

Law Enforcement Cultures & Anti-Corruption

A substantial portion of relevant research associated with the code of silence concerns the law enforcement organizational culture. There is an abundance of previous study pertaining to police culture and deviant practices, primarily within large law enforcement departments. For the purposes of this research I have reviewed only that which can provide a meaningful contribution.

The culture of any workplace is the organization's group of assumptions that govern how employees perceive and think about themselves, their work, other people and the organization's goals and then, how they act in relation to them. A culture can be viewed as the operating philosophy of an organization. If fundamental philosophies are well ingrained, honestly believed and people are deeply committed to them, then the actions of employees will usually be proper.¹

The work of Stephen S. Harrison, "*Police Organizational Culture: Using Ingrained Values To Build Positive Organizational Improvement*," and the book *Character and Cops: Ethics in Policing* by Edwin Delattre are also beneficial. Harrison's work confirms the notion that the values or beliefs within the law enforcement workplace can be used by skillful leaders to mold a culture that will be of invaluable assistance for enhancing a wide variety of management objectives. In addition, this research supports my contention that this type of culture can serve to prevent detrimental behavior, such as the code of silence.² The consequences of an unhealthy culture can be that it promotes loyalty to

¹ William, J. Weisz, address before the National Executive Institute Association of the Federal Bureau of Investigation, Sun Valley, Idaho, June 15, 1998.

² Dean Champion and George Rush, *Policing in the Community*, Prentice-Hall, NJ, 1997, 216.

people over integrity. The culture can include the fear of reprisal for anyone who dares to speak up about wrongdoings.³

Thomas Barker has extensively studied the police culture. In his 1986 research of the culture in a particular law enforcement agency, he identified specific unethical behavior that officers stated they would not report. The concerned behavior included shakedowns, kickbacks, traffic ticket fixes, gratuities, traditional crimes and payoffs.⁴ Barker concluded that peer groups within police agencies socializes and indoctrinates new officers to corrupt behavior and sanctions officers that don't participate in the misconduct.⁵

Delattre's *Character and Cops: Ethics in Policing* has probably been studied more by American police practitioners than any other ethics related text. This book bears on my contentions that police officers feel a great sense of alienation.⁶ Over time, this feeling that generally only other officers understand and can relate to their unique forms of stress will allow them to rationalize misconduct such as participating in a code of silence.

Kevin Gilmartin and Jack Harris, in their exceptional work "The Continuum of Compromise," have conducted research and developed a theory that is extremely supportive of one of my most significant contentions.⁷ Specifically, I contend that one of

³ Thomas Barker, "Peer Group Support," 1986, in *Policing in the Community*, Champion and Rush, 1997.

⁴ Dean Champion and George Rush, *Policing in the Community*, Prentice-Hall, NJ, 1997, 216.

⁵ Kevin Gilmartin and Jack Harris, "The Continuum of Compromise," *Police Chief Magazine*, October, 1997, 38.

⁶ Edwin Delattre, *Character and Cops: Ethics in Policing*, 1994, 177-193.

⁷ *Ibid.* 36-39.

the most powerful “root causes” of officers throughout the nation participating in a code of silence is that they deeply believe they have been victimized by their own workplace. This sense of feeling as though they are the victim of unfair treatment or a lack of respect and dignity is usually the result of poor leadership.

The “Continuum of Compromise” as explained by Gilmartin and Harris, alleges that officers use this perception of victimization to justify their misconduct. Ultimately, officers who are caught committing unethical or criminal acts may encourage or manipulate other officers to lie or attempt to deceive internal affairs investigators in an attempt to escape discipline. In other words, they attempt to use the code of silence as a tool to prevent their own demise.⁸ This directly supports my contention of how the code of silence evolves.

Relating the “Continuum of Compromise” to my research question, “The Factors Within the Organizational Culture of Law Enforcement Agencies That Influence Officers to Conceal the Misconduct of Fellow Officers Are Predictable,” the work of Gilmartin and Harris is of considerable confirmation of my contentions.

Supporting the conclusions presented in the Continuum of Compromise are the following phases in the corruption of the culture of a law enforcement agency. Scandals can be prevented. They result from an evolution of predictable and preventable circumstances. Virtually every significant case of employee misconduct had warning signs that leaders either ignored or failed to recognize as important.

Furthermore, leaders themselves lie at the core of both the cause and solution to corruption. Past research has repeatedly confirmed that most scandals start with one

⁷⁸ Ibid., 36-39.

employee doing relatively small unethical acts and grows to whatever level the leadership allows.

We now understand however, that administrators play a much more direct and powerful role in both the prevention and promotion of misconduct. The “rotten apple” theory that some administrators propose as the cause of their demise has usually been nothing more than a self-serving, superficial façade, intended to draw attention away from their own failures.

Few events are more devastating to an organization than a scandal. Understanding how they begin and evolve is necessary to prevent them. Yet, a much more important requirement for stopping corruption is for administrators to have the courage to acknowledge they have integrity needs.

Phase one in the continuum is the administrative indifference toward integrity. Many administrators are instantly resentful and defensive at the mere inference that they are or have ever been indifferent to ethics and integrity. Actions speak louder than words, however. The reality is that most workplaces are filled with employees who have never had any ethics training. Furthermore, the vast majority of workers in America feel far more stress from rampant backstabbing, internal politics, hidden agendas and blatant unfairness, than they do from simply doing their job.

At first glance it seems illogical that the upper administration of an organization would not be deeply committed to maintaining a high level of organizational integrity. After all, employee misconduct leads to civil suits, negative publicity, ineffectiveness and devastating morale. Chief administrators who have found themselves terminated will

confirm that these and similar circumstances were used to justify their termination. It is this widespread indifference that serves as the initial breeding ground for future misconduct to begin.⁹ The daily operations of a law enforcement agency are most devastated by administrators ignoring:

1. The quality of recruitment and hiring,¹⁰
2. The perception that discipline or promotions are unfair,
3. Disgruntled field training officers,¹¹ and
4. Supervisors treating people with a lack of respect.

Phase two of the continuum is the ignoring of obvious ethical problems. Since it is clearly in the best interests of an administrator to prevent misconduct, why aren't leaders more dedicated to stopping unethical behavior? In this phase of the continuum, leaders who are not committed to integrity can be categorized into three distinct levels according to their behaviors. At the least harmful level are administrators who don't devote resources to enhancing or maintaining ethical standards, but are not negative role models themselves. The second level of severity is comprised of leaders who intentionally look the other way and ignore acts of indiscretion by workers, even though they continue to

⁹ Allyson Collins, *Shielded From Justice*, Human Rights Watch, New York, NY, 1998, 52.

¹⁰ Ibid. 26.

¹¹ Dean Champion and George Rush, *Policing in the Community*, Prentice-Hall, NJ, 1997, 79.

grow in severity and frequency.¹² Lastly, the most despicable are those who “cover up” misconduct rather than admit the truth and attempt to rectify the situation.¹³

The failure of leadership to address internal integrity needs is more than just indifference at this phase because the needs are more recognizable and serious. Intentionally ignoring obvious ethical problems is primarily caused by two problems: a lack of knowledge and self-centeredness. Although these leadership failures usually lead to devastating consequences, they can be prevented and corrected.¹⁴

In this instance, misconduct occurs because administrators don’t know what they can do to prevent or stop it. This is a circumstance where leaders have the courage and desire to enhance integrity, yet lack the knowledge, skill or ability to carry out their good intentions. Their lack of training doesn’t excuse them from being responsible. It is however, the primary reason that misconduct was able to flourish. They must still hold themselves accountable for ensuring they learn how to implement and maintain the state-of-the-art in preventing misconduct.¹⁵

When an organization’s leadership does not understand the major “root causes” of corruption, these origins of misconduct are likely to spread throughout the agency like a cancer.

⁸² Ibid. 61-62.

⁸³ Joseph D. McNarmara, “*Law Enforcement News*,” John Jay college of Criminal Justice, City University of New York, January 15, 2000, 8.

⁸⁴ Warren Christopher, *Report of the Independent Commission on the Los Angeles Police Department*, July 9, 1991, Commonly referred to as the *Christopher Commission Report*, iv.

⁸⁵ St. Clair Commission, *Report of the Boston Police Department Management Review Committee*, January 14, 1992, i.

A lack of knowledge about each specific cause can have disastrous results.¹⁶

Virtually every major scandal in the last several decades is the result of a combination of the following:

1. Poor leadership role models,
2. Field training officers are disgruntled,¹⁷
3. Background investigations are inept,¹⁸
4. Political interference is allowed to lower hiring and promotion standards,
5. Allowing a lack of accountability to flourish,¹⁹ and
6. Ignoring the perception of workers feeling victimized (as explained by Gilmartin and Harris in the Continuum of Compromise©).²⁰

The second reason some leaders don't do more about clear ethical problems is that they believe bringing attention to their integrity needs could hurt them personally.

Encouraged by the hope they will escape scrutiny and criticism if no one brings attention

¹⁶ Department of Justice, *Police Integrity: Public Service With Honor*, National Institute of Justice and Office of Community Oriented Policing Services, Washington D.C., National Institute of Justice, January, 1997, 33-34.

¹⁷ Dean Champion and George Rush, *Policing in the Community*, Prentice Hall, NJ, 1997, 79-80.

¹⁸ Susan Finch, "NOPD told to put stop to brutality," Times-Picayune, May 20, 1993, and letter from NPPD Chief Richard Pennington to Neal Trautman, Director, National Institute of Ethics, May 5, 1998.

¹⁹ Milton Mollen, *Commission to Investigate Input of Police Misconduct and the Anti-Corruption Procedures of the Police Department*, commonly referred to as the Mollen Commission, July, 1995, 49-50.

²⁰ Kevin Gilmartin and Jack Harris, "The Continuum of Compromise," Police Chief Magazine, October, 1997, 38.

to the situation, their self-centeredness becomes more important than maintaining integrity. Typical examples of this form of poor leadership include managers who do nothing even though they know:

1. Discrimination or harassment is occurring,²¹
2. Supervisors are having sex with subordinates,
3. There is a general lack of accountability such as some officers have an inexcusable number of citizen complaints or use of force incidents,²²
4. Some supervisors degrade and intimidate employees,²³ and
5. New officers are allowed to complete the FTO program even though their evaluations from field training officers warrant termination. This, the single most demoralizing event that can occur within an FTO program, takes place because administrators don't want the city or county officials to feel their hiring process is ineffective.

Administrators must always rise above the belief that they may look like a hypocrite to mandate ethics training. The reality is that if the organization has evolved to this phase in the continuum, they will look hypocritical. Here lies yet another example of why courage is the greatest quality of leadership. There can be no place for a leader who is

²¹ Sam S. Souryal, *Ethics in Criminal Justice*, Anderson Co., Cincinnati, OH., 1992, 209-241.

⁹² Jim Newton, "Williams Disputes Report on LAPD," Los Angeles Times, January, 22, 1997.

⁹³ Warren Christopher, *Report of the Independent Commission on the Los Angeles Police Department*, July 9, 1991, Commonly referred to as the Christopher Commission, 32.

⁹⁴ Ibid., 32-34.

afraid to improve integrity because it may bring harsh criticism for past misconduct they condoned by ignoring it.²⁴

Phase three is that hypocrisy and fear dominate the culture. This phase of the continuum is only possible after an administration has orchestrated several years of indifference and deliberately ignored the ethical needs of their organization. This phase is characterized by several clear symptoms that must be resolved, or the likelihood of significant corruption is eminent.

By this stage of the evolution, fear has manifested itself in several forms. The most harmful consequence of fear is that the administration's role modeling of ignoring integrity has prompted the majority of supervisors to do the same.²⁵ Although it is never in a policy manual, every manager and supervisor knows that politics and hidden agendas decide which leaders will continue to be promoted and who will be ostracized or pushed aside.

Thus, if you want to prosper or even merely survive as a leader you are forced to abide by the unwritten rules of internal politics. The frustration of being treated with such disrespect and hypocrisy causes supervisors to privately discredit the administrators in front of employees. What began as indifference has now grown into a cancer, destroying morale, productivity and dedication.

Extreme bitterness is another important element of this phase. Because all employees want to be treated with dignity and respect, an indication of serious misconduct has begun within a workplace is that employees have become deeply resentful over the way they are treated. Overt warning signs of this degree of resentment are:

²⁵ Allyson Collins, *Shielded From Justice*, Human Rights Watch, New York, NY, 1998, 61-62.

1. Constant harsh criticism by large groups of people,
2. Open defiance of administrators, and
3. Workers rationalize doing unethical things during conversations with each other.

The hopelessness that employees feel must also be considered. When workers no longer feel there is any hope for improvement and no way out of their unbearable working conditions, they can justify doing unethical things that would have been unthinkable in the past. If people are robbed of their dignity by insecure direct supervisors and find themselves surrounded by the “everyone else is doing it” mentality, misconduct is guaranteed.²⁶

Confirmation of this fact can be found in the most extensive research ever conducted on serious law enforcement misconduct. The circumstances surrounding all 2,296 local and state officers totally decertified between 1990 and 1995 were analyzed by the National Institute of Ethics.²⁷ One of the most glaring realities was that ninety-one percent of all decertified officers had not been promoted, had been employed an average of seven years, two months and were resentful as a result.

Survival of the fittest is the fourth and final corruption phase. This ultimate level of the Continuum of Corruption is dominated by the pervasive intention of most employees to now do whatever it takes to just survive.²⁸

²⁶ Civil Rights Division, “*Police Brutality Study: 1985-1990*,” U.S. Dept. of Justice, April, 1991.

²⁷ Neal Trautman, *National Disciplinary Research Project*, National Institute of Ethics, 1997, 13.

²⁸ Milton Mollen, *Commission to Investigate Input of Police Misconduct and the Anti-Corruption Procedures of the Police Department*, commonly referred to as the Mollen Commission, July, 1995, 49-55.

The first commonality is that administrator's lack of knowledge regarding how to prevent unethical acts, combined with the refusal to address it, prevents any attempt to enhance integrity.

The second common denominator is that good, honest employees fear the corrupt, dishonest ones. A long tradition of ignoring misconduct has convinced employees that leaders want misconduct covered up, rather than exposed or corrected.²⁹ Other indicators that serious problems exist include:

1. The code of silence is both condoned and privately encouraged.³⁰
2. FTOs are resentful and bitter.³¹
3. There is a strong, unwritten priority to "keep corruption out of the newspapers" at all costs.
4. Officers that should be fired, arrested and decertified are allowed to quietly resign,
5. Chief administrators believe they would be fired if the truth about corruption were known,
6. No one thinks the situation will get any better.

Understanding what the best solutions for preventing corruption are fundamental for its prevention. Truly great leaders do much more than merely supervise or administer. They have a reputation and are remembered for their courage to stand steadfast,

²⁹ Warren Christopher, *Report of the Independent Commission on the Los Angeles Police Department*, July 9, 1991, Commonly referred to as the *Christopher Commission Report*, 32.

³⁰ Joseph D. McNarmara, "Law Enforcement News," John Jay college of Criminal Justice, City University of New York, January 15, 2000, 8.

¹⁰¹ Dean Champion and George Rush, *Policing in the Community*, Prentice Hall, NJ, 1997, 79-80.

sometimes at their own demise, for doing what is right and just. They are individuals who have always remained uncompromising with regard to integrity.

The consequences for not having great leaders can be clearly demonstrated by the words of former New York City officer Michael Dowd. After his arrest for running his own drug ring of fellow officers for years, he said “Half of my supervisors knew what I was doing. The other half didn’t want to know.”³² The greatest quality of leadership is courage.³³

Just as insightful about the how destructive poor leaders can be, are the words of detective Joe Trimboli, who was single-handedly responsible for investigating and arresting Dowd, after five difficult years. Trimboli stated several years after Dowd’s arrest:

The department was my enemy. I loved the department but I know what the truth is. The New York City Police Department has proven that it is incapable of policing itself. There must be an outside agency to investigate and police the department. Anyone who says otherwise is doing a great disservice to the department. During the period of time I was following Dowd I hated him. If the department was interested in evidence there would have been someone other than Joe Trimboli investigating the case, and I would have had more than a pair of binoculars to investigate it.³⁴

The most effective solutions to corruption must be instilled with straightforwardness and honesty. Before implementing the following recommendations, be certain to determine if any existing integrity needs are pervasive enough that instituting these

³² ABC News, Turning Point, *Tarnished Shield: When Good Cops Go Bad*, 1995.

³³ This quote is attributed to Walt Disney in several of their written materials, Walt Disney Company.

³⁴ ABC News, Turning Point, *Tarnished Shield: When Good Cops Go Bad*, 1995.

improvements could make the administration appear hypocritical. The most common example of this mistake is conducting ethics training before leaders have begun to resolve the fact that some employees are blatantly treated with a lack of respect and dignity.

The first solution is to ensure quality background investigations are conducted. The most important element of any organization's hiring process is the background investigation.³⁵ The best predictor of future behavior has been and will always be past performance. Consequently, the most crucial requirement for having superior background investigations is a sincere commitment from the upper administration to do what it takes to guarantee it is effective.

Another crucial solution is to have a highly effective field training officer program.³⁶ It is disheartening that the national standard of field training programs has remained relatively stagnant for several decades. Most programs struggle with a variety of serious problems such as poor communication, standardization, FTO selection process, compensation and support from administrators. Unfortunately, the state-of-the-art for field training is much more effective and efficient than the national standard. Implementing the "cutting edge" of field training helps to ensure that FTOs are not angry and frustrated. As a result, a positive organizational culture within the patrol division is much more likely.

The third answer is to fight political interference. Political favoritism and interference has always been a detriment to law enforcement. Although it generally isn't as extreme as that of the 1800s, it can still be a severe obstacle to professionalism.

³⁵ Commission on Civil Rights, *"Who is Guarding the Guardians,"* US Printing Office, Wash., DC, Oct., 1991.

¹⁰⁶ Dean Champion and George Rush, *Policing in the Community*, Prentice-Hall, NJ, 1997, 79-80.

Today's interference typically attacks two aspects of a government by lowering hiring standards and interfering with promotions. The best solution is usually to educate local officials about the consequences of doing so.

Ensuring consistent, fair accountability is the fourth important ingredient for preventing corruption. The continual lack of accountability is very destructive to the culture of an organization.³⁷ Ethical accountability will be one of the most used aspects of preventing unethical acts in the next decade. Acknowledging that there is little or inconsistent accountability is particularly painful for many administrators, as the leaders are probably to blame.

A glaring example of not holding officers accountable for participating in the code of silence is what transpired in 1996 at the Los Angeles Police Department. The Office of the Inspector General, Six Month Report published in January, 1997, criticized the LAPD for not holding more officers accountable in a particular year. Specifically, fourteen officers were disciplined for taking part in the code of silence in 1993, twelve in 1994, ten in 1995 and none in 1996.³⁸

The upper administration is the only correct place to start when you truly want to improve accountability because they are usually offenders themselves. They must set an example by holding themselves accountable for starting to resolve integrity needs.³⁹

³⁷ Warren Christopher, *Report of the Independent Commission on the Los Angeles Police Department*, July 9, 1991, Commonly referred to as the Christopher Commission, iv.

³⁸ Jim Newton, "Williams Disputes Report on LAPD," Los Angeles Times, January, 22, 1997.

³⁹ Allyson Collins, *Shielded From Justice*, Human Rights Watch, New York, NY, 1998, 33.

The fifth solution is to conduct effective ethics training.⁴⁰ Although it is law enforcement's greatest training need, most agencies have never conducted internal ethics training. The specific topics that will be best for most agencies are the major causes of misconduct, the Continuum of Compromise© (Gilmartin and Harris), ethical dilemma simulation training that anchors a decision-making process into long-term memory, researched facts about bad cops, intervening to save fellow officers, the need for ethical courage and the Corruption Continuum©. Every effort should be made to teach these topics through interactive, video case studies.

Solution six is to accept nothing less than positive leadership role models.⁴¹ Supervisors act as trainer, counselor and mentor for all employees. As a result of their constant contact and formal power, they become major role models. The importance of the relationship is vital for developing traits such as sincerity, loyalty, honesty, respect and dedication. Role modeling is the greatest single source of power as a leader. Actions do speak louder than words.⁴² It is impossible for any company, association or agency to be filled with integrity if line supervisors are unethical, for role modeling can also be used to instill corrupt behavior.⁴³

The seventh vital action that can prevent corruption is to take actions that prevent officers from feeling victimized. The Continuum of Compromise ® as developed by Kevin Gilmartin and Jack Harris, notes that officers perceiving sense of victimization can

⁴⁰ Ibid. 27.

⁴¹ James Fyfe, *Philadelphia Police Shootings, 1975-78: a system model analysis*, Civil Rights Division, United States Department of Justice, 1980.

⁴² Warren Christopher, *Report of the Independent Commission on the Los Angeles Police Department*, July 9, 1991, Commonly referred to as the *Christopher Commission Report*, iv-v.

⁴³ Dick Lehr, *Department unwilling to face brutal facts*, Boston Globe, December 8, 1997, D7.

lead to them committing a series of progressively worsening unethical behaviors. Their perception of being a victim makes it easier for them to rationalize misconduct.

Answer eight is to implement an effective employee intervention process.⁴⁴

Employee intervention can now be implemented in two distinct forms; computer software and internal training. The software will permit the tracking of performance so there can be intervention for those whose performance has been outstanding, as well as for employees who could benefit from intervention to provide assistance to correct performance deficiencies.⁴⁵ The other form of contemporary intervention is training. It should assist in establishing a mine set than when an officer begins to exhibit misconduct other officers will intervene to prevent them from destroying their career.

⁴⁴ Allyson Collins, *Shielded From Justice*, Human Rights Watch, New York, NY, 1998, 17.

¹¹⁵ Dan Burger, The International Association of Chief's of Police, Editorial, *The Police Chief Magazine*, 1991, 4.

