unequivocal commitment to ensuring that each individual member understands what is expected of them and realises that serious consequences will follow for acts of misconduct or corruption.

The lessons learned from the different internal and external agencies concerned with police misconduct need to be extracted and analysed. These agencies include the formal disciplinary structures, the provincial and area based internal investigation units, the national Anti-Corruption Unit (ACU), and the [Independent Complaints Directorate](#) (ICD).

At the present time there is poor cooperation between these internal and external structures and the rest of the police. Their functions need to be streamlined and focussed towards the common goal of improving the overall discipline and curbing criminal activities of SAPS members. Furthermore, their status and powers in relation to the general police service need to be enhanced and upgraded.

Also as the police need to rely on members of the public to provide them with information about criminals and their activity, the police should also rely on the public to obtain

information on corruption. Telephone numbers and the relevant structures need to be widely advertised both in and outside of police stations. People who take these calls must be able to ensure that the information reaches the appropriate people and is acted on.

A successful anti-corruption programme in Singapore provides an example of this where management structures were made clearly aware of the government's intention to eradicate corruption and were expected to report incidents (Pope, 1996). Each department was subject to the following measures:

- developing improved work methods;
- increasing the effectiveness and accountability of supervisors to enable superior officers to check and control the work of their staff;
- rotating officers to ensure that no officer, or groups of officers, remained too long at a single operational unit;
- the carrying out of surprise checks on the work of their officers;
- preventing unauthorised persons from having access to a department's premises; and,
- reviewing the anti-corruption measures taken once in three to five years with the aim of introducing further improvements.

The result of these measures was to significantly lower the levels of corruption that existed in Singapore. The point of this example is to highlight that practical and relatively simple measures can be implemented to effectively combat and prevent corruption.

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