

Police Misconduct and Crime: A Gender Study of Crime Types From Court Cases

Petter Gottschalk

This article is based on empirical research of criminal behavior in the Norwegian police force. Norway has a total of 13,000 police employees, out of which 8,000 are police officers and 5,000 are civilians. While the majority of police officers are male, the majority of civilians are female. In total, almost half of the police population consists of women, while a little more than half are men. However, out of 60 prosecuted police employees from 2005 to 2010, 52 were men and only 8 were women. Out of those 52 men, 51 were police officers and 1 was a civilian. Out of 8 women, 4 were police officers and 4 were civilians. Both female and male officers committed crime mainly at the individual rather than group or organization level.

Key Words: Police misconduct • police corruption • crime motive • content analysis • criminal court

According to the United Nations (UNODC, 2006), the great majority of individuals involved in policing are committed to honorable and competent public service and consistently demonstrate high standards of personal and procedural integrity and accountability in performing their duties. The philosophical basis of policing in a democratic society rests on the notion of policing by consent where the public puts its trust and confidence in police officers to serve and treat people, even the offending ones in the community, with the respect and dignity human beings deserve as their birthright (Alderson, 1979). Policing has at its paradigm the notion of service to the community in which it operates, even if at times force may be a legally allowed option to take to carry out such service. The main objectives of policing worldwide are those of protecting society against threats and detecting, stopping, and pursuing crime (Presthus, 2009).

The prevalence of police deviance is a much-debated statistic, and Porter and Warrander (2009) argue that its determination is "rife with problems" because

Petter Gottschalk is professor of organization and leadership at the Norwegian School of Management, Oslo. He also teaches courses on knowledge management, law enforcement, and crime prevention at the Norwegian Police University College.

of varying practices among police complaints commissions. While some researchers suggest that corruption is endemic to police culture across the globe, others argue that incidents are rare (Hunter, 1999). 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 (Dean, Bell, & Lauchs, 2010). Police integrity and accountability has been a concern in most regions and countries; this article presents an example in Norway.

This article is based on empirical research of criminal behavior in the Norwegian police force. From 2005 to 2010, a total of 60 police employees in Norway were prosecuted in court because of criminal behavior. These court cases were coded and studied in archival analysis to answer the following research question: What differences can be found between male and female police employees in terms of frequency and severity of misconduct and crime measured in terms of imprisonment days in court sentences?

Police Misconduct

UNODC (2006) describes seven typical categories of police misconduct: physical abuse, prisoner mistreatment, evidence manipulation, corruption, unauthorized disclosure of information, extortion, and sexual misconduct.

Physical Abuse I

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 depends on the context and is judged against standards of police conduct enshrined in law or regulation.

Use of excessive force is an abuse of police power. However, as Johnson (2005) argues, appropriate use of force can, in many cases, be very difficult to discern, especially because the line that separates brave from brutal is not always visible in a policing situation. In the police world, the bravest are sometimes the most brutal, and they tend to be the ones most admired and protected by other police officers.

Prisoner Mistreatment

Suspect confessions or admissions of guilt are related to their treatment in custody. 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. For example, direct use of violence might elicit confessions among amateur criminals while it elicits silence among organized criminals. The physical and mental distress does sometimes lead to an admission of guilt just to stop the stress or because the suspect is really guilty.

People in police interviews are anxious normally and find themselves in an unequal dynamic in favor of the interviewer(s). Ample evidence shows that certain people are predisposed to answering police questions in any way that will help to shorten the interview, and as a result they will wrongly confess to offences they did not commit. In some countries, the risk of a "false" confession is perceived as so great that confessions of guilt made solely to a police officer are not admissible in court.

Evidence Manipulation

At least two motives drive 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 such as an alcohol test, has failed to find sufficient evidence to prove an important element of a case, or is hiding something that appears to show the suspect is not guilty. Secondly, an officer may have been paid by a suspect to ensure that evidence is lost or tampered with to sabotage the prosecution's case.

Corruption

Personal gain is a primary motivation for much criminal behavior. Because of the special trust placed in police officers and the responsibilities placed on them, 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 as well as understanding of and influence over the criminal justice system, they are also often in a position to shield themselves from detection of this particular crime.

Using public office for private gain is common in police forces in many parts of the world. The most publicized example of police bribery is the New York police

department in the 1960s and early 1970s. Police officers used their positions to extract money and gifts (Johnson, 2005).

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 confidential. That same information has a market value for criminals, journalists, and private investigators that can be realized by unscrupulous police staff with access to it (UNODC, 2006).

Information about operations or investigations can also be sold. Where police activities or investigations are targeting a particular person or location, that information can be invaluable not only to any criminal involved, but also to journalists who may be looking for an interesting scoop (UNODC, 2006).

Further difficulties arise where information has been logged or filed incorrectly. A simple typing error can lead to detaining people with similar names unnecessarily; raiding the wrong address, or suspects escaping arrest because of inaccurate or incomplete records. These issues may well be due to a lack of diligence or laziness rather than malice, but the results can still be significant. Such risks can be reduced, though perhaps not eliminated, through proper training, clear procedural safeguards, and supervision (UNODC, 2006).

Extortion

A common abuse of integrity in some countries relates to the enforcement of road traffic regulations (or other minor infractions) where the officer negotiates informal on-the-spot fines (or bribes) with the alleged offender, rather than pursuing a formal prosecution or other legal process. In extreme circumstances, this can be regarded by some as the normal way of doing business.

Sexual Misconduct

Sexual misconduct by law enforcement personnel with witnesses, suspects, or informants has also been known to lead to corruption or other integrity failure. Police officers coerce suspects with sexual intimidation, inappropriate sexual advances, or worse (a form of physical mistreatment). This refers also to sexual harassment often hidden from or ignored by colleagues in the police force. An officer may also ignore a sexual partner's criminal activity, alter evidence that implicates the partner, or even

provide that partner with confidential information. Such misconduct also leaves the officer open to extortion.

Police crime is a well-known problem in such places as Mexico (Davis, 2007) and Bosnia and Herzegovina (Maljevic et al., 2008), but it does not occur only in those countries. It is found in the UK (Porter and Warrender, 2009), United States (Klockars et al., 2006), Australia (OPI, 2008), and Norway (as this study shows) as well—although on a smaller scale.

Police crime tends to be discovered when investigating police complaints. Police crime is here defined as intentional crime committed by police officers on duty. Policing police crime is defined as enforcing law on potential and actual criminal employees in the police organization (Seneviratne, 2004). Once we might have said who is watching the watchman, or who is guarding the guardian—now we say who is policing the police?

Matrix of Seriousness

Dean et al. (2010) developed a matrix of seriousness for police misconduct and crime that we apply in this research. This matrix was developed further by the author (Dean and Gottschalk, 2011). For research purposes each of the nine categories derived from the matrix table is labeled with a word or phrase that best encapsulates the essence of what each type of police crime represents in relation to its motivational driver. Such categorical labels are relatively common terminology in policing research and/or were derived conceptually from the extant literature.

To make the nine categories operational, a set of coding descriptors for each type of police crime was developed. These category descriptors appear in Table 1 and summarized below:

1. overzealous motivational category—e.g., projected “police persona” as a tough, no-nonsense, hard talking, image of efficiency.
2. loss of respect motivational category—e.g., cynicism toward public and the job manifested in desire to look after self by taking opportunities, as they present themselves, to misuse police powers.
3. greed motivational category—e.g., deep cynicism and strong desire to get as many benefits (financial and personal) as possible through making and exploiting opportunities to prey on others.

Table 1. *Matrix Table of Police Crime: Categories x Levels*

Forms of Deviance	Police Misconduct	Police Corruption	Predatory Policing
Deviance Levels	Violates rules, policies, procedures	Misuses police authority for personal satisfaction/gain	Engages proactively in predatory behaviors
Individual "human failure" (<i>rotten apple</i>)	Motivational Category 1 overzealous projected "police persona" as a tough, no-nonsense, hard talking, image of efficiency	Motivational Category 2 loss of respect cynicism toward public and the job manifested in desire to look after self by taking opportunities, as they present themselves, to misuse police powers	Motivational Category 3 greed deep cynicism and strong desire to get as many benefits (financial/personal) as possible through making and exploiting opportunities to prey on others
Group "socialization failure" within police culture (<i>rotten barrel</i>)	Motivational Category 4 misguided misguided ideas of "professional" police work as cynical, mistrusting officers with out-of-sync priorities of police service	Motivational Category 5 solidarity joining up with other police with similar misguided and/or loss of respect rationales to engage in opportunistic misuse of police powers	Motivational Category 6 alliance banding together to maximize benefits by exploiting opportunities for profit
Organization "systemic failure" of integrity systems (<i>rotten orchard</i>)	Motivational Category 7 code of silence individuals keep quiet about incidents of misconduct due to unwritten code of not ratting on other police	Motivational Category 8 non-cooperation covering up questionable work practices/integrity failures through omission (e.g., don't prosecute police) or commission (e.g., failure to investigate incidents properly by internal audits/ethical standards section/teams)	Motivational Category 9 networking expanding networks within/outside of police and crime worlds to maximize profit-sharing by exploitation of others

4. misguided motivational category—e.g., misguided ideas of “professional” police work as officers being cynical and mistrusting with out-of-sync priorities of police service.
5. solidarity motivational category—e.g., joining up with other police with similar misguided and/or loss of respect “rationales” to engage in opportunistic misuse of police powers.
6. alliance motivational category—e.g., banding together to maximize benefits by exploiting opportunities for profit.
7. code of silence motivational category—e.g., individuals keep quiet about incidents of misconduct due to unwritten code of not ratting on other police.
8. non-cooperation motivational category—e.g., covering up questionable work practices/integrity failures through omission (e.g., don’t prosecute police) or commission (e.g., failure of internal audits/ethical standards section/teams to investigate incidents properly).
9. networking motivational category—e.g., expanding networks within/ outside of police and crime worlds to maximize profit-sharing by exploitation of others.

Methods

This study used data from court cases in Norway involving police officer misconduct. 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 had a separate system to handle allegations against police officers for misconduct. That system was frequently accused of not being independent of regular police organizations (Thomassen, 2002) so 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. Two years later, the separate body was transformed into the Norwegian Bureau for the Investigation of Police Affairs, which 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 offense (Presthus, 2009).

Since the operations started at the Norwegian Bureau in January 2005 and until February 2010, a total of 60 police officers were put on trial in Norwegian courts. This was the sample for our study. Three officers were prosecuted in 2005, 14 in 2006, 16 in 2007, 20 in 2008, 5 in 2009, and 2 in 2010.

The unit of analysis applied in this study is the individual prosecuted rather than the court case because an organization is never prosecuted in criminal court for jail sentence. Because an individual police officer may appeal his or her case to a higher court, there were more court cases than individuals on trial: a total of 80 court cases for the 60 prosecuted individuals. This study is based initially on the rotten-apple thesis; however, since it is obvious from research (e.g., Perry, 2001; Punch, 2003) and the applied framework that police crime might be explained at the group and organizational level as well, an attempt is made to assess group and organizational levels of police deviance.

Results

Among the 60 prosecuted police employees from 2005 to 2010 were 52 men and 8 women. Of those 52 men, 51 were police officers and 1 was a civilian; of the 8 women, 4 were police officers and 4 were civilians. Norway has a total of 13,000 police employees, of which 8,000 are police officers and 5,000 are civilians. While the majority of police officers are male, the majority of civilians are female. In total, almost half of the police population consists of women, while a little more than half are men. Please note that the study involves police employees and not just police officers. Examples of civilian jobs include passport production, information technology, and vehicle maintenance. We chose to include civilians in the study, because their tasks often overlap and are often performed by officers as well.

Based on these numbers, where almost half of all police employees are women (about 45%), it is interesting to note that only 14% (8 of 60 persons) of prosecuted police employees are women. Thus, the fraction of prosecuted women is much lower than the fraction of prosecuted men among police employees. Similarly among police officers, where we can estimate that 75% are men and 25% are women, we find 93% men (51 persons) and only 7% women (4 persons) among prosecuted officers.

In terms of court sentence, the average number of days in jail was 265 days for male police employees and 122 days for female police employees. This difference seems substantial, but it is not significant from a statistical point of view where the p -value needs to be below .05 (Hair, Black, Babin, & Anderson, 2010).

Table 2 allocates all court cases in this study into the categories and levels from Table 1.

Table 2. *Matrix Table of Police Crime: Distribution of 60 Prosecuted Officers (52 Men and 8 Women)*

Forms of Deviance Deviance Levels	Police Misconduct <u>Violation</u> of rules, policies, procedures	Police Corruption <u>Misuse</u> of police authority for personal satisfaction/gain	Predatory Policing <u>Proactively</u> engages in predatory behaviors
Individual "human failure" (<i>rotten apple</i>)	9 men	13 men 3 women	11 men 3 women
Group "socialization failure" within police culture (<i>rotten barrel</i>)	7 men	2 men 1 woman	5 men
Organization "systemic failure" of integrity systems (<i>rotten orchard</i>)	3 men 1 woman	1 man	1 man

We find men in all categories with the highest frequency in the loss-of-respect group with 13 men and the greed group with 11 men. Similarly, we find most of the women in the loss-of-respect and greed groups. For prosecuted men, the third largest category is the overzealous group with 9 men, and the fourth largest category is the

misguided group with 7 men. We find no women in these categories. The two women outside the loss-of-respect and greed groups are found in the solidarity group and the code-of-silence group.

Of 60 police employees on trial, 20 cases were dismissed from court. The fraction of dismissed cases was about the same for women and men: 2 out of 8 female cases and 18 out of 52 male cases.

Of the total sample of 40 convicted police employees, 12 persons were sentenced to less than 2 weeks in jail, 15 persons to less than 2 months, 9 persons to less than 2 years, and 4 persons to more than 2 years in prison. We infer from these data that long-term sentences are very rare in police crime cases. The crimes of the latter, most serious group, were 1. theft of money, weapons, and passports to help criminals; 2. theft of confiscated drugs from the police station for personal use; 3. accepting payment from a prison inmate to arrange frequent home trips (corruption); and 4. sexual harassment, abuse, and rape of several intoxicated women. Six cases involving female employees led to a jail sentence.

Discussion

Six cases involving female employees and 34 cases involving male employees led to jail sentence and can now be classified into typical categories of misconduct issues as discussed by UNODC (2006):

- a. Physical Abuse: Four men, no women.
- b. Prisoner Mistreatment: Two men, no women.
- c. Evidence Manipulation: One man, one woman.
- d. Corruption: Three men, no woman.
- e. Unauthorized Disclosure of Information: Six men, one woman.
- f. Extortion: One man, no women.
- g. Sexual Misconduct: Four men, no women.

Several cases involved types of misconduct that do not appear in the list from the United Nations.

- h. Dangerous Driving: Nine men, one woman who was convicted for dangerous driving of police car causing serious car damage. The woman received a 6-day sentence in jail.

- i. Theft: Five men, three women who had been stealing from the office and from colleagues at the police station (60 days in jail), stealing money from fine payments (90 days in jail), and stealing money from police accounts (1 year in prison).

We see from this list that female police employees are rarely convicted of traditional police crime as defined by UNODC (2006) as one case is in the category (h) dangerous driving and half the cases are in the category (i) theft. However, 41% (14 of 34 convictions) of the men were also not convicted of traditional police crimes.

The empirical cases examined demonstrate that men are overrepresented in crime cases and convictions. This finding is in line with the previous research on citizen complaints and convictions of excessive force (Hassell & Archbold, 2010; Lersch & Mieczkowski, 2000; NCWP, 2002). Although Norway is known for gender equality, it appears that gender differences occur in policing crimes. Research on gender and the police force in Norway noted many similarities between male and female officers; however, there was no investigation into conduct. Future research needs to study why these differences emerge. Possible reasons to explore could be related to the types of policing men and women do, the professional culture and expectations, or other demographic variables such as age or education. When examining the general conduct of police officers, we find that police crime occurs in Norway primarily at the individual level.

There is a need for police governance to reduce police crime. Governance is a system and process by which an organization operates and that provides an established and agreed-upon structure in which organizational goals are met. The concept of police governance deals with several normative principles, including accountability, transparency, participation, responsiveness, equity, and the rule of law. The concept is based on an assumption that police organizations need to benchmark operations against governance standards (Jones, 2009).

Jones (2009) suggests a number of principles of modern police governance:

- *Legitimacy.* The traditional police organization is a hierarchically structured apparatus of command and control. Restructuring allows for greater participation and consensus among the actors within the organization. This idea reinforces a bottom-up process by recognizing that key buy-in is crucial to the development and actualization of change in the organization and the manner in which the organization carries out its primary mission.

- *Accountability.* Representative associations are encouraged in police organizations, because the presence and ability to participate in such representative organizations by police officers presents an air of organizational accountability. The ability to partake in representative organizations aids in building a consensus-based approach within police organizations where employees have the ability to access information freely and are satisfied with their position within the information flow.
- *Performance.* The police organization is more responsive, efficient, and effective under the governance paradigm. Efficiency and effectiveness are important because they aid in the mitigation of role ambiguity in a given task environment and, therefore, act as a mechanism of control over discretion.
- *Fairness.* Equity and the rule of law are vital aspects to the promotion and perception of fairness. For democracy to be fostered inside the police organization and subsequently transferred to the community, all persons working in the organization, as well as those served by it, must have the opportunity to receive the level of service desired. Taking an open systems approach, organizations exist to aid people.

Smith (2009) argues that a regulatory network has become a part of the police governance framework under the guise of performance management and extended its reach into accountability mechanisms. Lack of public trust and confidence in accountability mechanisms has made regulation a more attractive means for ensuring the delivery of fair and effective policing services.

Conclusion

Compared with the number of male and female police employees in Norway, the fraction of women employees prosecuted in court is very small. Their offenses are mainly theft and dangerous driving rather than traditional police crime such as physical abuse, prisoner mistreatment, corruption, extortion, and sexual misconduct.

Police management and integrity is a challenging aspect for police forces. Integrity and accountability among police officers might be influenced by education. If higher education makes officers less inclined to abuse their authority and more ethical and tolerant, then more education could be part of the solution to the police crime problem. Future research is needed to establish whether and to what extent higher education has a beneficial effect on police integrity and accountability.

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