An Unholy Nexus: A Comparative Analysis of Linkages between Corrupt Police Officers and Organised Crime Gangs

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Introduction

• Collusion and linkages between the police and organised crime remains a seriously under-researched topic –

  there is little empirical research and statistics specifically focussing on the link between corruption and organised crime (Chene 2008:1)

  – in part because of the severe methodological problems and even dangers involved

• Awareness of collusion is still not as high as it could be
But an important topic:

- public as victims
- police reputation
- public trust
- system legitimacy
crime reporting and hence crime reduction: ‘The critical ingredient in solving crimes is whether the public – victims and witnesses - provide information that helps police identify the suspect. . . . On their own, police are relatively helpless, regardless of the resources they devote to criminal investigation’ (David Bayley, cited in Harris 2005: 20-21)
Overview

- Definitional issues
- Problems of researching the topic
- A tiny amount of perceptual data from Europe
- Types of linkages
- Noble cause
- Some explanations and theories of collusion
- Addressing the problem – and factors to consider when analysing different types of system and contexts
- My new research project
- Concluding remarks
Definitional issues

- Corrupt Police Officers – relatively broad use of term ‘corrupt’, narrow use of term ‘police’ – except that former officers will be included, and actions or non-actions performed both on- and off-duty will be included
Organised Crime gangs

- three or more

- UN’s *Convention against Transnational Organised Crime* – ‘structured groups committing serious crime for profit’

- Violence, either actual or threatened, to achieve their ends

- But do not need to be transnational – ‘glocalisation’ (see Hobbs 1998)
Obtaining Evidence – Researching the Topic

• ‘In the absence of third party witnesses or voluntary confessions by police officers, the source of information on this is often criminals themselves’ (Acting Assistant Commissioner of Queensland’s Crime and Misconduct Commission, 2009)

• Drawbacks
  – Untrustworthy *per se*
  – Seeking revenge
  – Seeking deals
Potential sources of information

**Criminal statistics** - reports, investigations, prosecutions, convictions, sentences - aggregated for a whole country are very rare

- Can use data from single police unit – if granted access. But not generalisable, and much police corruption is not treated as criminal anyway

- Police often manipulate crime statistics

- ‘There are no exhaustive statistics available on the crimes committed by law enforcement officers [in the USA], and only a small number of studies provide specific data on police crimes’  (Stinson et al. 2010: 413)
• Economic statistics – impact (e.g. value of drugs; accounts – but would need to specify bribes, etc.)

• Perceptual and attitudinal surveys – which constituencies?

• Experiential surveys
- Interviews – with whom? Problems for researchers
  - Informers (finding/identifying; reliability; ethics clearance)
  - Police officers (blue code/curtain/wall) of silence – ironically, sometimes compared with criminal gangs’ *omertà*
  - Whistleblowers
  - Investigative journalists
  - Victims
    (n.b. formal network analysis)
• *Media reports* (inc. content analysis; case-studies)

• *Memoirs*

• *Journalists’ and ‘interested parties’ analyses*

• *NGO, INGO, IO and National Assessments* (e.g. *TiP reports*)

• *Commission reports*

• *Operation reports*

• *Court reports*
Validation and verification problems
A Little Perceptual Survey Data from Overseas

Table 1 – Perceptions of the involvement of crime gangs in people smuggling

- Reactions to the suggestion that most people illegally entering a given country do so with the help of organised crime gangs

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
<th>DK, or Neither Agree nor Disagree</th>
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</thead>
<tbody>
<tr>
<td>Bulgaria</td>
<td>04</td>
<td>2</td>
<td>7</td>
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<tr>
<td>Poland</td>
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<td>37</td>
<td>22</td>
<td>27</td>
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<tr>
<td>Poland</td>
<td>06</td>
<td>4</td>
<td>8</td>
<td>37</td>
<td>12</td>
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<tr>
<td>Germany</td>
<td>06</td>
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<td>4</td>
<td>39</td>
<td>40</td>
<td>16</td>
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<tr>
<td>Italy</td>
<td>06</td>
<td>8</td>
<td>8</td>
<td>27</td>
<td>44</td>
<td>14</td>
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</tbody>
</table>
Table 2 – Perceptions of the collusion of corrupt state officials in people smuggling

Reactions to the suggestion that organised crime gangs that smuggle people into a given country do so with the corrupt assistance of state officials

<table>
<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Agree</th>
<th>Strongly Agree</th>
<th>DK, or Neither Agree nor Disagree</th>
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<tbody>
<tr>
<td>Bulgaria 04</td>
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<td>Poland 06</td>
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<tr>
<td>Italy 06</td>
<td>9</td>
<td>11</td>
<td>28</td>
<td>26</td>
<td>25</td>
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</table>
**Table 3 – Perceptions of the types of state official that cooperate most with organised crime gangs in people smuggling**

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</thead>
<tbody>
<tr>
<td></td>
<td>Customs</td>
<td>Border Guards</td>
<td>Police</td>
<td>Tax</td>
<td>Local Government</td>
<td>Others</td>
<td>Don’t know</td>
<td></td>
<td></td>
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<tr>
<td>Bulgaria</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
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<td>Poland</td>
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<td>2</td>
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<tr>
<td>Italy</td>
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<td>2</td>
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</table>
Types of Linkages

1. Direct and active collaboration
2. Green light corruption
3. Tip offs
4. Indirect assistance to criminals
5. Emulating o.c. behaviour
So-called Noble Cause

- Term since 1980s – usually associated first with Edwin Delattre; inasmuch as it involves not properly following due process, it is often called **process corruption**
- Bending, circumventing or breaking law, ostensibly for the good of society and the higher good of the rule of law
- Is definitely grey (‘gray’) corruption in Heidenheimer’s sense
- Framing, ‘bricking up’ – through ‘flaking’ (planting), ‘padding’ (supplementing) and even concocting evidence
- Use of informants and deals (cf. plea bargaining?)
- Slippery slope?
Some of the explanations for collusion (focusing more on the police officers)

- Individual rotten apples – psychological
- Rotten barrels – unit/organisational culture – and peer pressure
- Rotten orchards (Maurice Punch) – systemic
- General cultural – attitudes towards law, equity, hierarchy
- Rational choice
  - from the police officer’s or unit’s perspective (could include less obvious choices, such as reaction to threats)
  - from the criminal’s or gang’s perspective

- Putnamesque social capital (bonding; bridging)

- Opportunity Structures

- Neo-liberalism – ends before means; privatisation

- Age

- Gender (can develop feminist theories)
- Threats to officers and families (S. Italy)

- Tightening of borders in developed world (Ohmae?)

- More generally – opportunities and pressures to collude increase the more restrictive laws there are. Prohibition is alive and well
Does it matter what type of system and context is being analysed?

• In terms of addressing the problem of collusion - the often delicate balance between addressing the issue and respecting civil liberties and human rights

• Identifying high risk areas

Relevance of analysing the type of political system and overall context – nature of problems, and most appropriate policies – ‘horses for courses’, not ‘one size fits all’
Developing

- Poorly developed civil society
- Poorly developed legal framework
- Often poor commitment to, and possibly understanding of, the rule of law – and possibly resistance to the concept (post-colonial)
- Very limited resources
- Often, relatively poorly-educated police force
- Often, highly fractured culture
Transition

- Often poorly developed civil society (though compare post-authoritarian with post-communist)
- Often confused legal framework
- Typically, poor commitment to and understanding of rule of law
- Typically, limited resources
- Level of police force education variable
- Culture may or may not be highly fractured
Post-conflict

- Poorly developed civil society
- Poorly developed legal framework
- Typically, poor commitment to and understanding of rule of law
- Limited resources
- Level of police force education variable
- Typically, highly fractured culture
Developed

- Developed civil society
- Developed legal framework
- High commitment to the rule of law
- Better resourced
- Level of police force education comparatively high
- Culture may be highly diverse, but basically integrated
My research project

- Police corruption in 4 states – inc. collusion
- Selection of countries
- Methodology – multi-angulation, inc. surveys of 3 constituencies
- Three Hypotheses:
  - 1. Established, affluent states experience less overall police corruption than transition states.
  - 2. However, the nature of serious (as distinct from petty) police corruption is similar in established, affluent states and in transition states.
  - 3. Counter-intuitively, the nature and scale of police corruption is similar in more democratic states to that in more authoritarian states.
What is to be Done?

• More research – and more consideration of appropriate research methods

• In terms of addressing the problem of collusion - the often delicate balance between addressing the issue and respecting civil liberties and human rights

• Identifying high risk areas
Concluding remarks

• There is no doubt that organised crime activity would be less were it not for police collusion

• Police corruption is bad enough – collusion is even worse

• Much more research – and more consideration of appropriate research methods