

**Systems for Controlling Police Corruption:**  
**Review of the Literature and an Informal National Survey**

**Mark H. Moore**

**Greg Chen**

**September, 1993**

**I. The Assignment**

As part of their effort to identify the most promising strategies for controlling police corruption, the Mollen Commission asked members of the Program in Criminal Justice at the Kennedy School of Government to undertake an informal survey of the methods used by cities in the United States to control police corruption and serious misconduct. Of particular interest was the question of whether any U.S. cities relied on an "external auditor" of the type that the Mollen Commission was considering recommending for New York City, and if so, what the experience of those cities had been with respect to this particular institutional arrangement.

**II. The Methods**

Constraints on cost and time made it impossible to conduct a systematic survey. Instead, we had to rely on three less perfect methods for gathering the requested information.

First, we reviewed the literature hoping to find surveys that had already been undertaken. What we found, however, was two slightly different literatures: one focusing on "police corruption", the other on "complaints" and "civilian oversight" of police agencies. Of particular interest in both reviews were contemporary surveys of the current practices and institutional arrangements of U.S. cities and police departments, though we were also interested in historical and international comparisons.

Second, we conducted an informal telephone survey of six cities that could be viewed as New York's peers. The Police Foundation had already done a systematic review of the performance of what they described as the "Big Six" police departments in the country: namely, Chicago, Detroit, Houston, Los Angeles, New York, and Philadelphia. Because that effort had produced a great deal of information that would help us place our findings in context, we decided to stay with this group of cities, and to add information about their corruption control systems. The important question was: how did New York City compare with its peers in terms of its institutional arrangements and practices for controlling police corruption?

Third, on the basis of our reviews of the literature on "police corruption" and "civilian oversight" we were able to identify a few cities that had established something like an external agency whose job it was to audit the performance of the police department's internal systems for controlling corruption rather than to review civilian complaints, or to conduct their own investigations of allegations of police corruption. The cities included: Minneapolis, Minn.; Portland, Oregon; San Jose, California; and Seattle, Washington. We also contacted those cities to find out more than we could from the available literature about how the institutions were set up, and what the experience had been so far.

### III. The Analytic Framework

To be able to gather comparable information about the cities' institutional arrangements and practices for controlling police corruption it was necessary to develop an analytic framework that would tell us what questions it was important to ask for each city. That framework, in turn, had to be based on some kind of theory about what would make for an effective corruption control system, or at least what was part of a system of corruption control.

#### A. The Orthodox Theory: Internal Investigation

To a degree, an orthodox theory of effective corruption control existed. That theory equated effective corruption control with the existence of a centralized internal affairs unit within a police department that would receive all complaints of police corruption and serious misconduct, and would investigate those complaints aggressively, fairly and completely. The effectiveness of the system could be measured by the quantity and quality of the investigations. The more open the organization was to receiving complaints, the more effectively it investigated those complaints, and the more reliably it sanctioned police misconduct, the more effective was the city's system for controlling police corruption.

#### B. The New Orthodoxy: Command Accountability and Corruption Prevention

Over the last twenty years or so, however, this orthodox theory of corruption control has gradually been revised as it has become apparent that the system that depended primarily on centrally conducted corruption investigations could not adequately ensure the integrity of police organizations.

The work of the Knapp Commission and Commissioner Patrick Murphy in New York City indicated the weakness of a system that depended only on central internal investigations to control corruption.

### 1. "Command Accountability"

It wasn't that determined internal investigations of alleged corruption were not important. Nor was it that police departments did not need some kind of central internal affairs unit that could be made responsible for controlling corruption in the police department. Instead, the theory was that the responsibility for conducting investigations of corruption and serious misconduct had to be distributed more widely across the organization. More specifically, that those commanding operational units of the police department had to be accountable for controlling corruption and disciplining officers in their commands, and that they had to be provided with the resources for undertaking this task.

This decentralization of responsibility for controlling corruption -- designated the system of "command accountability" -- was judged to be important because such a system would engage everyone in important positions in the department in the effort to control corruption, not just the specialized corruption fighting unit, and that would be necessary to change the culture of the department from one that was tolerant of corruption to one that was consistently intolerant. The principal line commanders of the organization would not only have to declare themselves to be against corruption rhetorically, but also through concrete actions. This would inevitably and powerfully influence the predominant culture and values of the organization.

It is important to note that the system of "command accountability" also changed the function of the central internal affairs unit. Whereas in the past, the central internal affairs unit was charged with the responsibility for investigating most of the allegations of corruption and all of the most important cases; in the system of command accountability, a large portion of this work passed to the operational commanders. What was left to the central investigative unit were two important functions. One was to review the investigations taken at the command level. A second, even more important function, was to undertake investigative activity not to investigate any particular allegation of police misconduct, but instead to probe for police corruption in areas where no specific allegations had been made, and to test the "ambient conditions" in a particular operational command to determine how determinedly the operational commanders were dealing with corruption.

Finally, it is worth noting that the system of command accountability as it developed in New York City in the mid-seventies also authorized corruption investigators to make use of particularly aggressive investigative techniques. Thus, physical surveillance of suspect officers and locations was supplemented by electronic surveillance, the recruitment of informants, "flipping" cops who were arrested for corrupt activities, the deployment of undercover "field associates" whose job it was to report on corrupt activities they observed, and the staging of undercover "stings" and "integrity tests". Moreover, these techniques were used not only to check out allegations of corruption and develop evidence for prosecution, but also by the central investigative unit to check on the possible existence of corruption even when there were no particular allegations. The use of these methods in these

aggressive ways sent a symbolic message to the department as well as increased the operational effectiveness of corruption investigations: the Department was prepared to investigate its own officers as determinedly as it investigated citizens charged with crimes. There would be no special privileges for cops accused of crime.

## 2. "Corruption Prevention"

The new approach to corruption pioneered by Murphy added two more strings to a police executive's bow beyond changing how investigations of allegations of corruption were done. Both were designed to prevent corruption as well as to effectively investigate it.

One such preventive effort placed a strong emphasis on personnel selection and training to insure that departments recruited people who were committed to obeying the law and serving the community rather than using their offices to enrich themselves. Thus, new material was added to the training curriculum on the importance of maintaining integrity, and the procedures one could use to report corruption.

The other sought to re-design enforcement operations to reduce their vulnerability to corrupting influences. In some cases this meant essentially ceasing to enforce laws whose enforcement seemed to invite corruption (e.g. gambling and street level narcotics dealing). In other cases, it meant changing the way that enforcement was done to ensure that there was closer supervision, or that officers did not work alone so that the burden that would have to be overcome by the corrupters was greater than it would be if all they had to do was to persuade a low ranking solitary police officer to be corrupt; or rotating officers across assignments so that they could not build the relationships with offenders that would spawn corruption. There were important prices to be paid for such changes in operations, including reduced enforcement effectiveness in some areas and poorer quality relations with local communities. But in a world where eliminating corruption and changing the culture of a police organization were judged to be very important, those prices seemed worth paying -- at least for a time.

### C. The Next Frontier: External Accountability and Community Policing

Experience in policing continues to teach its lessons, however, and this emerging new orthodoxy is already beginning to show its limitations and vulnerability. In particular, the reforms could not anticipate three important developments: the waning of public concern about corruption and the implications that had for the ability of police managers to demand high levels of performance on this dimension; the arrival of "crack" cocaine and its devastating impact on inner city neighborhoods; and the emergence of "community policing" as a new philosophy of policing that put a premium on developing and sustaining close relations with the community, and dealing with "disorder offenses" as well as serious crimes.

## 1. Sustaining External Accountability

The fact that instances of serious corruption and police misconduct have once again appeared in the NYPD testifies to the difficulty that police managers face in sustaining effective corruption control measures and values in a police department when there is not consistent outside pressure on this particular dimension of police department performance.

Police executives and managers are responsible for many things. They must keep crime down, still peoples' fears, be prepared to deal with riots, and stay within tight resource constraints. To accomplish these goals, they ask a lot of their officers. They expect them to be aggressive in dealing with crime and disorder, but also to use force fairly and economically. They expect them to take the initiative and work well without supervision, but also to submit to a regime of exacting rules and close supervision.

In return for their efforts, the officers expect a great deal of their leaders. They expect to be trusted and given the benefit of the doubt when their conduct is criticized -- particularly when the criticism comes from citizens whose motives they suspect, and whose legitimate status they doubt. When they are not supported by their leaders, trust erodes, morale declines, and it becomes harder for the leaders to ask what they must from their officers. The inevitable result is that it is hard for police leaders to take strong stands against corruption and misconduct even when they know it is right to do so.

One way to help them take these stands, and to reconcile their officers to the need for such commitments, is for the officers to see visible, powerful evidence of the external community's demands for such accountability. Thus, it seems increasingly clear, given New York's experience with the cycle of "scandal and reform", that if one is going to make a permanent or very long lasting change in the level of police corruption, that one must find some way of sustaining the pressure on the police department to achieve excellence on this important dimension of performance as well as on others.

## 2. Taking Citizens' Complaints Seriously

Accepting this kind of accountability to the community is consistent with the emerging philosophy of community policing. So is the emphasis on decentralized responsibility and control. But perhaps the most important contribution that this new philosophy of policing can make to corruption control efforts is to change the status of citizens complaints in the minds of the police.

In many police departments, citizens complaints are almost always viewed as badly motivated. Often they are. But for a department that is interested in satisfying its customers, and determined to root out corruption, citizens complaints must be seen as potentially extremely valuable information about the performance of the Department as a whole, and of individual officers in particular. A community policing department should commit itself to the same high degree of professionalism and

determination it shows in investigating criminal complaints against citizens in investigating complaints of criminal activity by its own officers.

### 3. Dealing with Disorder Offenses

Note that the commitment to outside accountability, and to responding effectively to citizen allegations of corruption and misconduct that go along with the philosophy of community policing are particularly important in a world where local communities demand more effective police action against street level drug markets, and where enforcing against other kinds of "disorder offenses" such as vagrancy, aggressive panhandling, noisy bands of youth, etc. have assumed a new importance. These are the areas that have traditionally been vulnerable to corruption. It is apparent, however, that enforcement in these areas cannot be abandoned without increasing the sense of vulnerability and insecurity experienced by residential communities. Finding ways to police this kind of misconduct, and to do so without corruption or bias, thus becomes an important priority. The only way to achieve this objective is to accept a higher degree of accountability, both to neighborhood groups and to individual citizens, than the police have traditionally done.

So, the new frontier of thinking about corruption control seeks to establish a more permanent demand for "corruption-free-ness" as an important feature of a police department's performance; to resist the temptation of backing away from enforcement of disorder offenses that have, in the past, been the locus of much corruption; and to deal with the new threat of corruption that such efforts create by making greater use of citizens complaints to identify and control corruption within the Department.

This new approach suggests the potential importance of unifying two enterprises that have previously been seen as distinct: namely, the establishment of civilian review boards to deal with allegations of police misconduct -- primarily abuses of force, and the animation of powerful internal systems for controlling corruption. Indeed, if these efforts could be unified as part of the philosophy of community policing, community policing might turn out to be less rather than more vulnerable to corruption than the current professional model of policing which seeks to produce integrity by administrative fiat and supervision rather than accountability and responsiveness to citizen concerns.

#### D. Summary: Looking at Systems of Corruption Control

In any case, the existence of these different ideas of effective systems for controlling corruption alerted us to several important things to look for as we surveyed the cities.

First, we looked at cities rather than departments because it was important to acknowledge the possibility that at least some of the important system for controlling corruption and serious misconduct lay outside the police department itself.

Second, we looked closely at all external bodies -- those that were focused on allegations of excessive force, as well as those that had responsibilities more specifically for controlling corruption. This wide focus was appropriate for three different reasons. Insofar as abuse of force was considered a form of corruption or misconduct it was proper to include in an investigation of systems for controlling corruption. Similarly, insofar as officers involved in one kind of misconduct were also involved in other kinds, the agencies involved in reviewing allegations of excessive force might prove helpful in dealing with instances of corruption. Finally, the agencies concerned with reviewing civilian complaints might serve as a platform that could be used for building some kind of external auditing or investigative capacity focused on prosecution.

Third, we looked at how the internal investigative process was set up and operated. We were interested in whether a central investigative unit existed in the police department, how big it was, and what functions it performed. But we were also interested in how the internal investigative function was distributed across the department; specifically, what kinds of responsibilities line commanders had for initiating investigations, and what resources they had to do the job. We also looked at how the investigative units (whether central or decentral) were staffed: whether they were part of the promotional system, whether they were viewed as desirable assignments or not by the rank and file. And we were interested in the kinds of investigative techniques that had been authorized and used at different levels in the organization, and in particular whether any pro-active efforts were made to probe for indications of corruption in areas where not particular allegations had been made.

We did not look closely at preventive systems.

#### IV. Findings: The Survey of the Literature

As noted above, a survey of the literature on police corruption really turned out to be a survey of two slightly different literatures. One is a literature specifically concerned with the problem of police corruption and focused on such issues as the definition of corruption, how much corruption existed within departments, what factors seemed to influence the levels and kinds of corruption, and what control measures were customarily relied on to deal with it. This literature seemed to appear in a burst in the late sixties and seventies, and then to die out.

The second was a literature focused on "complaints" against the police (usually for rudeness or excessive use of force), the development of specialized procedures and institutions to be used in investigating such complaints (often "civilian review boards" of some kind or other). That literature focused on the question of how the police could reassure citizens that their complaints would be taken seriously, and investigated thoroughly and professionally. It is also concerned with ensuring that the rights of officers who become the objects of citizen complaints are protected in the investigations. In the background of this literature is a great deal of concern about improving the relationships between the police and the poor, minority communities they police. That literature now seems to be expanding.

Exactly why there are two distinct literatures in this domain is an interesting question. After all, they are concerned with a common problem: police misuse of their authority. Yet, they seem to imagine wholly different ways of dealing with the problems. The literature on corruption emphasizes internal administrative systems. The literature on rudeness and excessive force emphasizes external investigations. The reason for this difference may have to do with the belief that corruption cannot be gotten at only through civilian complaints because much corruption consists of the consensual crime of bribery. Yet, it remains true that the police are heavily dependent on complaints from citizens to establish investigative predicates for rooting out corruption. Or, it may have to do with the fact that society as a whole wants to make a moral distinction between these two forms of misconduct: at the root of corruption is officer venality, despicable to all; at the root of excessive force complaints may be different judgments about the necessity of using force in a particular ambiguous circumstances, with the possibility that the officer made no error but acted in the public interest even though the result was bad. We develop these speculations further in an appendix to this report. The immediate task here is to report the results of our surveys.

#### A. The Literature on "Corruption Control"

The literature on "corruption" and "corruption control" is primarily a theoretical literature. It seeks to define corruption, understand its causes, and suggest remedies that have been tried and proven effective. Several key findings are relevant to the Mollen Commission's search for more effective means of controlling police corruption in New York City. These include the following propositions.

##### 1. Conclusions About Corruption Control

First, the literature concludes that corruption is endemic in departments. In a classic work summarizing the international literature on police corruption, Simpson bluntly states:

"The history of policing suggests that a substantial level of corruption has characterized many police forces throughout the world...Although it may vary in effect and magnitude, police corruption can never be completely eradicated....

There are many statements of this view in the literature. Sherman begins his analysis with the flat statement that: 'For as long as there has been police, there has been police corruption'. Goldstein maintains that 'Corruption is endemic to policing' (Simpson, p.45)

An important managerial implication, then, is that the goal of corruption control should be to minimize it, not necessarily eliminate it. Simpson again, observes:

[Because corruption cannot be entirely eliminated, M]easures of prevention and control should, therefore, be taken to reduce corrupt practices to a minimal level, rather than with an unrealistic goal of eliminating them entirely.. (Ibid)



That conclusion does not mean that citizens or police managers should become tolerant of corruption, anymore than that they should become tolerant of homicide or burglary. Corruption is to be despised and attacked as aggressively as we can. It is to say, however, that in evaluating a department's performance, one must recognize that even an effective and constantly improving corruption control system cannot entirely eliminate corruption.

Indeed, this insistence that corruption cannot be entirely eliminated is not simply to bring realism into the debate, but instead to take the first important step in equipping police managers to control corruption. The reason is that, as many commentators observe, the first step in being able to control corruption is to admit that the problem exists, and to learn as much as possible about it. Yet, if the public's expectations are that a police department should have no corruption at all, then the discovery of any kind of corruption will be taken as evidence of police department failure. The prospect of a negative public reaction to the discovery of any corruption in a police department discourages many police managers from looking for it, even though they know that looking for it all the time, and dealing effectively with it when they find it, is crucial to the department's overall ability to keep the corruption to a minimum. In effect, the unreasonable public expectations about police corruption strike from the managers hands some of the important tools they need to minimize the problem!

In a review article, Caplan and Murphy describe the problem precisely:

"Most police officials treat corruption as a subject to be avoided. The prevailing view is that the less said, the better. Political oversight, public debate, or media scrutiny of corrupt practices is deemed risky..... Though most police officials recognize it to be chronic problem, not all concede that it is a serious one, and this is so even in departments with an acknowledged history of police wrong-doing.

In many ways, this perspective is understandable. The public does not realize that even in the best-managed departments there is an irreducible amount of misconduct -- that some rule breaking is an integral part of bureaucratic life. Nor does the public appreciate that it is the conscientious, well-administered police department that struggles hardest to limit corrupt practices and that is most likely to expose corruption." pp. 239-240.

Thus, as long as we set unreasonable expectations for police managers, they will be afraid to search for it in an effort to control it, and the overall capacity to control corruption will be less than it needs to be.

Second, the literature suggests the corruption and reform efforts seem to occur in cycles. Corruption waxes when the public is inattentive to the problem, and then wanes when public indignation demands that something be done about it. This suggests the importance of establishing a permanent outside body that can orchestrate a continuing set of demands on a police department to remain "corruption-free".

Note that an outside body focused on auditing the Department's procedures for controlling corruption could also make a useful contribution to solving the problem identified above; namely, that police managers are discouraged from searching for corruption since it would indicate failure in controlling it. An outside auditor would be in a position to say whether the discovery of corruption in a police department is an indication of the effectiveness of the Department's systems for controlling corruption, or whether it is an indication of a failure of existing methods. If the disclosure came as a result of strengthening the Department's own internal methods for controlling corruption, the revelation of corruption could be viewed as a victory for the department. If, however, the discovery came from outside the system, it could be used as a basis for exploring the effectiveness of the existing controls.

Third, it seems clear that police organizations need a way of accepting complaints about corruption and investigating them competently. Complaints are a potentially important source of information about police corruption. As Caplan and Murphy observe:

"Although it is unusual for drug dealers to file complaints against arresting officers, such complaints are made, most often by residents of the neighborhood where drugs are sold. In 1985, the largest percentage of formal complaints about police misbehavior in New York City concerned narcotics, and most of these alleged drug use or the protection of drug dealers by members of the force." p. 243

Yet it is also clear that accepting complaints is not enough. As observed above, one cannot have the impact on the culture of the organization that one wants if controlling corruption is marginalized in a special unit. It is important that everyone in the organization become complicit in the actions necessary to control corruption. Nor can one have the investigative and sanctioning effectiveness if the department's response is limited to the formal system. One needs to be able to use the myriad methods of informal control in an organization to control corruption as well as the formal system. It is for these reasons that it seems wise that the responsibility for investigating and sanctioning be widely decentralized.

The Knapp Commission alluded to the problem of leaving the responsibility for investigating police corruption only in the hands of a central investigative unit, thereby tempting line commanders to disassociate themselves from efforts to investigate and control corruption:

"We did not -- and do not -- believe that the morality of the average policeman is enhanced by a commanding officer who insists on denying facts that the policeman knows to be true. We believed -- and continue to believe -- that such false denials can only undercut the policeman's confidence in his commander. If a policeman listens to his commander solemnly deny the existence of an obviously corrupt situation, the policeman can draw only one of two conclusions: either the commander is hopelessly naive, or he is content to let the corruption continue." (Knapp in Lundman: p.267)

To ensure that line commanders join the fight against corruption rather than stand on the sidelines and tacitly lend their encouragement, it is crucial that they be motivated to act to control the corruption. This is as important for the symbolism as for the added efficacy of the investigations.

The limitations of a central investigative unit as the only focus of corruption control efforts were also emphasized in Caplan and Murphy's article on police management published by the International City Manager's Association:

"Most departments have an internal affairs bureau or a similar organizational unit to deal with corruption, but these bureaus are rarely effective. They lack personnel, they lack prestige, and members are not trained in how corruption can be fought successfully.

Internal Affairs Units often react instead of taking the initiative. They do not actively seek to uncover corruption; they wait for word of corruption to come to them. This passive method of operation can be disastrous....Relying exclusively on internal affairs bureaus, some departments fail to hold precinct and division commanders accountable for corruption in their commands. (ICMA, 1983)

It was also the view articulated by the Philadelphia Police Study Task Force charged with the responsibility for developing a plan for improving the effectiveness and the integrity of the Philadelphia Police Force in the aftermath of the disastrous MOVE operation, and a federally initiated corruption investigation that reached the top levels of the department:

"It is essential to police management that certain basic anti-corruption measures be installed:

Ethical standards must be clearly defined and communicated to the force;

Managers at all levels within the Department must be required to monitor the integrity of their subordinates as part of their responsibilities;

Managers at lower levels must be equipped with the resources, responsibility, and authority to deal with corruption problems in their divisions.

If detecting corruption in the Philadelphia police department is seen as the exclusive concern of the Internal Affairs Unit, little progress to combat it will be made." (Philadelphia Police Study, pp.142)

Fourth, because citizen complaints cannot be wholly relied upon, and because the investigation of corruption allegations is difficult, proactive methods must be allowed both for developing leads, and for developing cases. Proactive methods should sometimes be used to probe department operations in areas where one has no particular reason to be suspicious as well as to help in investigating the truth or falsity of particular allegations. They should also be particularly used in developing cases beyond the involvement of individual officers to determine whether "pockets" or "systems" of corruption exist.

Fifth, it is very important that the police department and the police chief retain the responsibility for controlling corruption, even as their accountability for controlling corruption increases. They may be aided (and embarrassed) occasionally by others who retain some responsibility for investigating corruption, but the principal responsibility must remain theirs.

Sixth, it is desirable to find ways of preventing corruption as well as investigating it. These include working on the departments personnel systems, and re-designing enforcement procedures and operations to make them less vulnerable to corruption.

Seventh, it is possible that some of the new ideas about how to improve quality now at use in the private sector may be valuable to police work. Specifically, the idea that "defect finding" was less effective in producing quality than finding ways to "build quality in" may have some lessons to teach policing. Part of this idea has already been incorporated in policing insofar as the police have re-designed their enforcement operations to make them less vulnerable to corruption by such measures as increasing levels of supervision, or conducting investigations in groups, or rotating officers from one assignment to another. But another part of the idea of "building quality in" had to do with focusing on the quality of customer relations, and empowering employees to do what they thought was necessary to make the customer happy.

Admittedly, these lessons may be hard to apply in the world of policing. But it does seem that in seeking to control corruption in policing we might have relied a little too much on rules and supervision, and a little too little on learning from those who are in the best position to observe and experience policing -- namely the citizens who are subjected to it and witness it in their daily lives. Of course, there are some citizens with bad motives who will use openness about their concerns to create trouble and advance their own illicit purposes. But that is true in the private sector as well. There, too, customers can take advantage of policies that insist that the "customer is always right". Nonetheless, the lesson that industry seems to have learned is that the advantages of taking the views of the customer seriously far outweigh the disadvantages, and that using the feedback that comes from customers is very important in figuring out how to improve operations, and to control the quality of one's operations. That lesson may well apply to policing as well.

The secret in striking the balance between getting the value of feedback from customers and understanding that some of them may be badly motivated may be to focus more attention on what the aggregate pattern is than on the individual cases. In any given case, the customer may be wrong, but when there are lots of customers saying there's a problem, it becomes more likely that they are right.

It is important to note that, viewed against this backdrop of advice about how best to control corruption and serious misconduct, the New York City Police Department's systems stacked up pretty well. It was in New York that the concept of command accountability was developed and made the driving force of corruption control. It was also New that pioneered the use of aggressive investigative methods for developing cases and for probing for corruption. It was also in New York that some

measures were taken to prevent corruption as well as to control it. In this sense, New York has been a standard setter.

Yet, it is also true that New York's vaunted and well designed systems for controlling corruption have atrophied a bit over time as public focus on the problem has waned. And it also seems clear that New York is now experiencing new problems and opportunities for controlling corruption as well. New York shifted back into aggressive street level narcotics enforcement as the crack epidemic hit, and did so without taking any particular precautions to cope with the increased potential for corruption. Similarly, they shifted to community policing without having quite worked out the implications of that change for their vulnerability to corruption, and the new forms of corruption control that might become necessary or available under the philosophy of community policing.

Thus, when measured against the orthodox theory of corruption control, New York stacks up well. But the crucial questions are: 1) whether they have sustained the energy of those initial systems; and 2) whether those new systems are the right ones for the problems they now face.

## 2. Statistical Information on Levels of Corruption and Corruption Control Measures.

There is precious little statistical information about corruption or corruption control measures contained in this literature.

As to levels of corruption, there is an intriguing finding about the occurrence of police misconduct made by Reiss in the late sixties based on field observations of the police by researchers who patrolled with them:

"Counting all felonies and misdemeanors except assaults on citizens, the rate of criminal violation for officers observed committing one or more violations was 23.7 in City X, 21.9 in City Y, and 16.5 in City Z per 100 officers.....Obtaining money or merchandise illegally is the principal officer violation." (Reiss in Lundman, p. 254)

If these rates of officer offending were typical of New York Police officers in the 1990's (an unwarranted assumption), the total number of officers involved in misconduct would be somewhere between 370 and 540. «FN1 Method: 1) Total of 1124 patrol cars on duty each day (from big six p.107); 2) two person cars = 2,248 officers on duty; 3) gives maximum (.237 x 2250) and minimum (.165 x 2250 officers => That would also produce an estimate of the minimum number of incidents of corruption and misconduct that occurred in the NYPD.

With respect to the efforts to control corruption, the review of the literature produced no statistical information on such important matters as: 1) the number of police officers arrested each year and the charges filed against them; 2) the number of police officers dismissed from the force each year and the reasons for their dismissal; 3) the number and distribution of different types of corruption

complaints filed against individual officers; 4) the disposition of the complaints (by type of complaint); or 5) the sanctions imposed for substantiated cases.

The only statistical information comes from some old surveys of administrative practices that provide some information about the staffing of internal affairs units. This is interesting, but tells only part of the story, for it may be that the investigations are conducted outside the IAD. Still, Figure 1 provides information about the proportion of the force that was committed to central investigative units for the large departments that were included in a 1978 survey of administrative practices.

Note that viewed in this context, the NYPD stands \_\_\_\_\_.

## B. The Literature on Excessive Force Complaints

The literature on excessive force complaints is somewhat more quantitative. There is information about the number and disposition of complaints filed with the police department. There is also information about the form that civilian complaint review processes, and civilian oversight agencies are taking.

### 1. The Number of Complaints and Dispositions

Table 1 presents data on the number of complaints made against officers for the "Big Six" Departments. The number of complaints is analyzed as: 1) a rate per thousand dispatched calls; 2) a rate per hundred sworn officers; and 3) a rate per hundred thousand inhabitants. All the data is from 1986. By these measures, New York City lies in the middle of the distribution -- neither the best nor the worst.

The authors of The Big Six decided not to present data on the disposition of the complaints since, as they said:

[Since] methods of filing and investigating complaints vary notably across departments,...data concerning the disposition of complaints are not comparable and are therefore not included.

This observation is an accurate one and implies that any attempt to draw inferences about the comparative effectiveness of police departments in investigating allegations of misconduct would require a very detailed examination of the processes of accepting, classifying, investigating and disposing of complaints in the particular jurisdiction. Alternatively, one could look at the gross statistics as a starting point, but understand that their apparent implications could not be firmly established without substantial amounts of additional work.

Nonetheless, it is possible to get a gross sense of the range of variation in rates of substantiation from some relatively old data collected by the Police Executive Research Forum in their Survey of Administrative Practices. Figure 2 presents a graph showing the distribution of the

proportion of cases solved by the police departments included in that study. New York's current substantiation rate is \_\_\_\_, about in the middle of the distribution, of all departments, and \_\_\_\_ among the larger departments included in the PERF study.

## 2. The Number and Form of Civilian Overseers

The review of the literature on complaints and civilian oversight also turned up several important articles describing national trends in this domain, and one "compendium" of information published by the International Association of Civilian Overseers of Law Enforcement Agencies describing the institutional arrangements that had been made to oversee police department operations and/or investigations in 14 cities.

A useful conceptual framework for understanding the forms that civilian oversight of police departments can take, particularly in the handling of individual complaints against police officers is set out by Werner Petterson in an article entitled "Police Accountability and Civilian Oversight of Policing: An American Perspective". Revealing the close relationship between the idea of civilian oversight and the processing of individual complaints (rather than general auditing responsibility or policy oversight), Petterson defines civilian oversight as:

In the management of citizens' complaints against police officers, a government entity is constituted through a legislative or administrative act which mandates citizens' participation in the processing of these complaints, from the initial filing of complaints through to the disposition of complaints. (p. 269)

He then goes on to identify a continuum of institutional arrangements that measures the extent to which citizens and civilians are included in the reception, investigation, and adjudication of complaints against the police.

Two ends of a theoretical spectrum depicting citizens' complaints procedures could be: the internal complaint complaints procedure, with no citizen involvement, on one end, and the external complaints procedure, with no police involvement on the other. (p.274)

Along this spectrum, he then distinguishes three different "tiers" reflecting common institutional forms that appear, and that include more or less civilian participation.

The external review form has three tiers: (a) the civilian oversight agency receives, investigates, adjudicates, and recommends discipline to the police executive; (b) these agencies carry out the same functions as the first tier, except for the investigative phase which is conducted by police departments; (c) agencies in this category have identical authorities as in one of the first two tiers, but the city's chief administrator acts as an arbitrator/mediator of disciplinary disputes between the oversight agency and the police executive. (p.275)

Walker and Bumphus, in an article entitled "Civilian Review of the Police: A National Survey of the 50 Largest Cities, 1991" looked empirically at the prevalence of civilian complaint review systems across the nation's cities. They found the following:

Procedures for civilian review of citizen complaints about police misconduct exist in 60% of the big cities in the United States...

Civilian review procedures have spread rapidly in recent years. Ten (of the 30 identified) have been established since 1988. Fifteen, or half the current total, have been established since 1986. Three new procedures began operations in 1991...

The spread of civilian review represents a new national consensus on civilian review as an appropriate method of handling citizen complaints about police misconduct. (p.2)

Although they classified the variations in the complaint review processes somewhat differently than Petterson, they also divided them into three tiers ranging from extensive citizen involvement to lesser citizen involvement. They found that 40% of the existing systems could be described as Tier I systems (investigation and recommendation for action by non-sworn personnel); 47% Tier II systems (investigation by sworn personnel, recommendations for action by non-sworn); and 13% Tier II systems (investigation and recommendations for action by sworn personnel with opportunity for citizen appeals if dissatisfied)

Note that the civilian review agencies described so far are deeply involved in the processing of individual complaints. Petterson also observes that some civilian oversight agencies exist that do not do the individual processing of complaints, but instead oversee how the police department performs this function. As he observes:

Their purpose is to improve the police complaints system, not to affect individual complaints. (p.276)

He divides these agencies into: 1) "monitors" (which have the right to review any particular investigation they choose, and to make recommendations for changing the investigation or the recommended disciplinary action); and 2) "auditors" (which only review cases after they have been completed and concentrate mostly on aggregate patterns rather than individual cases). These institutional forms are much rarer than the more common and traditional "civilian complaint review boards".

The International Association of Civilian Overseers of Law Enforcement Agencies publishes a "compendium" of civilian oversight mechanisms that includes reports from 14 cities on their institutional arrangements for overseeing police departments. The arrangements reported in this compendium are primarily of the complaint processing type. Yet, included in this compendium are two additional forms of oversight that have not yet been mentioned. The compendium identifies several



"police commissions" (in Chicago, Detroit, Honolulu, and Los Angeles) whose job it is to provide general policy guidance and oversight to their local police departments rather than to review individual complaints (though some have that power as well). And it identifies several "offices of municipal investigation" (in Cincinnati and New Orleans) whose responsibilities for investigation go beyond the police department to include other municipal agencies.

What does not appear frequently in this literature is any significant prevalence of what Petterson describes as "auditing" organizations. Nor is there any indication of how well such organizations would work. It is, apparently, a new idea -- attractive on theoretical grounds, but without strong test cases.

#### IV. Findings: The Survey of the Big Six

In addition to the survey of the literature, we conducted an informal survey of the cities of the Police Foundation's "Big Six" police departments to see how New York compared with its peers. The survey consisted of one or more interviews with city and police department officials in Chicago, Detroit, Houston, Los Angeles, and Philadelphia. We looked both at the character of any external police review agencies that existed in the city, and at the police department's internal structure and processes for dealing with corruption.

##### A. The Survey Design

With respect to the external agencies, we focused on the following:

- 1) The existence of any external agencies charged with the oversight or review of police policies and operations (including but not limited to corruption and excessive force cases);
- 2) The origins of the external review agencies including when they were established, the occasion that led to their establishment, and the legal basis for their existence;
- 3) The specific responsibilities and authorities of the external agencies as they were established in law, and as they operated in practice (including the important questions of their role in investigating and sanctioning police officers, their responsibilities and capabilities for auditing the department's corruption control systems, and their general policy review responsibilities)
- 4) The structure, staffing, and budget of the external review agencies.

With respect to the internal arrangements of the police department for controlling corruption and misconduct, we looked at the following:

- 1) The existence of any specialized internal investigative units in the police department including the date at which they were established and the occasion of their establishment;
- 2) The specific jurisdiction and focus of the specialized agencies within the police department (e.g. whether they were responsible for both corruption and excessive force, or just one; whether they were also responsible for administrative violations; whether they dealt with all cases, or just the most serious, and how they defined serious, etc.);
- 3) The particular investigative techniques they were authorized and actually did utilize to investigate allegations of corruption (e.g. whether they used electronic surveillance, developed informants, "turned" corrupt cops, ran undercover operations, or recruited "field associates", etc.);
- 4) Whether they made pro-active efforts to find corruption or indicators of corruption or simply investigated allegations of corruption they received; and
- 5) How they were staffed and budgeted to do their jobs.

In addition to looking at the specialized internal investigative units, we looked at how the responsibility for investigating and sanctioning corruption and officer misconduct was distributed across the department. In particular, we were interested in what sorts of cases were held for central investigation, and which distributed to line commanders of the various operational units; and also what sorts of resources and incentives were created for the other operational commanders to alert themselves to and control corruption in their units so that the cases did not have to come to central investigative units.

We would also have liked to gather statistical information about the performance of these units (including information on such matters as: 1) the number of police arrested each year by charge; 2) the number of officers discharged each year by reason for discharge; 3) the number of complaints received and investigated each year, and the proportion of those that were substantiated; and 4) the sanctions imposed for the substantiated cases), but this was beyond our limited resources for the survey.

And, we would have liked to ask questions about other preventive measures to control corruption (including the use of personnel selection and training to recruit and develop corruption resistant officers, and the design of enforcement operations to make them less vulnerable to corruption), but these, too, were beyond the resources of the study.

The information gathered in these phone interviews was supplemented by subsequent submission of documents setting out the policies and procedures of the various city and department agencies.

## B. The Survey Findings

What we learned from the survey of the Big Six about external oversight and internal arrangements for the effective control of corruption was the following:

### 1. External Review and Accountability

First, all of New York City's peers had some kind of external oversight agencies. The oldest was Los Angeles' Board of Police Commissioners established sometime in the 1920's and 1930's to improve the efficiency and integrity of the LAPD; the most recently established was Philadelphia's Civilian Review Board established by action of the City Council just this year and not yet up and operating.

Second, all the external agencies had the formal authority and the responsibility to review investigations and disciplinary actions taken against individual officers in response to citizen complaints or other allegations of corruption and serious misconduct. Houston's Citizens Review Commission (established as recently as 1991) was responsible only for reviewing "serious cases". Some (those in Chicago and Los Angeles) were explicitly charged with the responsibility for hearing appeals from officers. None had the right to recommend disciplinary action. That power was always reserved to the Police Commissioner.

Third, it seems fairly clear that all of these agencies had the right to review their Departments' overall disciplinary system, perhaps even its overall corruption control system, and to make recommendations about how they could be improved. Yet, few were exercising this option. The only exception to this claim (and it is an important one) is that subsequent to the publication of the Christopher Commission Report on the LAPD, the Los Angeles Board of Police Commissioners sought to establish a special Audit Unit consisting of about 5 full time employees whose job it would be to:

Audit the entire complaint and disciplinary process as well as the results of Internal Affairs investigations; maintain a telephone hot line to assist citizens in completing and filing complaints; [and] assist in the annual audit of the Department's disciplinary system and the presentation of that audit to the Commission."

This new Audit Unit would also monitor the status of litigation against the Department to see where problems of misuse of authority lay. The primary reason for not exercising this audit potential in cities other than Los Angeles seemed to be the lack of resources and skills to undertake such an effort, and the absence of any tradition of doing so.

Fourth, most of the external bodies had the right and the responsibility to offer overall policy direction to the Department as well as to investigate individual complaints. This was particularly true for the Chicago Police Board which can not only approve police department rules and regulations, but can also approve the department's budget, and recommend the appointment of a chief! The Boards in Detroit and Los Angeles also seem to have this kind of general policy responsibility. The external

agencies in Houston and Philadelphia are still sufficiently new that their distinctive focus is not yet clear, but it seems likely that, initially at least, they will be focused on reviewing individual cases rather than in setting disciplinary policy, or corruption control policy, or general policy for the Department.

Fifth, the Boards are typically multiple member commissions, in which the members of the Commission are generally appointed by the mayor -- sometimes for staggered terms, sometimes with participation by the City Council. The Commissioners are generally volunteers. They are also provided with small staffs. The total budgets average less than \$1 million. Only Los Angeles has a fairly large professional staff to conduct investigations, audits, and review cases.

By way of comparison, New York has an active Civilian Complaint Review Board, but nothing like a Police Commission. There is no existing external agency that audits the way the police department uses the authority delegated to it.

## 2. Internal Investigation and Corruption Control

With respect to internal arrangements for soliciting and investigating citizens complaints and allegations of corruption and serious misconduct by police officers, there were also some consistent general findings, and some interesting particular exceptions.

First, all of the Police Departments had specialized IAD units. They ranged in size from about 50 investigators to a little more than 150. For the most part, these investigative units were responsible for all kinds of police misconduct -- including corruption, excessive force, administrative violations, and police criminality. Generally, however, the units assumed special responsibility for, and gave special emphasis to, what was typically described as "criminal" or "serious" corruption and misconduct. Most of the Departments left administrative misconduct and minor cases to the operational commanders of the units in which the officers were employed to investigate and sanction with their oversight. This seems to be the general pattern for big city departments.

Second, there were at least two departments that seemed to give special emphasis and sanction to the use of particularly aggressive investigative methods, and to use these methods not only to investigate allegations of corruption, but also to probe and test for integrity problems in the force. In 1984, following a federal investigation of corruption in the Philadelphia Police Department, the Department established the Ethics Accountability Division which focuses specifically and intensively on police corruption, and conducts investigations using methods such as surveillance, undercover agents, informants, and sting operations. It will also gather information for intelligence purposes, and will sometimes develop financial profiles of officers to look for unexpected spending patterns indicative of a corrupt source of income. Similarly, the Detroit IAD (which narrowly limits itself to serious corruption cases delegating less serious cases to a different special unit -- the Chief Investigator's Office -- and to the line commanders) has an Intelligence Unit which devotes itself to pro-active investigations using aggressive investigative methods.

Third, the Chicago Police Department (but none of the others) has created a large, specialized unit to undertake investigations of alleged misuses of force. The unit is called the Office of Professional Standards. Although it reports to the Police Commissioner, the Director is appointed by the Mayor, and it consists of 60 civilian investigators whose job it is to receive and investigate allegations of excessive use of force. No other department devotes a comparable effort to this problem

By way of comparison, New York has the following.....

## V. Findings: The Survey of Cities with External Auditors

Our review of the literature on corruption control systems and external review agencies turned up four cities that had established external review agencies whose job was primarily to audit the performance their local department's systems for controlling corruption and serious misconduct. (There may be others that we have not yet found.) Those cities included: 1) Minneapolis, Minnesota's Civilian Police Review Authority; 2) Portland, Oregon's Police Investigating and Auditing Committee (PIAC); 3) San Jose, California's Independent Auditor; and 4) Seattle, Washington's Independent Auditor. Officials in these cities were called to learn how these institutions had come into being, how they operated, and what their impact (positive and negative) had been. The results of that survey were as follows.

First, it turned out that on close review, one of the offices identified was not really auditing the Department's internal investigative system. It was, instead, a traditional citizen complaint review investigative agency. The Minneapolis Civilian Police Review Authority, established in 1990, is an active investigative agency that has concurrent jurisdiction with the Department's IAD in investigating complaints made by citizens. Although well staffed, it has faced stiff opposition from the Minneapolis Police Department. It was discarded from the survey.

Second, the Independent Auditors in San Jose and Seattle were only established in 1992. In both cases, these bodies were created in response to citizen concerns about the adequacy of police internal investigative processes in dealing with complaints against the police, and were adopted as a compromise to establishing some kind of civilian review panel. In both cases, the offices are quite small -- about two full time people in San Jose, and about 1 in Seattle. They are both responsible primarily for reviewing the quality of IAD cases, and the adequacy of their local Department's overall systems for controlling corruption, but neither has a long enough tradition, nor enough resources to know yet how well this system will work.

Third, the only external auditing agency with a relatively long track record is the one in Portland, Oregon. That has been operating since 1982. It is a body that consists of 11 members of the community, all volunteer, who review IAU investigations, and submit quarterly reports on their findings about the quality of the investigations, and the adequacy of the Department's systems. This system seems to work reasonably well, but there is no formal evaluation of this process available.

The bottom line, then, is that the nation seems to have relatively little experience yet with the idea of external review bodies that audit a department's entire system for controlling corruption rather than participates in the investigation of individual cases. We have, on one side, lots of experience (largely disappointing) with civilian complaint review boards. We have, on the other side, some more limited experience with police commissions that are supposed to exercise general policy guidance over police departments. And, we have some experience with agencies that combine these roles.

What we do not have is much experience with an agency that focuses specifically on how appropriately a police department uses the key resource that is entrusted to it -- the use of state authority. The closest thing that now exists seems to be the Independent Auditor in Seattle, and he seems to have much the same views as we are developing in New York. In his report he says:

I strongly believe it would be a mistake for Seattle to create a civilian review board. If the goal is to improve the discipline system, it is not accomplished by adding a level of bureaucracy to the process. The literature strongly suggests that civilian review boards do not increase the likelihood of an officer being disciplined. Lay persons, not familiar with police work, are not necessarily in a good position to determine whether a department policy was violated....

It would seem more salutary to improve the discipline system from within rather than impose additional levels of decision-makers from without... (emphasis in original)

I strongly believe that much of the work of the 'discipline' system should occur at the precinct level. Police misconduct will not be solved by punishment, lawsuits or civilian review boards. It will be solved by good management. Much of the verbal harassment or rudeness that citizens complain about...is most appropriately dealt with at the precinct level.

The idea of an auditor, overseeing a system of corruption controls that decentralized much of the responsibility for controlling corruption to operational levels in the police department seems worth wider and more sustained experimentation. It combines the principle of holding police departments accountable for the fair and economical use of their authority, with the desire to ensure that the Department itself remains responsible for dealing effectively with corruption and serious misconduct. As in the past, New York could become a leader by developing such an approach.

## **Appendix 1:**

### **Why Two Different Literatures?:**

#### **Some Speculations and their Implications**

To a degree, it is somewhat surprising that these literatures are separate. After all, both "corruption" and "excessive use of force complaints" involve the abuse of an officer's authority. Moreover, in most police departments, both kinds of complaints could be received by the police department and would be referred to some kind of internal affairs division for further investigation and action along with other forms of police misconduct such as "cooping" on the job, or illicit drug or firearm use by an officer while off duty. And it is true that instances of corruption sometimes involve the use of excessive or illicit force by officers, and vice versa. (There is even some evidence indicating that the same officers may be the worst offenders in both domains.) Thus, one is left to wonder: 1) why "corruption" and "excessive force" have been singled out as particular forms of police misconduct that are worthy of extended academic attention; and 2) why they have been treated as separate subjects rather than as part of a larger subject called "police misconduct".

The reason for focusing on "corruption" and "excessive force" as specially important forms of police misconduct seems relatively obvious: they are the forms of misconduct that are the most offensive and most consequential for citizens. Administrative offenses such as "cooping", or excessive overtime, or not answering calls for service, and so on strike only at citizens' pocketbooks, and often only marginally. Similarly, officer misconduct off the job strikes only at the overall reputation of the police as proper role models, and arguably hurts the police more than citizens since it strikes at their prestige.

In contrast, "corruption" and "excessive force" threaten the primary *raison d'être* of a police organization. By definition, corruption makes it impossible for a department to enforce the law fairly and effectively. Excessive force, even when used negligently rather than malevolently, changes the police from guardians of citizens to attackers, and frays police community relations that are so essential to police legitimacy and operational effectiveness. Only outright criminality by police officers (facilitated by their work on the force) seems more dangerous and offensive, and that seems sufficiently rare to be hardly worth mentioning as a kind of police misconduct. So, it is not surprising that citizens focus special attention on "corruption" and "excessive force" as the most important forms of police misconduct, and that an academic literature would grow up that sought to measure, explain, and control such behavior.

It is a bit harder to explain why separate literatures would grow up around the issues of "corruption" on the one hand, and "citizens complaints" and "excessive force" on the other. It is interesting and important that one of the classics of the literature on corruption explicitly distinguishes



these two forms of misconduct. In his \_\_\_\_ essay entitled, \_\_\_\_\_, Herman Goldstein observes:

"There is considerable disagreement about what constitutes police corruption. On the one hand, there is a tendency to define the terms so broadly as to include all forms of police wrongdoing, from police brutality to the pettiest forms of questionable behavior. On the other hand, police corruption is sometimes defined so narrowly that patterns of behavior with all the characteristics and consequences of corrupt acts are excluded.

For purposes of this inquiry, police corruption means acts involving the misuse of authority by a police officer in a manner designed to produce personal gain for himself or others. Excluded from consideration are the various forms of police misconduct where authority may have been abused, but where there is no indication that the abuse was motivated by a desire for personal gain....

Admittedly, the line is not a clear one. Corruption and physical abuse are sometimes inseparable... Drawing a line that excludes police wrongdoing with no personal gain is not intended to minimize the gravity of other forms of police misconduct.

Perhaps there are two reasons for making this sharp distinction between "corruption" and "physical abuse". One concerns what we imagine the motivations of officers to be, and therefore their moral culpability for the conduct. In talking about corruption, we focus on the element of personal gain to officers to make that conduct seem worse both to citizens and other officers than it otherwise would be. If the only motivation for an officer to engage in corruption is to enrich himself illicitly, then we and the police are properly more indignant than would be true if there was some other reason for the corruption. Indeed, even petty instances of corruption seem repugnant if their only motivation is to enrich the officer, and even these instances require some moral rationalization.

In contrast, in talking about "excessive force", it is less obvious that we are talking only about police venality. Often, we are looking at ambiguous situations where the right amount of force is difficult to determine, and where excessive force could be explained as a result of negligence, or the heat of the moment, or the inherent ambiguity of the situation rather than deliberate malfeasance. Moreover, society is often inclined to give an officer who uses excessive force the benefit of the doubt, not only because his motives may have been benign, but also because large parts of the society may be relatively unconcerned that a suspected criminal who has resisted arrest is roughly handled.

Thus, both we and the police may be more morally ambivalent about the use of excessive force than about corruption, particularly when we define corruption to mean personal abusing one's office for personal gain. It is one thing to deliberately steal; quite another to accidentally injure in the course of one's legitimate law enforcement efforts. The second seems more in alignment with society's values and the values of the profession than the first.

The second reason that we may have made the distinction between the two different kinds of misconduct and developed separate literatures about them may have to do less with the acts themselves than with the methods that seemed appropriate and effective in dealing with them.

To many, the heart of the corruption problem was "bribery": i.e. a police officer taking money from a citizen to overlook chargeable offenses committed by that citizen. By definition, such events were difficult to investigate because they were "consensual crimes": both the citizen and the police officer had reasons to be satisfied with the transaction.

Without any victim to complain, it would be hard to depend on a reactive complaint system alone to root out bribery. One would have to rely, instead, on aggressive investigative techniques to make the most of any faint odor of corruption that came the way of the police department, and even to use these techniques to probe for indications of corruption even when there were no complaints. Further, one would have to develop a variety of "preventive" systems such as increasing training and supervision, or forcing officers to act in teams, or frequent rotation of personnel that would help to make instances of corruption less likely to occur, or more visible when they did. Thus, the solution to the bribery/corruption problem seemed to lie in the effective internal management of the department rather than in any wider effort to solicit outside complaints or enlist citizens in efforts to help police managers control corruption by reporting it when they saw it.

In contrast, the defining characteristic of "excessive force" complaints was that an angry citizen thought he had been victimized, and demanded redress. The challenge to the police department, then, was not only to conduct a skilled, unbiased investigation into the matter, but to do so in a way that had credibility with the victim, and other members of the community. While this, too, began as an internal investigative matter within the police department, and remains so in many departments today, a trend developed in which these kinds of cases became subject to external review, or even to being undertaken by external agencies. Thus, excessive force complaints came to be seen as something that required something more than the usual internal investigative and administrative measures of the police department.

These broad differences in approach to the problem may help explain why we have seen the problems as distinctive. But it is also worth noting that we have paid some important prices by holding these different ideas apart.

Specifically, we may have failed to give sufficient emphasis to a form of police misconduct or corruption that has always been present but may now be becoming more prevalent: namely, extortion of citizens by officers who charge them with crimes they did not commit, or the physical and mental abuse that goes along with the instances of extortion, or outright burglaries, robberies, assaults, and murders of citizens by the police. These offenses are committed for personal gain, but unlike bribery, they often involve force, and result in the victimization of individual citizens. Thus, they are a combination of both corruption and excessive force, and may well be the ugliest form of police corruption and misconduct.

In addition, we may have failed to recognize that citizens and external agencies may play as important a role in helping police departments deal with "corruption" as they do in helping police departments deal with "excessive force" complaints. There may well be a lot of police extortion that is not being reported, not because there is no angry victim, but only because the victims cannot be sure that they will get a fair hearing from the department. If a police department is going to be successful in rooting out this form of corruption, it may well need a wide open and inviting complaint window, backed up by a capacity for fair, competent, and aggressive investigations. Moreover, if a department is to maintain the will to deal with corruption, it may have to establish some external mechanism of accountability that will hold its feet to the fire, just as this has proved necessary to achieve the objectives of minimizing the excessive use of force.