CEPS Seminar 23rd August 2011

‘Professional Standards in Policing’
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Abstract: This paper summarizes a presentation to the Centre of Excellence in Policing and Security (CEPS) seminar series to be delivered on 23 August 2011 at Griffith University, Brisbane. It examines professional standards in policing and how to enhance those standards along with ethical practice in policing. The seminar first discusses the current situation in the private sector on corporate governance and concludes that standards have slipped considerably in recent years. The seminar then observes the history of poor professional standards in policing in several countries; the conclusion is established from this analysis and the analysis of the private sector that poor professional practice is rife in all walks of life and across all countries. The seminar then goes on to advise on what police organizations can do about poor professional practice, where to find it and how to guard against it. The seminar concludes with some information about a toolkit produced by DCAF1 entitled: ‘Building a Modern and Ethical Police Service – Toolkit for Police Ethics and Anti-Corruption’

Introduction

‘A good police force is one that catches more criminals than it employs’
Robert Mark

This seminar will examine professional standards in policing and their importance to society. This is such a crucial and impactive subject that upon a cursory reading of any newspaper in any city of the world the reader will find at least one news item that could fit into this category2. The content will commence with observations on the corporate governance of the private sector in recent years which culminated with the ‘Global Financial Crisis’ (GFC) with the purpose of illustrating that it is not only the public sector (Nolan, 1998; Flynn, 2007) that needs to monitor professional standards. The seminar will then turn its attention on to practical policing examples of poor professional standards in history from around the world. This will illustrate that the issue we are pursuing is a world-wide one and that no countries are exempt from the problem of poor ethical standards in policing or corruption. Having established the extent of the problem in police organizations globally, the seminar will explain what to do about

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1 Geneva Centre for the Democratic Control of Armed Forces. (DCAF, 2011) [58 signatory countries but Australia not a member]
2 For example, The Sydney Morning Herald of Tuesday July 12, 2011: Kissane, K. ‘News is all bad: September 11 phone taps and trouble for Murdoch jnr’. The Sydney Morning Herald of Tuesday July 12, 2011, page 1. ‘...claims that News of the World made more than 100,000 GBP in payments to police officers.’
professional standards, accountability and integrity. The seminar will offer pragmatic and practical methods to foster anti-corruption using the latest information from authoritative sources\(^3\) and explain how all police forces can build on policies, practices and procedures and enhance the capacity in their organizations to foster anti-corruption and inculcate an ethical culture with appropriate values. Two useful definitions in understanding this area of organizational culture are ‘police ethics’ and ‘governance’.

‘Police Ethics’ are how police officers and police leaders make the right judgments and do the right things, for the right reasons (Neyroud & Beckley, 2001).

‘Governance’ describes the processes by which organizations are directed, controlled and held to account. It encompasses authority, accountability, stewardship, leadership, the direction and control exercised in the organization (Armstrong & Francis, 2006)

The seminar will introduce a useful new tool to assist police forces around the world to build their capacity in this way which is to be published by the Geneva Centre for the Democratic Control of Armed Forces (DCAF); entitled the ‘**Toolkit for Police Ethics and Anti-corruption**’.

### Private Sector professional Standards

The seminar will briefly examine some case studies in the private sector such as the ‘Enron’ (Velasquez, 2010) company collapse and the information regarding large company financial reporting which have revealed highly questionable standards of corporate governance and has led to massive companies crashing because of fictitious accounting practices and hidden ‘off balance sheet’ trading. As a result of questionable ‘creative accounting’ practices, several hundred major companies had to re-state their company earnings. The practice of members of the public and shareholders trusting large companies to ensure probity and integrity in their dealings has been replaced by suspicion and there is ample evidence greed, dishonesty and ‘insider trading’ for personal enrichment and power by company employees. These practices have led to the demise of several very large corporations and are the key to the Global Financial Crisis (GFC) of recent years. Fortunately, Australia (Engel, 2010) was able to evade much of the economic and financial ‘fall-out’ from that debacle.

The seminar will explain some of the drivers for change to ensure higher probity, integrity and good governance (Beckley, 2003). These are the corporate governance standards (IT, 2009; UN, 2003; IFC, 2011) of international organizations such as the World Bank (World Bank Institute) and the ‘OECD’ (OECD, 1999; OECD). The seminar then examines some high profile failures of professional standards in the private sector around the world such as the ‘Parmalat’ (BBC, 2008) case in Europe, project failures such as dam projects in Africa (IPOCA), national failures such as the ‘BSE’ (DEFRA) crisis in the UK and the result of these incidents which is increased litigation and consequent massive costs on the public purse. The subject then turns to positive reasons why good corporate governance (Beckley, 2005) is essential:

- It is good business and management practice
- Prevents business failure

\(^3\) for example NSW Police Integrity Commission: (Gorta, 2011)
Ensures service levels are achieved
Helps deliver projects on time and in budget
Reduces insurance premiums and other costs

**Corporate Governance Reform** (also see FRC, 2010)

- **In the UK:**
  - Turnbull Report 1998
  - Combined Code 1998
  - Higgs Report 2003
  - Smith Report 2003
  - Combined Code 2003

- **In the USA:**
  - Sarbanes-Oxley Act 2002

*Fig: Corporate governance reform in the UK and the USA (Beckley, 2005)*

The two main points in this section of the seminar is that (a) the issues facing the private sector also affect policing and (b) the public sector and policing are not alone in having to address these major issues of professional standards; without them civilisation, commerce and industry as we know it is adversely affected – the effects from the GFC illustrate that fact well.

**Police Corruption a brief history**

The seminar will then turn its attention to a brief history of police corruption (Miller *et al*, 2006) around the world and seek to find some of the learning points in those cases. The Metropolitan Police Service (MPS) in London has suffered some major examples over the years, for example, during the time when Sir Robert Mark (Mark, 1978) was the Commissioner, he identified and tried to eliminate corruption in the Criminal Investigation Department (CID) and the obscene publications department in the 1960s. There were various other ‘cause celebres’ such as the handling of the prisoners alleged to be members of the IRA (Irish Republican Army) (Shanahan, 2009) and the Confait (Royal Commission, 1979) case which was a simple-minded suspect who was tortured into a confession. These cases led to the introduction of the Police and Criminal Evidence Act 1984 (PACE) which gave detailed policies, practices and procedures for police officers when they were dealing with evidence, interviewing, prisoners’ rights, evidence, and identification of suspects.

It was the street riots in Brixton, London that led the Inquiry Chairman, Lord Scarman (Scarman, 1986) to coin the term ‘institutional racism’. The MPS was accused of racism at that time, not in its individual dealings with ethnic minority community members but its culture and values at an organizational level. This led on to the racist murder of black teenager Stephen Lawrence in 1993. It was not until 1997 that another public enquiry (Macpherson, 1999) accused the MPS again of institutional racism in the way that they dealt with the murder enquiry relating to Stephen Lawrence. If there is time, the author will explain the issues relating to this complex case, but the issues that where the MPS were found to be lacking were as follows:

- Follow up response
- Surveillance
• Senior officers at the scene
• Corruption
• House to House Enquiries
• CID Response
• Exhibits

• Handling & Interview of Witnesses
• Elimination of suspects and Red Astra
• Identification Parades
• Arrests and Interviews
• Family Liaison

As a result of the public enquiry, the following things were changed in police practice:
• Dealing with racist incidents
• Definition & recording of racist incidents
• New performance indicators
• HMIC\textsuperscript{4} inspection focus
• Greater openness (FoIA\textsuperscript{5})

Following the history of the MPS further, there was the case of racial discrimination brought by a very senior officer in the organization, Tarique Ghaffur (Fresco, 2008) and, of course the major mistake of the shooting of an innocent electrician who was suspected to be a terrorist, John Charles De Menezes (Cheston, 2008)

Some examples of poor police professional standards are given from the USA, in Chicago during the Prohibition with gangster Al Capone (FBI, 2011). Then the Mollen Commission (1994) which identified the ‘disappeared’ at work who encouraged and facilitated crime. Then there were examples of ‘noble cause’ corruption (Rothlein, 2008) crime fighters like the screen depiction of ‘Dirty Harry’ where the ‘Ends v Means’ tests are not complied with correctly. In New York there was the Serpico case (Maas, 1973), a detective who refused to become involved in corruption but was eventually undone by lack of support from his colleagues; he retired an injured and disillusioned man. In Los Angeles there was the Rampart (Neyroud & Beckley, 2001) case which involved crime corruption, violence and evidence planting.

Turning to other countries such as Northern Ireland (Shanahan, 2009), Australia and South Africa, we have had the ‘Troubles’, the marching season, the rioting, the religious rivalry and terrorism in Northern Ireland. We have had the various public enquiries and Royal Commissions into policing and corruption in Australia (Fitzgerald, 1989; Wood, 1997b; Ryan, 2000; Prenzler, 2009) and the police dealings with Indigenous people. In South Africa, there was the example of ‘Apartheid’ (Pinar, 2010) which was assisted by the police.

The seminar now turns its attention to the expectations of the public in the police. The expectations are, simply (Neyroud & Beckley, 2000):

• Competence
• Uphold laws
• Accountable

• Not abuse power
• Not use office for illegitimate personal gain
• Use taxes / resources wisely

When asking the question what can the police use to guide their behaviour and activities, the answer lies in the sort of values and codes of conduct and ethics that will assist police to

\textsuperscript{4} Her Majesty’s Inspector of Constabulary (HMIC)

\textsuperscript{5} Freedom of Information Act (FoIA)
understand their role and responsibilities to the public. The seminar then examines some of these documents and ideas, starting with a statement of values acronym that spells ‘ethical’.

**Statement of Values (New South Wales Police Force)**

- Excellence
- Trust
- Honour
- Impartiality
- Commitment
- Accountability
- Leadership

There are many codes of conduct and ethics for police forces around the world, but one from New South Wales Police Force is included as an example.

**Code of Conduct & Ethics (New South Wales Police Force)**

1. Behave honestly and in a way that upholds the values of the police whether on or off duty
2. Act with care and diligence when on duty
3. Know and comply with all policies, procedures and guidelines that relate to their duties
4. Treat everyone with respect, courtesy and fairness
5. Comply with any lawful and reasonable direction given by someone in the police who has authority to give the direction
6. Comply with the law whether on or off duty
7. Take reasonable steps to avoid conflicts of interest, report those that cannot be avoided, and cooperate in their management
8. Only access, use and/or disclose confidential information if required by their duties and allowed by police policy
9. Not make improper use of police information or resources
10. Report misconduct of other police employees.

**The Ideal Ethical Police Service** (Neyroud & Beckley, 2001)

The ideal ethical police service would have the following attributes:

- Integrity (trust, competence, professionalism, confidence)
- No ‘us’ against ‘them’
- Everything done in private would be done as if in public
- Policies formed with a consideration of justice
- Mistakes treated as opportunities for learning
- No bigotry

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7 New South Wales Police Force *Code of Conduct & Ethics*, 2011
Operational police officers need help and assistance to identify ethical issues or ‘dilemmas’ and try to solve these on a daily basis. Officers who are early in their careers find this particularly difficult and it is therefore essential to have good training on police ethics from a very early stage in the police recruit training. Practical assistance in thinking ethical dilemmas through in a logical fashion and coming up with a workable answer is the key to success. This should be done via training using decision making models and realistic daily routine case studies for the student to think through and provide their solution of ethical and professional practice. An example of a decision making model follows.

**Analysing ethical issues** - some issues to consider:
- What does the law require?
- What does the organizational policy require?
- What do personal ethics require?

‘Conflicts of interest’ are another area that is ripe for corrupt activity or poor professional standards. Such items as improper disclosure of information, favouritism, consorting with criminals, using police position in an improper way are all examples of this. Police organizations should have good policies in place to address this issue – an example follows from New South Wales Police Force.

**Commander and Management Responsibilities**

1. Identify management options for the reported conflict
2. Avoid making the problem worse by assisting the employee to deal with the conflict
3. Report the conflict by recording it appropriately
4. Manage the conflict with the cooperation of the employee
5. Monitor the conflict over time

There are many positive and good things about police culture, but there are also many detrimental and difficult things that can lead to poor practice, bad behaviour and possible corruption.

**Police Culture**

Much has been written (Wilson, 1969; Sampford & Charles, 2006; TI, 2009; DCAF, 2011) about the cynical and ‘black-humoured’ culture of the police service which is due to the ‘Sisyphean’ nature of the job. The good things about police culture have been identified as: good teamwork; loyalty (*esprit de corps*); supporting each other; and ‘watching each other’s backs’. The bad things within the culture are: high stress levels; dynamic action required; fast decision making; and the ‘blue wall of silence’. The latter phenomenon being when things go wrong or some unlawful or unethical behaviour is witnessed by a colleague, they will not report it or say

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8 NSWPF policy ‘**Commander and Management Responsibilities: Conflicts of Interest**’, 2011
9 ‘Sisyphean’ nature of policing is that it can seem like endless, pointless labour – pushing a rock to the top of a hill one day and then finding it at the bottom of the hill the next, only to start again (CSU, 2011).
they did not see anything. ‘Whistleblowers’ are very unpopular and can be isolated and marginalised (Maas, 1973). Investigating officers from internal affairs department or from external oversight bodies might find it very difficult to get information and evidence about wrong-doing.

**High risk areas of corruption and poor professional standards**

The high risk areas in policing relating to poor professional standards seem to be common in many countries (DCAF, 2011) and are:

- **Detectives** and poor process activities
- **Traffic patrol** and opportunistic bribes
- **Watch-houses** and assaults or deaths in custody
- **Motor vehicle patrols** and dangerous high speed pursuits
- **Special tactics units** and excessive force in raids and sieges
- **Drug squads** and on-selling of drugs or shakedowns of dealers
- **Illicit access to and misuse of confidential information**

**Instruments to improve professional standards**

Instruments that organizations can put in place to foster good professional practices to guide their officers are as follows:

- Codes of conduct
- ‘Whistle-blowing’ policies and witness protection
- Ombudsman
- External Audits
- Compliance guidelines
- Organizational governance guidelines
- Ethics codes
- Purchasing and procurement guidelines

Other methods are to use ‘Early warning systems’ (EWS or EIS), compliance officers/compliance units, (Standards Australia, 2003) job rotations in risky areas and separation of functions. The New South Wales Police Integrity Commission (Gorta, 2011) has recently published some material to assist police organizations to identify weak areas in their organization and address integrity hazards in their activities. The guidance is likened to an occupational health and safety risk assessment as it uses a similar methodology in identifying the hazards and risks and then goes on to evaluate their impact and their likelihood of happening. The impact and likelihood dimensions are awarded a score for their level and then an overall assessment is carried out. The organization then estimates the appropriate level of control measures required along with the countermeasures and any contingencies that are necessary. The process is described (Gorta, 2011):

1. ‘Identify integrity hazards as opportunities to intervene to minimise future corrupt conduct
2. Take a systematic approach to identifying and managing integrity hazards and risks
3. Look beyond individual employees and link integrity hazards to the work undertaken or to the work environment
4. Examine ‘near misses’ as a strategy to identify and understand integrity hazards and risks
5. Consult workers to identify integrity hazards and risks
6. Communicate the hazards and associated risks to enable employees to recognise and manage the hazards they face
7. Tailor information and training to specific types of work
8. Use induction training as one means to equip employees to recognise and manage the integrity hazards risks specific to their work
9. Incorporate a focus on protecting the employee
10. Learn from experience to improve strategies to minimise corruption risks’

The process is in identifying integrity hazards and assessing corruption risks related to the type of work employees undertake and other aspects of the work environment which may increase the likelihood of employees engaging in some form of corrupt behaviour or serious misconduct. The next stage is determining appropriate strategies to minimise the risks; then monitoring and reviewing the hazards, risks and treatment strategies and finally, communicating information about recognising and managing the integrity hazards and associated risks to the employees most likely to face these risks and to their supervisors (Gorta et al, 2009). The new corruption prevention tools are available (Gorta, 2011) free from the NSW Police Integrity Commission.

Organizational measures to improve professional standards
Finally, the seminar examines the areas that organizations must address to foster anti-corruption and promote best practice in professional standards, and these are:

- **Structures** - Management organizations best fit the role (Jones, 2009)
- **Management of human resources**:
  - Recruiting – the need for the whole community to be included especially minorities
  - Selection – type – open and transparent
  - Evaluation – fair – based on agreed parameters that reflect the job skills
  - Promotion systems – linked to evaluation
  - Leadership styles – see below
- **Transparency and accountability** – an ongoing theme from personal to organizational development
- **Control and measure of security** – internal structures (internal affairs/discipline) to maintain effectiveness and efficiency of individuals in the organization
- **Communication and Training** – internally and with the community being served.

Appropriate leadership
Programmes aimed at building capacity (DCAF, 2011) to foster anti-corruption in organizations, must be effectively led by the senior managers in the organization. Some of the qualities that would be usefully displayed by the leaders would be that they are (Neyroud & Beckley, 2001):
In short: ‘Leaders must be leaders’ (Mitchell & Casey, 2007) in the organization to push through the reforms and changes successfully; they should be consistent in their approach (Weiss & Molinaro, 2005). They must also continuously be good role models (Huberts et al., 2007) in the organization from which their staff can take an example (Armstrong & Francis, 2006); the good role model extends to good anti-corruption behaviour and consistent messages both in their public and their private life. The ideal situation to deploy an anti-corruption capacity building change programme is to link it to a process of leadership development in the organization where the leaders can demonstrate their belief and commitment to change and their resistance to corruption. A good type of leadership programme would be a capacity building programme linked to the attributes of ‘emotional intelligence’ which include self-awareness and empathy which will be necessary to successfully conclude such a capacity building programme.

**Emotional Intelligence** - Domains and Associated Competences (Goleman, 2001)

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<tr>
<th>Personal Competence</th>
<th>Social Competence</th>
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<td>- Self-Awareness</td>
<td>- Social Awareness</td>
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<td>- Self-Management</td>
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Experience has shown that introducing emotional intelligence training into police services is highly beneficial in terms of greater sensitivity, empathy and listening skills in the delegates along with wiser decision-making. The training and development for capacity building in the organization to foster anti-corruption should be aimed at all levels (Schafer & Martinelli, 2008) of the organization based on police ranks, and unsworn police staff (Gorta, 2009) should consider themselves within the programme. All police staff need (Mitchell & Casey, 2007) to be trained in professional ethics and the types of activities that amount to corruption, so that they can recognise inappropriate behaviour when they witness it.

**DCAF - Toolkit for Police Ethics and Anti-Corruption**

This seminar will end with some information about the Geneva Centre for the Democratic Control of Armed Forces (DCAF) International Foundation which has 58 Member States, not apparently including Australia. DCAF is producing a major aid to counter corruption that will be published later this year which will give a detailed description of the problem and what to do about it (DCAF, 2011). The author has been completing some work with DCAF over the last year in editing and writing the Toolkit on police ethics and anti-corruption. The mission of DCAF is that it:

- Provides in-country advisory support and practical assistance programmes
- Develops and promotes appropriate democratic norms
• Advocates good practice and makes policy recommendations to ensure effective democratic governance of the security sector.

In recent years, DCAF has seen the need to extend its activities from purely armed forces clients to ‘SSR’ — security sector reform — as a whole and therefore now examines issues within its remit relating to the police service. In 2010, DCAF decided to compile a practical Toolkit for police forces around the world to employ so that they can address the problems of human rights and anti-corruption in their organizations. DCAF appointed a number of highly respected and well-qualified authors from many different countries to write the sections of the toolkit which amounts to nine booklets or chapters. The Toolkit is entitled: *Building a Modern and Ethical Police Service – Toolkit for Police Ethics and Anti-Corruption* (DCAF, 2011) and the booklets cover:

1. Introduction to Corruption and Policing
2. Values, Rules and Behaviours
3. Organization
4. Support provided to Police Officers
5. Internal Control
6. External Control
7. Investigation
8. Capacity building
9. Instruments

There is content and case studies relating to specific contexts to assist national police forces at different stages of development, therefore there are three categories of information: Post-conflict Countries; Transitional Countries; Developing and Developed Countries. The Toolkit has been developed as a practical guide in everyday language to assist police forces to assess their situation regarding progress in the vitally important area of professional standards, identify risks and problem areas and then formulate a pragmatic action plan to address relevant areas for improvement in a realistic time frame and environment using proven and workable change management techniques.

**Conclusion on Police Professional Standards**

It is important to realize that no country or sector is immune from poor police professional standards and corruption. Every form of poor professional standards or unethical behaviour in essence conflicts with the universal oath of every police officer in the world. This oath reflects the global idea that police are an essential institution in the realization of fundamental human values of freedom, security, equality and justice. Good and effective policies, processes, practices and procedures need to be in place both internally and externally to address the issue of poor professional standards in policing and a proactive approach towards fostering clear ethical standards and culture.
References:


(CSU) Charles Sturt University, Police Ethics Course for recruits (2011) - PPP123 – Professional Ethics, Australia.


DCAF (Geneva Centre for the Democratic Control of Armed Forces). (2011) ‘Building a Modern and Ethical Police Service – Toolkit for Police Ethics and Anti-Corruption’ (DCAF, 2011) [In production]


Engel, M. *Lucky is the land the GFC forgot.* Financial Times 23/12/2010. FT.com. [http://www.ft.com/intl/cms/s/0/5927a31c-0ee3-11e0-9ec3-00144feabdc0.html#axzz1S1uZtmCD](http://www.ft.com/intl/cms/s/0/5927a31c-0ee3-11e0-9ec3-00144feabdc0.html#axzz1S1uZtmCD) accessed 14/07/2011


   Prevention Prompts Number 1: Identifying and understanding workplace integrity hazards
   Prevention Prompts Number 2: Determining how best to manage workplace integrity hazards


Kissane, K. ‘*News is all bad: September 11 phone taps and trouble for Murdoch jnr’*. The Sydney Morning Herald of Tuesday July 12, 2011,


OECD, Organization  [http://www.oecd.org/home/0,2987,en_2649_201185_1_1_1_1_1,00.html](http://www.oecd.org/home/0,2987,en_2649_201185_1_1_1_1_1,00.html)


UN Convention Against Corruption 2003 – deals with bribery, embezzlement, misappropriation, money laundering, protection of whistleblowers, and cooperation among States.


