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Conceptual Framework for Managing Knowledge of Police Deviance

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Abstract

This is a conceptual paper on police deviance and its multi-faceted forms. It seeks to address the lack of an adequately formulated framework in the literature of the breadth and depth of police misconduct and corruption. The paper argues for the use of a proposed 'sliding scale' of police deviance by examining the nature, extent and progression of police deviance and crime using research in Australia and Canada as illustrative case studies. This sliding scale is designed to research, capture, and store and hence extend the knowledge base of what constitutes police deviance at the level of the individual, the group and the organisational contexts of policing. As such, the conceptual framework is a robust yet flexible research tool and it's utility as a sliding scale constitutes a step forward in advancing the knowledge on police deviance and criminality through adopting an integrated and holistic approach to managing such knowledge.

Keywords

Police misconduct, police corruption, police deviance, police crime, police ethics, police integrity, police knowledge management.

Biographies

Geoff Dean is Associate Professor in the School of Justice in the Faculty of Law. His areas of expertise, teaching specialisation and research are in police Knowledge Management, the cognitive psychology of investigative thinking, criminal and terrorism profiling, global organised crime and international policing. He is the principal author of *Knowledge Management in Policing and Law Enforcement: Foundations, Structures, Applications* published by Oxford University Press in the UK in 2007. Dr. Dean was principal Guest Editor of a Special Issue on 'Local Research Links to Global Policing' in *Police Practice and Research: An International Journal*, Vol 9, No.4 in 2008. His latest book, as principal author is *Organised Crime: Policing Illegal Business Entrepreneurialism* which is due for publication in late 2009 by Oxford University Press in the UK.

Peter Bell is a Senior Lecturer in the School of Justice in the Faculty of Law. He has wide and diverse experience in policing, law enforcement and security including senior analytical and operational positions with the *Queensland Police Service*, the *Australian Bureau of Criminal Intelligence*, the *Australian Federal Police* and the *Organised Crime Agency of British Columbia- Canada* (OCABC). Dr. Bell has presented his work before various Government Departments and committees, including the *Canadian Senate – Standing Committee for National Defence* in relation to the threats posed by transnational organised crime groups to the integrity of the national transportation network in Canada. Dr Bell has written extensively for police/security agencies on topics to do with official corruption, international drug trafficking, terrorism, critical infrastructure security and transnational organised crime.

Mark Lauchs is a Lecturer in the School of Justice in the Faculty of Law. He has extensive experience in Government and policy formulation including work in the departments of *Premier and Cabinet*, *Justice*, and *Attorney-Generals*. His doctoral work focused on the history of public sector ethics and accountability in Queensland. While working in government, Dr. Lauchs held the position for a time as Head of the Ethics and Integrity Unit of the Office of Public Service Merit and Equity. Dr. Lauchs teaches in the areas of transnational organised crime with a specific focus on Asian economic crimes in the 'International Policing' Course delivered by the School of Justice as a corporate program of study to the *Singapore Police Force*.

Introduction

Deviance and criminality by police has been subjected to increasing research interest by scholars and practitioners over the last few decades. Generally such research efforts are clustered around notions of police deviance, police corruption, police crime, police misconduct and sometimes more specific labels like police brutality, police abuse, police ethics, and police integrity. What makes researching this important area of policing problematic is the lack of an agreed on framework to delineate the range, diversity and depth of what behaviours are involved in this notion of police deviance. This paper adopts a Knowledge Management (KM) approach to the problem of police deviance by presenting a conceptual framework that has the capacity to focus and integrate the various strands of research inquiry into this important domain of police criminality. Hence, this paper represents an initial research step towards providing a better theoretical understanding and thereby knowledge of the complexities involved in policing the police.

Conceptualising Police Deviance: Matrix Framework

In order to appreciate how a Knowledge Management (KM) perspective can illuminate our understanding of police deviance and crime a brief overview of the salient features of KM is necessary. KM is about the knowledge people possess in their heads and the various technological systems that can be used to explicate such tacit, experientially-learnt knowledge. Thus, KM involves both a *philosophy*, consisting of different conceptual orientations or approaches, and a *practice* or technological base that revolved around a set of distinct yet complementary processes to do with knowledge creation, capture, storage, retrieval, transfer, sharing, application, and integration. Furthermore, there are two main philosophical

orientations (mechanistic and dynamic) which underpin KM. The mechanistic view equates KM with IT and adopts a 'platforms & programs' approach where the emphasis is on getting the right platform and software applications to harvest an organisation's knowledge. The dynamic perspective takes a 'context & culture' approach to KM. This dynamic orientation asserts that the only thing that can really be 'managed' about knowledge is the context and culture in which it occurs (Dean and Gottschalk, 2007).

In this paper we adopt this dynamic orientation as the most appropriate KM perspective to adopt towards researching police deviance. This is because the organisational context of policing has its own unique police culture which in some circumstances can hinder the reporting of misconduct and corruption through the operation of a 'code of silence'. This 'code of silence' is commonly found in police forces all over the world (e.g., Miller 2006; Loyens, 2009). Furthermore, Marche (2009:463) building on Klockars et. al (2000) analysis of survey data on police agency integrity found that 'police culture fosters corruption'.

Various typologies exist in the literature which classifies police deviance and corruption in many different forms. One of the earliest typologies by Roebuck and Barker (1974) ranges from corruption of authority, kickbacks, opportunistic theft, 'shakedowns' (bribes), protection of illegal activity, fixes (undermining criminal investigations), direct criminal activities (police crime), internal payoffs, 'flaking' or 'padding' (planting, adding to or tampering with evidence). Punch (2000) suggests additional forms of police crime like extreme violence, manipulating evidence, sexual harassment, racism, and police involvement in drug dealing. Klockars (1985)

describes what is commonly referred to in police circles as the ‘Dirty Harry Problem’, that is the use of ‘dirty means’ to achieve ‘good ends’. This is also known as a type of ‘noble cause corruption’. In this regard much has been made of a ‘noble cause’ corruption where misconduct is justified in the name of good ends (Porter and Warrender, 2009; Caldero and Crank, 2004; Harrison, 1999) as one explanatory variable among others for police deviance.

Porter and Warrender (2009) used an innovative approach in their attempt to develop a multivariate model of police deviance to examine ‘combinations’ of factors that shape police corruption. These researchers (Porter and Warrender, 2009:88) using a multidimensional scalogram analysis (MSA) identified three ‘types’ of police deviance which they defined as Type A (police crime), Type B (noble cause misconduct) and Type C (corruption). While such a multi-factor approach is a noteworthy contribution to the complexities of research police deviance, the fundamental difficulty of having ‘agreed on’ definitions of what these ‘Types’ of police deviance represent and are composed of is still a problematic issue that underlies this multivariate model. For instance, as Porter and Warrender (2009:91) themselves note “ However, it is recognized that this criteria of differentiating between Type A (police crime) and Type C (corruption) is particularly relaxed and that more stringent classification criteria could be used based on the size of the difference between the number of variables present for each type.” It is further noted that, “the most frequent difference in the number of variables of each type for the cases was, however, a difference of one” (ibid).

Moreover, with regard to Type B (noble cause misconduct) this category was defined as offences that “were most likely to be evidence related (for example, ignoring, planting or removing evidence in order to secure a conviction)” (ibid). However, it could be equally argued that such ‘misconduct’ may in fact have little to do with a ‘noble cause’. In some cases, the ‘ignoring, planting or removing evidence’ by a police officer may have more to do with assisting a criminal group to set up one of their criminal competitors for a crime that was perpetrated by them. In this situation the ‘assisting’ police officer would no doubt be suitably financially compensated by the criminal group. Hence, in this situation such personal gain by the police officer would then fall under either Type A (police crime) or Type C (corruption) in the Porter and Warrender police deviance typology. It certainly could not be considered as a ‘noble cause’ act.

Finally, a prominent theory regarding police deviance is the notion of a slippery-slope (O’Connor, 2005). In that, once a police officer engages in even relatively small and minor violations of departmental rules like accepting a free meal or discounts, then they have taken the first steps towards other more serious forms of misconduct which can eventually lead them into a downward slide into major corrupt practices. This notion of a progression in police deviance and criminality is not captured by static typological classification schemes that seek hard and fast rules and precise definitions in order to operationalise various research methodologies.

Such classification schemes and theoretical notions have their merits and taken together create a mosaic of police deviance as perceived from different vantage points. However, what is missing in the literature is an organising framework that is

robust and yet flexible enough to capture the knowledge about the nature, extent and progression of police deviance from different perspectives and at different levels.

Hence, in pursue of this objective, the following matrix diagram (Figure 1) has been developed by Dean in order to more appropriately conceptualise from a KM perspective the salient dimensions of police deviance.

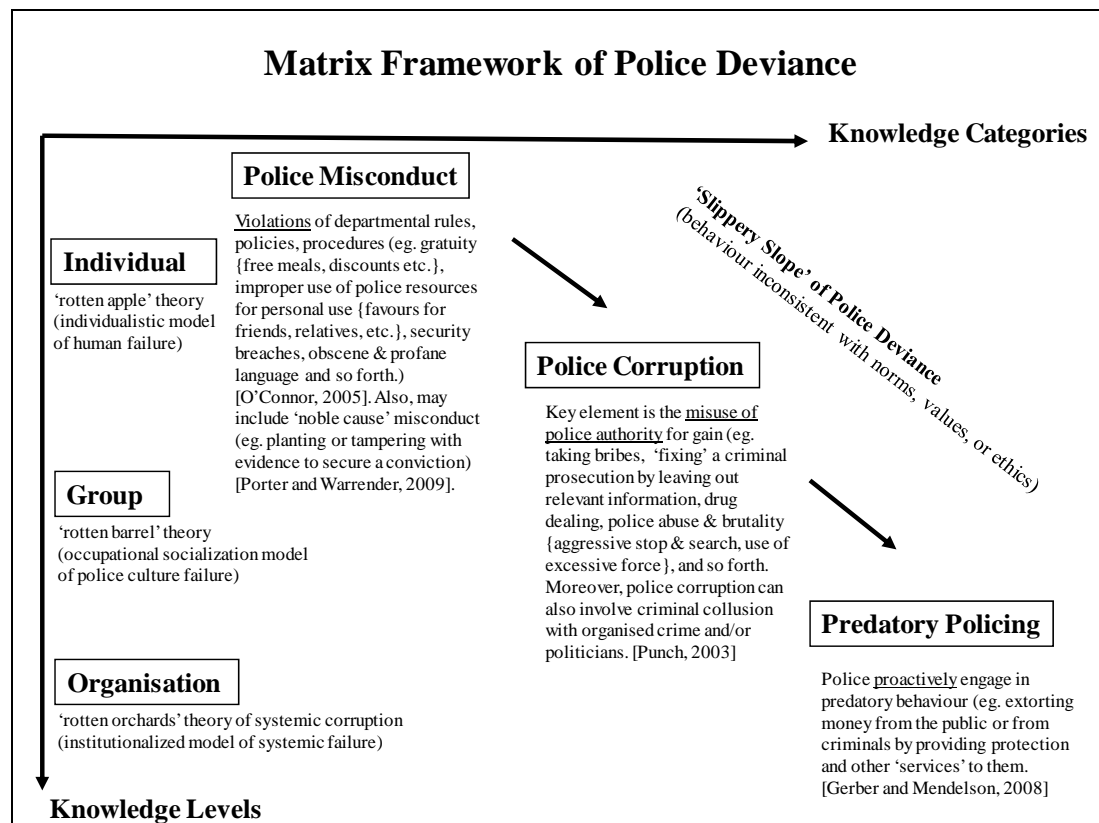


Figure 1: A two-dimensional conceptualisation of police deviance

As can be seen in Figure 1 police deviance is often viewed as a 'slippery slope' (O'Connor, 2005) whereby there is a gradual deterioration of social-moral inhibitions accompanied by a perceived sense of permissibility for deviant conduct amongst police. However, this 'slope' can also be seen as a two-dimensional matrix. In that, on the horizontal axis at one end of the matrix is 'police misconduct' and at the other end is 'predatory policing' with 'police corruption' somewhere in the middle on this horizontal dimension.

Some may argue that the term ‘predatory policing’ as introduced by Gerber and Mendelson (2008) into the literature on police deviance is just another label for ‘police corruption’ as extortion by police for personal gain is also part and parcel of corrupt police practices. While this is the case to some extent, we believe the notion of ‘predatory policing’ has more substantive merit. In that, it draws attention to the ‘proactive’ nature of police corruption. For instance, when some police officers move from an *accepting* of bribes (kick backs) and so forth from criminals to turn a blind eye to illegal gambling or prostitution rackets and so on to a more active *soliciting* of protection money from criminals and/or the public. Such a role change from a passive acceptance to an active approaching is a qualitative difference that we argue makes a world of difference. This essential difference is what is captured in the notion of ‘predatory policing’ which delineates it from much of what can be more appropriately considered as ‘police corruption’ bribery, theft, fraud, tax evasion, racketeering (Ivkovich, 2003). Extortion, while also part of police corruption, in our view where it is instigated by police in a proactive manner then it should be considered more appropriately as predatory in nature. Indeed, much of what we call police corruption if it has a proactive element to it can be considered as nearer to the predatory policing end of the horizontal dimension of our police crime continuum.

However, on the vertical axis as is apparent in Figure 1, at the top end of the matrix is the ‘individual’ while at the bottom end is the ‘organisation’ and the movement of the individual from top to bottom is mediated through the ‘group’. That is, the work of an organisation is carried out through group processes in the main, rarely does an individual within an organisational context, especially in policing, work exclusively as an independent entity.

Furthermore, it will also be evident from a study of Figure 1 that there are definitional differences between the three types of police deviance noted that of - police misconduct, police corruption and predatory policing. However as Porter and Warrender (2009) note and as their research confirms the prevalence of police deviance is a much-debated and problematic issue. Hence, these categorisations as shown on Figure 1 are not meant to appear as mutually exclusive. For it is often the case that there is a lot of overlap between these categories, especially given the slippery slope theory.

For instance, while examples of *police misconduct* like ‘improper use of police resources’ can often be conceived of at ‘individual’ level it can spill over into the category of *police corruption* when individual officers use such police resources illegally by gaining access to files and intelligence to share with a wider network of corrupt police at the ‘group’ level. Furthermore, such corrupt practices involving the improper use of police resources may well extend into *predatory policing* at an ‘organisational’ or systemic level of institutionalised police deviance when corrupt police engage in ‘selling’ police intelligence to organised crime groups or even ‘setting up’ other officers to get them removed from sensitive investigations when honest police are getting too close to closing down organised criminal activities. For example, such predatory behaviour by corrupt officers may involve planting or fabricating evidence. In terms of Prenzler’s typology (2009) this could be classified as "process corruption" which involves tampering with, or fabricating, evidence, as revealed in miscarriages of justice cases. In some instances an internal police investigation may not find any evidence of a more sinister ploy by the offending officer and hence such tampering with evidence might be classified as an instance of

an over-eager but misguided officer getting it wrong and hence may be regarded as a type of ‘noble cause misconduct’ (Porter and Warrender, 2009). Moreover, some such ‘noble cause misconduct’ could also fit into what Prenzler (2009) defines as unprofessional conduct and miscellaneous misconduct, which is a broad category, where there is no clear or direct material benefit to the officer involved.

In the light of these definitional difficulties, we argue that a modest degree of conceptual clarity between these three different forms of police deviance is still possible if one considers the primary nature of the type of police deviance involved. As can be seen on Figure 1, the primary distinguishing feature in our matrix framework for the different forms of police deviance is indicated by the keywords being underlined for each of the categories. That is, the essence of *police misconduct* is violations of agreed standards enshrined in various departmental rules and policies and norms of civil behaviour in society. In essence, such misconduct is what some researchers might regard as a ‘police integrity’ issue, where integrity is defined as the quality of being honest and morally upright. Integrity is sometimes defined as the absence of misconduct (Cossette, 2004).

Whereas, in so far as *police corruption* is concerned it is the misuse of police authority which is a central feature of corrupt practices. Again, in terms of Prenzler’s typology (2009) such misuse of authority can be regarded as “classic corruption” which involves officers misusing their position for personal benefit. Bribery, for example, involves payment for officers not doing their duty. Moreover, “excessive force” or “brutality” (Prenzler, 2009) also involve the misuse of authority and cover a

wide range of forms of unjustified force. For instance, this can be anything from "rough handling" - such as excessive frisking - through to serious assault, torture, and murder.

With regard to *predatory policing* it is the proactive nature of the illegal behaviours that distinguishes this form of police deviance from the other categories. Skogan and Meares (2004) note that where police officers seek the means to engage in corrupt behaviour that this is also regarded as a form of 'proactive' corruption. In sum, as noted above, while such distinctions can be drawn conceptually, in reality considerable operational overlap occurs as one form of police deviance can merge into another form at various times and in various contexts.

In so far as our police deviance matrix is concerned, it is clear that a lot of what is found in the literature on police crime is mostly examples of an 'individual' nature - in the sense of being committed by individuals for their own personal gain. Hence, these types of police crime are at the *police misconduct* end on the horizontal axis. Such individualistic examples provide support for the view that this type of police crime can be viewed from the lens of the 'rotten apple' theory of corruption. In that, it is inevitably the case that in any organisation there will be those individuals who behave like rotten apples some of the time due to personal greed, moral weakness or similar motivations but the full barrel of apples is essential unspoil. Or some variation of this 'rotten apple' theme like 'rogue cop'.

However, it is clear on Figure 1 there are a number of theoretical perspectives contained in our conceptualisation of police deviance and not just the 'rotten apple'

metaphor, which is short-hand for an individualistic model of police deviance (Perry, 2001). This ‘rotten apple’ metaphor has been extended to include the group level view of police cultural deviance with a ‘rotten barrel’ metaphor (O’Connor, 2005). Finally, Punch (2003) has pushed the notion of ‘rotten orchards’ to highlight police deviance at the systemic level. Punch (2003:172) notes, ‘the metaphor of “rotten orchards” indicates that it is sometimes not the apple, or even the barrel, that is rotten but the *system* (or significant parts of the system)’. That is, deviance that has become *systemic* is:

... in some way encouraged, and perhaps even protected, by certain elements in the system. “Systems” refers both to the formal system – the police organization, the criminal justice system and the broader socio-political context – and to the informal system of deals, inducements, collusion and understandings among deviant officers as to how the corruption is to be organized, conducted and rationalized.” (Punch, 2003:172)

These metaphorical extensions represent increasing deeper level meanings associated with police crime. For instance, in regard to the ‘rotten apple’ thesis this level of explanation for police deviance is as Perry (2001: 1) notes “...most major inquiries into police corruption reject the ‘bad-apple’ theory: ‘The rotten-apple theory won’t work any longer. Corrupt police officers are not natural-born criminals, nor morally wicked men, constitutionally different from their honest colleagues. The task of corruption control is to examine the barrel, not just the apples, the organisation, not just the individual in it, because corrupt police are made, not born.’ ”

Furthermore, Punch (2003:172) makes the point that “The police themselves often employ the “rotten apple” metaphor – the deviant cop who slips into bad ways and contaminates the other essentially good officers – which is an individualistic, human failure model of deviance.” One explanation for favouring this individualistic model

of police deviance is provided by O'Connor (2005:2) when he states, "Police departments tend to use the rotten apple theory... to minimize the public backlash against policing after every exposed act of corruption."

Hence, it follows according to this individualistic view of police criminality that anti-corruption strategies should be targeted at finding the 'rotten apples' through measures like 'integrity testing' (Commission on Police Integrity, 1999) and putting policies and procedures in place reduce the opportunity for engaging in misconduct and/or corrupt practices. This 'rotten apple' view of police crime is a comfortable perspective to adopt for police organisations as it allows them to look no further than suspect 'individuals'. It only when other forms of 'group' (O'Connor, 2005) and/or 'systemic' (Punch, 2003) corruption erupt upon a police service that a more critical look is taken of police criminality. With this matrix framework in mind, the next sections will review the literature on police crime and its variety of forms both within Australia and Canada.

Case Study: Police Deviance and Criminality in Australia

Australian policing operates in a federated system. In that, there is one Federal policing organisation and six State police services/forces and two territory jurisdictions. The federal police agency is known as the Australian Federal Police (AFP) and has some 2,396 sworn police officers¹. It is largely responsible for global crime and policing issues like international drug trafficking, illegal immigrants, and so forth. Moreover, the AFP is mandated to provide community policing for the Australian Capital Territory (ACT) under a special agreement with the ACT

¹ Extracted from respective Police 2005/06 Annual Reports and Australian Bureau of Statistics.

Government. While the six State police organisations and the two territories have jurisdictional responsibilities for more localized crime and policing within their state borders.

The State police organisations and their relative strength in terms of police officer numbers are as follows – the New South Wales Police Force (NSWPF – 14,634), the Victoria Police (VicPol – 11,175), Queensland Police Service (OPS – 9,269), West Australian Police (WAP – 5,183), South Australian Police (SAP – 4,283), and Tasmanian Police (TP - 285). The two territorial jurisdictions that fall within the ambit of the Australian Federal Government are the Northern Territory Police Service (NTPS – 1,133), and as mentioned above the Australian Capital Territory Policing (ACTP - 621).

The Australian policing landscape has seen its share of episodic eruptions of corrupt practices. A review of the police services/forces in the three biggest States in Australia - New South Wales, Victoria and Queensland reveal the repeated occurrence of all three forms of police crime noted on the matrix framework in figure 1 – that of, police misconduct, police corruption, and predatory policing practices.

For instance, all these three big States have had Royal Commissions or Boards of Inquiry sparked by persistent allegations of serious police misconduct and/or corruption. For example in 1997 in NSW there was a Royal Commission by Justice Wood into corrupt practices that resulted in reform efforts of the NSW Police Service (Wood, 1997). The impetus for this Royal Commission was provided by an

investigation in 1994 by the Independent Commission against Corruption (ICAC) in NSW into the relationship between police and criminals in that State.

The Ombudsman in Victoria has undertaken two reports (2003 and 2004) into allegations of drug-related corruption in that State. Moreover, the Office of Police Integrity in Victoria some four years later delivered further reports on drug related police corruption and other matters of police misconduct (Office of Police Integrity, 2007, 2008).

While in the State of Queensland a wide ranging inquiry by Justice Fitzgerald during 1987 to 1989 into illegal activities and police misconduct/corruption resulted in the then commissioner of Police, Terry Lewis, jailed for taking kick-backs from underworld criminals involved mainly in the prostitution racket (Fitzgerald Report, 1987-89). Further inquiries by the Criminal Justice Commission in Queensland some ten years later in 1997 through Justice Carter (Carter, 1997) and in 1999 found evidence of police involvement in the illegal drug market (CJC, 1999).

It is clear from such Commissions and Boards of Inquiry that some sections of a police force are more prone to systemic and predatory corruption due to their close working relationship with organised crime activities such as prostitution and drugs. It is equally clear that all of the big three States, New South Wales, Victoria and Queensland are states have unenviable track records in relation police crime. A cogent argument can be made that there is a need to periodically reform, certainly every five years or so, the police organisations in these States in relation to police misconduct, corruption and predatory police practices. Moreover, in spite of such

Royal Commissions and Judicial Inquiries spanning decades even in the early 2000's most Australian jurisdictions have not implemented aggressive 'advanced' models of corruption prevention according to research by Prenzler and Ronken (2003).

However, it should be borne in mind that these examples of police crime in Australia do not indicate that Australia is any more prone to police deviance than other countries around the world. Indeed, Newburn (1999) has identified and categorized a number of forms of police misconduct and corruption which occur to varying degrees in most countries. In the following section the Canadian experience of police crime is reviewed in order to provide an interesting point of comparison with Australia in this regard.

Case Study: Police Deviance and Criminality in Canada

The context of Canadian policing like the country itself is large and diverse. With more than 257 police departments in Canada, the Canadian policing community can best be described as a complex and diverse blend of municipal, regional, state and federal law enforcement agencies. The most notable of which is the RCMP, which is steeped in tradition and dates back to 1873, the RCMP's 26,000 sworn members are charged with providing police services at the municipal, state and federal levels.

While the RCMP is contracted by state and municipal governments to provide a policing presence in these jurisdictions, it is worth noting that many municipalities have established their own municipal police services independent to the RCMP.

Oversight of these independent municipal services is performed by a police board which is chaired by the Mayor for the municipality, while oversight for the RCMP is provided by the Commission for Public Complaints against the RCMP (CPC). For the

purposes of this review the RCMP will be the focal point of study since it is representative of policing at all jurisdictional levels across Canada.

The initial complaint or allegation of some type of police crime is often investigated by a senior police officer from within the same jurisdiction. If the matter is regarded as 'serious,' or if it has gained media attention, it is often referred to a neighbouring police jurisdiction for investigation and report. A review of the literature failed to identify any broadly accepted definition of the term 'serious'. Dissatisfaction with the management of the complaint by the complainant at this stage may result in the matter being referred to the provincial Office of the Solicitor General.

Following a review of the matter by the provincial Office of the Solicitor General, the complaint may be forwarded to the RCMP for further investigation. The problem associated with this lies in the fact that the RCMP services hundreds of municipal and several provincial policing contracts, which may result in the RCMP investigating itself, a contentious issue that has raised concerns in relation to transparency and impartiality of the complaint process. Oversight of the complaint process for the RCMP lies with the CPC. The CPC reviews a sample of internal investigations handled by the RCMP in an effort to ensure that the ethical standards of the process and the service are maintained.

A review of the literature which is available through open sources providing specific reference to police misconduct and police corruption in Canada which indicates that RCMP itself has little to be proud of when dealing with police crime. For instance, there has been a series of scandals involving the RCMP in recent years which include:

- Misappropriation of funds from the \$12 Billion (CND) RCMP Pension and Insurance Plan by senior members of the RCMP (Commission for Public Complaints Against the Royal Canadian Mounted Police, 2007);
- Misleading of parliament by both the Police Commissioner and a Deputy Police Commissioner of the RCMP, which resulted in the resignation of the RCMP Commissioner and the formal charging of the Deputy Police Commissioner for Contempt of Parliament (Public Accounts Committee, Government of Canada, 2007);
- Information sharing practices of the RCMP which resulted in the unlawful detention and torture of a Canadian national Maher Arar, by Syrian authorities in 2002 (Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, 2004, Amnesty International, Canada, 2007,); and
- Death in custody of Mr Robert Dziekanski at Vancouver International Airport (Commission for Public Complaints Against the Royal Canadian Mounted Police, 2007; Ministry of Public Safety & Solicitor General, 2008; and the BC Coroners Service, 2008).

There is a clear absence of transparency and public accountability as well as significant attempts to engage in serious criminal prosecutions of the RMCP officers involved in these scandals. For instance, the depth of corruption within the RCMP became evident during the 2006-2007 Canadian Public Accounts Committee Inquiry into the RCMP Pension and Insurance Plan. The committee held that:

Through the actions and inactions of a small group of managers, serious breaches in the core values of the RCMP have occurred, the RCMP code of conduct and even the criminal code (Public Accounts Committee, Government of Canada, 2007).

The RCMP mishandling of the pension fund scandal provided further evidence of the inappropriate practice of ‘police investigating police’. Upon learning of the improprieties associated with the handling of monies attributed to the fund, a full criminal investigation was launched and then cancelled just two days later by the RCMP Commission at the time.

Some five months later and following the resignation of the same police commissioner, a criminal investigation was conducted by the Ottawa Police Service (OPS). The investigation by the OPS confirmed serious cases of nepotism and wasteful spending. In a separate investigation of the matter by the Auditor General it was determined that millions of dollars in inappropriate charges had been made to the pension and insurance plans. It remains to be seen if any significant criminal charges will be laid as a result of these investigations.

Such matters point to the inability of the RCMP to fully examine the scope of misconduct and corruption within the RCMP at the organisational level. These findings further demonstrate the growing need for an independent commission of inquiry in relation to systemic corruption within the RCMP.

Finally, although a number of mechanisms exist within Canada to address the issue of police corruption, it is still the case that each of these internal, criminal and civil systems is by and large remedial in nature. Very little evidence can be found that supports a preventative approach to police misconduct and police corruption within the context of Canadian public sector policing.

Researching Police Deviance: Sliding Scale

In the light of the findings of the comparative reviews of police crime and its deviant forms in Australia and Canada it is clear that attempts to root out police deviance is by and large fragmented, episodic in nature, and overly-focused on an individualistic approach to dealing with police crime. This individualistic model of finding and charging 'rotten apples' makes for easy targets but does little to address other far more serious types of police crime that involve entrenched and systemic corrupt

practices and predatory policing. For instance, the Wood Commission defines corruption as both *systemic*, in so far as it was self-perpetuating and *entrenched*, when corrupt officers have alliances in place to defend their corrupt network from inquiries or interference (Wood 1977).

Therefore, in order to more adequately address the breadth and depth of police crime a research instrument is proposed based on the matrix framework presented in figure 1. This research instrument comprises a five-point 'sliding scale' of police deviance. Furthermore, this sliding scale is designed to capture the breadth and depth of what constitutes police deviance at the level of the individual, the group and the organisational contexts of policing. This research scale is illustrated in figure 2 below.

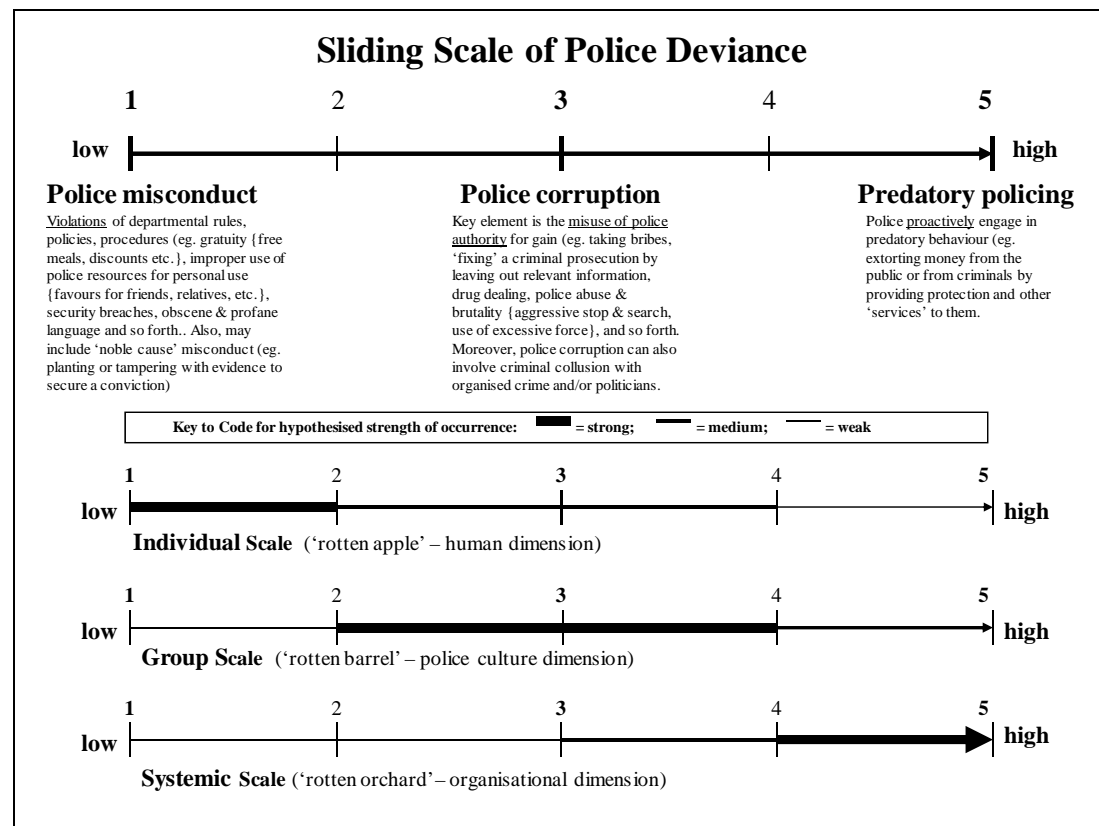


Figure 2: Scaling Instrument for researching police deviance

As can be seen the three prominent forms of police deviance - misconduct, corruption, and predatory behaviours are arranged on a 1 to 5 scale, with 1 being considered a less serious form of deviance than 5. In other words, there is a movement from more passive and minor forms of police deviance at the low end (1) of the scale towards more active and major types of police deviance at the high end (5) on this sliding scale.

Furthermore, the three levels (individual, group, and organisation) at which police deviance can manifest itself as noted on the matrix (figure 1) has each been given a sliding scale of their own (individual-group-systemic scales) which reflects the type of police deviance involved and which also corresponds to the five-point segments or divisions illustrated on the top scale as shown on Figure 2.

Also noted on Figure 2 is a code key for how to interpret the relative weightings of the scale line for each of the three levels of potential police deviance. As should be apparent, the thickness of the lines (strong-medium-weak) in different divisional segments on the three scales (individual - group - systemic) represent the relative strength as to what *type* of police deviance (*misconduct – corruption – predatory*) one would expect to find² (hypothesis generation) at each of these levels of police deviance.

To take the varying thickness of the lines on the 'Individual Scale' as an example, the 'most thick (strong) line' occurs in the segment between points 1 to 2 on this scale.

That is, one would expect from the research reviewed for this paper that at the *police*

² The words 'one would expect to find' are indicative of a process of generating testable hypotheses based on the research evidence to date).

misconduct end of the scale (somewhere along the scale of segment 1 to 2) that 'individual' police officers will figure more prominently on the 'individual (rotten apples) scale' than on the other two scales below – that is, the group and systemic scales in so far a police misconduct is concerned.

The hypothesising is similar for the rest of the scales. In that, most of the evidence for a 'rotten barrel' or group level of police deviance is more likely to be found in the form of *police corruption* practices as indicated by the strong thickness of the lines between the segments 2 - 3 and 3 - 4 on the 'Group Scale'. Whilst, the 'medium' thick line at the point 5 end of the group scale indicates that to a slightly lesser degree some of this police corruption will spill over into forms of predatory policing for some police officers. Other corrupt police will be content to just misuse their authority for personal gain and not get too greedy by extending their deviance into more proactive predatory corrupt practices.

With regard, to the least (weak) thick line of the group scale being at the beginning of segment 1-2 a note of caution as to how this should be interpreted is in order. This weak occurrence of police deviance at the group level does not mean that individuals are not strongly corrupted at this point. Indeed, they may well have engaged in quite a lot of police misconduct on the individual scale. But this should not be assumed. For instance, when a new officer joins for example a vice squad, such squads are notorious for having the potential to engage in corrupt practices. The constant association with criminal gangs and organised crime networks responsible for much of the rackets to do with the illicit drug trade and illegal prostitution markets and so forth make vice squad very susceptible to police corruption. Hence, new officer

might not have been engaged in police misconduct upon entering such a squad but his or her continuance in such a squad may well depend of become corrupt if approached by a corrupt officer to take a bribe. For example, failure to take the bribe results in classic in-group behaviour defensive tactics, such as, marginalisation (Jones & Carson, 2004, Cacciola, 2009), threats or active attempts to destroy the officer's career (Fitzgerald, 1989).

In this regard, corrupt police develop a 'rat cunning' much like the criminal counterparts in the underworld. Hence, corrupt police networks can use the 'rotten apple' theory to their criminal advantage against a police organisation that becomes too determined to root out corruption. They can achieve this by *offering up* a 'corrupt officer' or even a few officers depending on the heat of the anti-corruption purge to appease the public demand for crack-downs on corruption. Cacciola recounts how regular attempts were made to frame him not only to divert attention away from other illegal activity by fellow officers, but to discredit him as a potential witness (Cacciola, 2009).

It is a similar tactic they use for 'protecting' illegal brothels. Corrupt police arrange for girls, low status prostitutes and brothel receptionists, to take turns being arrested so the vice squad can maintain an arrest rate (Fitzgerald, 1989). Moreover, the benefit to a police force can be that it is able to regularly identify and discipline sacrificial officers to create a public perception that action was being taken. Furthermore, corrupt police can also claim that corruption was being identified and stopped before it developed into sophisticated networks thereby allaying fears of systemic or entrenched corruption.

On another note, the potential for corruption exists in all government agencies and can be categorised as either 'wet' or 'dry'. Wet agencies are those that are ideal for corruption because they involve a high degree of discretion as opposed to dry agencies which have no discretion (Heidenheimer and Johnston 2002). Thus an agency such as police or customs which involves a great deal of decision making on the part of their officers provides many opportunities for illegal operators to bribe officers to make particular decisions which assist their crimes. Alternatively, a purely clerical job provides almost no opportunities to either use discretion or assist criminal activity. Within wet agencies some positions are wetter than others. For example, a member of the vice squad not only has discretion but makes decisions over highly profitable illegal activity. Thus he or she not only has the ability to assist criminals but the criminals have the wealth to induce the officer into participating in corruption. Arguably an officer working on the rail squad, while not immune from corruption, is less likely to face opportunities where they are bribed and far less exposed to the amounts of cash that could influence their behaviour.

With regard to the third 'Systemic Scale', the strong thick line occurs more at the predatory end of police deviance. Hence, we can take the analogy of 'wet' and 'dry' environments in government agencies like the police further by saying that predatory policing occurs when officers actively pursue corruption by *irrigating* their environment to create 'wet' opportunities. Entrenched corruption on the other hand, occurs when officers protect their control over the wet job; they in effect build a dam to store up and control the water asset. Allegations have been made that, during the 1980s, the NSW police eliminated the criminal competitors in order to control the drug trade in Sydney (Wood 1997). Similarly, the Queensland Police Commissioner,

Terry Lewis, effectively extorted money from operators of illegal prostitution and gambling; they could not operate unless they paid (Fitzgerald 1989).

Moreover, there is a further connection between passive police corruption and proactive predatory policing. The entrepreneur or corruption broker is a facilitator of bribery. This person's knowledge and connections of the system makes them valuable as a point at which people who want protection or predatory police who are seeking opportunities can approach to develop new or expand existing corrupt networks. As Burt explains, a broker has the "information on available goods, sellers, buyers, and prices" that he/she can use to assist isolated networks (police squads and organised criminals) to link up and work together (Burt 2005).

In terms of the Australian context and specifically the state of Queensland the classic corruption broker according to the findings of the Fitzgerald Inquiry (1989) was Jack Herbert. Herbert was a former Queensland police and member of the Licensing Branch (the equivalent of a vice squad). Having left the force under a cloud he maintained his connections. After period of anti-corruption crackdowns, the political situation changed and people tried to re-establish corrupt networks. Herbert was the conduit between gambling and prostitution operators and the police. He was approached by both and facilitated the arrangements between each side and the creation of protection networks in the senior ranks of the Queensland Police Force (Herbert and Gilling: 2004). In metaphorical terms, Herbert built an *aqueduct* between those who wanted to pay and those who could provide the protection.

Finally, it should be noted with regard to this 'sliding scale' research instrument that the relative strength of police deviance varies on each scale at the individual, group and systemic levels depending on type and depth of police crime engaged in at that level. The notion of the 'slippery slope' of police deviance is also reflected in such research hypothesising.

Discussion

There is a pattern we have both seen, experienced personally and discerned darkly in the literature as to how police organisations and Governments deal with and respond to allegations of police misconduct and corruption which requires further analysis if the proposed research instrument presented in the previous section is to be effectively utilised.

As noted in both Australia and Canada apart from the official police and watchdog agency reports on the extent of police misconduct in their ranks, there is very little official reporting of the more sinister levels of police corruption and predatory practices. These episodic revelations of group and systemic corruption often only come about as a result of a competent investigative journalist uncovering some element of corrupt practices by police. Such media-driven revelations are certainly the case in Australia.

We have also noted from personal experience that the usual response by police executives when such revelations occur in the Daily News and on TV takes the form of a series of graduated responses as pressure builds on them to do something about such revelations of police crime. This pattern of response by police organisations and

Governments of the day regardless of political colour generally follows our analysis as set out below:

1. The police executive cast doubt that the 'story' has any real truth to it by implying it is just another example of the media 'beating up' a story to get some sensationalism going (Dickie 1988).

However, if this does not work in the short-term, then the police management will go the next step, which is –

2. To release a statement saying that the 'matter in question' or 'alleged allegation' has been referred to some internal investigation unit like an 'Ethical Standards Section' or a 'Internal Police Complaints Unit' in order to carry out a full and proper investigation to determine the extent, if any, of the alleged incident of misconduct and/or corruption by an individual member of the police. Queensland Police Commissioner Terry Lewis created his own Internal Investigations Section to investigate police misconduct; it made adverse findings in approximately 2% of cases and never recommended serious sanctions (Fitzgerald 1989).

Accompanying this statement, there is often the additional comment that if it is found after this full and transparent investigation that some officer has behaved in an unlawful manner then the full weight of appropriate disciplinary action will be taken against him or her. Again, for most police complaints this type of organisational response will stop the media campaign there.

However, if the investigative journalist is able to gather more ammunition then the 'little ripple' in the pond can become a 'huge wave' that washes over the police management to such an extent that 'politicians' get involved.

Governments, of all political persuasions, then go into 'damage control' mode and respond with -

3. A range of control strategies which generally take the form of giving 'unqualified support' to police executives in their quest to leave 'no stone unturned' in identifying and rooting out the one or two 'rotten apples' in the police. Often the rotten apples are scapegoated honest officers (Fitzgerald 1989).

However, if this does not turn the tide the Government's way then politicians start to look at who they can 'blame' for this tidal wave of public dissatisfaction against them over the continuing revelations of wide scale misconduct and/or corruption within police ranks. This change in direction by the Government of the day will take the following forms -

4. The Government announces that it will now take over the investigation from the police and give it to an 'independent' body to continue the investigation of alleged police misconduct/corruption. If such Independent Bodies do not exist with the machinery of the State or Nation like Independent Commission Against Corruption (ICAC) in New South Wales or the Crime and Misconduct Commission (CMC) in Queensland in Australia, then the next and the final response left to the Government of the day is to announce -
5. Setting up an 'independent' Judicial Inquiry (JI) or even a Royal Commission (RC), if the public pressure is substantial, to look into the allegations of police crime. In some instances, the politicians in power will try to influence the outcome of such a JE or RC by appointing the person to head the Enquiry and/or Commission who is known to be a 'tame' (ie. pro-government or at least, politically conservative) retired judge or other suitably qualified professional.

Evidence of this pattern can also be discerned in the literature reviewed for this paper. For instance, with regard to Canadian policing an examination of the CPC review process clearly suggests that considerable emphasis is placed on the personal conduct of RCMP officers while very little effort is directed towards the investigation of systemic police corruption within the service. This is hardly a surprising finding when one considers that the RCMP Research and Evaluation Branch (2006) define police corruption simply as: "...the lack of police integrity. It also constitutes one of the most significant obstacles to positive police-public relations in today's society" (Grant, 2002:12). The above quote shows how simplistic and woefully inadequate such a 'definition' of police corruption is by the RCMP and hence its own 'blind spots' in its anti-corruption efforts. Clearly, with this sort of narrow view no wonder

the RCMP focus on police crime is almost entirely directly to the 'individual' end of the scale.

Furthermore, Tiffen (2004) found that in the State of New South Wales in Australia the most prolific areas for institutionalized police corruption were the enforcement of so- termed 'victimless crime', which includes abortion, prostitution, illegal drugs, illegal gambling, restrictions on alcohol consumption, and homosexuality. Moreover, it is also evident in reviewing the literature which is available through open sources with specific reference to police misconduct and police corruption in Canada, that the ongoing practice of 'police investigating police' has done very little to relieve public concerns surrounding procedural transparency and public accountability.

Also, the absence or inability to provide an accurate measurement of corruption has itself posed a significant barrier to the effective management of police corruption (Moran, 2002:137). This absence of quantifiable criteria which can be used to determine the scale of police corruption lends weight to the argument that the RCMP complaint process is subjective and fails to adequately address the varying degrees of police criminality within the service. Ivkovich (200:593) notes that:

"... the degree of success of a reform is often determined on the basis of its political appeal and the absence of subsequent scandals, rather than on the true impact the reform has had on the actual corruption in the agency."

In relation to policing context in Australia, it is equally clear that all of the big three States, New South Wales, Victoria and Queensland are states that have an unenviable track record in relation police crime. A cogent argument can be made that there is a need to periodically reform, certainly every five years or so, the police organisations

in these States in relation to police misconduct, corruption and predatory police practices. What is so troublesome about this argument is that the extent and depth of police crime at the more serious end of entrenched corruption and predatory practices still regularly surfaces in these States. This is in spite of the fact that each of these States have in place some type of 'independent' watchdog agencies whose sole reason for existence is to identify and stop such corrupt practices. Hence, a reasonable speculation is that perhaps too much time and effort is spent by watchdog organisations picking up 'rotten apples' rather than searching the fields for 'rotten orchards' by detecting and dismantling corrupt police networks.

As for further research in this area, the principal author and other colleagues are currently engaged in a content analysis of court records of prosecuted police officers in order to better understand the set of relationships and causal mechanisms involved in various forms of police deviance. Researching police criminality involves untangling several variables to do with the role, age, and gender of police officers as well as the organisational structure and police culture as all these variables influence to differing degrees the types of crime committed by police and the motives involved. To take one such example of untangling variables, the variable of police culture contains what has often been referred to as a 'code of silence'. This is a key factor in so far as researching police deviance is concerned. For instance, conformity to the code of silence was found in the Victorian Armed Offenders Squad in Australia by the Office of Police Integrity (OPI, 2008). The code of silence was reinforced by those in the 'brotherhood' through implied or explicit threats of reprisals, exploiting fears of being shunned or labeled by the peer group, and feeding anxieties about an individual's career prospects. Individuals in the Squad were called upon to sacrifice

their autonomy and personal interests for sake of the brotherhood. Thus, this ‘code of silence’ prevents police officers from reporting misconduct. Hence, researching police deviance is a complex undertaking that requires considerable sophistication in both the design and execution of the research.

Finally, the contribution of this paper is to suggest that the utility of our police crime matrix framework for police managers, policy makers and investigating bodies charged with the responsibility of detecting and prosecuting police criminality is twofold. Firstly, this matrix framework reminds such individuals and agencies to be ever mindful of the need to ask the ‘right questions’ about the nature and extent of alleged incidents of police deviance.

For instance, *where* a particular incident or example of police crime is to be located on the matrix, as depicted in Figure 1 and scaled in Figure 2, will of necessity involve a close examination and analysis of each particular incident by the investigating body to determine as far as possible the exact nature and extent of the police deviance under scrutiny and hence its most appropriate categorisation. It is simply just an incident of *misconduct* or does it reflect more of a *corrupt practice* and/or does it have a *predatory* edge to it? These are the types of questions that should be central to any investigation of police deviance. Such questions require credible answers if an investigating body itself is to remain credible in the eyes of the public.

Secondly, the matrix framework can also be used as a Knowledge Management System (KMS) to capture and compare research both between agencies and across countries on police crime. Moreover, it is an application tool for managing the

knowledge acquired about police criminality. A discussion of what such a KMS³ would look like and how it might work is beyond the scope of this paper. Such a discussion can be found in other material written by the principal author.

Conclusion

A review of the extant literature in Australia and in Canada reveals that criminality by police exists in many deviant forms and that it is still very much alive. Furthermore, attempts by police organisations and various watchdog government agencies to root out police deviance is by and large fragmented, episodic in nature, and overly-focused on an individualistic approach to dealing with police crime. Moreover, there is a prevalent and clearly discernable pattern adopted by police organisations and governments alike in dealing with and respond to allegations of police misconduct and corruption in Australia and Canada that does little to restore public confidence in the anti-corruption efforts of these institutions.

We argue that what is needed to move beyond the definitional difficulties involved in researching police crime is an agreed on conceptual framework that delineates the range, diversity and depth of what behaviours are involved in police deviance. Thus, we have adopted a Knowledge Management (KM) approach to researching police crime and its multi-faceted forms of deviance because such a dynamic perspective conceptually locates knowledge about police misconduct and corruption within its own context and culture. Furthermore, we have presented our KM framework as a five-point 'sliding scale' research tool, that is both robust and flexible enough to

³ The interested reader is referred to some recent work by the first author in conjunction with other colleagues in regard to the use of a KMS in the financing of organised crime. See Gottschalk and Dean (2009) in reference list.

capture, store and extend the knowledge base of what constitutes police deviance at the level of the individual, the group and the organisational contexts of policing.

Finally, the research potential of this work is discussed in the light of our theoretical understanding and knowledge of the complexities involved in policing the police.

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