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CORRUPTION: A LONG-LASTING HISTORICAL DISEASE INFECTING THE INTEGRITY OF THE POLICE

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ABSTRACT

Police actions require a high level of integrity, accountability, and transparency. “Police integrity” refers to the demonstration of the qualities of reliability, honesty, and respectability in police work. These are the most important qualities required for all police officers when carrying out their duties and that are necessary to maintain trust in law enforcement agencies. “Police accountability” refers to the high expectation placed on police officers and police departments to act responsibly within the boundaries of the law in ensuring the safety and security of citizens. Transparency in policing aims to make both rules and procedures easily accessible to the public, unless there is a legal reason for keeping them confidential. If police departments do not strictly adhere to the principles of integrity, accountability, and transparency, the risk is that their members will feel less inhibited to abuse their legal powers for personal benefit. Police corruption is, therefore, a specific form of police misconduct aimed at obtaining personal benefits, gained through a criminal *modus operandi*. The purpose of this article is to discuss and analyse police corruption and to recommend measures which can effectively prevent, combat, and reduce this problem.

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1. INTRODUCTION

Law enforcement¹ agencies are those who have the authority to use force and other forms of coercion, as well as legal means, to maintain public and social order.² They operate in different social contexts to detect, address, and prevent different types of crime.³ These actions require a high level of integrity⁴ and transparency.⁵ Integrity means that the police conduct their operations *within* the limits set by *the law*, in harmony with established police practices and in an appropriate manner that meets the expectations and needs of the population.⁶ Transparency helps to build community trust and to ensure greater accountability of the police by creating clear and specific procedures by which police provide information to citizens who request it, unless there is a legal reason for keeping it reserved.⁷ In the event this does not occur, the risk is that law enforcement officers fail to fulfil their legal duty to serve the community and to protect all individuals from unlawful acts, consistent with the high level of responsibility required by their profession.⁸ As a result, they may decide to carry out illicit actions outside of their legal remit.⁹

Police corruption is a form of police misconduct taken by law enforcement officers “in the form of illegal activities for monetary gain, including accepting gratuities, favo[u]rs, or

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- 1 In this paper, the terms law enforcement, police sector and police force have the same meaning and are used interchangeably.
 - 2 New World Encyclopedia contributors (2 April 2008) “Law enforcement” *New World Encyclopedia*, available at https://www.newworldencyclopedia.org/entry/Law_enforcement (visited 1 December 2022).
Punch M (2009) *Police Corruption: Deviance, Accountability and Reform in Policing* Collumpton: Willan Publishing.
 - 4 Klockars CB, Ivkovic SK & Haberfeld MR (2006) *Enhancing Police Integrity* Dordrecht: Springer.
 - 5 Delaney C (11 November 2020) “Police Transparency: Solution Released” *ArcGIS Blog*, available at <https://www.esri.com/arcgis-blog/products/arcgis-solutions/public-safety/police-transparency-solution-released/> (visited 25 July 2022).
 - 6 McDevitt J et al (February 2011) “Police Integrity, Responsibility, and Discipline” *National Police Research Platform*, available at <https://www.nationallawenforcementplatform.org/wp-content/uploads/2017/05/PoliceIntegrityResponsibilityandDiscipline.pdf> (visited 27 July 2022).
 - 7 Chanin J & Espinosa S (2015) “Examining the Determinants of Police Department Transparency: The View of Police Executives” 27(5) *Criminal Justice Police Review* 1 – 22.
 - 8 OHCHR (1979) *Code of Conduct for Law Enforcement Officials* (First Paragraph of Article 1), available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/code-conduct-law-enforcement-officials> (visited 27 July 2022).
 - 9 Stinson PM et al (2016) “Police Integrity Lost: A Study of Law Enforcement Officers Arrested” 63 *Criminal Justice Faculty Publications*, available at https://scholarworks.bgsu.edu/crim_just_pub/63/ (visited 25 July 2022).

unlawful payment for services that police are sworn to carry out as a part of their peacekeeping role".¹⁰ Many factors contribute to police corruption. For example, low salaries, frustration due to the clemency of prosecutors and the courts, opportunity, envy of successful and wealthy criminals, and greed.¹¹ Perhaps the most insidious hurdle to overcome in the fight against corruption in each police department is the so-called "blue code" of silence or "blue wall" of silence, which is an unwritten rule that one police officer should never report another police officer.¹² In other words, a code of ethics and behaviour based on a shared and strong spirit of comradeship and devotion to the police force, is an integral part of a police culture in which silence plays a prominent role when there is a "bad apple".¹³ A more detailed discussion on this theme follows in the second part of the article.

Corruption is a very serious issue in the police sector, which not only severely damages the public image and the institutional credibility of the police force but also contributes to the creation of a climate of fear and insecurity among the citizens.¹⁴ For a long time, criminologists have discussed how to address police corruption. Goldstein defines police corruption as "acts involving the misuse of authority by a police officer in a manner designed to produce personal gain for himself or for others".¹⁵ Police corruption does not solely originate from the concrete opportunity of a monetary gain. Gains can also be obtained through specific services, status, influence, prestige, or future assistance or support for an

10 Champion DJ (2005) *The American Dictionary of Criminal Justice: Key Terms and Major Court Cases* Los Angeles, CA: Roxbury Publishing Company at 193.

11 Holmes L (27 August 2020) "Police Corruption" *Oxford Encyclopedia of Criminology and Criminal Justice*, available at <https://doi.org/10.1093/acrefore/9780190264079.013.633> (visited 26 July 2022). Williams H (2002) "Core Factors of Police Corruption Across the World" 2(1) *Forum on Crime and Society* 85 – 99.

12 Curran Jr MC (2 September 2020) "'Codes of Silence' Threaten the Public, No Matter Who Adheres to Them" *National Review*, available at <https://www.nationalreview.com/2020/09/police-codes-of-silence-threaten-public> (visited 30 December 2022).

13 Williams H (2002) "Core Factors of Police Corruption Across the World" 2(1) *Forum on Crime and Society* 85 – 99 at 86.

14 Fernandez OIJ (2014) "Corruption and Its Impact on Law Enforcement Work" 92 *UNAFEI Resource Material Series*, available at https://www.unafei.or.jp/publications/pdf/RS_No92/No92_24PA_Fernandez.pdf (visited 27 July 2022).

15 Goldstein H (1975) *Police Corruption: A Perspective on its Nature and Control* Washington, DC: The Police Foundation at 3. See also Kutnjak Ivkovic S (2005) *Fallen Blue Knights: Controlling Police Corruption* New York City, NY: Oxford University Press at 16.

officer or other subjects working in a police department.¹⁶ This debate has brought out the essential issue of integrity in the police force and its potentially purifying effect on its members.¹⁷ This article also takes a closer look at police corruption as it occurs in South Africa.

2. POLICE INTEGRITY, ACCOUNTABILITY AND TRANSPARENCY

In all organisations integrity represents the foundation of its core values and principles.¹⁸ In particular, professional integrity involves acting in full respect of the social and ethical standards of the profession.¹⁹ Concerns about integrity represent one of the most significant issues regarding the profession of policing.²⁰ A police officer who operates with integrity is an honest member of the police force who neither behaves improperly nor corrupts.²¹ Pagon clarifies this issue claiming that:

[H]aving integrity means that police officers genuinely accept the values and moral standards of policing as they are espoused ... They consistently act, out of their own will, in accordance with those values, standards and virtues, even in the face of external pressures.²²

Police integrity can therefore be defined as the capacity of each police officer “to resist temptations to abuse the rights and privileges of their occupation for any reason”.²³ When promoting this, police administrators must work to establish and maintain an effective state of integrity by adopting appropriate ethical policies and rules at agency level, which promote a culture of integrity within their organisations. In addition, it is desirable to develop impartial

16 Peak KJ (2009) *Policing America: Challenging and Best Practices* Upper Saddle River, NJ: Pearson Prentice-Hall at 268.

17 Westmarland L & Conway S (2020) “Police Ethics and Integrity: Keeping the ‘Blue Code’ of Silence” 22(4) *International Journal of Police Science & Management* 378 – 392.

18 DeVries H (19 August 2021) “Is Integrity a Core Value of Your Brand?” *Forbes*, available at <https://www.forbes.com/sites/henrydevries/2021/08/19/is-integrity-a-core-value-of-your-brand/> (visited 4 August 2022).

19 Sharrock J, Begg A & Mandinach E (2014) “Professional and Personal Integrity” in Rodrigues S (ed) *Handbook for Teacher Educators* Rotterdam: Sense Publishers at 67.

20 Vanek J (2 July 2015) “Why Individual Integrity Is a Fundamental Value in Police Leaders” *Police1*, available at <https://www.police1.com/police-leader/articles/why-individual-integrity-is-a-fundamental-value-in-police-leaders-daQPXWqEKvqf8xS> (visited 6 August 2022).

21 Kutnjak Ivković S & Haberfeld MR (eds) (2019) *Exploring Police Integrity: Novel Approaches to Police Integrity Theory and Methodology* Cham: Springer.

22 Pagon M (2004) “Ethics, Education and Integrity” in Villiers P & Adlam R (eds) *Policing a Safe, Just and Tolerant Society: An International Model* Winchester: Waterside Press at 96.

23 Klockars CB, Kutnjak Ivković S & Haberfeld MR (2006) *Enhancing Police Integrity* Dordrecht: Springer at xxiv.

and transparent recruitment processes which have as their main aim hiring personnel of good character.²⁴

Regulations formulated by experts in law enforcement issues ensure that the police can adapt to local needs when necessary.²⁵ Such regulations generally take the form of a standard code of conduct, which addresses the core aspects of police duties and powers, such as the power to resolve disputes, the power to make an arrest, activate a siren in traffic, to use force if necessary, and devise guiding principles capable of adjusting police behaviour to the highest ethical standards by also indicating a long list of do's and don'ts (for example, a police officer never must accept gifts for the performance of their ordinary professional duties because the person giving the gift may expect something in return). However, it should not be forgotten that the code of conduct should be the result of a deep and open process of discussion and reflection among interested parties and key *stakeholders*²⁶ *who significantly contribute to creating a police culture of high integrity.*²⁷

A noteworthy example of a value-based code is the Interpol Code of Conduct and Ethics for Law Enforcement Officers, which was adopted by the Interpol General Assembly in Seoul in 1999. The primary purpose of this Code is to ensure that the police forces of each Interpol Member State maintain high standards of honesty, integrity and ethical behaviour in the performance of their duties.²⁸ Specifically, the observance of this code should minimise cases of police misconduct that can gravely undermine the trust between the police forces and their

24 Klockars CB, Kutnjak Ivković S & Haberfeld MR (2005) "Enhancing Police Integrity" *NIJ Report*, available at <https://www.ojp.gov/ncjrs/virtual-library/abstracts/enhancing-police-integrity-0> (visited 4 August 2022).

25 Police Scotland (2020) *Joint Strategy for Policing (2020): Policing for a Safe, Protected and Resilient Scotland*, available at <https://www.spa.police.uk/spa-media/aqmailw/joint-strategy-for-policing-2020-v10-spa-amendment.pdf> (visited 4 August 2022).

26 For example, renowned academics and high-ranking police officers.

27 UNODC (2011) *Handbook on Police Accountability, Oversight and Integrity* New York City, NY: United Nations at 77 – 78.

28 Chêne M (21 January 2013) "Codes of Ethics for the Police" *Transparency International*, available at <https://knowledgehub.transparency.org/helpdesk/codes-of-ethics-for-the-police> (visited 5 August 2022).

community.²⁹ Trust from the public cannot be bought but must always be earned and cultivated.³⁰

Efforts to strengthen integrity within police forces require the creation of an effective accountability system based on internal and external checks and balances designed to ensure that police perform their duties correctly and are held responsible for their mistakes. Such a system is effective if it is able to identify and punish those who behave in an improper manner and ensure accountability after the act is ended.³¹ Accountability includes both internal and external mechanisms. These mechanisms operate in or outside the police department.³² Internal accountability mechanisms refer to institutional mechanisms that accomplish functions of accountability from within the police service. Such mechanisms include three main components: professional and integrity standards (for example, codes of conduct, duty manuals, and procedures); internal supervision and monitoring (for example, law enforcement records management systems and internal affairs units); and internal reporting and punitive mechanisms (for example, disciplinary bodies).³³

External accountability mechanisms relate to autonomous and independent organisations and groups that carry out a role of control and supervision from outside the police department. Such mechanisms comprise policy and research centres, labour relations boards, national and local bar associations, equality and human rights' committees, offices of the

29 McDevitt J et al (February 2011) "Police Integrity, Responsibility, and Discipline" *National Police Research Forum*, available at <https://www.ojp.gov/ncjrs/virtual-library/abstracts/police-integrity-responsibility-and-discipline> (visited 6 August 2022).

30 United States Department of Justice (2015) *Importance of Police-Community Relationships and Resources for Further Reading* Washington, DC: Office of Community Relations Services. See also United States Department of Justice (2007) *Building Trust Between the Police and the Citizens They Serve* Washington, DC: Office of Community Oriented Policing Services.

31 UNODC (2011) *Handbook on Police Accountability, Oversight and Integrity* New York City, NY: United Nations at 9 – 10.

32 Walker SE (2005) *The New World of Police Accountability* Thousand Oaks, CA: SAGE Publications. See also Millen F & Stephens M (2011) "Policing and Accountability: The Working of Police Authorities" 21(3) *Policing and Society* 265 – 283; Archbold CA (2021) "Policing Accountability in the USA: Gaining Traction or Spinning Wheels?" 15(3) *Policing* 1665 – 1683.

33 DCAF (2015) *The Police: Roles and Responsibilities in Good Security Governance*, available at <https://www.dcaf.ch/police-roles-and-responsibilities-good-security-sector-governance> (visited 8 August 2022).

ombudsman and mediation services, independent police auditors, police labour unions, and citizen oversight systems.³⁴

Weaknesses present in the accountability systems of the South African police force are major contributors to the widespread violence and brutality by police officers. Instead, a responsible police force should guarantee the appropriate use of force by its officers in accordance with the highest ethical, legal and professional standards. The leadership of the South African Police Service (SAPS) should be held directly accountable for the way its members use force. An external, independent and impartial investigative and supervisory body, such as the Independent Police Investigative Directorate, can ensure accountability in police organisations such as the SAPS, on condition that they hold themselves accountable for the use of force internally.³⁵

In general, openness and transparency are two interrelated factors in policing and this interrelation is of primary importance as it fosters trust between the police and the citizens they serve.³⁶ When citizens can see in detail what the police are doing, they are much more likely to trust them.³⁷ From the above, it can be concluded that law enforcement agencies generally consider transparency as a public-relations tool. Police departments have begun to invest in communication strategies to involve the communities in an increasing number of issues, including the significant contribution offered by popular social media platforms such

34 Chemonic International Inc (2017) *The Effectiveness of Police Accountability Mechanisms and Programs: What Works and the Way Ahead* Washington, DC: US Agency for International Development at 7 – 8.

35 Bruce D (2020) "How to Reduce Police Brutality in South Africa" 2020 (40) *ISS Southern Africa Report 1* – 20 at 1 and 9.

36 For example, the South African Community Police Forum (CPF) is a measure to encourage community trust in the police. The CPF is a body mandated under secs 205 and 206 of the Constitution of the Republic of South Africa, 1996 and secs 18 to 23 of the South African Policing Act 68 of 1995. See Sea Point CPF (2022) *What Is a CPF?*, available at <https://seapointcpf.com/about> (visited 2 December 2022). A CPF is made up of people from different communities and police representatives who meet to discuss safety and security issues on the ground. They are committed to ensuring police accountability, transparency, and effectiveness in their communities. See Constantia Valley Watches Association (2022) *Community Police Forum*, available at <https://cvwa.org.za/community-police-forum/> (visited 2 December 2022).

37 Metcalfe Z (16 February 2018) "The Importance of Openness and Transparency in Policing" *North Yorkshire Police, Fire & Crime Commissioner*, available at <https://www.northyorkshire-pfcc.gov.uk/news/importance-openness-transparency-policing/> (visited 9 August 2022).

as Facebook, Twitter and Instagram.³⁸ Additionally, the publication of police department budgets including all details of expenditure guarantees that public funding of law enforcement agencies satisfies the demands of all people.³⁹

A culture of transparency in policing aims to make policies, procedures and protocols, data and information, and decision-making strategies open to the public.⁴⁰ Starting from this fundamental premise, 1.3.1 Action Item of the Final Report of the President’s Task Force on 21st Century Policing specifies that:

To embrace a culture of transparency, law enforcement agencies should make all department policies available for public review and regularly post on the department’s website information about stops, summons, arrests, reported crime, and other law enforcement data aggregated by demographics.⁴¹

Corruption Watch is a South African non-governmental organisation located in Rosebank, Johannesburg, which monitors instances of corruption that penalise public resources, including police resources, and also provides an online platform that offers citizens a space where each citizen can report cases of corruption.⁴² Corruption Watch invited the media to the launch of an interactive open data tool, Veza, a conversational term for “reveal” or “expose”, on 17 February 2021, which aims to make policing activities more transparent. The Veza tool features interactive maps of police corruption trends and hotspots, and data on all 1 150 South African police stations, including their locations, financial resources, budgets, and personnel. This tool provides all this information at three distinct levels, namely national, provincial and district. In addition to recording corruption phenomena within SAPS departments, it also enables ordinary South African people to compare the quantity of

38 Chanin J & Espinosa S (2016) “Examining the Determinants of Police Department Transparency: The View of Police Executives” 27(5) *Criminal Justice Policy Review* 498 – 519 at 500.

39 Kavanagh S, Wardell III C & Park J (2020) *Time for Change: A Practical Approach to Rethinking Police Budgeting*, available at <https://www.gfoa.org/materials/time-for-change> (visited 10 August 2022).

40 Luszczynski P (4 April 2022) “The Importance of Police Transparency” *ShotSpotter Blog*, available at <https://www.shotspotter.com/blog/the-importance-of-police-transparency> (visited 10 August 2022).

41 President’s Task Force on 21st Century Policing (2015) *Final Report of the President’s Task Force on 21st Century Policing* Washington, DC: Office of Community Oriented Policing Services at 13.

42 Corruption Watch (2022), *Who We Are: About Corruption Watch*, available at <https://www.corruptionwatch.org.za/about-us/who-we-are/about-corruption-watch> (visited 12 August 2022).

allocated and used resources of up to four stations, rate police stations, and eulogise police officers for their honest and ethical conduct.⁴³

Police departments carry out a critical function in the criminal justice system as well as in the prevention, investigation, and detection of corruption offences. The police aim to earn the trust of the communities they serve by ensuring peace and security and strengthening the rule of law in society effectively. To attain and maintain this trust, law enforcement officers must constantly demonstrate the highest standards of integrity, accountability, and transparency when performing their duties.⁴⁴

3. POLICE CORRUPTION: A CRIMINOLOGICAL PERSPECTIVE

Corruption is a widespread problem that undermines democratic mechanisms⁴⁵ and the rule of law.⁴⁶ It can be defined as a form of unprincipled or illegal behaviour by an individual or group who abuses a position of power involving responsibility to the public in order to obtain personal benefits.⁴⁷ Corruption can take various forms and happens anywhere, including police departments.⁴⁸ Police work is an occupation that offers numerous opportunities for corruption. Policing is an extremely discretionary, coercive activity that usually occurs in private locations, out of the sight of supervisors, and with the presence of witnesses who are

43 Malinga S (11 March 2021) "New App Allows the Public to Report SAPS Corruption" *ITWeb*, available at <https://www.itweb.co.za/content/GxwQDM1ZkWBqIPVo> (visited 15 August 2022).

44 UNODC (undated) *Police*, available at <https://www.unodc.org/unodc/en/corruption/police.html> (visited 16 August 2022).

45 Rock MT (2007) "Corruption and Democracy" 55 *DESA Working Paper*, available at <https://www.un.org/en/desa/corruption-and-democracy> (visited 28 July 2021). See also Andersson S & Anechiarico F (2019) *Corruption and Corruption Control: Democracy in the Balance* New York City, NY: Routledge.

46 Csúri A (26 April 2021) "Human Rights Commissioner: Corruption Undermines Human Rights and the Rule of Law" *Eurocrim*, <https://eucrim.eu/news/human-rights-commissioner-corruption-undermines-human-rights-and-rule-of-law> (visited 29 July 2021).

47 Iyanda DO (2012) 'Corruption: Definitions, Theories and Concepts' 2(4) *Arabian Journal of Business and Management Review (Oman Chapter)* 37 – 45 at 39, available at [https://www.arabianjbmr.com/pdfs/OM_VOL_2_\(4\)/4.pdf](https://www.arabianjbmr.com/pdfs/OM_VOL_2_(4)/4.pdf) (visited 2 August 2021).

48 Carolina S (2020) "Corruption Within the Police Force" 18 *Silicon Valley Sociological Review* 37 – 43, available at <https://scholarcommons.scu.edu/svsr/vol18/iss1/7> (visited 17 August 2022).

often very reluctant to report corrupt activities implemented by their colleagues.⁴⁹ This attitude is known as the blue wall of silence,⁵⁰ the blue code,⁵¹ or the blue curtain.⁵²

In a narrow sense, police corruption refers to the misuse of police authority for personal gain. It can include extortion, such as demanding money for not fining drivers who commit traffic violations; bribery, such as accepting money in exchange for not arresting a suspect; drug trafficking; and the sale of stolen goods.⁵³ Much of the existing literature adopts a broader definition, which refers to any conduct against the law even when there is no personal benefit for the author, as in perjury, inhumane treatment of detainees, sex-related crimes, robbery, and ethnic profiling.⁵⁴

When police corruption occurs, there is often an institutional tendency to confine the problem to a few “bad apples”, but this explanation is loudly contradicted by the many examples of widespread corruption in police departments around the world. Moreover, this notion of “bad apples” can involve three potentially detrimental effects. First, it often narrows its attention to a limited number of ordinary police officers without critically scrutinising those who are in positions of power and authority. Secondly, it implies that, by removing the individual “rotten apples” from the organisation, everything will go back to normal. This rarely occurs. Thirdly, and strictly connected to the previous point, the notion of “bad apples” merely requires a single strategy based on the investigation and punishment of these deviant individuals. Severe punishment of a small number of officers often becomes the default

49 Klockars CB et al (May 2000) “The Measurement of Police Integrity” *NIJ Research in Brief* at 1, available at <https://nij.ojp.gov/library/publications/measurement-police-integrity-research-brief> (visited 18 August 2022).

50 Nolan T (2009) “Behind the Blue Wall of Silence: Essay” 12(2) *Men and Masculinities* 250 – 257.

51 Westmarland L (2005) “Police Ethics and Integrity: Breaking the Blue Code of Silence” 15(2) *Policing and Society* 145 – 165

52 Rowe M, Westmarland L & Hougham C (2015) “Getting Behind the Blue Curtain: Managing Police Integrity” in Lister S & Rowe M (eds) *Accountability of Policing* London: Routledge at 69 – 85.

53 Abramson & Denenberg, PC (16 November 2021) *What are the Main Causes of Police Corruption?*, available at <https://abramsondenenberg.com/2021/11/what-are-the-main-causes-of-police-corruption> (visited 21 August 2022).

54 Bayley D & Perito R (2011) “Police Corruption: What Past Scandals Teach About Current Challenges” 294 *United States Institute of Peace Special Report* at 3, available at <https://css.ethz.ch/en/services/digital-library/publications/publication.html/134108> (visited 18 August 2022).

response. Such a response does not individualise all persons who are likely implicated in the offence and does not address the underlying issues that are at the origin of it. Consequently, it is not able to produce any strong deterrent effect.⁵⁵

Policing has intrinsic basic characteristics that always make corruption a constant risk (constant factors). There are other factors that affect the level of corruption that occurs from time to time (variable factors). With regard to the constant factors, discretion can be used to handle licit and illicit activities; the lack of managerial presence and visibility; the secrecy of managers protecting police culture even if corruption prone; low salaries and status issues; and affiliation with criminals, which can hamper the performance of police duties. With regard to the variable factors, community and political context can influence the level of tolerance towards corruption; the lack of effective internal mechanisms of control; legal opportunities to engage in corrupt activities when there are no victims can lead to exploitation of minor traffic, construction and licensing crimes; poor governance characterised by lack of transparency, weak accountability and inefficiency, and lack of integrity; and the degree to which an officer develops a biased view of the world, namely “moral cynicism”.⁵⁶

A generalised perception of corruption in a law enforcement agency poses the risk of damaging public confidence and trust in the police force as institutions at the service of the country.⁵⁷ This can also happen when police officers violate the rules to achieve “noble” ends. In this instance, we are describing noble cause corruption. It is a particular type of misconduct that is potentially even more dangerous than traditional corruption practices because it

55 Newburn T (2015) *Literature Review: Police Integrity and Corruption* London: Her Majesty's Inspectorate of Constabulary at 7. See also Gottschalk P, Dean G & Glomseth R (2012) “Police Misconduct and Crime: Bad Apples or Systems Failure?” 15(1) *Journal of Money Laundering Control* 6 – 24.

56 Newburn (2015) at 8 – 9. See also Singh D (2022) “The Causes of Police Corruption and Working towards Prevention in Conflict-Stricken States” 11(5) *Laws*, available at <https://doi.org/10.3390/laws11050069> (visited 4 December 2022).

57 Pyman M et al (2012) *Arresting Corruption in the Police: The Global Experience of Police Corruption Reform Efforts* London: Transparency International UK at 11. See also International Association of Chiefs of Police (2009) *Building Trust Between the Police and the Citizens They Serve: An Internal Affairs Promising Practices Guide for Local Law Enforcement* Washington, DC: US Department of Justice, Office of Community Oriented Policing Services at 16.

sometimes involves the “golden apples”, or best officers, in the criminal action rather than “bad apples”. Noble cause corruption is a sort of subculture which supports the belief that police forces are justified to act illegally to protect the safety and security of communities, namely the greater good of our societies.⁵⁸

The main factors that contribute to police corruption include improper training, a lack of prosecution and accountability, and a culture of impunity. First, police departments are not always able to provide police recruits with adequate ethics and compliance training. Second, it is important that a police officer who commits a crime of corruption be prosecuted for his or her unlawful action, but this rarely happens. In this case when an officer is accused, he or she will be usually acquitted.⁵⁹ In South Africa, police officers are often not held accountable for their corrupt conduct. The widely criticised practice of suspending officers while they are under investigation and paying them their full salary, or, in the case of guilty officers, providing them the choice of retiring early or getting other special advantages, appear to be permissible.⁶⁰

In the current SAPS culture, corruption and crime unfortunately seem to be tolerated by many in SAPS, even at the highest levels of authority. These values then determine the subsequent behaviour of SAPS agents at a various levels of the organisation, and those who do not adhere to them are ostracised, persecuted and in extreme cases even killed.⁶¹

In general, each police department aims to work towards *transparency* in terms of policies and procedures. This strategy makes the police more accessible and accountable to the public. As a result, the public can easily access the policies and procedures of the police department and file complaints regarding the conduct of police officers. However, it is increasingly

58 Rothlein S (2008) “Noble Cause Corruption” *PATC E-Newsletter*, available at <http://www.patc.com/weeklyarticles/noble-cause-corruption.shtml> (visited 19 August 2022). See also van Halderen RC & Kolthoff EW (2018) “Noble Cause Corruption and Task-Related Rule-Breaking Behavior” in Farazmand A (ed) *Global Encyclopedia of Public Administration, Public Policy, and Governance* Cham; Springer at 4164 – 4172.

59 Abramson & Denenberg, PC (16 November 2021).

60 Kutnjak Ivkovic S et al (2020) *Police Integrity in South Africa* London: Routledge.

61 Petrus T (10 March 2021) “Police Criminality and Corruption Put South African at Risk” *News24*, available at <https://www.news24.com/news24/opinions/columnists/guestcolumn/opinion-police-criminality-and-corruption-put-south-africans-at-risk-20210309> (visited 5 December 2022).

becoming difficult for citizens harmed by corrupt police to sue in court and receive compensation.⁶² For example, American police officers are protected by a court-created rule that protects their immunity and, as a result, makes it more difficult to combat police corruption. Many criminal justice advocates believe that repealing this qualified immunity would be a significant step towards improving police accountability across the country.⁶³ Corruption Watch is a South African non-governmental organisation which has been fighting corruption in *South Africa* since January 2012. This organisation published its first edition of the sectoral report on policing in mid-June 2019, which described a bleak picture of corruption within the South African Police Service (SAPS). Its analysis is based on 1 440 reports, which is 5.9 per cent of the total number of reports received over a period of seven years from January of 2012 to December of 2018. Nationally, the top three types of corruption experienced by whistle-blowers were bribery (33 per cent), abuse of power (23 per cent), and failure to act (18 per cent). There were cases of drivers who were arbitrarily stopped and searched and were asked to pay thousands of rands (a bribe) to keep on driving their cars that were not roadworthy. In other cases, citizens reported that police officers use their authority in an inappropriate way in order to intimidate and terrorise complainants. The third highest form of corruption is the neglect of duty that occurs, for example, when investigation officers are reluctant to follow a trial regarding a case and when the case was escalated to the officers' superiors. They decide not to take any further action with the excuse that suspects refused to cooperate.⁶⁴

Corruption Watch confirmed the presence of a high level of corruption in the public sector, including the police force, in its annual report for 2021. It has over the years revealed extensive erosion of the systems and institutions that compose the structure of the South African police. In particular, this organisation pointed out that 10 per cent of all corruption reports in 2021 were related to police service and the most common type of corruptive

62 Abramson & Denenberg, PC (16 November 2021).

63 Carlisle M (3 June 2021) "The Debate Over Qualified Immunity Is at the Heart of Police Reform. Here's What to Know" *Time*, available <https://time.com/6061624/what-is-qualified-immunity> (visited 3 December 2022).

64 Ncala M (2019) *Corruption in Uniform: When Cops Become Criminals*, available at <https://www.corruptionwatch.org.za/wp-content/uploads/2019/06/Police-sectoral-report-June2019.pdf> (visited 27 August 2022).

behaviour was abuse of authority for personal gain.⁶⁵ For example, a SAPS Captain (58 years old) was jailed for bribery following a joint undercover operation managed by the National Anti-Corruption Unit of the Road Traffic Management Corporation (RTMC) in cooperation with the Independent Police Investigation Directorate (IPID). This initiative was taken after repeated complaints from members of the community who accused police officers of extorting bribes from drivers south of Gauteng. In this operation an undercover anti-corruption agent of the RTMC proceeded to organise a roadblock together with members of the SAPS in Observatory, Johannesburg. The officer was stopped by Captain Shange who solicited a bribe from the undercover agent for a traffic violation. On 27 May 2022, the trial ended with a sentence of four years' imprisonment after SAPS members gave credible testimonies before the magistrate's court.⁶⁶

Police corruption significantly contributes to weakening the average level of trust in the police by South African people. The Human Sciences Research Council (HSRC) confirmed this situation by indicating various factors that negatively influence public trust in the police, including experiences of victimisation, fear of crime, unsatisfactory personal contacts with police officers, police abuse, and perceptions of police corruption. In particular, the HSRC annually conducts the South African Social Attitudes Survey (SASAS), a nationally representative survey series that measures the attitudes, beliefs and behaviours of South Africa's diverse population, such as the degree of public confidence in police. In 2021 public trust in the police fell to a low of 27 per cent, a significant decrease compared to the previous five years (2016 – 2020) when the average level of trust fluctuated between 31 per cent and 35 per cent. The risk is that this low and diminishing level of confidence in the police, if left unchecked, can increasingly compromise police legitimacy in South Africa.⁶⁷

65 BusinessTech (1 April 2022) *The Most Common Types of Corruption in South Africa*, available at <https://businesstech.co.za/news/government/573484/the-most-common-types-of-corruption-in-south-africa/#> (visited 25 August 2022). See also Corruption Watch (2022) *Annual Report 2021: 10 Years Pushing for Change*, available at <https://www.corruptionwatch.org.za/wp-content/uploads/2022/03/cw-2021-annual-report-10-years-20220330-spreads.pdf> (visited 25 August 2022).

66 Aima N (7 June 2022) "SAPS Captain Sentenced to Four Years Direct Imprisonment" *TDPel Media*, available at <https://tdpelmedia.com/saps-captain-sentenced-to-four-years-direct-imprisonmet> (visited 25 August 2022).

67 Roberts B & Gordon S (28 March 2022) "South Africans Have Low Trust in Their Police. Here's Why"

4. CONCLUDING REMARKS

In all countries, including South Africa, police corruption fuels popular distrust towards police while reducing the effectiveness of law enforcement.⁶⁸ If so, higher rates of crimes may occur because corruption is able to cover a lot of deviant and criminal *modus operandi* in policing which also changes over time. For example, criminals may bribe the police to avoid jail, or corruption practices in hiring procedures or budgeting processes may weaken the quality and efficiency of the police services.⁶⁹

When monitoring police work and addressing police-related corruption,⁷⁰ each country needs efficient police oversight institutions. The main functions of these institutions are to understand the seriousness of the problem, set appropriate punitive strategies against perpetrators, encourage ethical conduct, and re-establish trust in the police forces.⁷¹ Internal oversight offices (for example, the *SAPS Anti-Corruption Internal Unit*) must be adequately staffed and financially supported by police leadership in order to improve the quality of internal police investigations into alleged cases of corruption.⁷² Similarly, external oversight bodies (for example, the South African Independent Police Investigative Directorate) must always be able to investigate in full autonomy and independence the corruption complaints of the law enforcement agencies.⁷³

The Conversation, available at <https://theconversation.com/south-africans-have-low-trust-in-their-police-heres-why-178821> (visited 25 August 2022).

68 Punch (2009).

69 Azfar O & Gurgur T (2008) "Police Corruption, Crime and Crime Reporting: A Simultaneous Equations Approach" 743 *NUPI Working Paper* 1 – 36 at 6.

70 Institute for Security Studies (2020) *How Can You Report Illegal Police Activity?*, available at <https://issafrica.s3.amazonaws.com/site/uploads/2020-06-05-facty-sheet-how-can-you-report-illegal-police.pdf> (visited 31 August 2022).

71 Motasala S (11 July 2019) "The Terrible Consequences of Police Corruption in South Africa" *Corruption Watch*, available at <https://www.transparency.org/en/blog/the-terrible-consequences-of-police-corruption-in-south-africa> (visited 1 September 2022).

72 Dunne W (2018) *The Effectiveness of Police 'Internal Affairs Departments' in Limiting Corruption in Police Services – A Literature Review*, available at <https://curbingcorruption.com/wp-content/uploads/2019/03/181004-Dunne-Literature-review-of-police-internal-affairs-departments.pdf> (visited 1 September 2022).

73 Sen S (2010) *Enforcing Police Accountability through Civilian Oversight* New Delhi: SAGE Publications India Pvt Ltd. See also Rakololo WM & Maluleke W (2021) "Do the Professionalization of Policing in South Africa Deter Political Interference? A Need to Confer Greater Powers on the Independent Police Investigative Directorate" 5(3) *European Journal of Economics, Law and Social Sciences* 931 – 946.

In order to prevent corruption in the police, it is also important to ensure fair, open, transparent, and merit-based procedures for the recruitment, selection, and promotion of police forces, which must not be arbitrary but inspire high levels of integrity, honesty, ethical standards and expertise, as well as maintaining the topic of ethics as a fundamental component in police academy training programmes.⁷⁴ Recruits throughout the ages must be properly educated in an ethical way. This means that they must be encouraged by professional trainers to study the law enforcement code of conduct and ethics that introduces the core values of the law enforcement profession, such as a sense of duty, honour, devotion, commitment, safeguarding of public order and safety, impartiality, justice, protection, and integrity.⁷⁵

The ethical issue is crucial to the development of a policing culture that refuses corruption⁷⁶ and, in turn, influences perceptions of tolerable versus intolerable behaviours.⁷⁷ This can be addressed by launching appropriate campaigns aimed at eradicating negative values, attitudes and beliefs within policing cultures, including the current SAPS culture.⁷⁸ Additionally, since it can be difficult to measure corruption in the police force, one helpful approach is to measure the opposite, namely police integrity.⁷⁹ This entails the administration of integrity tests (for example, polygraph tests, drug and alcohol tests, professional intelligence tests, checking of personal finance) during recruitment and in-service screening at regular time intervals. This methodology uses simulated corruption scenarios that put a police officer unconsciously under close observation in a situation in which there is an opportunity for unethical decision making. The main purpose of this procedure is to check

74 Interpol (2002) *Global Standards to Combat Corruption in Police Forces/Services*, available at <https://policehumanrightsresources.org/interpol-global-standards-to-combat-corruption-in-police-forcesservices> (visited 2 September 2022).

75 Reamer FG (2017) "Teaching Ethics in the Training Academy: A State-of-the-Art Approach" 453 *Faculty Publications*, available at <https://digitalcommons.ric.edu/facultypublications/453> (visited 1 September 2022).

76 Newburn (2015).

77 Petrus T (10 Mar 2021) "Police Criminality and Corruption Put South African at Risk" *News24*, available at <https://www.news24.com/news24/columnists/guestcolumn/opinion-police-criminality-and-corruption-put-south-africans-at-risk-20210309> (visited 1 September 2022).

78 Petrus (10 Mar 2021).

79 Pyman M (2021) *Curbing Corruption in Police Services: Sector Reform Experience and Strategies* at 29-30, available at <https://curbingcorruption.com/wp-content/uploads/2021/06/210618-Curbing-Corruption-in-Police-services.pdf> (visited 2 September 2022).

that law enforcement officers operate within the letter and spirit of the law and respect the professional code of conduct and ethics.⁸⁰

In conclusion, it is possible to affirm that anti-corruption strategies in the police force should always be grounded in the political, social, and cultural dimensions of the country of application as well as adapted to the characteristics of the local police service. To realise this, it is necessary that the state adopts a long-term approach that reduces police corruption as much as possible. Furthermore, it is fundamental to gain support from civil society, which approves of police reforms against corruption.⁸¹

80 DCAF (2020) *Thematic Brief: Police Integrity Testing*, available at <https://www.dcaf.ch/police-integrity-testing> (visited 2 September 2022).

81 Lee-Jones K (13 June 2018) "Best Practices in Addressing Police-Related Corruption" 5 *U4 Helpdesk Answer*, available at <https://www.u4.no/publications/best-practices-in-addressing-police-related-corruption> (visited 31 August 2022).