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THE INFORMAL "CODE" OF POLICE DEVIANCY: A GROUP APPROACH TO "BLUE-COAT CRIME"*

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The traditional stereotype of a policeman engaged in unlawful activity is usually that of an isolated deviation by an *individual officer*—morally weak, intellectually dull, and personally corrupt. The study reported in this paper deals with police *group deviation* and the informal "code" whereby it is perpetuated.

The author explores the process of recruit socialization into unlawful "code" practices, preservation of "code" secrecy; and group acceptance for practitioners is clearly documented. Difficulties in breaking the "code" without destroying police professionalism are discussed.

It has been asserted by various writers of criminology, deviant behavior, and police science that unlawful activity by a policeman is a manifestation of personal moral weakness, a symptom of personality defects, or the recruitment of individuals unqualified for police work. In contrast to the traditional orientation, this paper is a sociological examination of "blue-coat crime"¹ as a functioning informal social system whose norms and practices are at variance with legal statutes. Within the police group itself, this pattern of illicit behavior is referred to as the "code".

Following an examination of these contrasting viewpoints, this case study will provide data to ascertain the existence of the "code", its limitations and range of deviancy, and the processes through which it is maintained and sanctioned within the group. The guiding hypothesis of this study is that illegal practices of police personnel are socially prescribed and patterned through the informal "code" rather than being a function of

individual aberration or personal inadequacies of the policeman himself.

THE INDIVIDUALISTIC APPROACH

Three decades ago August Vollmer emphasized that the individual being suited to police work was the factor responsible for subsequent deviancy among officers. This approach implicitly assumes inherent personality characteristics to be the determinant which makes a police recruit into a good officer or a bad one.² A current text of police personnel management by German reaffirms the individualistic orientation of Vollmer, and suggests that the quality of police service is ultimately dependent upon the individual police officer. There is no evidence of an awareness of group pressures within his analysis.³

A modified version of this individualistic approach is the view that perhaps the individual chosen had already become "contaminated" prior to being hired as a member of the force, and when presented with chances for bribery or favoritism, the "hard core guy, the one who is a thief already, steps in".⁴

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¹ This concept is a restricted modification of Sutherland's term "White Collar Crime." Edwin H. Sutherland, *White Collar Criminality*, 5 AMER. SOC. REV. 1-12 (1940). However, the stress of Sutherland's thesis is the lowering of social morale of the larger society by the violation of trust by those holding these social positions. The present emphasis is upon the group participating in those violations and their reactions, morale and behavior, rather than the consequences accruing the larger society as a result of these illegal actions. The same violation of trust might produce a degree of disorganization and lowering of morale among non-participants, while producing a heightened morale and cohesion among all of those in the norm-violating clique.

² AUGUST VOLLMER, *THE POLICE AND MODERN SOCIETY* 3-4 (1936).

³ A. C. GERMAN, *POLICE PERSONNEL MANAGEMENT* 3-4 (1958).

⁴ Mort Stern, *What Makes a Policeman Go Wrong? An Ex-Member of the Force Traces the Steps on Way from Law Enforcement to Violating*, by a Former Denver Police Officer as told to Mort Stern, Denver Post, October 1, 1961. Reprinted in 53 J. CRIM. L., C. & P. S. 97-101 (1962).

A similar reaction is given by James F. Johnson, a former state trooper, Secret Service Agent, security officer and private investigator in World Telegram and Sun, March 10, 1953, quoted in TAPPAN, *CRIME, JUSTICE AND CORRECTION* 290 (1960).

A third factor, stressed by Tappan,⁵ is the poor screening method at the recruitment stage. Such an officer might have had inadequate training, insufficient supervision, and poor pay and is ripe for any opportunity to participate in lucrative illicit enterprises. This author then goes into great detail to show the low intelligence and educational level of police officers. Another author adds that improved selection and personality evaluation have improved the quality of the police considerably over the past 20 years,⁶ thereby attacking this problem directly. One recent author wrote that low salaries make more difficult the attraction of applicants with the moral strength to withstand temptations of "handouts" and eventual corruption.⁷ Sutherland and Cressey, although aware that graft is a characteristic of the entire police system⁸ rather than of isolated patrolman, stress the unqualified appointments of police officials by corrupt politicians as the source of police deviancy. They state:

Another consequence of the fact that police departments often are organized for the welfare of corrupt politicians, rather than of society, is inefficient and unqualified personnel. This is unquestionably linked with police dishonesty, since only police officers who are "right" can be employed by those in political control. Persons of low intelligence and with criminal records sometimes are employed.⁹

THE GROUP APPROACH

In contrast to the individualistic approach of these foregoing authors, the emphasis on the social context in which police deviancy flourishes has preoccupied the sociological criminologists. The present case study would clearly reflect this latter orientation.

Barnes and Teeters mention police deviancy in conjunction with organized syndicated crime.¹⁰

⁵ TAPPAN, *IBID.* 309ff.

⁶ Wilson, *Progress in Police Administration*, 42 J. CRIM. L., C. & P. S. 141 (1951).

⁷ JOHNSON, *CRIME, CORRECTION AND SOCIETY* 452 (1964).

⁸ The Lexow Committee in New York (1894-1895), and the Seabury Committee a generation later found the same situation of *departmental* corruption quoted in SUTHERLAND & CRESSEY, *PRINCIPLES OF CRIMINOLOGY* 338 (6th ed. 1960).

⁹ SUTHERLAND & CRESSEY, *IBID.*

¹⁰ BARNES & TEETERS, *NEW HORIZONS IN CRIMINOLOGY* 245-247 (2d ed. 1958).

Korn and McCorkle,¹¹ Cloward,¹² and Merton¹³ see political and police corruption as a natural consequence of societal demands for illegal services. When these desired services are not provided through legal structures, they are attained through illegal means. However, documentation in support of these theoretical explanations is sketchy and limited in scope. Bell suggests that "crime is an American way of life." In the American temper there exists a feeling that "somewhere, somebody is pulling all the complicated strings to which this jumbled world dances". Stereotypes of big crime syndicates project the feeling that laws are just for "the little guys". Consequently, while "Americans have made such things as gambling illegal, they don't really in their hearts think of it as wicked".¹⁴ Likewise, the routine discovery of an average citizen in overt unlawful activity rarely inflames the public conscience to the degree that it does when this same deviant behavior is exhibited by a police officer. Thus, the societal double standard demands that those in positions of trust must exhibit an artificially high standard of morality which is not required of the average citizen.

A measure of role ambivalence is an inevitable part of the policeman occupation in a democratic society. While he is responsible to protect the members of his society from those who would do them harm, the corresponding powers for carrying out this mandate are not delegated.¹⁵ To perform his designated duties, the conscientious policeman often must violate the very laws he is trying to enforce. This poses a serious dilemma for the police officer since his attempt to effectively discourage violation of the law among the general public is often hinged to extra-legal short-cut techniques¹⁶ which are in common practice by his

¹¹ KORN & MCCORKLE, *CRIMINOLOGY AND PENOLOGY* 85-86, 125-136 (1959).

¹² Richard A. Cloward, *Illegitimate Means, Anomie, and Deviant Behavior*, 24 AMER. SOC. REV. 167 (1959).

¹³ MERTON, *SOCIAL THEORY AND SOCIAL STRUCTURE*, Chaps. 1, 4 and 5 (Revised and enlarged ed. 1958).

¹⁴ Bell, *Crime as an American Way of Life*, 13 ANTIOCH REV. 140-144 (1953).

¹⁵ SUTHERLAND & CRESSEY, *OP. CIT.* 331.

¹⁶ This dilemma is presently being compounded by recent Supreme Court decisions involving police powers and personal civil rights. The fear of an emergent police state (which may or may not be valid) leads the present Justices to feel that freedom of the individual will result when police powers no longer encroach upon individual rights. The paradox is that the police are required to fulfill their traditional protection duties in spite of these new formal procedures designed to limit their investigative activities. To fulfill the social expect-

law enforcement cohorts. For example, the use of "illegal" violence by policeman is justified by them as a necessary means to locate and harass the most vicious criminals and the Organized Syndicates.¹⁷ These procedures are reinforced through coordinated group action.

The officer needs the support of his fellow officers in dangerous situations and when he resorts to practices of questionable legality. Therefore, the rookie must pass the test of loyalty to the code of secrecy. Sometimes this loyalty of colleagues has the effect of protecting the law-violating, unethical officer.¹⁸

Such illegal practices which are traditionally used to carry out a policeman's assigned tasks might well be readily converted to the aims of personal gain.

In these tight informal cliques within the larger police force, certain "exploratory gestures"¹⁹ involving the acceptance of small bribes and favors can occur. This is a hazy boundary between grateful citizens paying their respects to a proud profession, and "good" citizens involved in corruption wishing to buy future favors. Once begun, however, these practices can become "norms" or informal standards of cliques of policemen. A new recruit can be socialized into accepting these illegal practices by mild, informal negative sanctions such as the withholding of group acceptance. If these unlawful practices are embraced, the recruits membership group—the police force—and his reference group—the clique involved in illegal behavior—are no longer one and the same. In such circumstances the norms of the reference group (the illegal-oriented clique) would clearly take precedence over either the formal requisites of the membership group (police department regulations) or the formalized norms (legal statutes) of the larger society.²⁰ When such conflicts are apparent a person can

tations of "catching criminals, dope peddlers, etc.," the policeman must adopt certain extra-legal procedures strictly on an informal basis, while appearing on the surface to be adhering to the formal limitations imposed upon him. See Arthur Niederhoffer's recent monograph *Behind the Shield: The Police in Urban Society* (1967).

¹⁷ Westley, *Violence and the Police*, 59 AMER. J. SOC. 34-41 (1953).

¹⁸ Westley, *Secrecy and the Police*, 34 SOCIAL FORCES 254-257 (1956).

¹⁹ This concept was taken from COHEN, *DELINQUENT BOYS: THE CULTURE OF THE GANG* 60 (1955).

²⁰ SHERIF & SHERIF, *AN OUTLINE OF SOCIAL PSYCHOLOGY* 630-631, 638. For a sophisticated treatment of reference group theory see Chapters 4, 16, and 18. (Revised ed. 1956).

1) conform to one, take the consequences of non-conformity to the other. 2) He can seek a compromise position by which he attempts to conform in part, though not wholly, to one or more sets of role expectations, in the hope that sanctions applied will be minimal.²¹

If these reference group norms involving illegal activity become routinized with use they become an identifiable informal "code" such as that found in the present study. Such codes are not unique to the police profession. A fully documented case study of training at a military academy²² in which an informal pattern of behavior was assimilated along with the formal standards clearly outlined the function of the informal norms, their dominance when in conflict with formal regulations, and the secretive nature of their existence to facilitate their effectiveness and subsequent preservation. The revelation of their existence to those outside the cadet group would destroy their integrative force and neutralize their utility.

This same secrecy would be demanded of a police "code" to insure its preservation. Although within the clique the code must be well defined, the ignorance of the lay public to even its existence would be a requisite to its continuous and effective use.²³ Through participation in activity regimented by the "code" an increased group identity and cohesion among "code" practitioners would emerge.

Group identity requires winning of acceptance as a member of the inner group and, thereby, gaining access to the secrets of the occupation which are acquired through informal contacts with colleagues.²⁴

Lack of this acceptance not only bars the neophyte from the inner secrets of the profession, but may isolate him socially and professionally from his colleagues and even his superiors. There is the added fear that, in some circumstance in which he would need their support, they would avoid becoming involved, forcing him to face personal danger or public ridicule alone.

The social structure in which law enforcement is maintained has a definite bearing on what is

²¹ Stouffer, *An Analysis of Conflicting Social Norms*, 14 AMER. SOC. REV. 707 (1949).

²² Dornbush, *The Military Academy as an Assimilating Institution*, 33 SOCIAL FORCES 316-321 (1955).

²³ Moore & Tumin, *Some Social Functions of Ignorance*, 14 AMER. SOC. REV. 791 (1949).

²⁴ JOHNSON, *OP. CIT.* 445-446.

considered normal and what is deviant behavior. The pattern of "Blue-Coat Crime" (i.e., the "code") seems far more deviant when compared to the dominant middle-class norms of our society as when compared to lower class values. Whyte maintains that in the Italian Slum of Cornerville, the primary function of the police department is not the enforcement of the law, but the regulation of illegal activities . . .

...an outbreak of violence arouses the "good people" to make demands for law enforcement . . . even when they disturb police racketeer relations. Therefore, it is in the interest of the departments to help maintain a peaceful racket organization . . . By regulating the racket and keeping peace, the officer can satisfy the demands for law enforcement with a number of token arrests and be free to make his adjustment to the local situation.²⁵

Since an adjustment to the local situation might well involve adopting some of the "code" practices, the successful police rookie is he who can delicately temper three sets of uncomplementary standards: 1) the "code" practices adopted for group acceptance, 2) the societal standards regulating the duties and responsibilities of the police profession and 3) his own system of morality gained from prior socialization in family, religious, educational and peer-group interaction.

Methodological Considerations:

The difficulties connected with any intensive investigation into the "code" are self evident. The binding secrecy which provides the source of its power would be disrupted if the "code" were revealed to an "outsider". Thus, standard sociological research methods were ineffective in this type of investigation. The traditional ethnographic technique of using an informant familiar with the "code" and its related practices made available the empirical data within this study. Obviously, data from a single informant do not begin to meet the stringent scientific criteria of reliability for

²⁵ WHYTE, STREET CORNER SOCIETY 138-139 (Enlarged ed. 1955).

Another author conceptualized this problem by delineating it as two separate police functions. "Law enforcement" has specific formal legal procedures whereas "keeping the peace" is vague and without a clear-cut mandate. This study updates by three decades the classic work of Whyte. See Egon Bittner, *The Police on Skid-Row: A Study of Peace Keeping*, 32 AMER. SOC. REV. 699-715 (1967).

the purpose of applying the conclusions from this case to police agencies in general. It is assumed that subsequent research will establish whether this is a unique episode or more of a universal phenomenon. However, the decision to enrich the literature with this present study in spite of its methodological deficiencies was felt to be justified inasmuch as an intensive search through the professional literature revealed no empirical accounts dealing directly with deviant policemen.²⁶

Because of the explosive nature of such materials on the social, political and economic life of the persons involved, the use of pseudonyms to maintain complete anonymity is a precaution not without precedent, and was a guarantee given by the director of this study in return for complete cooperation of the informant.²⁷ The informant was a police officer for 3½ years before he was implicated in charges of Robbery and Grand Larceny. He was subsequently tried and convicted, serving the better part of a year in prison. At the time of these interviews, he had been released from prison about three years.

The initial design of this study attempted to correlate these empirical data with two journalistic accounts²⁸ but the subjective handling of those stories neutralized any advantage gained from an increased number of informants. The present design is based exclusively on the single informant.

The Code and Its Practices:

Some of these terms used to describe police

²⁶ Many authors have written of police deviancy as tangential to their central theme. However, persistent search failed to reveal recent empirical studies focusing directly on the deviant policeman himself. Most applicable were Westley's, *Violence and the Police*, op. cit., and *Secrecy and the Police*, op. cit., although even here the data were gained from policemen still "in favor," who might well have reservations about revealing the full extent to which the "Code" was practiced.

²⁷ A graduate assistant from the Department of Sociology, Mr. Ivy L. Gilbert approached ex-officer "Smith" as a friend, and under guidance of the present author was able to gain "Smith's" cooperation for a scientific study. Taped interviews over a period of several months were recorded and transcribed by Gilbert. Many of these materials were used in Gilbert's Master's Thesis, A CASE STUDY OF POLICE SCANDAL: AN INVESTIGATION INTO ILLEGITIMATE NORMS OF A LEGITIMATE ENFORCEMENT AGENCY (June, 1965).

²⁸ One article is a composite of personal experience as a police reporter, David G. Wittles, *Why Cops Turn Crooked*, Saturday Evening Post, April 23, 1949, p. 26ff; the other is an account of a former Denver policeman as retold by a news editor, Mort Stern, op. cit. supra note 4.

deviancy are widely used, but because of possible variations in meaning they are defined below.²⁹ These practices are ordered so that those listed first would generally elicit the least fear of legal prosecution and those listed last would invoke major legal sanctions for their perpetration.

Mooching—An act of receiving free coffee, cigarettes, meals, liquor, groceries, or other items either as a consequence of being in an underpaid, undercompensated profession or for the possible future acts of favoritism which might be received by the donor.

Chiseling—An activity involving police demands for free admission to entertainment whether connected to police duty or not, price discounts, etc.

Favoritism—The practice of using license tabs, window stickers or courtesy cards to gain immunity from traffic arrest or citation (sometimes extended to wives, families and friends of recipient).

Prejudice—Situations in which minority groups receive less than impartial, neutral, objective attention, especially those who are less likely to have "influence" in City Hall to cause the arresting officer trouble.

Shopping—The practice of picking up small items such as candy bars, gum, or cigarettes at a store where the door has been accidentally unlocked after business hours.

Extortion—The demands made for advertisements in police magazines or purchase of tickets to police functions, or the "street courts" where minor traffic tickets can be avoided by the payment of cash bail to the arresting officer with no receipt required.

Bribery—The payments of cash or "gifts" for past or future assistance to avoid prosecution; such reciprocity might be made in terms of being unable to make a positive identification of a criminal, or being in the wrong place at a given time when a crime is to occur, both of which might be excused as carelessness but no proof as to deliberate miscarriage of justice. Differs from mooching in the higher value of a gift and in the mutual *understanding* regarding services to be performed upon the acceptance of the gift.

²⁹ The majority of these terms and definitions are modified from those listed by Gilbert, *op. cit.* 3-4, and discussed by GERMAN, *OP. CIT. supra* note 3 at p. 173.

Shakedown—The practice of appropriating expensive items for personal use and attributing it to criminal activity when investigating a break in, burglary, or an unlocked door. Differs from shopping in the cost of the items and the ease by which former ownership of items can be determined if the officer is "caught" in the act of procurement.

Perjury—The sanction of the "code" which demands that fellow officers lie to provide an alibi for fellow officers apprehended in unlawful activity covered by the "code."

Pre-meditated Theft—Planned burglary, involving the use of tools, keys, etc. to gain forced entry or a pre-arranged plan of unlawful acquisition of property which cannot be explained as a "spur of the moment" theft. Differs from shakedown only in the previous arrangements surrounding the theft, not in the value of the items taken.

Mooching, chiseling, favoritism and prejudice do not have rigid interpretations in the "code". Their presence appears to be accepted by the general public as a real fact of life. Since the employment of one of these practices can be done while in the normal routine of one's duties, such practices are often ignored as being "deviant" in any way. Ex-Officer Smith sees it in this light:

... the policeman having a free cup of coffee? I have never thought of this as being corrupt or illegal because this thing is just a courtesy thing. A cup of coffee or the old one—the cop on the beat grabbing the apple off the cart—these things I don't think shock too many people because they know that they're pretty well accepted.

But when asked about the practice of *mooching* by name, it assumed a different character of increased importance to Smith!

I think mooching is accepted by the police and the public is aware of it. My opinion now, as an ex-policeman, is that mooching is one of the underlying factors in the larger problems that come... it is one of the most basic things. It's the easiest thing to accept and to take in stride because it's so petty. I think that it is the turning point a lot of times.

The "Sunday Comics" stereotype of policeman

initiating mooching, bribery and favoritism is incorrect according to Smith's experience:

Generally, the policeman doesn't have to ask for things, he just finds out about them. Take for example the theaters. I know the Roxy theaters would let the policeman in on his badge, just about anytime. It's good business because it puts the owner in a closer relationship with the policeman, and the policeman is obligated to him. If they had a break-in, a fire, or a little favor such as double parking out front to unload something, they'd expect special consideration from the policeman.

When I walked the east side beat the normal thing was for bartenders to greet me and offer me a pack of cigarettes or a drink. When I walked the beat I was pretty straight laced, there were a few bartenders that I felt were just trying to get along with me, and I loosened up a little with those people. One bartender gave me cigars when he found out that I didn't smoke cigarettes. I always accepted them; he always pointed out there wasn't any obligation. Some of the beat men accepted cigarettes, some cigars, some took cash, and these men know when they're dealing with bootleggers, and why they're being paid. Different businessmen in the loop area give policemen Christmas presents every year.

Shopping and *shakedown*, *extortion* and *bribery* are all clearly unlawful, but in these practices the manner in which they are carried out contains a measure of safety to the policeman should his presence or behavior be questioned. A policeman's investigative powers allows him entry into an open building in which a "suspected robbery" has occurred, and various types of articles such as cigarettes and the like cannot be traced to any given retail outlet. Hence, his presence on such occasions is not *suspected*; rather, it is *expected*! Also, should a clumsy job of *shopping* or *shakedown* result in witnesses reporting these unlawful practices, the "code" requires that participating officers must commit *perjury* to furnish an alibi for those colleagues observed in illegal activities. This is both for the protection of the deviant officer and to preclude public disclosure of the widespread involvement of fellow officers in "code" practices. How extensive is *shopping* and *shakedown* as practiced by a department?

As far as the Mid-City department is concerned I would say that 10 percent of the department would go along with anything, including deliberate forced entries or felonies. But about 50 percent of them would openly go along with just about anything. If they found a place open or if there had been a break-in or if they found anything they could use and it was laying there, they'd help themselves to it.

Whenever there's an open door or window, they call for all the cars and they shake the whole building down—loot it!

Would those policemen involved in shopping and shakedown participate in something more serious? According to ex-officer Smith, they would.

Most of the policemen who shop or go along with shopping would go along with major theft, if it just happened. I think where you've got to draw the line is when you get into premeditated, deliberate thefts. I think this is where the big division comes.

In shopping, the theft just happens. Premeditated theft is a cold, deliberate, planned thing.

Here Smith points out the limits of the "code" which, through condoning any level of theft that "just happens," cannot fully support *premeditated theft*.

I think in premeditated theft that the general police attitude is against it, if for no other reason just for the matter of self-preservation, and survival. When you get to a premeditated, deliberate thing, then I think your police backing becomes pretty thin.

At the time when Smith was engaged in the practice of *pre-meditated theft* in Mid-City, it looked somewhat differently to him than it did later. When he took an objective look, he was aware of just how little this extreme deviancy *actually was practiced*.

When I was involved in it, it seemed like all the people around me were involved in it, and participating in it. It looked more to me like the generally accepted thing then, than it does now, because actually the clique that I was in that did this sort of thing was a small one. I'm not discounting the fact that there may

have been a lot of other small cliques just like this.

Looking at his behavior as an outsider, after his expulsion, Smith saw it in this light:

After taking a long, hard look at my case and being real honest about it, I'd have to say that this [Pre-meditated theft like mine] is the exception. The longer I'm away from this thing the more it looks like this.

In Mid-City, *extortion* was not generally practiced and the "code" prescribed "street courts" (i.e., bribery for minor traffic offenses) as outside the acceptable pattern.

[Extortion is] something that I would classify as completely outside the law [here in Mid-City], something that in certain areas has been accepted well on the side of both the public and the police. There's a long standing practice that in Chicago if you are stopped for a traffic violation if you had a five dollar bill slipped in your plastic holder, or your billfold, the patrolman then asks for your license, and if that's in there you'll very rarely be issued a summons. Now this thing was something that was well known by truck-drivers and people who travel through that area.

Smith maintains that the "code" is widespread, although from the above analysis of extortion it can be clearly seen that specific practices have been traditionally practiced and accepted in certain areas, yet not found acceptable in another community. Would this mean that the bulk of these "code" practices occur in police departments other than the one in which Smith served his "apprenticeship" in "Blue-Coat Crime"? Our informant says "yes" and offers the following to substantiate his answer:

I think generally the Mid-City police department is like every police department in the world. I think the exceptions are probably in small towns or in a few cities that have never been touched by corrupt politics, if there are any. But I think that generally they are the same everywhere,³⁰ because I have talked to

³⁰ Smith's evaluations are heavily influenced by his experience. He was a patrolman in a police department totaling about 250 personnel, serving a metropolitan area of a quarter of a million persons.

However, other sources have suggested that when a

policemen from other cities. I know policemen in other cities that I've had contact with that were in those things. I've discussed open things, or out and out felonies, with policemen from Kansas City on. And I know that at least in that city that it happens, and it's a matter of record that it happens in Denver and Chicago. And I think that this happens in all cities.

From a scientific point of view, other than the incidence of police scandals from time to time, there is no evidence to confirm or deny this one ex-officer's opinion regarding the universal existence of the "code".

The Recruit's Initiation into the "Code" Clique:

Bucher describes a profession as a relatively homogeneous community whose members share identity, values, definitions of role, and interest. Socialization of recruits consists of inducting them into the "common core".³¹ This occurs on two levels: the formal, or membership group, and the informal, or the reference group.

In the Mid-City police department the failure to socialize most of the new recruits into the "code" would constitute a threat to those who presently practice it. Thus, all "code" practitioners have the responsibility of screening new recruits at various times to determine whether they are "alright guys", and to teach by example and mutual involvement the limitations of "code" practices. If the recruit accepts such training, he is welcomed into the group and given the rights and privileges commensurate with his new status. If he does not, he is classified as a "goof" and avoided by the rest.

In a journalistic account of police deviancy, it was argued that if corruption exists in the political structures controlling police department appointments, this "socialization" into deviancy begins at the point of paying for the privilege of making an application or of buying an appointment.³²

community gets larger than 80,000 people, political corruption and graft are inevitable. Wittels, *op. cit.*, 26.

³¹ Rue Bucher and Anselm Strauss, *Professions in Progress*, 64 AMER. J. SOC. 325-326 (1961).

³² One Policeman reported having paid \$300.00 to take the police examination. He also was required to pledge his family's vote to the "right" party. After some wait, he took a "special exam," then more waiting lists, and a final \$300.00 to the party fund was required before he was hired. Then he had to purchase his own uniform on contract at the "right" store. Before this man became a member of the department, by his

Although Smith did not "buy" his appointment, he cited the existence of factions having influence in recruit appointments, even within the structure of a Civil Service Commission.

There are four different requirements to the whole thing. One is your written test, one is your agility, one is your physical examination, and the fourth is the oral examination which is given by the civil service commission. I really crammed before I took the test. When I took the test it was a natural for me, it was a snap. I scored a 94 on my test for the police department. With my soldiers preference, which gives you 5 points, I scored a 99.³³ I passed my agility test and my physical. I could have had a 100 score, I could have been a gymnast, gone through the agility test and made everyone else look silly and still I could have failed in the oral exam. And this is the kicker where politics comes in.

There are three old men that are aligned with different factions, different people on and off the department, different businessmen that have power, different groups, different lodges and organizations and all these things influence these men, these three people that make up the civil service board.

The existence of the "code" had hurt the level of morale generally in the Mid-City department. In fact, the breakdown of each new recruit's morale is an important step in gaining his acceptance of the "code".³⁴

The thing that hurt the moral was the fact that a large percentage of the people on the department were involved in illegal practices to some degree. And actually you take a man that has just joined the department, has good

participation in the recruitment process, he was an involved member practicing the "code". Wittels, *op. cit.* 105-107, 111.

³³ In spite of Smith's remarkable test level, he was left off a list of highest 10 eligible applicants, and some three months later was put on the list through the influence of his father, a respected member of the police department with many years of unblemished service. Otherwise, he may never have been placed on the appointment list.

³⁴ This is not unlike the planned removal of old civilian standards and values when a new soldier recruit is given basic training. The formal regulations are presented to him, but in company with "old Salts" he learns how the system can be worked and what a person must do to participate in it.

intentions³⁵ and is basically honest, and in this, to a man that's never been dishonest and hasn't stepped over the line, there aren't degrees. It's all either black or white. And the illegal activity I know shocks a lot of these young men. . . . because it was the thing to do. It's a way to be accepted by the other people. It's a terrible thing the way one policeman will talk about another. Say an old timer will have a new man working with him and he'll tell you, "You've got to watch him, because *he's honest!*"

For a recruit to be accepted in the Mid-City police department he must accept the informal practices occurring in the department. Illegal activity is pursued within the police force as the dominant "norm" or standard.

To illustrate the group pressure on each policeman who dares to enforce the law as prescribed in the legal statutes, the following account is typical.

We'll take a classic example—Mr. Sam Paisano. Now when I was on the force I knew that whenever I worked in the downtown area, I could go into Sam's restaurant and order my meal and never have to pay a dime. I think that just about every patrolman on the force knew that. If I had run across Sam doing anything short of murder, I think I would have treaded very lightly. Even if I hadn't accepted his free meals. Say I had turned it down; still, if I stopped this man for a minor traffic violation, say I caught him dead to rights, I'd be very reluctant to write this man a ticket because I'd suffer the wrath of the other men on the force. I'd be goofing up their meal ticket. Now he in turn knows this. The rest of the officers wouldn't waste any words about it, they'd tell you right off—"You sure fouled up our meal ticket". The old timers would give you a cold shoulder. If it came to the attention of the gold braid, your immediate superiors, they'd make sure you had a little extra duty or something. In most cases if you did this just to be honest, just to be right, it would go badly for you.

³⁵ One writer corroborates this by stating that young recruits who show traits of being ambitious, as well as those with family responsibilities, are the most susceptible to graft. The pressures toward success and achievement are clearly indicated by either or both of these factors. Wittels, *op. cit.* 27.

This special treatment of Mr. Paisano wasn't something that you concealed, or that you were ashamed of because it was the normal accepted thing to do. I'd have been more ashamed, and I'd have kept it quiet if I'd stopped such a man as this, because I'd have felt like some kind of an oddball. I would have been bucking the tide, I'd been out of step.

Yet, such general practices must be converted to individual participation at some point, and to be effective this involvement must be on a primary group relationship basis. Smith's account of his introduction to the "code" follows the first steps of the assimilating process.

The first thing that I can recall seeing done [which was illegal] was on the night shift when I first went on patrol. The old timers were shaking buildings down and helping themselves to whatever was in the building. The first time I saw it happen I remember filing through the check-out counter at a supermarket, seeing all the officers grabbing their cigarettes or candy bars, or whatever they wanted and I passed through without anything.

I got in the car and this old timer had, of all the petty things, two of these 25 or 30 cent candy bars and he sat them down in the seat and told me to have some. I told him I really didn't want any. And he asked me if "that shook me up" or something. And I told him, "Well, it sort of surprised me". He said that everybody did it and that I should get used to that.

And as it went on it progressed more. Well, in fact, he justified it at the time by telling me he had seen the same market one time, when there had been a legitimate break-in and one particular detective had been so busy loading the back seat of his car full of hams and big pieces of beef that he was stumbling and falling down back and from the cooler to the alley, and he didn't even know who was around him he was so busy carrying things out. And he named this officer and I don't doubt it because I've seen the same officer do things in that same nature.

And this was the first direct contact I had with anything like this.

The old timers would test the new recruits with activities which could be laughed off if they were

reported, such as the 30 cent candy bar taken from the supermarket in the above account.

The old timers would nose around 'til they found out whether a young guy was going to work with them and "be right" as far as they were concerned, or whether he was going to resist it and be straight as far as the rest of the world was concerned.

If the recruit cooperated, the practices were extended and the rookie became involved. Once he was involved there was no "squealing" on fellow policemen breaking the law. Then he could have some personal choice as to how far he personally wished to go. However, those who were straight-laced and wanted to stay honest had their problems too. Social isolation appears to be a powerful sanction as can be seen from Smith's information.

There are a few policemen that are straight-laced all the way. I can remember one policeman who might have made an issue of another policeman taking something. He had that attitude for the first six months that he was on the force but by that time, he had been brow beaten so bad, he saw the writing on the wall. He knew better than to tell anything. In addition to brow beating, this man in very short order was put in a position where they had him on the information desk, or kicked around from one department to another, 'cause nobody wanted to work with him. This kind of a man they called "wormy," because anything that would happen he'd run to the braid.

This fellow, I knew, wanted to be one of the boys, but he wanted to be honest, too. As it turned out, this guy was finally dismissed from the force for having an affair with a woman in his squad car. Just a couple of years before that he would have had a fit if he thought that somebody was going to take a drink on duty, or fool around with a woman, or steal anything. For this reason this man spent a lot of time on the information desk, working inside, and by himself in the squad car.

Negative sanctions were applied against "goofs" who advocated following the legitimate police ethic. Group acceptance by senior officers was the reward to a recruit accepting the "code", and the "code" was presented to the recruit as the police

way of life having precedence over legal responsibilities.

This small fraction that . . . are honest and would report illegal activity, are ostracized. Nobody will work with them. They look at them like they're a freak, talk about them like they're a freak, and they are a freak.

The goofs that would talk about doing things the way they should be done, they had to be ignored or put down. There were older policemen that as they found out I would go along with certain things, pressed to see how much further I would go. And showed me that they went farther, whether I cared to or not. So naturally I went along quite a ways with some of them. And I don't really remember how we first became aware of how far the other person would go. I think this is just a gradual thing.

The existence of a social system of an informal nature working quietly under the facade of the formal police department regulations has been clearly demonstrated in Mid-City. One further note in explaining the motivations of policemen toward illegal activities involves the condition of low salaries. Smith's department pay scale and working conditions would suggest that economic pressures were a factor in condoning or rationalizing "code" practices.

The pay wasn't good. I went on the department and earned \$292 a month. The morale of the force was as low as that of any group that I've ever been around. There was constant complaining from all then about everything.

The training programs were set up so that you would have to come in on your own time and weren't compensated for it. . . . They dictated to you how you lived your whole life, not only what you did during the eight hours you were a policeman but how you'd live your whole life. This as much as anything hurt the morale.

But when Smith was asked directly, "With the policeman's low salary, do illegal activities become necessary to keep up financially?" he discounted it as a major factor.³⁶

³⁶ To evaluate Smith's statement on economic pressures, an additional personal datum is relevant. Smith used most of his money from *premeditated theft* for his

I don't think this is the case. I don't think there are very many policemen that I knew, and I knew all of them, that were social climbers or that tried to keep up with the Jones, by illegal activities anyway.

Actually most of the police officers think that they are even above those people that have money, because they have power. Those people with money are pretty well forced to cater to a policeman. And you'll find that very few people ever tell a policeman what they think of him, whether they like him or not. They know that a policeman will do him harm. The businessmen, especially the bigger businessmen, pamper the policemen. They will treat them with respect when they face them.

Sanctions for Preservation of the "Code":

Normally, practitioners of the "code" would consist of a united group working to protect all fellow patrolmen from prosecution. However, Smith had exceeded the "code" limits³⁷ by committing *premeditated theft*, and in order to protect the "code" from being exposed during the scandal involving Smith and two accomplices, the "clique" socially and spatially isolated themselves from the three accused policemen.

Everybody ran for cover, when the thing hit the front page of the newspapers. I've never seen panic like there was at that time. These people were all ready to sell out their mother to save their own butts. They knew there was no holding back, that it was a tidal wave. They were grabbing just anything to hang on. The other policemen were ordered to stay away from us, myself and the other men involved. They were ordered to stay away

"habit"—a racing car. He later declared he probably wouldn't have participated in this crime *so much* had it not been for the "habit." His responses did not seem to indicate that he *began* theft for racing money, but that he *continued* it to counter the economic drain created by owning and driving the racing machine.

³⁷ One officer reports that he wondered why he was not promoted—perhaps they thought he was lazy. He was tagging cars of all violators, and even reported a broken sidewalk belonging to an "organization" man. He couldn't get ahead. He made a couple of outstanding arrests and was made a detective. Later, he ran a "vice" raid against a "protected" place, and was back as a rookie on a beat in "Siberia." He finally took some payoffs and cooperated and eventually became a Police Captain, but exceeding the "Code" limits, was caught and prosecuted. Either not accepting the "code", or exceeding its limits, had negative effects. Wittels, *op cit.* 111-122.

from the trials. They were told to keep their noses out of this thing, that it would be handled.

There were a few policemen who came around during this time. Strangely the ones who came around were the ones who didn't go in for any of the illegal activity. They didn't have anything to worry about. Everybody else ran and hid.

During a time like this, group consensus is required to preserve the "code". A certain amount of rationalization is necessary to mollify past illicit activity in light of present public exposure. Smith continues:

I think if they had really gone by the book during the police scandal, that 25 percent of the policemen would have lost their jobs. I've talked to some of them since, and the worst violators all now have themselves convinced that they weren't guilty of a thing.

I've never referred to myself as this before, but I was their goat, their scapegoat. The others stuck together and had support. I got what I deserved, but if I compare myself with the others, I got a real raw deal.

Preservation of the "code" occurs when policemen work with another person who has similar intentions and begin to "trust" one another in illegal activities without fear of the authorities being informed. A suggestion of rotating young officers from shift to shift to weaken the "code" had been given public discussion. To this, Smith reacted thusly:

I think that the practice of rotating young officers will serve a purpose. It will eliminate a lot of things because you just can't take a chance with somebody that you don't know. If you don't know but what the next person they throw you with might be a CID . . . short for Criminal Investigation Department. They're spies! Say there are just 10 percent of the men on the department that wouldn't go along with anything, and they are switching around with the new system, you don't know when you're going to catch one of them, and if you do you're a cooked goose. The old system you were 90 percent sure of the people you were with.

This same process used to preserve the illegal "code" as a group phenomenon is also the same process used to develop and promote the acceptable professional ethics of the police. A situation in which it is "normal" for a policeman to "squeal on his fellow patrolmen," would undermine professional ethics. Personal insecurity would mount with the constant fear of just being accused with or without supporting evidence. Such an anarchical system lends itself to intrigue, suspicion and an increased possibility of each officer being "framed." Thus, these same procedures which would effectively reduce the continuation of the "code" would also prove dysfunctional to the maintenance of the ethics which are the core of the police profession itself. These concurrent processes reflect the dual standards extant in society at large.

Difficulties Involved in Breaking the "Code":

If a "code" does exist in a law enforcement agency, one of the major factors which protects it from attack is secrecy. This factor is compounded by public acceptance of the traditional view of illegal behavior as only an individualistic, moral problem.

Another shield of the "code" from attack is the apathy resulting from the myriad of complex demands and responsibilities placed upon the average citizen. So many things touch him with which he *must* become involved that he does not pursue problems which do not directly concern him. Inextricably connected with this is the realistic fear of retaliation, either through direct harassment by the police or indirectly through informal censures.³³

Smith says that only a real big issue will provoke an apathetic public to action.

Everybody's looking out for number one. And the policeman can do you harm. It's such a complex thing, there are so many ways, so many different people are affected by the police—Most people will back off. Most people are afraid to do anything, if it looks like it's going to affect them adversely.

If the police have carefully practiced *prejudice*, in their day-to-day operations, the chances are

³³ The campaigning attack on the "untouchable" image of J. Edgar Hoover and the FBI has made political news. The very act of exposing methods used by Hoover's organization, which though admittedly effective were clearly unlawful, caused the political downfall of an otherwise popular politician in the November 1966 Nevada election.

slim that the persons against whom these illegal practices were committed possess either the social or political power to break the "code" before the system could retaliate. Knowing this fact keeps most of the persons with any knowledge of the "code's" operation silent indeed.

The rigid procedures of obtaining legal evidence and the dangers of committing a *false arrest* are gigantic deterrents to bringing accusations against any suspicious person, especially a policeman. Ex-Officer Smith discusses the realistic problems involved in attempting to enforce legal statutes against *shopping* or other aspects of the "code":

I think that any law against *shopping* would be hard to enforce against a police officer. You'd really have to have the evidence against him and really make it public, cause it would be soft pedaled all the way otherwise. Let's say you see a police officer in a restaurant taking a pack of cigarettes or let's say it's something other than a pack of cigarettes, something that you can prove came from the restaurant. And along comes a radio news unit and you stop the unit and say you just saw a policeman steal a pack of cigarettes or something bigger. When other police arrive on the scene the newsman would probably pull the other policemen off to the side and tell them that their buddy just took a pack of cigarettes and that goofball [the informer] wants to make trouble about it. You insist that they shake down the policeman and they find the item. Here you're in pretty good shape. In this case you'd have a policeman in a little bit of trouble. I don't think he'd lose his job or do any time over it, but I'd say there would be some scandal about it. Unless you were real hard headed they'd soft pedal it.

Let's back up a little and say the policeman threw the item back into the restaurant, and then you made your accusation. Then you're in trouble, 'cause when they shake him down and he doesn't have a thing. Now you're a marked man, because every policeman in town will know that you tried to foul up one of their boys. Even the honest policemen aren't going to like what you did. In other words, they are tightly knit, and they police this city by fear to a certain extent.

In Mid-City only those who are involved in practicing the "code" are equipped with the nec-

essary information to expose its operations. Whether one *can* inform on his fellow officers is directly connected with the degree of his illegal involvement prior to the situation involving the unlawful event.

It all depends upon how deeply you are involved. If you've been a guy who has gone along with a free cup of coffee, the gratuities, the real petty things and you'd happen to drive up on a major theft, drive up on another policeman with his shoulder against the door, then you might take action. However, if you had gone a little farther, say you'd done some shopping, then you're forced to look the other way. It's like a spider spinning a web, you're drawn in toward the center.

It appears obvious that those who are involved in the "code" will be the least useful instruments for alleviating the problem. Only the professionally naive would expect a "code" practitioner to disclose the "code's" existence, much less reveal its method of operation, since his own position is so vulnerable.

SUMMARY OF FINDINGS

From data furnished by a participant informant, an informal "code" of illegal activities within one police department was documented. The group processes which encouraged and maintained the "code" were identified. It was found that the new recruits were socialized into "code" participation by "old timers" and group acceptance was withheld from those who attempted to remain completely honest and not be implicated. When formal police regulations were in conflict with "code" demands among its practitioners, the latter took precedence. Since the "code" operates under conditions of secrecy, only those who participate in it have access to evidence enough to reveal its method of operation. By their very participation they are implicated and this binds them to secrecy as well. In this study the public indignation of a police scandal temporarily suspended the "code" but it flourished again when public apathy returned.

Although some individual factors must be considered in explaining police deviancy, in the present study the sanction of group acceptance was paramount. This study clearly demonstrates the social genesis of the "code", the breeding ground for individual unlawful behavior. From evidence contained herein, an individualistic orientation to

police deviancy may discover the "spoiled fruit" but only when the "code" is rooted out can the "seedbed" of deviancy be destroyed.

From related research in group deviancy, it can be stated that the social organization of a given community (including its respectable citizens) is the milieu in which a "code" flourishes. Thus, a police department is an integral element of that complex community structure, and deviancy found in an enforcement agency is a reflection of

values which are habitually practiced and accepted within that community. This was found to be true in the present study.

The findings of this case study should not be interpreted as applicable to all police departments nor should it be a rationalization for the existence of an illicit "code" anywhere. Rather, it is a very limited effort to probe the very sensitive area of "Blue-Coat Crime" and describe its operation and method of perpetuation in one enforcement agency.