Key Issues in Police Integrity and Corruption, with a Specific Emphasis on the Causes of Corruption and the Efficacy of Different Prevention Strategies

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Abstract:- Corruption is one of the major challenges that confront South Africa. The public in South Africa are increasingly intolerant of corruption and the abuse of power by those in positions of leadership and are more willing to hold them to account. Law enforcement institutions are entrusted with a diverse set of tasks requiring a high degree of integrity within police agencies and their oversight. Where this does not function well, law enforcement officers may become vulnerable to acting unlawfully and outside their remit. "Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life, and allows organized crime, terrorism and other threats to human security to flourish"(Annan, 2004). This study aims to identify key issues in police integrity and corruption, with a specific emphasis on the causes of corruption and the efficacy of different prevention strategies. Other issues of relevance include the links between integrity (and lapses in it) and the development of corruption, and strategies for instilling o organizational values and integrity in staff. It is not an aim of this report to provide an assessment of the current extent or nature of police corruption in South Africa. Efforts to enhance police oversight and accountability must focus on three key, related priorities. Firstly, where policing has been militarized and may be undemocratic and authoritarian, efforts must be made to enhance civilian control over the police. Secondly, it is necessary to increase public confidence in the police by upgrading levels of police service delivery as well as by investigating and acting in cases of police misconduct. Finally, reducing corruption within the police is crucial.

Keywords:- *Corruption, public morality, public ethics, preventing corruption, police accountability.*

I. INTRODUCTION

Police officers hold a position of power in the criminal justice system, exercising authority over members of the public to maintain order in society. Where there is power, ultimately there is the risk of corruption, and policing is a high-risk occupation, rife with opportunities for criminal actions, as well as workplace misconduct. The consequences can be far-reaching, with negative impacts on the criminal justice system including miscarriages of justice as well as reduced public support for the justice system through undermining beliefs in police legitimacy.

Law enforcement institutions are entrusted with a diverse set of tasks requiring a high degree of integrity within police agencies and their oversight. Where this does not function well, law enforcement officers may become vulnerable to acting unlawfully and outside their remit. "Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish(United Nations Office on Drugs and Crime, 2017: 1)."

II. POLICE CORRUPTION

Police corruption emerged in the sixties and seventies defined as any 'deviant, dishonest, improper, unethical or criminal behaviour by a police official (Roebuck and Barker, 1974: 437). Police corruption is a specific form of police misconduct designed to obtain financial benefits, other personal gains, or career advancement for a police officer or officers in exchange for not pursuing, or selectively pursuing, an investigation or arrest. Sayed and Bruce (1998a:8) have developed an operational definition for police corruption as "...any illegal conduct or misconduct involving the use of occupational power for personal, group or organisational gain". Police corruption is a specific form of police misconduct designed to obtain financial benefits, other personal gains, and/or career advancement for a police officer or officers in exchange for not pursuing, or selectively pursuing, an investigation or arrest. One common form of police corruption is soliciting and/or accepting bribes in exchange for not reporting organized drug or prostitution rings or other illegal activities. Another example is police officers flouting the police code of conduct to secure convictions of suspects-for

example, through the use of falsified evidence. More rarely, police officers may deliberately and systematically participate in organized crime themselves. In most major cities, there are internal affairs sections to investigate suspected police corruption or misconduct. Barker and Roebuck (1973: 21) classify diverse types of police corruption according to five dimensions (act and actors involved, nature of norms violated, degree of peer group support, required degree of deviant organisation, and departmental reaction)."

The SAPS uses the Act in the organisation's definition of police corruption. The Act defines corruption in a broad sense as: Any person who, directly or indirectly (a) accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person; or (b) gives or agrees or offers to give another person any gratification, whether for the benefit of that person or for the benefit of any other person, in order to act, personally or by influencing another person to act in a manner that amounts to the - illegal, dishonest, unauthorised, incomplete or biased; or misuse or selling of information or material acquired in the course of the exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation; that amounts to -The abuse of the position of authority; a breach of trust; or the violation of legal duty or a set of rules; designed to achieve an unjustified result; or that amounts to any unauthorised or improper inducement to do or not to do anything, is guilty of the offence of corruption (Government Gazette, 2004:8).

One of the most inclusive and clear definition of police corruption, and one which is frequently cited in the literature (c.f. NSW, 2002:8, and Newburn, 1999:7) is that advanced by Kleinig (1999:7). Police officers act corruptly when, in exercising or failing to exercise their authority, they act with primary intention of furthering private, the departmental/divisional advantage. A slightly more concrete working definition is proposed by Sayed and Bruce (1998:8). Police corruption is any illegal activity or misconduct involving the use of occupational power for personal, group, or organizational gain.

Punch (1985: 26-27) notes that a corrupt action can involve the use of illegal means to achieve a legitimate or 'approved' goal: the falsifying of evidence to convict a criminal presumed guilty in 'noble cause corruption, for example. Kleinig (1996) prioritises intention above actual result in determining corruption: 'Police officers act corruptly when, in exercising or failing to exercise their authority, they act with the primary intention of furthering private or departmental/divisional advantage (Syed and Bruce, 1998). For this report, however, the results of corruption are more reliably measurable, and while the intention behind an act is important, it is better examined in a study focusing on the ethics of policing.

Similarly, Corruption in South Africa (2001:1) lists the conceptual and practical understanding of corruption by a panel of experts as "issues of abuse for personal benefit whether of power, position ... and office ... illicit selfenrichment ... bribery and payment for services. This notion has not escaped policing scholars; the element of personal gain is typically an integral part of the definition. For example, Goldstein (1975: 3, emphasis added), the grandfather of the problem-solving approach to policing, views corruption ... as acts involving the misuse of authority by a police officer in a manner designed to produce personal gain ..." [emphasis added]. Chapman (1993:18) defines a code of conduct as a statement of principle and standards about the right conduct of political office-bearers and public officials. A code of conduct normally contains only a portion of a government's rules on public service ethics. It is narrower compared to ethical rules, which include statutes, regulations and guidelines.

III. POLICE CODE OF CONDUCT, ETHICS AND MORALITY

Rosenthal and Rosenow (1973:60) define a code of conduct as a set of principles that are adopted by an organization to define specific principles for which such organisation stands. Rosenthal et al., 1973) further argue that it takes a specific policy selection of the basic ethics in general society and seeks to use them to influence a particular organization's definition of its programme of action and what kinds of organization-orientated behaviours are acceptable. Ethics refers to the branch of philosophy that deals with values relating to human conduct concerning the rightness or wrongness of a specific action and the goodness or badness of the motives and ends thereof (Chandler and Plano 1998:17). Ethics is the study of human conduct in respect of its propriety, its rightness or goodness when measured against accepted value norms. Chapman (1993:16) argues that ethics is concerned not only with distinguishing right from wrong and good from bad but also with the commitment to do what is acceptable.

According to Ziman (1998:12), ethical issues always involve interests or feelings. He states that ethics is not just an abstract intellectual discipline; it is about the conflicts that arise in trying to meet real human needs and values. This means that to be ethical is not a matter of following one's interests or feelings, that is, police officers who follow their feelings may recoil from doing what is right; in fact, one's interests might deviate from what is considered ethical by members of the public. Morality being moral is a complex ability and there is a wide range of potentially enhancing interventions. Making morally better people could include making people more likely to act on their moral beliefs (Douglas, 2008), improving their reflective and reasoning abilities as applied to moral issues (Harris, 2011), and increasing their ability to be compassionate (Bloom, 2014), and so on. We could also focus on some aspects of being moral-acting in a moral way, being more virtuous, or having better moral motivations. The assessment of what would make for morally better agents might somewhat differ depending on the general moral theory one finds convincing (e.g. virtue ethics, deontology,

consequentialism), as well as the exact account of moral action and agency.

IV. TYPES AND DIMENSIONS OF POLICE CORRUPTION

Police corruption is a form of police misconduct in which law enforcement officers end up breaking their political contracts and abusing their power for personal gain. This type of corruption may involve one or a group of officers. Internal police corruption is a challenge to public trust, cohesion of departmental policies, human rights, and legal violations involving serious consequences. Police corruption can take many forms, such as:

- **Bribery** is giving or receiving any item of value to influence an officer. For instance, an officer might accept money in exchange for not arresting a suspect. It might help to remember that a bribe is usually money. The majority of experiences mentioned by respondents related to bribery, or attempted bribery. Most of these can be described as 'petty corruption' and involved traffic- or drinking-related extortion by police. A few involved more serious bribery in return for 'closing cases' on behalf of the accused. Many accounts referred to police asking 'buy me a cool drink', a well-established code that a bribe is expected.
- **Corruption of authority** is when an officer receives some form of material gain by their position as a police officer without violating the law per se (for example free drinks, meals, and services). Police all over South Africa are offered informal incentives and rewards by members of the community. A common example would be reduced coffee prices at all-night service stations. Though arguably innocent, such offers encourage a steady police presence in the vicinity of the station.
- Extortion is also somewhat common and is similar to bribery. Extortion is threatening someone to obtain money or property. Here, an officer might threaten to have someone falsely prosecuted if that person doesn't pay the officer. Just remember that to extort means to threaten. Extortion always involves a threat. Extortion involves coercing a person or entity to provide a benefit to a public official, or another person or entity in exchange for acting (or failing to act) in a particular manner. Many police corruption investigations have also uncovered officers dealing in stolen goods and selling drugs. Officers have access to these items through their investigations. Once police confiscate certain items as evidence, corrupt officers find that they can easily profit by reselling those items. Abuse of power involves a public official using his/her vested authority to improperly benefit another public official, person, or entity or (using the vested authority) to improperly discriminate against another person, official or entity. Involves a public official acting or failing to act on a matter where the public official has an interest or another person or entity that stands in a relationship with the public official, i.e. a public official considers tenders for a contract and awards the tender to a company of which his/her partner is the director.

- Internal payoffs are the classification of corruption that indeed remains stable over time, the frequency with which specific forms are represented and their specific nature do tend to evolve. Contemporary corruption, as documented by the Mollen Commission investigating corruption in New York in the 1990s, tends to be more violent and premeditated than traditional police corruption was two decades ago" (Mollen Commission, 1994, Heywood, 1997; Verma & Mallick, 1999). "While the systematic and institutionalized bribery schemes that plagued the Department a generation ago no longer exist, the prevalent forms of police corruption today exhibit an even more invidious and violent character: police officers assisting and profiting from drug traffickers, committing larceny, burglary, and robbery, conducting warrantless searches and seizures, committing perjury and falsifying statements, and brutally assaulting citizens. This corruption is characterized by abuse and extortion, rather than by accommodation - principally through bribery typical of traditional police corruption". Prerogatives available to police officials (holidays, shift allocations, promotions) are bought, bartered or sold.
- **Kickbacks** are receipt of goods, services or money for referring business to particular individuals or companies (e.g. police referrals of recently arrested suspects to defence lawyers in exchange for a portion of the fee paid by the suspect).
- **Opportunistic theft** is stealing from arrested suspects, from crime victims (who may be disorientated, unconscious or dead) or from crime scenes (e.g. burgled homes or jewelry stores).
- **Shakedowns** are acceptance of a bribe for not following through on a criminal violation, such as failing to make an arrest, failing to file a complaint, or failing to conduct a search or seize contraband.
- **Protection of illegal activities** is when police protect those engaged in illegal activities (e.g. sex work, illegal selling of drugs, illegal selling of liquor, illegal gambling).
- The fix undermines criminal investigations or proceedings through losing or failing to collect evidence and/or selling dockets.
- 'Flaking' or 'padding' is planting of or adding to, evidence to secure a conviction or increase a sentence.
- **Direct criminal activities** are committing any crime against a person or property by the official's police knowledge or the opportunity presented by his or her job (e.g. murder, rape, armed robbery, theft).
- **Fraud** involves actions or behaviour by a public official, other person or entity that fools others into providing a benefit that would not normally accrue to the public official, other persons or entity.
- Embezzlement involves the theft of resources by persons entrusted with the authority and control of such resources. Embezzlers might create bills and receipts for activities that did not occur and then use the money paid for personal expenses.

V. CAUSES OF CORRUPTION

In fact, corruption in one form or other had always existed in the country. Corruption has infected every sphere of modern life. It has vitiated the moral values of the society and the police force cannot be an exception. In fact, corruption of police is not a new phenomenon, but the irony is that the issue has seldom been seized by the organization with a sense of seriousness. There cannot be a single cause/factor responsible for police corruption in South Africa.

Newburn states that in general causes of police corruption includes: "factors that are intrinsic to policing as a job; nature of police organizations; nature of police culture; opportunities for corruption presented by political and task environments; and, nature and extent of the efforts put in to controlling [police] corruption". (Newburn, 1999, p. E.S). According to (Ivkovic, 2005: 63), in the past when cases of police corruption reached into public sphere, then police administration called them rotten apples and they were facing disciplinary actions very harshly and even firing for their jobs.

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;
- Lck of clear accountability of the police officers behaviour;
- No real threat of discipline or sanctions.
- Discretion; the exercise of discretion is argued to have both legitimate and illegitimate bases.
- Low managerial visibility; a police officer's actions are often low in visibility as far as line management is concerned.
- Low public visibility; much of what police officers do is not witnessed by members of the public.
- Peer group secrecy; 'police culture' is characterised by a high degree of internal solidarity and secrecy.
- Managerial secrecy; police managers have generally worked themselves up from the 'beat' and share many of the values held by those they manage.
- Status problems; police officers are sometimes said to be poorly paid relative to their powers.
- Association with Police officers inevitably come into contact with a wide lawbreakers/contact variety of people who have an interest in police not doing with temptation.
- Association with lawbreakers/contact with temptation; police officers inevitably come into contact with a wide variety of people who have an interest in police not doing

what they have a duty to do. Such people may have access to considerable resources.

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.

VI. EFFECTIVE POLICE ACCOUNTABILITY

Effective police accountability involves many different actors representing the different layers of modern-day democracies, including government representatives, the parliament, the judiciary, civil society actors and independent oversight bodies such as national human rights institutions. Primarily, it involves the police themselves. Key elements of an effective police accountability system include:

- Legislation (in line with international human rights law) specifying the functions and powers of the police;
- Practical instructions based on the legislation that reflect both the spirit and the letter of the law;
- Opportunities for the public to voice their concerns;
- Policies that set priorities on how to deploy police capacity;
- Adequate police training, both basic and ongoing;
- Equipment that is adequate for prescribed police functions;
- Proper reporting procedures and facilities;
- Adequate supervision that supports officers in carrying out their duties; professionally and reporting these correctly;
- A working culture that promotes transparency and evaluation;
- Monitoring of police actions and operations by both police leadership and external organs;
- Complaints procedures, both for making complaints to the police directly and to independent bodies
- Fair and effective procedures and policies on how to deal with misconduct, including both disciplinary and criminal codes, adequate investigative capacity, procedures for punishment and appeal procedures (UNODC, 2011: 2).

VII. POLICIES REGULATING CORRUPTION

The prevention and combating of corrupt activities act (12 of 2004): The purpose of the act is the strengthen measures to prevent and combat corruption and corrupt activities; to provide for the offense of corruption and offenses relating to corrupt activities; to provide for investigative measures in respect of corruption and related corrupt activities; to provide for the establishment and endorsement of a register to place certain restrictions on persons and enterprises convicted of corrupt activities relating to tenders and The Public Finance Management Act, 1999 (PFMA) contracts.

ACT	PURPOSE
Anti-corruption act of 1996	The purpose of the act is to regulate matters incidental to the establishment by
	the Constitution of the Republic of South Africa, 1996, of an anti-corruption unit;
	and to provide for matters connected therewith.
The Public Service Anti-	Make sure all types of corruption are covered by the law. Make it easier for
Corruption Strategy (2002)	people to report corruption. Prevent corrupt people and businesses from getting
	work from government.
Prevention and Combating of	To provide for the strengthening of measures to prevent and
Corrupt Activities Act 12 of 2004	combat corruption and corrupt activities.
The Financial Intelligence	Which is aimed at fighting financial crimes such as money laundering, tax
Centre Act, 2001 (FICA)	evasion and terrorist financing activities. Which regulate and monitor
	government spending to reduce wasteful and unauthorized spending of public
	funds, and seek to prevent corruption in the procurement process.
The Prevention of Organised	Which was introduced to combat organized crime, (including money laundering
Crime Act, 1998 (POCA)	and criminal gang activities), and provides for the preservation and forfeiture of
	property implicated in these offenses.
The Protected Disclosures Act,	Which protects employees who disclose information relating to corrupt activities
2000	within the workplace, in both the private and public spheres
The Criminal Procedure Act,	Which provides for procedures relating to all crimes, including domestic bribery.
1977 (CPA)	
The Companies Act, 2008	Companies Act seeks to provide protection for whistleblowers and to stop
	corrupt activities within companies through the practice of good corporate
	governance.
	Various international agreements and conventions to which South Africa is a
	party, which oblige South Africa to address corruption and bribery in the public
	and private spheres.

VIII. RECOMMENDATIONS

A. SALARIES

The SAPS explores avenues of salary increments for especially the junior members (in rank). The possibility of tax relief for all SAPS members is explored. Both members of the public and the SAPS have made frequent reference to low salary levels as the cause of police corruption. In 2000 a police sergeant wrote to a daily newspaper stating that '[Corruption] is caused by the meager salary earned by members. For the government to prevent this, officials should be paid a satisfactory salary. ... if you own a dog and it is always chained and doesn't get enough food, only complaints from people around, the dog is going to feed itself from their rubbish bins and their chicken eggs as well as the chickens themselves' (Mtshawe, 2000). The SAPS as an employer takes a custodian role in the management of its member's finances as it has done concerning the threshold it has placed on insurance policies it will allow off the salary of its members.

B. THE 'CORRUPTING' PUBLIC

Another common theme in South Africa is that the public makes police corrupt. This argument is dangerous and only valid in as much as members of 'the public are not seen as criminals. While terms like 'the public' may not sound farfetched when relating to motorists paying their way out of speeding fines, terms like 'criminals' (though still members of the public) seem better suited, and put the onus back on the SAPS member, especially when referring to gang relationships with corrupt police and other illicit activities. Members of the public involved in police corruption of any kind are engaging in criminal behaviour and should be labeled accordingly. The subtle discoursal shift goes a long way in terms of changing the understanding of the transaction.

In 2002 the Star reported that 'Gauteng's Provincial Commissioner Permula Naidoo ... stressed that the public was more often to blame for offering money and valuables to poorly paid police officers' (Gifford, 2002). Similarly, in 2004 Gauteng's MEC for community safety, Firoz Cachalia, stated that 'Corrupt officers are corrupted by members of the community who are always willing to pay bribes' (Fuphe, 2004).

C. TRAINING AND DEVELOPMENT

Develop specific training interventions (workshops) on corruption and all its related issues such as legislation that all employees within the SAPS must undergo. This should form part of the PEP of managers.

- The training developed must include activities that the SAPS as an employer considers corrupt.
- Legislative issues about whistle-blowing must be addressed as a matter of urgency during training interventions within Basic Training, the Detective Learning Program (DLP), and the Organised Crime Detective Learning Program.
- All SAPS members in management positions are exposed to a formal training program designed to skill, equip and empower them to fulfill their role as managers with integrity and transparency in an environment fraught with ethically difficult situations.
- SAPS management and Labour Unions back up these initiatives.

D. GOVERNMENT

A type of Moral Regeneration Program should be developed for SAPS officials to which all members commit themselves to good and clean governance.

Along with this program, a type of "True Blue" program also be developed during which emphasis is placed on the thousands of police officials who faithfully execute their duties diligently, day after day. The focus should be on the ordinary men and women in blue and should include civilians, who through the positive manner in which they perform their duties are creating pockets of excellence and making the process work better for the good of their colleagues.

Provinces could annually bring out calendars portraying these members going about their duties. This program may re-instill a sense of pride in being a member of SAPS, police officer, or civilian.

Projects to be launched within communities to inform them of the dangers of corruption, the legal implications of attempting to corrupt a police official and whistleblowing

IX. CONCLUSION

Corruption may not necessarily be the national priority, but if not addressed in all spheres, by all citizens who call themselves "proudly South African", it has the potential to undermine all the initiatives in our country aimed at upliftment and empowerment of its citizens. "Corruption and misadministration are inconsistent with the rule of the law and the fundamental values of our Constitution. They undermine constitutional commitment to human dignity, the achievement of equality and the advancement of human rights and freedoms. They are the antithesis of the open, accountable, democratic government required by the constitution. If allowed to go unchecked and unpunished they will pose a serious threat to our democratic state".

If these recommendations are integrated with the reforms currently underway in the SAPS, they will contribute to the creation of a police organisation characterised by integrity and professionalism. Interventions need to be implemented in unison and across the board if they are to be effective, and must become part of the daily practice of all SAPS personnel.

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