

Police misconduct and crime: bad apples or systems failure?

Authors:

Petter Gottschalk
Geoff Dean
Rune Glomseth

This is the authors' final, accepted and refereed manuscript to the article published in
Journal of Money Laundering Control, Vol. 15 (2012) NO. 1: pp. 6-24
DOI: 10.1108/13685201211194709

The publisher, Emerald Group Publishing, allows the authors to retain rights to "Post the pre-print or final accepted version of their paper (not the journal pdf) in an institutional or subject repository". (Publisher's policy 2011).

Police misconduct and crime: bad apples or systems failure?

PETTER GOTTSCHALK*
Norwegian School of Management
Nydalsveien
0484 Oslo
Norway
petter.gottschalk@bi.no
Tel. +47 46 41 07 16

GEOFF DEAN
School of Justice Studies, Faculty of Law
Queensland University of Technology
GPO Box 2434
Brisbane QLD 4001
Australia
g.dean@qut.edu.au

RUNE GLOMSETH
Norwegian Police University College
Slemdalsveien
P.O. Box 5027, Majorstua
0301 Oslo
Norway
rune.glomseth@phs.no

*corresponding author

Research paper submitted to the
Journal of Money Laundering Control
April 6, 2011

Petter Gottschalk is Professor of Knowledge Management in the Department of Leadership and Organization at the Norwegian School of Management. He also teaches knowledge management in the Norwegian Police University College.

Geoff Dean is Associate Professor in the School of Justice at the Faculty of Law. Dr Dean's areas of expertise, teaching specialization and research are in police Knowledge Management, the cognitive psychology of investigative thinking, criminal and terrorism profiling, global organized crime and international policing.

Rune Glomseth is Police Superintendent and Assistant Professor at the Norwegian Police University College. He has many years of experience in law enforcement including police patrolling, investigations, police intelligence, proactive work and administration. He teaches Organizational Development and Leadership to undergraduate and graduate students as well as law enforcement executives.

Police misconduct and crime: bad apples or systems failure?

Abstract

There is a debate in the research literature whether to view police misconduct and crime as acts of individuals perceived as 'rotten apples' or as an indication of systems failure in the police force. Based on an archival analysis of court cases where police employees were prosecuted, this paper attempts to explore the extent of rotten apples versus systems failure in the police. Exploratory research of 57 prosecuted police officers in Norway indicate that there were more rotten apple cases than system failure cases. The individual failures seem to be the norm rather than the exception of ethical breaches, therefore enhancing the rotten apple theory. However as exploratory research, police crime may still be explained at the organizational level as well.

Keywords: police integrity, whistle blowing, archival analysis, rotten apples, systems failure.

Police misconduct and crime: bad apples or systems failure?

Introduction

According to the United Nations (UNODC, 2006), the great majority of individuals involved in policing is committed to honorable and competent public service and is consistently demonstrating high standards of personal and procedural integrity in performing their duties. Still more would probably do so if the appropriate institutional and training was given. However, in every policing agency there exists an element of dishonesty, lack of professionalism and criminal behavior.

The prevalence of police deviance is a much-debated statistic and one that is often rife with problems, according to Porter and Warrender (2009). While some researchers suggest that corruption and other kinds of crime are endemic to police culture across the globe, others argue that incidents are rare. Despite such statistical problems, incidents of police deviance do surface from time to time all over the world. Some examples in the UK involve suppression of evidence, beating of suspects, tampering with confidential evidence and perjury.

There is a debate in the research literature whether to view police misconduct and crime as acts of individuals perceived as 'rotten apples' or as an indication of systems failure in the police force (Perry, 2001; Johnson, 2003; Punch, 2003; Tiffen, 2004; O'Connor, 2005; Iomo et al., 2009; Porter and Warrender, 2009). Some researchers are favoring the individualistic model of police deviance, which is a human failure model of misconduct and crime. This rotten apple view of police crime is a comfortable perspective to adopt for police organizations as it allows them to look no further than suspect individuals. It is only when other forms of group (O'Connor, 2005) and/or systemic (Punch, 2003) corruption and other kinds of crime erupt upon a police service that a more critical look is taken of police

criminality. When serious misconduct occurs and is repeated, there seems to be a tendency to consider police crime as a result of bad practice, lack of resources or mismanagement, rather than acts of criminals.

Based on an archival analysis of court cases where police employees were prosecuted, this paper attempts to explore the extent of rotten apples versus systems failure in the police. Police crime is here defined as crime committed by police employees on duty. Based on an empirical study of 57 prosecuted police officers in Norway, relationships between independent and dependent variables are explored in this paper.

The purpose of this paper is to create new insights into police misconduct and crime by analyzing court cases. Rather than a case-by-case discussion often found in the literature, this study develops measures and performs coding of 57 court cases from Norway where police officers were prosecuted from 2005 to 2009. This research is important, since quantitative variables enable quantitative relationships between concepts often found in court documents.

This paper aims to explore rotten apples versus systems failure after measures are developed and coding is performed.

Literature Review

Porter and Warrender (2009) phrased the question: Why do officers commit police deviance? An early answer to this question was that so-called bad apples commit corruption or rotten apples, that is, corrupt individuals committing corruption for personal gain. A later answer, however, was that corruption is due to group behavior that is rooted within established practices in the police force into which officers have to be initiated.

In New South Wales in Australia, the issue of police corruption has been on political and media agendas for more than three decades. According to Tiffen (2004), the media reporting has included some landmark pieces of investigative reporting and dramatic revelations in

trials and royal commissions but also sensationalism and rhetoric extravagance. Despite the prolonged attention and prolific coverage, serious questions remain about how well the extent and nature of corruption was reported and whether the media has conveyed the degree of reform in police practices.

The economic side of corruption in New South Wales was concerned with the progress beyond individual rotten apples into institutionalized corruption. The most prolific areas for institutionalized police corruption were the enforcement of 'victimless crime', including abortion, prostitution, illegal drugs, illegal gambling, restrictions on alcohol consumption, and homosexuality. They are areas where there is a strong constituency, often religious, that seeks to enforce personal moral standards through legislation but where outlawing the activity or substance does not stop the demand for it (Tiffen, 2004).

In a study in the USA, Ioimo et al. (2009) found that black and white citizens, as well as black and white officers, have differing views on bias-based policing issues. Two questions on the police officer questionnaire and one question on the citizen questionnaire addressed the presence of bias-based policing in Virginia police departments. When asked if they believed that any Virginia police department officially supports bias-based policing, 12% of responding officers answered 'yes'. This is an interesting finding, because it questions the 'rotten-apple' theory and provides potential support for the 'systems failure' theory.

In Japan, the problem of police corruption is not necessarily so much a matter of a few 'rotten apples' as more a matter of a failed organization. Johnson (2003) argues that significant reform requires conditions that now are absent and seem unlikely to emerge anytime soon. For the foreseeable future, Japanese police seem likely to remain above the law, he argues.

The 'rotten apple' metaphor has been extended to include the group level view of police cultural deviance with a 'rotten barrel' metaphor (O'Connor, 2005). Furthermore, Punch (2003) has pushed the notion of 'rotten orchards' to highlight police deviance at the systemic

level. Punch (2003:172) notes, "the metaphor of 'rotten orchards' indicate(s) that it is sometimes not the apple, or even the barrel, that is rotten but the *system* (or significant parts of the system)". That is, deviance that has become *systemic* is:

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

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

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

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

Hence, it follows according to this individualistic view of police criminality that anti-corruption strategies should be targeted at finding the 'rotten apples' through measures like

'integrity testing' (Commission on Police Integrity, 1999), and putting policies and procedures in place reduce the opportunity for engaging in misconduct and/or corrupt practices.

This paper studies the long-held public opinion in countries such as Norway that police officers are generally honest workers, and ethical problems lie in the hands of some 'rotting apples'. This conclusion has been seriously shaken by proposing a broader perspective on the problem of police ethics and police misconduct, where the possibility of a 'barrel rotting the apples' might also be considered. In this perspective, the origins of ethical breaches can also be found in the intricacies of a potentially corrupt bureaucratic system refusing to recognize its own defects, whether or not these defects were consciously designed. As such, this paper is a scientific endeavor that tries to assess whether or not one of these two theses is worthier than the other.

Sexual Harassment as Systems Failure

Sexual harassment within the police force can be an example of systems failure. A case from Norway is described in this section. When the policewoman reported sexual harassment, it first became completely silent at her police station. Then, the case was turned upside down so that the offender was perceived as the victim. But in the end the court sentenced the man. He was degraded in the force, moved from a responsible position, and had to pay all lawyers' fees (Mortvedt, 2009).

The occasion was that one division from the police station was to travel to a resort to rest after a period of very stressful work at the station. Social activities as well as different kinds of sports were planned for their stay. But the time at the resort did not turn out to be a success.

As the evening approached at the resort, a lot of alcohol was consumed, and many become drunk. The policewoman decided late at night to retire and go to bed, while the others continued their party. She does not drink alcohol, and thus was completely sober. But from

her bedroom she could listen to the conversations going on. She was shocked when she heard her own boss said to the others, who were her subordinates at the station, that she should have been filled with alcohol and then been exploited sexually.

She wondered why he was saying this. And she was wondering why nobody present reacted. She could not understand why they were talking about bringing her down from her bedroom. She did not get afraid, but she strongly disliked becoming a topic in this kind of conversation. After 10 years in the police force, she became really disappointed. She strongly disliked becoming an object in a conversation among colleagues from the police station.

Upon their return to the police station, she mentioned it to a colleague. There was no reaction. She also went in to her boss who had been the offender. He then apologized publicly at a division meeting a little later. However, she was not happy with that.

She went and told the chief constable. He reacted, and things started to happen. A number of interviews were carried out with individuals who had been present at the resort. The chief constable drew the conclusion to suspend the offender and move him to a lower position at the station. He found it very serious that the man was the policewoman's supervisor at the time of the offence. He did not doubt that this was a case of serious sexual harassment of a female police officer by a male police supervisor.

The offender did not accept the degradation and went to court. In court, he presented himself as a victim. Many of the officers from the resort trip meant he had now become a victim. The real victim, the policewoman, received comments from them suggesting that she was responsible for the bad things that happened to him in terms of media coverage and transferal to a less important and interesting position. Her colleagues argued that she was intolerant because she had a Christian background, and that she did not tolerate man's talk. They told her that she dressed challenging, and that they no more could go on a social trip with her again (Mortvedt, 2009).

She has reflected on the police culture that might be the reason for this bad behavior that she experienced from her colleagues after the resort incident was publicly known. As suggested by Hofstede et al. (1990), an organizational culture is a set of shared norms, values and perceptions, which develop when the members of an organization interact with each other and the surroundings. It is holistic, historically determined, socially constructed and difficult to change. Organizational culture might determine how the organization thinks, feels, and acts. Within organizational culture we find occupational culture as a reduced, selective, and task-based version of culture that is shaped by the socially relevant worlds of the occupation (Christensen and Crank, 2001). Embedded in traditions and a history, occupational cultures contain accepted practices, rules, and principles of conduct that are applied to a variety of situations, and generalized rationales and beliefs (Bailey, 1995).

According to Mortvedt (2009), the Norwegian policewoman thinks that the corps spirit is very strong when it comes to dangerous situations in policing. But she wonders why there is no corps spirit when someone obviously passes a line to hurt a colleague. She finds the blue code of silent to be present, leading to colleagues not telling and if telling, not telling the truth. Nobody wants to be the reason why a colleague is degraded and transferred, let alone responsible for someone at the police station going to jail.

She explains why an excuse from her superior was not enough (Mortvedt, 2009: 24):

When the police catch someone, is it then sufficient to say sorry when one has done something wrong? Should the person be immediately released when an apology has been expressed? Do they not see the severity?

She told Mortvedt (2009) that only very few colleagues supported her before the final court verdict. After the verdict, more and more police officers have come to her and expressed their sympathy. At the same time, many say that the sentence was too tough and that this case should have been solved in a different way. Many officers at the police station still blame her for the way the case was handled within the station and also in the court.

Framework for Coding and Analysis

A total of eleven concepts were selected in this study. The relationships between these concepts are illustrated in Figure 1. Each concept is explained later. The research framework suggests a number of causal relationships between concepts. The role, age and gender of the police officer are assumed to influence the kind of crime committed. Also the issue of integrity versus accountability is an influence on crime. The source of information about the crime is influenced by the crime category and influences the sentence in terms of imprisonment days. Crime category, crime motive and the number of courts involved also influence the sentence. The motive is influenced by organizational structure and organizational culture in the police organization.

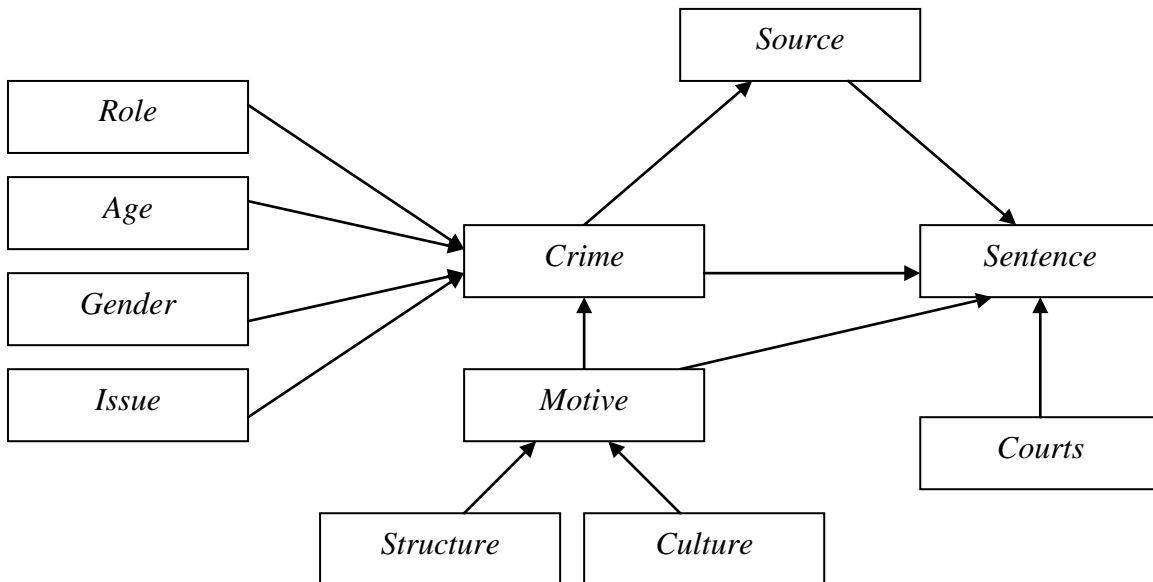


Figure 1. Research framework to study relationships between police misconduct concepts

The methodology employed to analyze court cases is content analysis. Content analysis is a scientific methodology and thus reliability, validity and the opportunity for replication are central advantages of using it as an analytical tool. However, as this is exploratory research, not all methodological criteria are satisfied here. Rather, future research may question the coding themes of eleven coding categories as illustrated in Figure 1.

Sample for Coding and Analysis

In this study, we used data from court cases in Norway. The Norwegian Bureau for the Investigation of Police Affairs prosecutes police officers in court. The Norwegian Bureau is similar to police oversight agencies found in other countries, such as the Independent Police Complaints Commission in the UK, the Police Department for Internal Investigations in Germany, the Inspectorate General of the Internal Administration in Portugal, the Standing Police Monitoring Committee in Belgium, the Garda Síochána Ombudsman Commission in Ireland, Federal Bureau for Internal Affairs in Austria, and the Ministry of the Interior, Police and Security Directorate in Slovenia.

Since 1988, Norway has a separate system to handle allegations against police officers for misconduct. The system was frequently accused of not being independent of regular police organizations (Thomassen, 2002). In 2003, the Norwegian Parliament decided to establish a separate body to investigate and prosecute cases where employees in the police service or the prosecuting authority are suspected of having committed criminal acts in the police service.

The Norwegian Bureau for the Investigation of Police Affairs has been effective since January 2005. The Bureau is mandated to investigate and prosecute cases where employees in the police service or the prosecuting authority are accused of having committed criminal acts in the service. The Norwegian Bureau has both investigating and prosecuting powers and in that way it differs from some comparable European bodies. The Norwegian Bureau does not

handle complaints from the public concerning allegations of rude or bad behavior that does not amount to a criminal offence (Presthus, 2009).

Since the operations started at the Norwegian Bureau in January 2005 and until February 2009, a total of 57 police officers were on trial in Norwegian courts. This was the sample for our study. There were 3 prosecuted officers in 2005, 14 in 2006, 16 in 2007, 21 in 2008, and 3 so far in 2009.

The unit of analysis applied in this study is the individual, rather than the court case. An individual police officer may appeal his or her case to a higher court. Therefore, there were more court cases than individuals on trial. There were a total of 75 court cases for the 57 prosecuted individuals. The unit of analysis is the individual, rather than the organization. This is because an organization is never prosecuted in criminal court for jail sentence. Therefore, this study is based on the rotten-apple thesis, although it is obvious from research (e.g., Perry, 2001; Punch, 2003) that police crime might be explained at the organizational level as well.

This archival and case research is based on court records of cases that are characterized by a degree of realism and composition of variables almost impossible to simulate. We are looking at variables that are very challenging and impractical to study directly. However, a limitation in archival studies is the uncertainty of the reliability of information (Stedje, 2004).

Measures for Coding and Analysis

Dependent variables

Seriousness of the crime is our dependent variable. The court decides on the seriousness of the crime in its court sentence. A fine is less serious than a prison sentence. The longer the prison sentence, the more serious is the crime considered to be. Prison sentence is measured

in terms of imprisonment days. Thus, *sentence* is the dependent variable in this research measured on a metric scale of imprisonment days.

If a court case is dismissed, then the days of imprisonment is zero. Even if a case is dismissed from court, the case remains in the sample to include independent variable values when the dependent variable sentence has the value of zero. A total of 22 cases out of 57 cases were dismissed from court with the verdict that the police officers prosecuted by the Norwegian Bureau were found not guilty (see data from court cases in Appendix).

The dependent variable sentence has at one extreme the value zero and at the other extreme the maximum case value of 730 days, which is more than two years imprisonment. The average among all prosecuted police employees was 42 days imprisonment. If 22 dismissals are excluded, then the convicted police officers had to go to jail for 69 days on average, which means that he or she spends 3 months in prison.

In this study, no distinction is made between primary and secondary prison sentence. While some police officers were sentenced directly to jail, others were sentenced to a fine and only alternatively to prison for a few days if they did not pay the fine.

To measure the second dependent variable *crime*, an interval scale was developed. The interval scale is defined from physical crime to non-physical crime. According to the United Nations (UNODC, 2006), physical abuse is indiscriminate and careless use of powers delegated to police officers. The interval scale for the dependent variable crime was defined as follows along the physical to non-physical dimension: (1) physical abuse; (2) sexual misconduct; (3) prisoner mistreatment; (4) traffic violation; (5) extortion; (6) corruption; (7) evidence manipulation; (8) unauthorized disclosure of information. While Porter and Warrender (2009) in their empirical study not only concentrated on corruption (6 on the scale), they also reflected on the scale dimension of police deviance by including extreme violence, manipulating evidence, sexual harassment, and racism.

The resulting eight crime categories are here organized along a scale or axis starting at mainly physical crime and ending at mainly non-physical crime:

1. *Physical Abuse*. Indiscriminate and careless use of powers delegated to police officers is a major factor in alienating the public. When and where police apply their powers is usually a matter of individual discretion. Because officers often are required to make people do something, or refrain from doing something, police action may be met with resistance, conflict, or confrontation. Under such circumstances, members of the public may wish to complain. The validity of such complaints will depend on the context and will be judged against standards of police conduct enshrined in law or regulation. This is what Prenzler (2009) is calling "excessive force" or "brutality" that covers the wide range of forms of unjustified force. This can be anything from "rough handling" - such as excessive frisking - through to serious assault, torture, and murder.
2. *Sexual Misconduct*. Sexual misconduct of law enforcement personnel with witnesses, suspects or informants has also been known to lead to corruption or other integrity failure. For example, an officer may ignore a sexual partner's criminal activity, alter evidence that implicates him or her, or even provide that partner with confidential information. Such misconduct also leaves the officer open to extortion.
3. *Prisoner Mistreatment*. Persons are sometimes held in police custody. Experience has shown that the conditions under which suspects make confessions or admissions can be related to their treatment in custody before the confession or admission has been made. This may be because of the threat or direct use of violence (i.e. torture), because of other indirect intimidation or menacing behavior on the part of the interviewers or because the experience is otherwise physically and mentally distressing.
4. *Traffic Violation*. There are limits to what police officers can do when driving a car. Even in cases of emergency, police cars are not allowed to create dangerous situations.

Whether the car is a uniformed police car, a non-uniformed police car or a private car, other cars should be informed about the police driving by light and/or sound signal. If there is no emergency, the police have to follow speed limits and other traffic regulations.

5. *Extortion.* A common abuse of integrity in some countries relates to the enforcement of road traffic regulations (or other minor infractions) where informal on-the-spot fines (or bribes) are negotiated with the alleged offender, rather than pursuing a formal prosecution or other legal process. In extreme circumstances, some can regard this as the normal way of doing business. Assessors may experience this first hand.
6. *Corruption.* Personal gain is a primary motivation for all criminal behavior. Because of the special trust and responsibilities placed in police officers, the opportunities for them to abuse that trust to obtain money or advantage are considerable. At the same time, because police officers have inside information, understanding and influence over the criminal justice system, they are also often in a position to shield themselves from detection. This is what Prenzler (2009) is calling "graft" or "classic corruption" that involves officers misusing their position for personal benefit. Bribery, for example, involves payment for officers not doing their duty.
7. *Evidence Manipulation.* There can be at least two motives driving the falsification or destruction of evidence. Firstly, an officer may wish to make the case against a suspect stronger than it already is. For example, the officer has forgotten to do something or has failed to find sufficient evidence to prove an important element of a case, or may be hiding something that appears to show the suspect is not guilty. Secondly, an officer may have been paid by a suspect to ensure that the evidence is lost or tampered with in order to sabotage the prosecution case. This is what Prenzler (2009) is calling "process corruption" that involves tampering with, or fabricating, evidence, as

revealed in miscarriages of justice cases. The victims of this type of corruption may be innocent or guilty of crimes, but the police may pursue a conviction in court through fraudulent means.

8. *Unauthorized Disclosure of Information.* Police organizations collect, hold, or have access to a significant amount of information, some of it of a private nature about victims, witnesses, crimes, and suspects, and much of it is confidential. That same information will have a market value for criminals, journalists and private investigators that can be realized by unscrupulous police staff with access to it. However, unscrupulous police staff is not the case all the time. Rather, leaks of information can occur because police do not understand the rules and/or they do not understand the consequences, and often they receive no direct benefit for it.

The third dependent variable *motive* was measured on an interval scale from professional into personal: (1) professional concern; (2) efficient police service; (3) negative reaction; and (4) personal gain. A similar distinction was made by Porter and Warrender (2009), who analyzed whether there was noble cause corruption, which consisted of the type of corruption in order to obtain a conviction, or personal gain, which included the other types of corruption in the coding dictionary that did not have the interests of the police force and the public in mind. Similarly, Prenzler (2009) defines unprofessional conduct and miscellaneous misconduct as a broad category, where there is no clear or direct material benefit to the officer involved.

There are conceptual links between the dependent variables crime and motive. For example, the motive for extortion for corruption (crime types) may be personal gain (motive). As argued by Gerber and Mendelson (2008), police corruption can occur as extortion by police officers for personal gain and be part and parcel of corrupt police practices.

It is often argued that the code of silence is commonly found in police forces all over the world (e.g., Miller et al., 2006; Loyens, 2009). For example, conformity to the code of silence

was found in the Victorian Armed Offenders Squad in Australia by the Office of Police Integrity (OPI, 2008). The code of silence was reinforced by those in the 'brotherhood' through implied or explicit threats of reprisals, exploiting fears of being shunned or labeled by the peer group, and feeding anxieties about an individual's career prospects. Individuals in the Squad were called upon to sacrifice their autonomy and personal interests for sake of the brotherhood. The code of silence prevents police officers from reporting misconduct. Thus, *source* of information is introduced as the next dependent variable, where we distinguish between (1) whistle blowing by colleague police officer and (2) complaint by person in the public.

Independent variables

Most employees in the Norwegian police force are police officers by training and profession. 9.000 out of a total of 13.000 employees are police officers. The remaining employees are 3.000 police civilians on the staff and 1.000 police lawyers. Thus, *role* is an independent variable, where distinctions are made between (1) police officer, (2) police civilian, and (3) police lawyer. In the sample, there are 49 police officers, 7 police civilians, and 1 police lawyer.

After graduating from the Norwegian Police University with a bachelor degree in policing, police officers join the police organization in their early or mid twenties. Retirement age for police officers is 57 years. For civilians and lawyers it is different. Thus, *age* is an independent variable, which in the sample ranges from 20 years to 63 years with an average of 41 years old.

Both male and female police officers are found in most policing roles in the Norwegian police. Thus, *gender* is an independent variable, where a nominal scale distinguishes between (1) male and (2) female. There were 49 men and 8 women in the sample.

As already mentioned, there were a total of 75 court cases for the 57 prosecuted individuals. Therefore, we introduce the number of courts handling the case as an independent variable, where we may find (1) one court: district court, (2) two courts: court of appeal, (3) three courts: Supreme Court. These courts represent levels in the legal system. In the sample, 42 cases were completed in one court, 12 cases were completed in two courts while 3 police employees had their cases sentenced at all three levels of court.

The literature on police misconduct stresses the importance of integrity and accountability in policing (e.g., OPI, 2007; UNODC, 2006, Walker, 2006). Here we define *issue* of misconduct as an independent variable that can take on two alternative values: (1) lack of integrity is the lack of quality of being honest and morally upright; (2) lack of accountability is the lack of quality of justifying actions or decisions.

It is often argued that the police have a bureaucratic and functional organization (e.g., Collier et al., 2004; Puonti, 2007). As an independent variable, organizational *structure* is measured on a 5-point scale from (1) bureaucratic organization structure to (5) knowledge organization structure. Prenzler (2009) finds structure to be an important cause of police misconduct. In this view, a structural - or "structural-functional" - perspective focuses on the nature of police work, or the "task environment", and the ways in which police are "structured" into larger social systems and institutional roles. Organizational structure varies considerably among police districts in Norway.

Organization *culture* is another important independent variable in this research. Police culture has been studied by many researchers (e.g., Barton, 2004; Christensen and Crank, 2001; Jaschke et al., 2007; Lahneman, 2004). In this research culture of police organization is measured on a 5-point scale from (1) closed organization culture to (5) open organization culture. Also to Prenzler (2009), culture is another important cause of police misconduct. Culture refers to group identities, values, attitudes, beliefs, traditions, unwritten codes,

symbols, rituals, and habits. Organizational culture varies considerably among police districts in Norway.

Coding of Court Cases

Each court case is documented in a verdict of 2 to 15 pages written by a judge. These documents were studied by content analysis (Riffe and Freitag, 1997). Some of the variables were easy to find in the documents, such as role, age, and gender. More difficult to find in court documents were source and issue. Most difficult to find and classify were crime, motive, structure and culture. One researcher familiar with police crime classified all court cases.

Based on this coding approach, the sample of 57 court cases was classified into crime categories. In the sample, there were 13 cases of physical abuse, 5 cases of sexual misconduct, 2 cases of prisoner mistreatment, 11 cases of traffic violation, 0 cases of extortion, 9 cases of corruption; 4 cases of evidence manipulation, and 13 cases of unauthorized disclosure of information.

In the sample for motive, there were 5 cases of professional concern, 22 cases of efficient police service, 12 cases of negative reaction, and 18 cases of personal gain.

In the sample for source, there were 22 cases of whistle blowing by colleague police officer and 35 cases of complaint by person in the public.

In the sample for issue, there were 31 cases of lack of integrity is the lack of quality of being honest and morally upright; and 26 cases of lack of accountability is the lack of quality of justifying actions or decisions. Integrity versus accountability cases is compared in Table 1.

There is a difference found in crime, where integrity issues are on the non-physical side, while accountability issues are on the physical side.

In the sample for structure, there were 11 cases of complete bureaucratic organization structure (1) and 6 cases of well-developed knowledge organization structure. The remaining was 20 cases (2), 12 cases (3), and 8 cases (4).

In the sample for culture, there were 17 cases of completely closed organization culture (1), and 10 cases of completely open organization culture (5), and 30 cases in between as 20 were classified as (2), 4 as (3), and 6 as (4).

Variable	Total Sample	Integrity Issue	Accountability Issue
Sentence (days)	42	44	41
Motive (scale)	2.7	2.8	2.6
Crime (scale)	4.5	5.1	3.9
Gender (1 male, 2 female)	1.1	1.1	1.2
Culture (scale)	2.5	2.7	2.4
Role (1 officer, 2 civilian, 3 lawyer)	1.2	1.2	1.1
Source (1 whistle, 2 complaint)	1.6	1.6	1.7
Age (years)	41	40	43
Structure	2.6	2.7	2.5
Courts	1.3	1.3	1.3

Table 1. Average scores for integrity versus accountability cases

Analysis of Court Cases

This research is concerned with bad apples versus systems failure. Therefore, we have to identify indicators and combination of indicator values that may suggest a bad apple case or a systems failure case. Several independent variables in this study have the potential of indicating such a result.

First and foremost, whistle blowing is an indication that the system finds a criminal act unacceptable. If a criminal act were found acceptable in the organization, then whistle blowing would be very difficult to carry out for an individual in a system where the

misconduct is accepted practice. Therefore, a preliminary result would be that 22 out of 57 cases represent rotten apples.

It has been argued that whistle blowing is not common in the police. Most people in developed countries are familiar with whistle blowers - people who report corruption, fraud and abuse of in their own organizations. Some organizations make whistle blowing very difficult and thus less probable. Johnson (2005) found that the police department is one of these organizations. She argues that the character of the police department not only makes whistle blowing less likely to occur; it ironically makes it even more necessary. In addition, she demonstrates that resistance from police departments and their retaliation against whistleblowers costs them and the public dearly.

While whistle blowing might be an indicator of rotten apples cases, it is certainly premature to conclude that all 22 whistle blowing cases represent rotten apples. Some of these cases may indeed represent systems failure cases. An indicator of systems failure in whistle blowing cases might be the motive, where professional motives are more acceptable in the system than personal motives. We find only 4 cases where the motive is professional concern (1) or efficient police service (2) when at the same time the source is (1) whistle blowing (see Appendix). We may deduct these cases and revise our preliminary result by suggesting that 18 out of 57 cases represent rotten apples.

We turn now to the cases where the source is (2) external complaints, which might indicate rotten apples when occurring with several other independent variables. The independent variable issue was selected, which is measured in a dichotomous measure (1) integrity and (2) accountability. Integrity is defined as the quality of being honest and morally upright. Integrity is sometimes defined as the absence of misconduct, where misconduct is generally understood as being an attempt to deceive others by making false statements or omitting important information concerning the work performed, in the results obtained by or the

sources of the ideas or words used in a work process. According to Cossette (2004), the intention to deceive, even if difficult to determine, is a key element in this conception of misconduct. Accountability refers to situations in which someone is required or expected to justify actions or decisions. It also refers to situations where an officer bears the responsibility to someone or for some activity. Accountability has been called "the mother of caution", and as such it has a prophylactic and deterrent effect (UNODC, 2006). Accountability is a feature of systems, social institutions as well as individuals. It means that mechanisms are in place to determine who took responsible action and who is responsible. Systems and institutions in which it is impossible to find out who took what action are inherently incapable of ethical analysis or ethical action. In this research, we apply the notion that integrity is more individual focused, while accountability is more systems focused. Therefore, we search for combinations of the source (2) external complaints and the issue (1) integrity to identify more rotten apple cases. We identify 15 such cases (see Appendix).

The sample of potential rotten apples adds up to 33 out of 57 court cases, where 18 cases had the source of whistle blowing while 15 cases had the source of external complaint. Since this is exploratory research, we conclude that there seems to be more rotten apple cases than systems failure cases in the total sample.

Discussion

In the light of the police crime continuum presented in Figure 2, it is clear that police deviance in Norway are mostly of an 'individual' nature - in the sense of being committed by individuals for their own personal gain. Hence, these types of police crime are at the police misconduct end on the horizontal axis of the police crime continuum. Such examples provide support for the view that this type of police crime can be viewed from the lens of the 'rotten apple' theory of corruption. In that, it is inevitably the case that in any organization there will

be those individuals who behave like rotten apples some of the time due to personal greed, moral weakness or similar motivations but the full barrel of apples is essential no spoilt. Or some variation of this 'rotten apple' theme like 'rogue cop'.

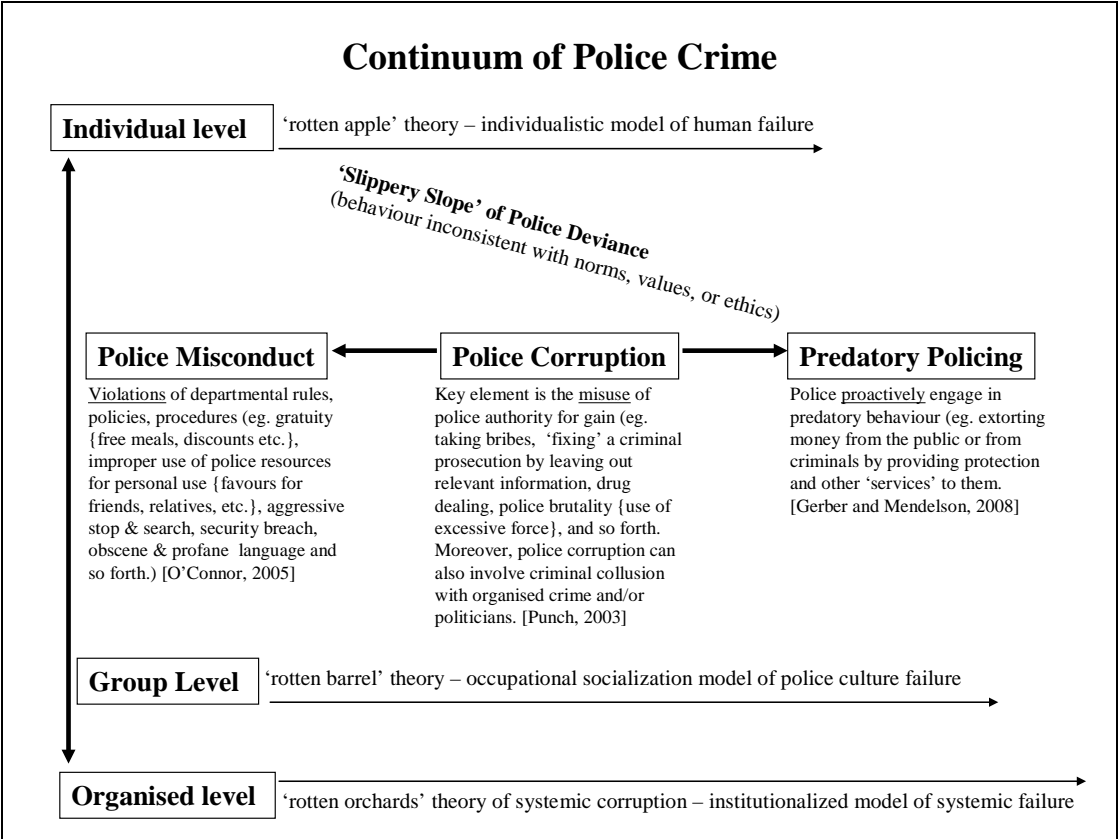


Figure 2. A two-dimensional conceptualization of police crime

However, it is clear from earlier works that there are a number of theoretical perspectives contained in our conceptualization of police crime and not just the 'rotten apple' metaphor, which is shorthand for an individualistic model of police deviance (Perry, 2001).

Some cases in the sample were dismissed from court, and there might be a problem with suing these cases in the sample. If a case is dismissed, it means that the court did not accept the case

as fact, so it is questionable to accept it as a fact for data purposes. This needs considering in future research.

Some of the scales applied in this study are in need of further research. The variables of 'crime' and 'motive' are discussed as interval scales. However, these scales may seem to be ordinal rather than interval. Many scale elements need improvements. The current descriptions do not systematically define the elements, as some only offer literature that supports the behavior as a problem rather than actually defining what is meant by that behavior. This becomes particularly problematic with the descriptions of extortion and corruption, where both mention bribery, but the difference between the two is not clear in the literature. Bribery can be coded as extortion and corruption, but future research needs to make a well-defined choice. This is why inter-rater reliability of the coding measures is needed in future research to ensure clarity of definitions. Also the variable 'issue' is in need of inter-rater reliability, as it may seem very subjective in its conceptualization.

One researcher familiar with police crime classified all court cases in this research. An alternative would be to have several researchers classify so as to enable calculation of inter-rater reliability. This would make results more consistent, as multiple coders make sure there is a robust and replicable coding dictionary that other researchers can use if the reliability achieved an acceptable level.

It is important to acknowledge that the distinction of bad apples and systems failure is simplistic and that overlaps are likely to occur such that systems failure can allow or encourage bad apples to thrive. Also, concepts might be clearer, as bad apples are equated with crime, which is not always the case. While this study has mainly tested for individual versus organizational causes, social causes may be explored in future research.

The individual failures seem to be the norm rather than the exception of ethical breaches, therefore enhancing the rotten apple theory. However as exploratory research, police crime

may still be explained at the organizational level as well. Support for the rotten apple theory in this paper lies entirely in the material used here for the empirical demonstration that is a court cases analysis of prosecuted officers. Since whole police organizations cannot be submitted to justice courts, it is all too evident that the only available court material will be that of single police officers found guilty. Never has any police agency been recognized 'criminally' responsible in courts. Only enquiry commissions and other public initiatives are the principal vehicles behind revelations of organizational failures, not court cases transcripts. Therefore, there is the danger that research relying solely on court material to disprove the 'rotting barrel' theory may always be right.

References

- Bailey, W.G. (editor) (1995). *The Encyclopedia of Police Science*, Second Edition, Garland Publishing, New York, NY.
- Barton, H. (2004). Cultural reformation: a case for intervention within the police service, *International Journal of Human Resources Development and Management*, (4) 2, 191-199.
- Christensen, W. and J.P. Crank (2001). Police work and culture in a nonurban setting: An ethnographical analysis, *Police Quarterly*, 4 (1), 69-98.
- Collier, P.M., Edwards, J.S. and Shaw, D. (2004). Communicating knowledge about police performance, *International Journal of Productivity and Performance Management*, 53 (5), 458-467.
- Commission on Police Integrity [Chicago] (1999). *Report of the Commission on Police Integrity*, Chicago Police Department: Chicago, IL.
- Cossette, P. (2004). Research Integrity: An Exploratory Survey of Administrative Science Faculties, *Journal of Business Ethics*, 49, 213-234.
- Gerber, T.P. and Mendelson, S.E. (2008). Public Experiences of Police Violence and Corruption in Contemporary Russia: A Case of Predatory Policing? *Law & Society Review*, 42 (1), 1-43.
- Hofstede, G., Neuijen, B., Ohayv, D.D. and Sanders, G. (1990). Measuring Organizational Cultures: A Qualitative and Quantitative Study across Twenty Cases, *Administrative Science Quarterly*, 35 (2), 286-316.
- Ioimo, R., Becton, J.B., Meadows, L.M., Tears, R.S. and Charles, M.T. (2009). Comparing the police and citizen views on biased policing, *Criminal Justice Studies*, 22 (2), 123-140.

- Jaschke, H.G., Bjørge, T., Romero, F.del B., Kwanten, C., Mawby, R. and Pogan, M. (2007). *Perspectives of Police Science in Europe*, Final Report, European Police College, CEPOL, Collège Européen de Police, Hampshire, England.
- Johnson, D.T. (2003). Above the Law? Police Integrity in Japan, *Social Science Japan Journal*, 6, 19-37.
- Johnson, R.A. (2005). Whistleblowing and the police, *Rutgers University Journal of Law and Urban Policy*, 1 (3), 74-83.
- Lahneman, W.J. (2004). Knowledge-Sharing in the Intelligence Community After 9/11, *International Journal of Intelligence and Counterintelligence*, 17: 614-633.
- Loyens, K. (2009). Occupational Culture in Policing Reviewed: A Comparison of Values in the Public and Private Police, *International Journal of Public Administration*, 32, 461-490.
- Miller, E.J. (2006). Role-Based Policing: Restraining Police Conduct "Outside the Legitimate Investigative Sphere", *California Law Review*, 94 (3), 617-686.
- Mortvedt, O.M. (2009). Faresignal for politikulturen (Warning signal for the police culture), *Politiforum* (Police Forum), No. 8, 22-25.
- O'Connor, T.R. (2005). Police Deviance and Ethics .In part of web cited, *MegaLinks in Criminal Justice*. <http://faculty.ncwc.edu/toconnor/205/205lect11.htm>, retrieved on 19 February 2009.
- OPI (2007). *Report on the 'Kit Walker' investigations*, Office of Police Integrity, Melbourne, Victoria, Australia, www.opi.vic.gov.au.
- OPI (2008). *The Victorian Armed Offenders Squad - a case study*, Office of Police Integrity, Melbourne, Victoria, Australia, www.opi.vic.gov.au.
- Perry, F. (2001). Repairing Broken Windows – police corruption. *FBI Law Enforcement Bulletin*, 70 (2), 23-27.
- Porter, L.E. and Warrender, C. (2009). A multivariate model of police deviance: examining the nature of corruption, crime and misconduct, *Policing & Society*, 19 (1), 79-99.
- Prenzler, T. (2009). *Police Corruption: Preventing Misconduct and Maintaining Integrity*, CRC Press, Taylor & Francis Group, Boca Raton, FL.
- Presthus, J.E. (2009). Foreword, in: Gottschalk, P., *Policing the Police - Knowledge Management in Law Enforcement*, Nova Science Publishers, New York, NY.
- Punch, M. (2003). Rotten Orchards: “Pestilence”, Police Misconduct And System Failure. *Policing and Society*, 13, (2) 171–196.
- Puonti, A. (2007). Foreword, in: Gottschalk, P., *Knowledge Management Systems in Law Enforcement*, IGI Global Publishing, Hershey, PA.
- Riffe, D. and Freitag, A. (1997). A content analysis of content analyses, twenty-five years of journalism quarterly, *Journalism Mass Communication Quarterly*, 74, 873-882.
- Stedje, S. (2004). *The Man in the Street, or the Man in the Suite: An Evaluation of the Effectiveness in the Detection of Money Laundering in Norway*, MA Social Sciences and Law Criminal Intelligence Analysis/CIA, The University of Manchester, UK.
- Thomassen, G. (2002). Investigating Complaints against the Police in Norway: An Empirical Evaluation, *Policing and Society*, 12 (3), 201-210.

Tiffen, R. (2004). Tip of the Iceberg or Moral Panic? Police Corruption Issues in Contemporary New South Wales, *American Behavioral Scientist*, 47 (9), 1171-1193.

UNODC (2006). *The Integrity and Accountability of the Police: Criminal justice assessment toolkit*, United Nations Office of Drugs and Crime (UNODC), Vienna International Center, Vienna, Austria, www.unodc.org.

Walker, S. (2006). Police Accountability: Current Issues and Research Needs, *National Institute of Policing Research Workshop*, Washington, DC, November 28-29.

Appendix: Coded Court Cases.

The total set of variables coded based on court cases is the following 11 factors as applied in the table:

- A. *Role* in the police: (1) police officer; (2) police civilian; (3) police lawyer.
- B. *Age* of prosecuted police employee in years.
- C. *Sex* of police employee: (1) male; (2) female.
- D. *Crime* category scale from physical to non-physical: (1) physical abuse; (2) sexual misconduct; (3) prisoner mistreatment; (4) traffic violation; (5) extortion; (6) corruption; (7) evidence manipulation; (8) unauthorized disclosure of information.
- E. *Sentence* in imprisonment days.
- F. *Motive* of crime by police employee on a scale from professional to personal: (1) professional concern; (2) efficient police service; (3) negative reaction; (4) personal gain.
- G. *Source* of information: (1) whistle blowing by colleague police officer; (2) complaint by person in the public.
- H. *Courts* handling the case: (1) one court: district court, (2) two courts: court of appeal, (3) three courts: supreme court.
- I. *Issue* of misconduct: (1) lack of integrity is the lack of quality of being honest and morally upright; (2) lack of accountability is the lack of quality of justifying actions or decisions.
- J. *Structure* of police organization is measured on a 5-point scale from (1) bureaucratic organization structure to (5) knowledge organization structure.
- K. *Culture* of police organization is measured on a 5-point scale from (1) closed organization culture to (5) open organization culture.

Case #	Year	A Role	B Age	C Sex	D Crime	E Sentence	F Motive	G Source	H Courts	I Issue	J Structure	K Culture
1	2009	1	39	1	1	0	2	2	1	2	2	2
2	2009	1	35	1	1	10	2	2	2	2	3	2
3	2009	1	58	1	8	90	3	1	1	1	2	5
4	2008	1	56	1	8	21	1	2	1	1	2	5
5	2008	1	41	1	1	5	2	2	2	2	1	2
6	2008	1	39	1	3	0	3	1	1	1	1	3
7	2008	1	48	1	6	60	4	1	1	1	2	2
8	2008	1	58	1	3	0	2	2	2	2	3	2
9	2008	1	45	1	8	45	3	2	1	1	3	5
10	2008	1	28	1	8	12	1	2	1	1	4	5
11	2008	1	39	1	2	45	1	2	1	1	2	3
12	2008	1	54	1	8	0	4	1	1	2	5	2
13	2008	1	35	1	4	0	2	2	1	2	3	3

14	2008	1	38	1	4	6	2	2	1	2	2	4
15	2008	1	57	1	4	24	3	1	1	1	5	2
16	2008	1	39	1	1	0	2	2	1	2	1	4
17	2008	1	39	1	1	5	2	2	1	2	2	4
18	2008	1	52	1	6	20	4	1	1	1	4	5
19	2008	1	38	1	1	0	2	2	2	2	1	2
20	2008	1	55	1	4	21	3	1	1	1	3	1
21	2008	2	42	1	8	0	1	2	1	1	2	5
22	2008	2	44	2	8	0	4	1	1	2	1	3
23	2008	2	40	1	1	0	3	2	1	2	2	1
24	2008	3	40	1	8	10	1	2	2	1	2	4
25	2007	1	26	2	4	6	2	1	1	2	2	5
26	2007	1	31	2	1	0	2	2	2	1	1	1
27	2007	1	33	1	1	0	2	2	2	1	1	1
28	2007	1	30	1	1	0	2	2	2	1	1	1
29	2007	1	47	1	6	60	4	1	1	1	2	4
30	2007	1	39	1	4	3	2	1	1	2	2	2
31	2007	1	20	1	8	20	3	2	1	1	2	5
32	2007	1	33	1	7	0	2	1	3	1	1	1
33	2007	1	34	1	4	0	2	1	1	2	3	2
34	2007	1	50	1	6	730	4	1	1	1	4	2
35	2007	1	49	1	2	30	4	2	2	2	1	2
36	2007	1	49	1	8	6	2	2	2	1	5	5
37	2007	1	38	1	1	10	2	2	3	2	3	2
38	2007	1	32	1	6	0	4	1	2	1	2	5
39	2007	2	32	2	6	90	4	1	3	1	3	1
40	2007	2	29	1	8	21	3	2	1	1	5	1
41	2006	1	36	2	6	60	3	1	1	1	4	1
42	2006	1	32	1	7	60	3	1	1	1	4	1
43	2006	1	33	1	7	14	4	1	1	1	3	2
44	2006	1	37	1	4	0	2	2	1	2	3	4
45	2006	1	47	1	2	0	4	2	1	2	4	2
46	2006	1	28	2	8	15	4	2	1	1	2	2
47	2006	1	56	1	6	730	4	1	1	1	2	1
48	2006	1	48	1	2	0	4	2	1	2	3	1
49	2006	1	31	1	4	11	2	2	1	2	2	2
50	2006	1	58	1	4	30	3	2	1	1	4	1
51	2006	1	45	1	1	0	2	2	1	2	5	2
52	2006	1	42	1	1	0	2	2	1	2	5	2
53	2006	2	63	1	4	10	3	2	1	2	2	2
54	2006	2	38	1	8	30	4	2	1	1	4	1

55	2005	1	46	1	2	0	4	2	2	2	2	1
56	2005	1	38	2	6	60	4	1	1	1	1	1
57	2005	1	26	2	7	45	4	1	1	2	3	1

57 police officers on trial in Norway 2005-2009 coded for quantitative research.