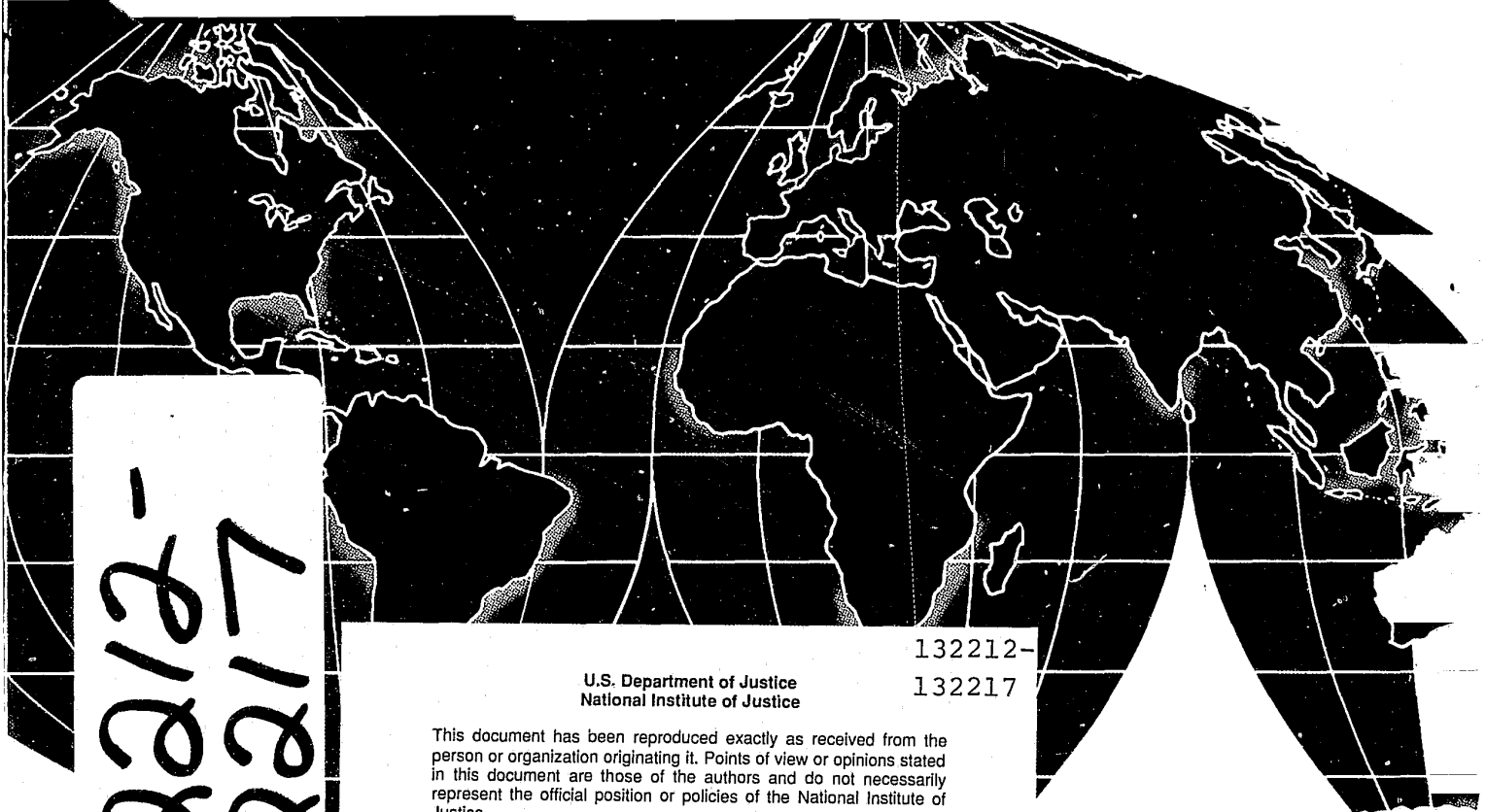


FBI

Law Enforcement Bulletin



132212-
32217

U.S. Department of Justice
National Institute of Justice

132212-
132217

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this ~~copyrighted~~ material has been granted by
FBI Law Enforcement Bulletin

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the ~~copyright~~ owner.



Features

Focus on Foreign Counterintelligence

- 1 Counterintelligence Challenges in a Changing World**
By William S. Sessions
- 10 Foreign Counterintelligence: An FBI Priority**
By James E. Tomlinson
- 17 Espionage Awareness Programs**
By Freddie L. Capps, Jr.

- 5 Corruption: A Continuing Challenge for Law Enforcement**
By Otis E. Cooksey
- 22 The Kentucky State Police Drug Testing Policy**
By W. Michael Troop and Jerry Lovitt
- 28 Custodial Interrogation**
By Kimberly A. Crawford

NCJRS

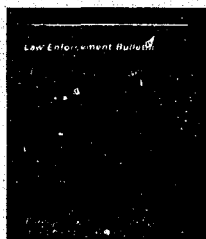
SEP 13 1991

ACQUISITIONS

Departments

- 9 Bulletin Reports**
- 14 Police Practices**
By D.R. Staton and Larry Edwards

- 20 Point of View**
By David A. King
- 26 Book Reviews**



The Cover: This issue focuses on a unified approach to foreign counterintelligence, highlighting the importance of Federal, State, and local cooperation in confronting new FCI challenges.

United States Department of Justice
Federal Bureau of Investigation
Washington, DC 20535

William S. Sessions, Director

Contributors' opinions and statements should not be considered as an endorsement for any policy, program, or service by the FBI.

The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget.

Editor—Stephen D. Gladis, D.A.Ed.
Managing Editor—Kathryn E. Sulewski
Art Director—John E. Ott
Assistant Editors—Alice S. Cole
Karen F. McCarron
Production Manager—Andrew DiRosa
Staff Assistant—Carolyn F. Thompson

The *FBI Law Enforcement Bulletin* (ISSN-0014-5688) is published monthly by the Federal Bureau of Investigation, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535. Second-Class postage paid at Washington, D.C., and additional mailing offices. Postmaster: Send address changes to *FBI Law Enforcement Bulletin*, Federal Bureau of Investigation, Washington, D.C. 20535

Corruption

A Continuing Challenge for Law Enforcement



By
OTIS E. COOKSEY

All too frequently, the public's confidence in law enforcement is shaken by reports of officers falling victim to corruption. While no profession is untouched by corruption, its effect on law enforcement is especially damaging. As guardians of law and order in a free society, law enforcement officers must maintain a consistently high standard of integrity.

Combating crime claims many victims from the ranks of law enforcement. As criminals become more violent, increasing numbers of officers are being killed or injured in the line of duty. But increasing numbers of officers are also being

lost to corruption. The lure of fast money associated with the drug trade and other temptations are creating new and potentially devastating problems for police departments and law enforcement managers across the country.

While there is no proven approach to eliminate all corruption, there is an emerging understanding that an effective strategy must begin with recruitment and continue into training. In addition, a procedure should be instituted to investigate charges of police misconduct within an agency. To combat corruption successfully, police managers must acknowledge that it is a serious threat

to the organization, and they must work to reduce its damaging effects.

ACKNOWLEDGING THE PROBLEM

The key to any effort aimed at preventing corruption in a law enforcement agency is acknowledging that corruption, or the potential for corruption, exists. Given the current environment wherein drug dealers regularly transact business while carrying more cash than an officer makes in a year, law enforcement managers can no longer ignore the issue of corruption.

For the most part, managers use three general approaches when failing to deal with corruption. First, managers attempt the "ostrich" approach, denying the existence of a problem. As a result of this approach, when the manager is faced with an allegation of corruption, there is no effective mechanism in place to deal with the problem. This may force the manager into courses of action directed by those outside the department.

Second, managers try to deal with corruption by taking a "polly-anna" approach. Here, the manager acknowledges that corruption exists in the organization, but downplays its impact. Again, in a situation where the manager fails to respond effectively to an incident, the course of action may be directed from outside the agency.

The third, and potentially most damaging, approach occurs when a manager responds to corruption with a "cover-up." Here, the manager not only acknowledges corruption in the organization but also takes overt action to cover it up. This tactic

violates the special trust and confidence society places in law enforcement and establishes a climate in the agency for corruption to flourish.

Fortunately, the law enforcement manager can overcome the shortfalls of these approaches by taking a more-realistic approach to corruption. To respond effectively to corruption, the manager must acknowledge the devastating impact it can have on an agency. A manager with a realistic appreciation of the potential effects of corruption is in a position to develop a strategy to deal with corruption internally. This will enable the department to minimize the damaging effects of the corruption.

ESTABLISHING A POLICY

Once the manager is committed to preventing corruption, the next step is developing a policy before a crisis situation develops. While no

one policy will meet the needs of all law enforcement agencies, any effective policy should cover recruitment, training, and investigation.¹

Before an effective strategy can be established, however, the manager must decide on a suitable definition of corruption. Arthur Niederhoffer defines corruption to include activities ranging from the acceptance of a free cup of coffee to the actual commission of criminal acts.² But, including acts on such a wide continuum creates a potential problem for the manager. The dilemma is whether to include this whole range of activities in the policy or to draw a line on the continuum to mark when seemingly innocent acts become corrupt.

The problem for those managers who attempt to "draw the line" or separate degrees of corruption will be the tendency toward interpretation and rationalization. Managers

faced with complex situations must then try to decide on which side of the line an act falls. At the same time, officers serving under this policy can rationalize their actions, and given a healthy imagination, one can rationalize almost any action.

The alternative to defining specific corrupt acts is the approach adopted by the International Association of Chiefs of Police (IACP), which established a definition of corruption by using the intended results of an action, not by the specific acts.³ The IACP defines corruption as acts involving the misuse of authority by a police officer in a manner designed to produce either personal gain or gain for others. This approach simplifies the manager's role in identifying corrupt actions and provides officers with a simple way of determining where their actions fall in relation to agency policy.

The Model for Management-Corruption Prevention, prepared by the IACP, is an effective tool to aid the law enforcement manager in preparing a corruption prevention policy. This model policy covers the key aspects of a corruption prevention strategy—recruitment, training, and investigation. This model can also be tailored to the specific needs of departments, regardless of size.

PREVENTION STRATEGY Recruitment

As Edwin J. Delattre notes in his book, *Character and Cops*, people do not just happen to wear badges. They wear badges because police managers recruit and hire them.⁴ It is only commonsense, then, that a comprehensive corruption prevention policy address recruitment. No



“
The key to any effort aimed at preventing corruption...is acknowledging that corruption, or the potential for corruption, exists.
”

Major Cooksey is a Military Police Advisor for the U.S. Army Readiness Group, Fort Sam Houston, Texas.

agency knowingly hires people who will commit corrupt acts in the future. Yet, many departments suffer the devastating effects of corruption. The Los Angeles County Sheriff's Department discharges approximately 20 officers a year, primarily as a result of misconduct.⁵

There are, of course, many reasons why police agencies should screen recruits and eliminate those who may become corrupt. One important factor is money. For all agencies, training is an expensive resource that cannot be wasted. If an officer completes training and then commits corrupt acts, the department faces a potentially more complex and more serious problem, mainly because rehabilitation and disciplinary actions are more difficult and expensive the longer an individual is employed.⁶ Law enforcement managers should be alert for signs indicating trouble during the recruitment, initial training, and probationary periods.

An additional concern for departments in the coming years is the declining number of qualified recruit applicants. Reasons for this include low pay and the deteriorated image of law enforcement. Other factors include the increased demand for police officers nationwide and a declining trend in the population of 18 to 25 year olds.⁷

A model that may assist recruitment managers is the Standards Manual of the Law Enforcement Agency Accreditation Program. This model stresses the following guidelines:

- The department should advertise broadly for candidates and not restrict

recruiting to its own jurisdiction,

- The department should have trained personnel conduct a written background investigation of every eligible candidate. In some

and realistic manner is an effective deterrent to corruption for two reasons. First, training publicizes agency policy. A policy that is merely written but not disseminated widely and regularly is likely to be ineffective. Second, training allows officers the opportunity to interact and request

“

Training provides the best and most powerful tool for making a corruption prevention strategy work.

”

cases, the polygraph may be used as an investigative tool,

- The department should have trained personnel conduct an oral interview of each candidate, and also test the candidate's general health, physical fitness and agility, emotional stability, and psychological fitness,
- The department should require all candidates to complete at least a 6-month probationary period and entry-level training.⁸

While this model may not be suitable for every agency, the principles described provide a guide for managers to include recruitment as part of an anticorruption strategy.

Training

Training provides the best and most powerful tool for making a corruption prevention strategy work. Training conducted in an integrated

clarification of standards of conduct in terms of specific actions commonly encountered in police work.

In most agencies today, training is separated into two categories—recruit and inservice. Corruption prevention indoctrination logically begins during recruit training and should be integrated into as many subject areas as possible by the academy instructors. This approach is effective for two reasons. First, this will incorporate corruption prevention standards into the enforcement of laws and regulations. Second, the instructors, usually veteran police officers, have built a rapport and have the respect of the students. They, along with the chaplain, can establish a solid foundation for the new officers to resist corruption.

The second phase of the training process is the inservice training that officers receive during their careers. Inservice training provides a department with a mechanism to

reinforce the standards of corruption prevention.

Law enforcement managers have several options when planning inservice training. Many colleges and universities have courses in sociology, psychology, religion, and management that will reinforce and supplement corruption prevention strategies. In addition, expert consultants can be contracted to develop corruption prevention training programs.

Although academically engaging and easy to institute, neither of these approaches may be as effective and complete as a program developed within the agency. The Los Angeles Sheriff's Department is an example of an agency that decided to create its own training program to combat corruption.

Using its own personnel and based on an assessment of the problem, the sheriff's department designed a program that covered the following:

- Discussions of different ethical dilemmas, preceded by a review of several problem situations,
- Issues of concern, an overview of misconduct cases in the department,
- Standards for decision-making,
- Rationalization, and
- Situational planning

One of the strengths of this program is that it allows open discussion of problem areas and standards of performance required by the agency. It integrates real-life law enforcement issues

with the expected standards of conduct.

Investigation

The last, and possibly most difficult, phase of a corruption prevention strategy to implement is the investigation of police misconduct. However, an effective investigation policy must be established or the other elements of the

“
***Corruption can
destroy the special
bond of trust
between law
enforcement and the
public.***
”

strategy lose their effectiveness. Through objective investigation of all possible incidents involving misconduct, a police agency can foster a sense of confidence and credibility with the public.

Most agencies approach the investigation process by forming an internal affairs unit. To assist in this endeavor, the IACP developed a model that can be used by police departments.⁹ This model covers the various issues that should be considered when forming this special unit.

The first task for the manager is staffing. In large departments, several full-time officers may work solely in the internal affairs unit. In small departments, the unit may consist of one officer, operating on an as-needed basis. Another viable alternative for

the small department is to pool resources with other local agencies as situations require.

After the unit is staffed, the manager must decide where to place the internal affairs unit in the organization. Ideally, the unit will report directly to the chief or ranking officer of the agency. The manager should provide clear, comprehensive directives outlining the procedures for dealing with complaints coming from both inside and outside the agency.

The manager should also ensure that the unit investigates all complaints quickly and impartially. The internal affairs unit does not determine guilt or innocence; it merely gathers facts concerning the complaint that should be well-documented. This documentation will ultimately benefit both the officer involved and the public, in the case of an external complaint.

The establishment of an effective internal affairs unit reinforces proper police conduct, as well as ensures the public of effective and honest police service. The existence of an internal affairs unit in the agency structure tells the public and police officers that the department is willing to “police the police” and supports the overall corruption prevention strategy.

CONCLUSION

Corruption can destroy the special bond of trust between law enforcement and the public. Citizens in a free society expect law enforcement officers to perform their duties with a high standard of integrity. When corruption occurs, not only is the bond between police and public strained, but citizen cooperation, on which law enforcement depends, can be jeopardized.

The Bulletin Reports

In order to combat corruption effectively, law enforcement managers must first acknowledge the potential for corruption and appreciate the devastating effects it can have on their agencies. The key elements of a corruption prevention strategy should integrate agency policy into recruitment, training, and thorough investigation of all alleged corruption.

While corruption has always been a factor in law enforcement, the need for effective corruption prevention strategies has never been stronger. Today's officers face more violent criminals and more potential temptations. Law enforcement must present a unified front against an increasingly sophisticated criminal element. It is important that managers provide today's officers with proper corruption prevention skills.

LEB

Footnotes

¹ John D. Glover, "Maintaining Police Integrity: Federal Police of the United States," *Police Studies*, Spring 1986, p. 24.

² Sanford H. Kadish, "Corruption," *Encyclopedia of Crime and Justice*, 1983, p. 1161.

³ International Association of Chiefs of Police, "Models for Management—Corruption Prevention," *Police Chief*, May 1989, p. 60.

⁴ Edwin J. Delattre, *Character and Cops* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1989), p. 117.

⁵ Duane T. Preimsberger and Sherman Block, "Values, Standards and Integrity in Law Enforcement: An Emphasis of Job Survival," *Journal of California Law Enforcement*, January 1987, p. 10.

⁶ Supra note 4, p. 119.

⁷ Bruce W. Cameron, "Where Will We Get New Recruits?" *Law and Order*, September 1989, p. 3.

⁸ Commission on Accreditation for Law Enforcement Agencies, Inc., "Standards for Law Enforcement Agencies: The Standards Manual of the Law Enforcement Agency Accreditation Program," 1984, pp. 31-32.

⁹ International Association of Chiefs of Police, "The Disciplinary Process: Internal Affairs Role," Training Key # 228, undated.

Victim Information

The National Victims Resource Center (NVRC) provides victim-related information to criminal justice practitioners, policymakers, researchers, and crime victims. It collects, maintains, and disseminates information about national, State, and local victim-related organizations and about State programs that receive funds authorized by the Victims of Crime Act (VOCA). The current listing of resources includes bulletins and special reports, directories, and crime file videotapes and study guides. Each entry provides the title, order number, and cost, if applicable.

To obtain information on the resources available, contact the National Victims Resource Center/NCJRS, Dept. AIF, P.O. Box 6000, Rockville, MD 20850, 1-800-627-6872. In Maryland and the metropolitan Washington, DC, area, the number is 1-301-251-5525 or 5519.

Hate Crime Data

The FBI's Uniform Crime Reports (UCR) Section has published two bulletins to assist law enforcement agencies in the collection of hate crime data. One bulletin, entitled "Hate Crime Data Collection Guidelines," covers such topics as developing a collection approach, bias motivation, and objective evidence concerning the motivation of the crime. It also offers cautions to be exercised by law enforcement agencies and definitions that have been adopted for use in hate crime reporting. In addition, this bulletin gives examples of reported hate crime incidents and procedures to be followed when submitting hate crime data to UCR.

The other bulletin is entitled "Training Guide for Hate Crime Data Collection." It includes three learning modules for use in instructing law enforcement personnel on hate crime matters.

Copies of both bulletins can be obtained from the Uniform Crime Reports Section, Federal Bureau of Investigation, Washington, DC 20535.

The Bulletin Reports, a collection of criminal justice studies, reports, and project findings, is written by Kathy Sulewski. Send your material for consideration to: *FBI Law Enforcement Bulletin*, Room 7262, 10th & Pennsylvania Ave., NW, Washington, DC 20535.

(NOTE: The material presented in this section is intended to be strictly an information source and should not be considered as an endorsement by the FBI for any product or service.)