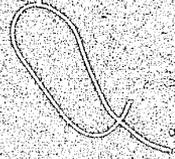


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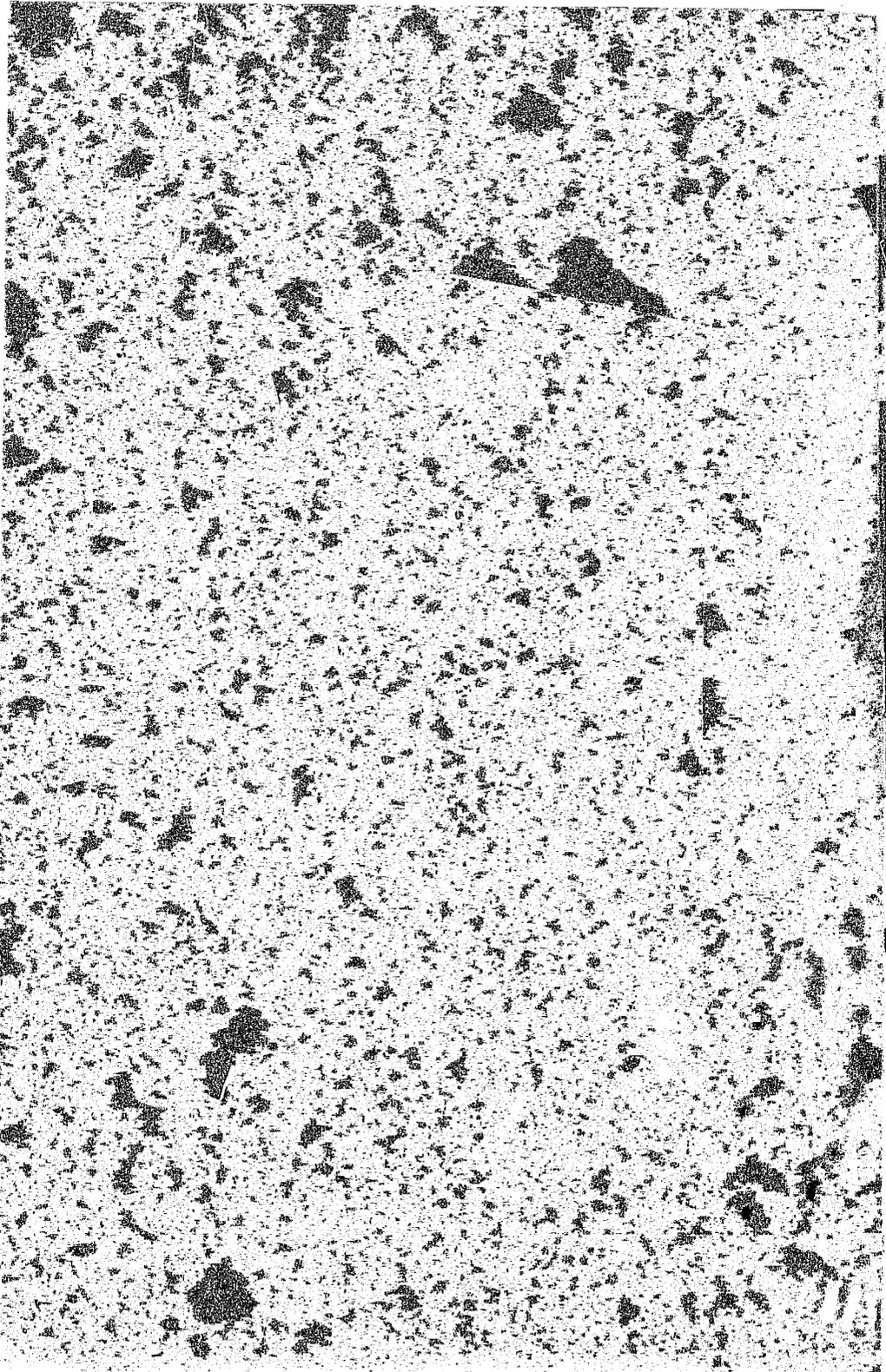
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A FUNCTIONAL APPROACH
TO POLICE CORRUPTION

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Introduction

The costs and consequences of police corruption have been well documented. From Lincoln Steffens to Whitman Knapp, investigators have demonstrated the evils and extent of this corruption and have offered advice on how to eradicate it. Indeed, the patterns of police corruption have been exposed so often and have roused so much moral indignation — the cures have been presented in such detail and accepted with so much enthusiasm — that it becomes necessary to ask why it is that these patterns of corruption continue in operation.

Traditionally, explanations of police corruption (and, by extension, methods of controlling it) have assumed that corruption is caused either by “bad men” or by “bad laws.” Those explanations dealing with the weak moral fiber of the individuals in police work have produced controls aimed at recruiting more honest officers, providing recruits with training that would help them resist the temptations of corruption, producing examples of proper conduct by rewarding honest officers and punishing corrupt ones, and using internal investigation units of various types to unearth corruption as well as to deter it. On the other hand, explanations of corruption which see its origin in “bad laws” tend to produce anti-corruption measures such as repeal of laws that have little public support, simplification of codes (such as building codes) that are often virtually impossible to obey completely, and decriminalization of so-called victimless crimes.

All of these cures for police corruption have been tried at various times and at various places. Their ineffectiveness has been demonstrated by the repeated recurrence of corruption in the very locations where it was thought to be most thoroughly eliminated. Lincoln Steffens (1902) demonstrated the repeated failure of reform governments to control corruption, including police corruption, for any length of time while Sherman (1974a: 33) describes the twenty-year cycles of corruption,

exposure, reform, and corruption which have characterized the history of the New York City Police Department. The anti-corruption policies generated by both the "bad men" and the "bad laws" explanations have not succeeded in eliminating police corruption.

This is not to say that measures such as those described above, if carried out consistently and thoroughly, would not result in a diminished amount of police corruption. It is more than probable that a police force peopled solely by officers of mobility, probity, and moral courage, whose only charge was the enforcement of wisely enacted laws that had the wholehearted support of the majority of the population, would be a police force with a low rate of corruption. But not only do these conditions not seem to exist at present, the chances of their being successfully introduced seem very slight. In fact, the trends in many instances seem to be in the opposite direction; the situations requiring legal control are becoming more complicated, a larger number of interest groups which were formerly mute are now making themselves heard in the legislatures and are demanding laws that do not have the support of the total population,¹ urban populations are becoming ever more heterogeneous with a corresponding heterogeneity in customs, values, behavior and taste. And even under conditions approximating the ideal far more closely than do present ones, police corruption seems to have flourished with disconcerting vigor.

Functionalism and Police Corruption

There is a need, therefore, for an explanation which accounts for the widespread persistence of corruption in the face of extensive moral and legal sanctions. Robert Merton (1957: 71), faced with a similar need to explain the continued existence of political machines, adopted a functionalist point of view; Merton examined the unintended consequences of

¹ Laws concerning abortion and sex discrimination are current examples.

machine politics in an effort to account for the machines' longevity. Since this work is in many ways an attempt to follow Merton's lead by applying functional analysis to police corruption, it may be worthwhile at this point to examine some of the tenets of functionalist theory.

The functionalist viewpoint expects that ordinarily, although not invariably, social patterns that persist in the face of extensive opposition "perform positive functions which are at the time not adequately fulfilled by other existing patterns and structures" (Merton, 1957: 72). The term and concept of function are borrowed from the biological sciences, the reference being to ways in which an organic process contributes to the maintenance of the plant or animal in which that process takes place. If a social or cultural system is viewed as being analogous to an organism, the function of any pattern of social behavior is the way or ways in which it contributes to the maintenance of that system. Functions, in this context are objective, observable consequences of behavior; functions are not purposes or motives. The latter are subjective; they refer to the intentions, plans, aims, or expectations of the individuals participating in the behavior being analyzed. The former — and it is with these that functionalism is concerned — are objective and apparent to the observer of the behavior, the participants being possibly totally unaware of the functions of their acts. Thus, an individual may be *motivated* to carry a rabbit's foot because he believes that it will bring him good fortune. If his belief in his good fortune makes him more secure and more confident in tackling difficult tasks and that confidence enables him to be successful, the rabbit's foot has served a *function* of which its carrier may be unaware. It is these unintended consequences — the latent functions — of police corruption that will be considered here.

History of Corruption Studies

In appraising the study of political corruption by American

sociologists and political scientists, Neil Smelser (1971: 10-12) notes that early studies of this "deviant" phenomenon were dominated by a "reformist spirit" and that, with few exceptions, the explanation of corruption they promoted was essentially moral, tracing its cause to greed or some other defect in the human moral condition.

Smelser identifies a second phase of inquiry as the functionalist phase, an attempt to break away from the earlier reformist viewpoint. He notes three distinct but related arguments on which these functionalist studies are based.

1. Corruption is a natural social phenomenon and, as such, is subject to the same kinds of explanatory principles as "normal" social phenomena. . .
2. In fulfilling these needs, moreover, corruption can and does have numerous consequences that are anything but evil. . .
3. Corruption, finally, can be understood as a manifestation not of unnatural or depraved motives, but of motives that are manifested in more acceptable walks of life. . . (10)

Important works in this area are Merton's (1957) analysis of the political machine, demonstrating its functions in supplying welfare services and political accommodations among potentially conflicting groups, and Daniel Bell's (1960a) article on "Crime as an American Way of Life" in which he treats corruption as well as other criminal activities as manifestations of American values and ambitions such as social mobility.

Smelser's third stage in the history of corruption studies carries on from functionalist analysis by providing general statements on the causes and consequences of corruption as well as actual case studies. One of the best known of these works is McMullan's "A Theory of Corruption" (1961) in which he treats political corruption as providing political integration during periods of rapid social change.

Although recognition of the functions of police corruption is not unknown (for example, Sherman, 1974a: 45), the

majority of works dealing with police corruption seem to be in Smelser's first, or reformist, stage. The present work is an attempt to enter the second stage, an attempt made in the belief that this may be necessary before the third stage — that of general statements on causes and consequences — can be reached.

Functionalism and Reform

Smelser observes that the functionalists omitted the reformist thrust from their writings, at least in part as a reaction against their predecessors. The biological analogy often explicit and always implicit in functionalism is also inherently non-reformist, for the "pure" physical scientist seeks to understand and predict the phenomena he studies, not to reform them. An analysis of the functions of corruption may produce a work so different in tone from the former treatment that Merton felt it necessary to point out in a footnote that his analysis was not meant to be "in support of the political machine" (1957: 72 note).

The present work is in the functionalist tradition in that it does not offer any explicit suggestions about controlling or managing police corruption. Rather, it attempts to identify areas in which such corruption functions to fulfill societal and cultural goals, i.e., contributes to the maintenance of the social system. Whether this is morally good or bad is irrelevant in this context. However, functionalist theory does provide material for those interested in reducing police corruption. If, as functionalism hypothesizes, such corruption exists because it fills needs unfulfilled by legal structures and institutions, the identification of those needs points to areas in those structures and institutions where changes might profitably be introduced. By moderating existing structures so that they do fill societal needs more fully, the necessity for filling those needs by corrupt means is lessened. If, in Merton's words "the functional deficiencies of the official structure generate an alternative

(unofficial) structure to fulfill existing needs somewhat more effectively" (73), then remedying the functional deficiencies of the official structure should reduce the reliance on the unofficial structure.

The concept of functional alternatives becomes salient at this point. By identifying the functions of corruption, it becomes possible to design other, non-corrupt, methods of carrying out these same functions. In other words, certain needs must be met if a society is to continue to be viable and to satisfy (at least at a minimum level) a certain proportion of its members, but there may be several alternative ways of meeting those needs. A study of corruption helps to identify those needs not being met effectively by the official, licit institutions of a society and may inspire creative thinking about how such needs may be legally met, thus reducing the dependency on corruption.

A word of caution may, however, be in order. In a society that is complex, heterogeneous, and rapidly changing, it is probably impossible for any set of official structures, no matter how efficient and how well designed, to satisfy the needs of all of the people all of the time. For example, in at least some areas the needs of various groups will be directly opposed to each other and to satisfy one group means that, by definition, others will not be satisfied. This seems to imply that corruption can be greatly reduced by the search for functional alternatives, but it probably cannot be eliminated.

Some Functions of Corruption

Corruption as a Promoter of Solidarity

Among the first of the possible functions of police corruption² to be examined are several that pertain directly to the

² The term "police corruption" has been used to cover a large number of acts. Accepting a free cup of coffee from a lunchroom owner, carrying out personal business during working hours, using influence to help a friend or relative escape legal sanctions or avoid a complicated official procedure, and stealing time by arriving late, leaving early or "cooping" are all

ability of the police to carry out their duties. The most obvious of these deals with solidarity, mutual trust, and *esprit de corps* among police officers.

Mutual trust and the ability to count on each other are among the most important assets available to the members of a police force. An officer's security, safety, and at times his very life may depend on the actions of his fellow officers. His dependence on them is very real and very vital. But although the occasions when a police officer's life is in the hands of his fellows are important, they are also, in the careers of most officers, rare. Less dramatic but more pervasive is the officer's reliance on his co-workers for companionship, morale building, and emotional support.

The police officer's alienation from the civilian population has been noted repeatedly (e.g., Westley, 1970).

. . . the policeman is indeed "a man apart" from the rest of the community, separated from other citizens by his unique working hours (which mandates a social life almost entirely with other police officers), his twenty-four-hour-a-day status as a law enforcer, and the implied hostility to him as an authority figure that he finds in most contact with "civilians." (Sherman, 1974a: 13.)

Therefore, if the police officer is not to be totally isolated — if he is not to exist in a social vacuum — he needs the support and confidence of his fellow officers. Westley, writing about the late 40s, commented on this need for mutual solidarity among instances of behavior which, when indulged in by a police officer, may legitimately be considered instances of police corruption. It is well beyond the scope of this work, however, to deal with all types of corrupt behavior and for the most part only bribery will be considered. McMullan's (1961: 183-4) definition of bribery seems to have become standard in studies of corruption and there is no reason not to use it here. ". . . a public official is corrupt if he accepts money or money's worth for doing something that he is under a duty to do anyway, that he is under a duty not to do, or to exercise a legitimate discretion for improper reasons." Examples of corruption not falling under this definition may be referred to occasionally if they help to clarify a point.

policemen. "Against unpleasant experiences they have the bulwark of in-group, interpersonal strength. Even if the public doesn't appreciate them, their fellows do." (110).

What does this need for police solidarity and mutual trust have to do with corruption? It is suggested here that there are several connections.

Solidarity in any group is increased when the members share certain activities. When the members feel that these activities are unique to the group and must also be kept secret from non-group members (because, for example, they are illegal) group solidarity is heightened even further. The very illegality of the activities concerned is one of the most potent forces in producing solidarity. Each officer is protected from the damages of discovery only by the discretion of his fellows — and one of the reasons that he can count on that discretion is the knowledge that his fellows are implicated in the same activities. Bound together by their common participation in corrupt actions and by the shared danger this involves, members of a police force may feel that the cohesion of the group gives them the strength to function in spite of a public that is at best indifferent and often actively hostile. Obviously, corruption fills this function only under certain conditions. A single corrupt officer has no positive effect on the level of solidarity and may even lower it; the same is true of a large number of men accepting bribes unbeknownst to each other. Only when corruption is pervasive, accepted within the group and/or organized will it enhance the sense of group solidarity and mutual trust.

August Vollmer, in 1931, pointed out the relationship among solidarity, corruption and public hostility.

It is an unwritten law in police departments that police officers must never testify against their brother officer. Viewing it from the inside, it is soon found that as a general rule policemen believe that they must fight their battles together against the common enemy. (U.S. National Commission on Law Observance and Enforce-

ment.)

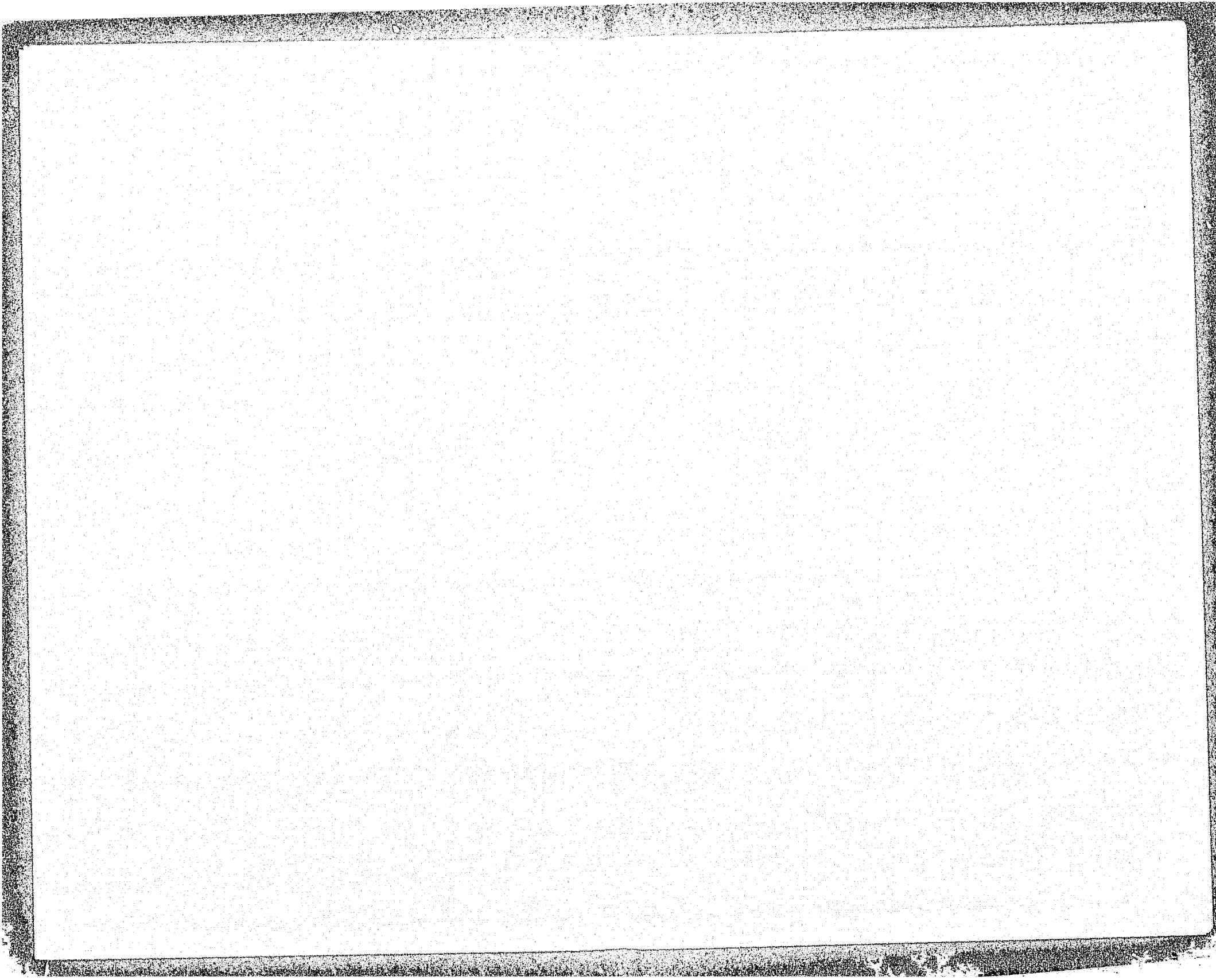
This seeming irony — that police work is accomplished more effectively when police officers conceal each other's corruption -- has not gone unnoticed.

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. (Stoddard, 1974: 300.)

Corruption as a Training Device and a Rite of Passage

If membership in this tightly-knit group is vital to an effective police officer, then it is to be expected that attaining such membership is an important step in the creation of such an officer out of a raw recruit. Predictably, there are repeated accounts of seasoned officers presenting a newcomer with carefully managed opportunities for corruption. Only when he takes advantage of such an opportunity is the rookie accepted as a member of the group. The importance of this "rite of passage" cannot be underestimated, for it is only by transforming neophytes into full-fledged group members that the group can continue to exist and provide the mutual support on which its members depend. Stoddard observed that group members

have the responsibility of screening new recruits at various times to determine whether they are "all-right-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



is complicated by the presence of rank differentiations. While it is important for patrolmen and superior officers to have confidence in each other and feel themselves strong enough as a group to handle the demands of their work, the para-military organization of the police department requires that differences in rank and the hierarchical structure of authority not be obliterated. Patterns of action which produce solidarity and mutual trust will not be functional in a police department if they do so at the cost of the social distance between ranking officers and their subordinates.

The way in which corruption is organized is a result of the system of rank, but it also reflects and supports it. Not only is the amount of bribe money closely correlated with rank, so is the manner of collection.

Lincoln Steffens described the way in which the system worked in 1895, when the handsome Captain Schmittberger testified to his career in graft in New York City's Tenderloin precinct. As a patrolman, Schmittberger made monthly rounds of the places paying for so-called police protection, collecting and sometimes forcing the payment. He brought the proceeds to the police station where he counted it with the captain "who split it -- so much for the Superintendent, so much for the inspector, so much for himself, and a small percentage for the ward men" (1931: 272). When Schmittberger himself became a captain, he assumed the duties and privileges of his rank -- he now only superintended the collection and distributed the money to his subordinates, himself, and the district inspector. Bookmaker Harry Gross described a similar system when he testified in 1954 to arrangements with the New York Police Department dating back to the early 1940s when payments were made in a descending scale, from members of the police commissioner's squad to patrolmen (Knapp, 1973: 63, Bell, 1960b: 147) and the Knapp Commission heard about substantially the same arrangement existing in 1972 (68). This system of compensation by rank is by no means limited to New York. William F. Whyte reports it for Boston (1974: 109), it was one

of the subjects of a television documentary on Louisville, Kentucky (Gardner and Olsen, 1974: 138-9) and David Bayley comments on differential access to graft in India (1974: 81).

The majority of the actual "work" of collecting the money is done by patrolmen and it is they who take most of the risks. Higher ranking officers send subordinates on these errands and having a "bagman" to do the collecting is as much a symbol of status as is an extra stripe. As Whyte points out, this arrangement is practical for all concerned. If the bagman is caught, he can protect the superior officer, who will then do all he can to clear his subordinate of the charge.

It is not only in cold cash that the hierarchy is reflected; in other types of niceties rank has its privileges also. Hotels offering free meals to police officers feed patrolmen in employee dining rooms and coffee shops, while superior officers order lavish meals in the hotel's better restaurants (Knapp, 1973: 175).

Thus, while organized police corruption binds patrolmen and superior officers together by their common participation in illegal activities, it also reflects and stresses the distinctions of rank and the presence of a hierarchy. Therefore, the solidarity created does not threaten the structure of authority within the department, but rather reflects and reinforces it.

Corruption as a Stabilizing Factor

Although creation and maintenance of solidarity and the authority structure are functional for the police department (or at least for units of it) as well as for individual officers, corruption also has functions for the society in which the department exists. For example, in societies that are complex, heterogeneous and rapidly changing, police are frequently confronted with laws enacted by one segment of society (often numerically small but politically powerful) that other segments would prefer to see unenforced. This conflict between the desires of different interest groups provides one of the greatest opportunities for police corruption, but corruption provides an avenue for these

conflicting interest groups to co-exist.

The relationship between political corruption and conflicting interest or cultural groups has been widely explored. Steffens ascribed much of the corruption in early twentieth century America to the problems faced by industry in an agricultural social organization where the "constitution, laws, customs, and the culture of a community of farmers" were a hindrance to industrialization. If industrialization were to succeed in a social structure not planned for it, industry must remove, in whatever way possible, the obstacles of that social structure and "all the various forms of corruption should be regarded not as felonies, but as evidences of friction in the process of pouring new wine into the narrow necks of old bottles" (1931: 862). McMullan broadened Steffens's perspective to produce a theory of political corruption in rapidly developing nations. "No society can be transformed without laws that go against the interests and accepted behavior of some people in it; these laws will set up the sort of conflicts which give rise to corruption" (1961: 193). Looked at in this way, corruption is the result of a divergence in aims between those who make the laws of a society and those who are supposed to obey them. In a time of rapid social and cultural change, those in a position to control the government — often a wealthy, educated elite — may well have goals different from the rest of the population; if this is true, then the laws they enact to fulfill their goals will receive little public understanding or support. Under these conditions corruption may become, in McMullan's terms, "an emollient, softening conflict and reducing friction." Smelser (1971: 129) also sees corruption as an "informal cushion," "a relatively stabilizing factor insofar as it is a functional alternative to forms of political expression and conflict . . . more immediately disruptive." Corruption, in other words, is a means by which a group discriminated against by certain laws can avoid the consequences of that discrimination without openly and perhaps violently challenging the power and legitimacy of those who make the laws. In some cases the only functional alternative to corruption is revolution.

This theory of political corruption is directly relevant to police corruption because it is so often the police who must enforce the laws that have little public support. Bribery makes it possible for citizens to evade unpopular laws without having them repealed. Repealing them, of course, appears to be much more straightforward. The Knapp Commission, for instance, sees bribery as the "easy" way for legitimate business to deal with unworkable laws and predicts that if the police were so honest that bribery was not possible, business interests would have to use their political influence to bring about the revision of these laws (68). Of course, Theodore Roosevelt predicted the same outcome in 1895 when he demanded that his police officers enforce the laws regulating saloons; many of those laws are still on the books. A look at the origin of some of these unpopular laws may help explain why corruption is so much more frequent than repeal.

A common source of such laws is the existence of legislators who differ in important aspects from their constituents. One reason for such differences is rapid social change, producing a governing body whose members have changed either more or less rapidly than other sectors of the population. Another reason is cultural heterogeneity, with lawmakers being chosen from a few of the many cultural groups represented in the populace. Both of these causes have been noted in explaining corruption in developing nations but it is relevant to remember that the United States for most of its history has been a rapidly changing, heterogeneous country. Sentiments change in some segments of the society but not in all. Some groups that formerly supported a law no longer do so while others may not only still support the law but wish to see it strengthened. And there are other laws which never had popular support in some areas. The liquor laws of New York State are a good example. During the second half of the nineteenth century upstate voters were determined to have stringent regulations, including Sunday closings, while the majority of city residents wanted more liberal laws. No law would be acceptable to both groups (Richardson, 1974:

51). Steffens pointed out that the "moral people" of cities such as New York and Minneapolis played into the hands of "police criminals" by demanding strict laws against vice, laws which large sectors of the population then bribed the police not to enforce (1902, 1931: 376).

Seen from a functionalist perspective, corruption was a means of easing the conflict and satisfying both sides. Politicians won the support of Yankee groups with rhetoric against vice, while maintaining immigrant support by giving the police a free hand to permit vice — in exchange for a price (Sherman 1974a: 45).

In discussing a contemporary version of such a conflict, Gardner and Olsen (1974: 133-34) have estimated that one-third to one-half of the American public has gambled, that as much as two-thirds of the motoring public violate a traffic law at least one a year, and that a substantial portion of the population under thirty has used marijuana or other minor drugs.

Again, it is not just that sentiments change over time but that large segments of the population do not agree about what is actually in their own and the public interest. The social and ethnic diversity of America particularly urban America, guarantees that no law will find favor with all groups; a law embodying the interests and preferences of one social or cultural group invites others to bribe their way out of its consequences. In more homogeneous cultures, such as those of Europe, there is little attempt to enforce a particular code of behavior by means of the law and this is one explanation for the lower incidence of police corruption in such cultures (Fosdick, 1974: 67).

Reducing the number of these laws that large members of citizens feel no moral compulsion to obey would reduce opportunities for corruption. The Knapp Commission, among others, has advised the decriminalization of many "victim-less crimes" with this in mind. There has been, however, no noticeable rush to repeal the laws against vice. There is a tendency to perceive persons or groups taking an active part in promoting such repeal as being in *favor* of prostitution, gambling, drugs,

etc.; given the variety of sentiments that exist on these subjects, even the most ardent proponent of decriminalization is usually less than eager to be identified as a proponent of vice.

Laws producing conflicting and ambivalent reactions place the police officer in a difficult situation.

. . . powerful demands are made on the policeman to serve incompatible ends. This happens because his public cannot make up its mind what it wants and because it wants certain ends to be only symbolically served. . . Formally, the policeman is expected to enforce all laws; actually, he is expected to ignore some laws and many lawbreakers. . . the inconsistent expectations of society imply that the policeman will be called upon either to use socially unapproved behavior to attain socially approved goals or vice versa. (Wilson, 1974: 320-21.)

Under these circumstances, corruption is the solution to a paradox. It becomes the tool by which laws remain on the books to satisfy those who want them there, while those who wish to participate in the behavior condemned by those laws are also able to satisfy their desires. Corruption is, then, that "emollient" which permits society to function in spite of internal contradictions and which may act to prevent open conflicts between groups with different concepts of morality. It serves what may be an indispensable function in any heterogeneous society.

Corruption as a Facilitator of Business

Related to the problems of laws that people don't want to obey are the problems of laws that people can't obey. Included here are such legal mazes as building codes, liquor laws, gun permit regulations and parking violation rules, which are designed to regulate rather than forbid the activity involved. The laws, regulations and ordinances governing these areas are often the result of piecemeal legislation, designed to cope with a specific situation and then incorporated into a general rule. Aspects of these codes are often the result of pressure by special interest

groups, groups usually smaller and more numerous than those associated with unpopular laws (a block association, for example, may demand special parking regulations on its streets, increasing the convenience of residents but also adding to the general state of confusion surrounding on-street parking).

Given the fact that many of these regulatory statutes are vague, anachronistic and internally contradictory — and that they tend to be administered by bureaucracies that are elaborate and inefficient — there results a situation which makes it impossible for the most earnestly law-abiding citizen to conduct his lawful business in a lawful manner. H. Earl Fullilove, Chairman of the Board of Governors of the Building Trades Employers Associations of the City of New York, testified to the Knapp Commission that “it is virtually impossible for a builder to erect a building within the City of New York and comply with every statute and ordinance in connection with the work” (123).

Again, the police are asked to enforce a set of regulations which are virtually unenforceable. Police corruption provides a way for legitimate enterprises to side-step the crippling effects of unrealistic laws. Bribe money is simply part of the cost of doing business and in many instances is probably lower than the cost of compliance with even a fraction of the demands for fees, permits, etc. Money paid to bureaucrats — police and civilian — to speed perfectly proper procedures fulfills the same function. A major overhaul of the codes and statutes in question, with an eye toward consistency, clarity, efficiency and economy would reduce the need for corruption as a condition of business but this is not a frequent occurrence, due to inertia as well as for many of the same reasons which affect the repeal of unpopular laws. In the absence of such an overhaul, it is only a slight exaggeration to argue that were police corruption to be eliminated completely, a great many legitimate businesses would no longer be able to operate efficiently or profitably and therefore would be unable to operate at all. Corruption in such a context is not a hindrance to legitimate business but rather an important

facilitator of it.

Corruption as Para-Legal Law Enforcement

The examples above assume that the corrupter would use legal means to attain his legal ends if it were feasible for him to do so. Naturally, much corruption is the result of a preference for means or ends that are illegal. There are here three possible situations leading to corruption. 1) The police officer accepting a bribe from a law breaker who wishes to escape the criminal justice system; the cost of bribe is his punishment for his crime (or for being caught) but it is probably a lower cost than he would have to pay if he were brought to trial (Reiss, 1971: 153); 2) an innocent person accused of wrong-doing bribes the police officer in fear that the criminal justice system would not be aware of his innocence or that the cost of proving his innocence would be greater than the cost of the bribe; 3) the police officer accepts a bribe from a person he believes to be guilty but whom he believes would not be punished by the criminal justice system. Although both the second and third examples reflect doubts about the workings of the criminal justice system, it is the third type only which is of interest here. The policeman, afraid that his evidence will not suffice in court, that the case will be dismissed on a technicality, or that the prisoner will evade justice for some other reason, accepts a bribe in order to let the prisoner go; conversely, he may “flake” or “pad” a prisoner of whose guilt he is convinced. The Knapp Commission felt that this doubt about the efficacy of justice was a possible cause of police corruption, which could not be “examined completely apart from his awareness or suspicion of corruption among those charged with the prosecution and adjudication of the cases” (103) presented by the officer. Under these circumstances, police corruption may be viewed as a para-legal method of law enforcement, with the bribe money acting in many of the same ways as a legitimately imposed fine. Not only is it punishment for whatever violation was committed, but knowledge that police will demand such payment may also act as a

deterrent. This is not to underestimate the disadvantages of allowing the police officer to play judge and jury (as well as collector of fines) but only to show that in the face of deficiencies in other parts of the criminal justice system, police corruption may produce a type of rough, if cut-rate, justice.

Corruption as a Control of Crime

Police dealings with law breakers may have wider consequences than those mentioned above; they can help the police to keep crime down to what may be an irreducible minimum. Lincoln Steffens learned about this function of police corruption from the same Officer Schmittberger who had proven such an effective instructor on the organization of police corruption. Having testified before the Lexow Commission and having been broken to patrolman, Schmittberger was investigating a waterfront robbery near Steffens's home. Asked what he could do to find the culprits, Schmittberger acknowledged that his sources of knowledge about illegal activities in the area were almost nonexistent since, with the defeat of Tammany in the recent election, graft was virtually eliminated. Without the constant exchange of money and information that connected the police to the lawbreaker, recovery of goods and apprehension of criminals became far more difficult than it had been. The basis of good detective work had been the establishment of relationships with certain criminals that ensured a continuous flow of information to the police and the maintenance of that relationship demanded money, influence and favors from the police. In several cities Steffens found that by allowing certain criminals in each field (pickpockets, burglars, etc.) to operate, the police gained their help in reporting the arrivals of outsiders, returning stolen goods, and providing information about the activities of those criminals who did not have a protected relationship with the police. Although police generally used their informants most efficiently at the behest of a victim with "pull, power, or privilege," this arrangement did produce control, although not elimination, of illegal activity.

The role of informants in more modern police investigations has not decreased (Ward, 1975: 115). Apprehension of suspects will depend largely on accurate information and those most likely to have accurate information about criminals are criminals themselves. Criminal informants can be of great help in law enforcement but they are not usually motivated by pure altruism to turn over their knowledge. They want something in return and what they want is usually in itself illegal. Police must decide whether they will trade money and favors for information or whether they will do without the information. Again the Knapp Commission recognized this as a motive for police corruption, observing that when officers kept for themselves portions of confiscated narcotics they were often doing so in order to pay addict informants. The Commission reported that the New York City Police Department is now providing money to pay informants and predicted that this would reduce the need for police to steal narcotics. By seeing the function of this particular type of corruption and serving it in another way, the NYPD may well have taken a step toward eliminating the corruption, although it may be worth noting parenthetically that in a time of tightening municipal budgets, money for informants' fees may well be in short supply and the tendency may be toward the original method of meeting this need — a method that is of no direct cost to the taxpayer.

The functions discussed above are those that directly serve the ends of law enforcement. There are others that are only indirectly or not at all related to law enforcement but are nevertheless important.

Services Not Otherwise Available

Corruption is often a means of obtaining services that are needed and unobtainable in any other way. The nature of such services varies from place to place, depending on local needs and on what services are available legitimately. Most of the services discussed here are not in themselves illegal; what is illegal is their being provided by the police — and this also may vary.

Thus, in Detroit, Chicago, and Philadelphia the police department will provide store keepers and small businessmen with an escort so that they may safely take the day's receipts to the bank; New York City police may not legally provide such a service, but a high crime rate makes protection for these people imperative and a private guard service may be unavailable or too expensive. A few dollars to the local policeman provides a service which the urban businessman needs if he is to stay in business. Other such services include providing information on the criminal records of job applicants (the information is legitimately available to the public, but only in the form of court records, which require a laborious search); the presence of a patrol car when check cashing services, which keep large supplies of cash on hand, open in the morning; aiding city marshals in serving eviction notices; expediting paper work and cutting delays when finance companies seek to repossess cars; supplying stolen car lists to car-rental agencies; and additional police patrols for especially vulnerable businesses. Police presence is also a service and the luncheonettes, coffee shops and restaurants that give police officers free food and drink are obtaining the protection which results from the extra time the police spend in and around their establishments and the extra attention that the officers pay to these places in which they may be said to have a vested interest. This protection is far cheaper than the full-time uniformed guard that is usually the only alternative. Any of these services could legitimately be filled by private enterprise; as long as private enterprise does not step in to meet the needs indicated, police corruption will probably continue to meet them.

In another set of cases, the services are not provided by the police themselves, but rather the police are bribed so that they will not prevent others from providing them. These services may be illegal (e.g., ticket scalping, stores open on Sunday) but they rarely bear the emotional overtones of the activities discussed in the section on unpopular laws.

A third set of cases has to do with infringements of parking

regulations. Restaurants, for example, may bribe police not to ticket or tow their customers' illegally parked cars, while garment center concerns obtain the same privileges for delivery trucks. In these instances the police are providing parking spaces -- rare commodities in an urban environment.

Finally, included here are services police provide for each other and fellow members of the criminal justice system. Among these are gratuities for the court attendant known as the "bridgeman" so that he will call certain cases more rapidly, and payments to desk officers and clerical men for help with the forest of forms including evidence vouchers, complaints, arrest reports and requests for departmental recognition. Additional clerical help or simplification of paper work requirements would eliminate the need for these services; meanwhile, many officers consider them well worth paying for.

Corruption and the Class System

It was suggested earlier that corruption reflects and reinforces the hierarchy within the police department. But it also reflects the class system within which the department exists. It enables the wealthy to purchase law-enforcement services (including nonenforcement where desired) not available to the poor and conversely, it may require the poor to purchase services which are available freely to the rich. To the extent to which their services are for sale, the police have entered an open market, subjected themselves to the laws of supply and demand, and have made themselves differentially available to different social classes.

Studies have shown that most people who go into police work say that they subscribe to such "traditional" values as independence, free enterprise, and individual initiative. There is a seeming paradox in the fact their occupational world is one in which collective bargaining, civil service rules, and seniority count for far more than the quality of an individual's work. The paradox is resolved by the high value many officers place on job security, often consciously abandoning careers with greater

opportunities and greater risks for the civil service advantages of the police department. These contradictory values — security vs. individual initiative — can be reconciled through corruption; the job provides the security from which the police officer can offer law enforcement and other services on an entrepreneurial basis, his profits limited only by his daring, imagination, and ability to seize and exploit opportunities as they appear.

Although this coupling of corruption with traditional American values may seem facetious, it is by no means original. Again it was Lincoln Steffens who pointed out repeatedly that men of vision and strength were with depressing regularity to be found among the corrupt, for when opportunities for wealth and power came their way, they simply did not allow obstacles in the form of the state and its laws to deter them and when Steffens ended his mud-raking career with "An Apology for Graft" it was with the plea that "the prizes we offer for successful stealing from the public, the riches, honors, prestige, are too much for strong men" (831). Fosdick points to the lack of such prizes in the European class system as one of the reasons for the low incidence of police corruption there; in a society where initiative is not rewarded by wealth and social mobility, the European policeman finds that his salary supports him comfortably according to the standards of his class (65). Daniel Bell makes much the same point as Steffens when he notes that the early settlers and founding fathers "ignored, circumvented, or stretched the law when it stood in the way of America's destiny and their own . . ." (1960a: 134) and that these same values and actions can be seen in modern criminal activity.

But surely from a robber baron to the cop who has just demanded two dollars from a delicatessen open on Sunday is quite a distance? But this only illustrates that in corruption as in other lines of endeavor there is big-time and small-time. As with other avenues of social mobility, the policeman who achieves the top through corruption is the exception; for the majority, corruption expresses not their success in entrepreneurship but rather their failure; the bribe — at this level often called

a gratuity — is a means of keeping this member of the working class in his place. Fosdick (1974: 67) notes that the "tips" given to the police reflect their place in the class system of Europe and Rubenstein makes a similar observation about these small gifts of money and the relative status of those involved.

He is being paid for a service, just like the mailman and the newsboy . . . They [gratuities] are expressions of thanks for services rendered and claims on continuing service — some are extortions — made to men who are seen as useful servants, although the police do not like to think of themselves in this fashion. But how else can the gift of a few dollars to a man be described. (1973: 414.)

Conclusion

Viewing corruption in terms of the functions that it serves explains not only its persistence but also the fact that the nature and extent of corruption may vary with time and place. When social needs are being met by legitimate institutions (or by other illegitimate ones) police corruption may not arise or may be easily reduced. Where police corruption serves many functions not served by other institutions, it will be far more difficult to eradicate. It may be noted, for example, that many of the functions of police corruption that have been described here are typical of an urban rather than a rural or small-town situation. It is mainly in the cities that police encounter the hostility that makes internal solidarity important, it is in large urban police forces numbering hundreds of officers that the social distance demanded by rank must be maintained. It is cities with their high crime rates that produce the need for extra protection and enforcement services, services that can be bought by bribing the police. It is cities with their large heterogeneous populations which produce and are affected by the conflict of interests and tastes that generate laws unpopular with large proportions of the citizenry. Cities have sizable upper and mid-

dle classes who define the policeman as a servant to be tipped rather than as a peer to whom such an offer would be insulting. It is cities that contain such centers of industry as a garment district and which then produce parking and building regulations so minute and inconsistent that they would halt the production of those industries if those who were to enforce them were not corrupt. And finally it is cities that have always held forth the visions of advancement and wealth to anyone with the initiative to pursue them.

Functionalist theory would therefore lead to the prediction that since police corruption fills more functions in an urban situation, there would be more corruption in an urban situation. Although hard data are lacking, this does seem to be the case. This difference seems to have little to do with the moral character of rural and urban police. Rural areas abound with tales of officers exploiting outsiders (through speed traps, for example) and even of robberies and burglaries; it is corruption — bribery — that is rare on the rural scene.

It seems obvious from the sheer variety of functions which police corruption may perform that it will not perform the same functions in all situations. Instead, the functions of corruption will vary according to which needs are not being met by the legitimate system. The existence of police corruption is not a secret. In order for it to flourish it must have, if not widespread public support, at least public tolerance. Gardner and Olsen observe

Just as black markets will be created to satisfy wants unfulfilled by the economic system, political corruption will make available goods and services that the political system either forbids or delivers inefficiently. Under this view, then, widespread corruption is an indicator of a dysfunctional element of the system (whether economic, social, or political), and will only fade away if the system begins to function more effectively. (1974: 281.)

Corruption should then not be viewed as a disease in itself,

but rather as a symptom of problems in other areas of the social structure. Corruption in a social system may be seen as analogous to pain in an organism — not something to be treated in isolation, but rather as a warning of some systemic malfunction.

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