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Police Deviance and Corruption in the United States and in Portugal: Identifying Criminological Trends and Theoretical Explanations

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Desvio Policial e Corrupção nos Estados Unidos e em Portugal: Identificando Tendências Criminológicas e Explicações Teóricas

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ABSTRACT: Law enforcement is considered a noble profession in many democratic countries. Occasionally, however, several police officials have been observed engaging in corrupt, criminal and abusive activities. Unfortunately, when Transparency International conducted a recent annual survey to identify which institutions the public viewed as being most corrupt, the police and elected government officials were tied as being perceived as the most deviant of all public entities. Approximately 36% of people globally responded that they perceived the police as being highly corrupt. The recent public demonstrations globally demanding police reform, and, more disturbingly, the calls to "defund the police" in many major American cities are another indication that police deviance is a major concern internationally. In order to better understand the sociological theories associated with police deviance and the related trends and patterns experienced in the United States and Portugal, two highly respected western democracies, these phenomena will be outlined and contrasted. After establishing a clear typology for police deviance, criminological explanations will be identified for specific categories of misconduct. The resultant comprehensive insight of the underlying foundations of these unacceptable acts of law enforcement misconduct will result in detailed practical recommendations for enhancing ethical conduct and professionalism within the critical field of public policing.
KEYWORDS: Police; Corruption; Criminology; Ethics; United States; Portugal.

RESUMO: A aplicação da lei – *rectius* actividade policial – é considerada uma nobre profissão em muitos países democráticos. Ocasionalmente, no entanto, vários funcionários da polícia foram observados em actividades corruptas, criminais e abusivas. Infelizmente, quando a *Transparência Internacional* conduziu uma recente pesquisa anual para identificar as instituições que o público considerava como as mais corruptas, a polícia e os funcionários eleitos do Governo foram considerados como os mais desviantes de todos os poderes públicos. Aproximadamente 36% das pessoas globalmente responderam que percepcionaram que a polícia está muito corrompida. As recentes demonstrações públicas que exigem globalmente a reforma da polícia e, de modo mais perturbante, os apelos para "*desorçamentar a polícia*" em muitas das principais cidades norte-americanas são outra indicação de que a corrupção policial é

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uma grande preocupação internacional. Para melhor compreender as teorias sociológicas associadas ao desvio policial e as relacionadas tendências e padrões experimentados nos Estados Unidos e em Portugal, duas democracias ocidentais muito respeitadas, estes fenómenos serão esclarecidos e contrastados. Depois de estabelecer uma tipologia clara para o desvio policial, se identificarão explicações criminológicas para categorias específicas de conduta incorrecta. A compreensão integral resultante dos fundamentos subjacentes destes actos inaceitáveis de má conduta na aplicação da lei, *rectius* actividade policial, resultará em recomendações práticas detalhadas para melhorar a conduta ética e o profissionalismo dentro do campo crítico das políticas públicas.

PALAVRAS-CHAVE: Polícia; Corrupção; Criminologia; Ética; Estados Unidos; Portugal.

Introduction

Since the establishment of the Metropolitan Police in London in 1829,[3] public safety and security have shifted from community to government responsibilities. This professional law enforcement model quickly spread throughout many large urban and industrialized cities in the United States and Europe. However, there are stark contrasts as it relates to police organization between the two continents. Today there are in excess of 18 thousand independent police agencies across the United States (with approximately 330 million citizens). In comparison, Portugal (with about 10.4 million citizens) – which is a member state of the European Union - and many European nations (the European Union reportedly has more than 447 million citizens in 2021) rely on a limited number of federal law enforcement organizations to accomplish these tasks. The predominant difference is the result of the de-centralization of American government that permits each of the fifty states, all counties and cities, and any other government entity to independently organize a professional agency to undertake public safety and security functions within their respective jurisdiction.[4] In contrast, the *Polícia de Segurança Pública* (Public Security Police within Ministry of Internal Administration) and the *Polícia Municipal* (Local Police or Municipality Police under the Ministry of Internal Administration in Porto and Lisbon through a contract with City Councils and under City Councils in the rest of the country awaiting for new professional statute) in larger urban centers, the *Guarda Nacional Republicana* (National Republican Guard within the Ministry of Internal Administration and also the Ministry of National

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[3]LEE, W.L.M. (1901). *A History of Police of England*. London: Methuan and Company.
[4] LEE, W.L.M. (1901). A History of Police of England. London: Methuan and Company.

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Defense)[5], and the *Polícia Judiciária* (Judicial Police within the Ministry of Justice) are the predominant police organizations across Portugal that carry out law enforcement and criminal investigation responsibilities. *Ipsis verbis.* In addition there are also the *Guarda Prisional* (Prison Guard in the Ministry of Justice), the *Serviço de Estrangeiros e Fronteiras* (Foreigners and Borders Service within the Ministry of Internal Administration), the *Autoridade para a Segurança Alimentar e Económica* ('ASAE' or the Authority for Food and Economic Security under the Ministry of Economy), the *Polícia Marítima* (Maritime Police in the Ministry of National Defense), the *Polícia do Exército*, Polícia Aérea e *Polícia Naval* (Police of the Army, Air Police and Naval Police under the Ministry of National Defense) and the *Polícia Judiciária Militar* (Judicial Military Police in the Ministry of National Defense).

When Transparency International (2022) conducted their survey – Global Corruption Barometer (2003-2017) -[6] to identify which institutions the public viewed as being most corrupt, the police and elected representatives' officials were tied as top overall with 36% of people globally responding that they perceived the police as being highly corrupt, more than for any other group or institution. These results cover almost 200 countries, territories and regions around the globe and the survey is the most recent. Globally the responses to the question: "How corrupt are different institutions and groups in society?" revealed the following: police 36%, elected representatives 36%, government officials 35%, business executives 34%, local government 33%, prime minister/president 32%, tax officials 32%, judges and magistrates 30%, and religious leaders 18%. According to Transparency International, regional differences were also noted about perspectives on police corruption. In Asia/Pacific (39%) and Sub-Saharan Africa (47%), police were seen as the most corrupt; in Europe and Central Asia (31%) elected representatives were seen as the most corrupt; in the Americas both the police and elected representatives were rated the worst (46%); and in the Middle East and North Africa elected representatives, tax officials and government officials were

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[5] In usual situations, the National Republican Guard basically performs the typical police missions, but not only, because it derives from its mission the assignment of military missions in the field of national defense, in cooperation with the Portuguese Armed Forces (and this is where the great difference with the strict *Polícia*) in all the Portuguese territory, especially some small urban centers also as in the national roads.

[6] https://www.transparency.org/en/gcb/global/global-corruption-barometer-2017 , 15/9/22.

thought to be highly corrupt by 45% of the population, a higher percentage than for any other institution. The variations in bribery across regions through a 'global corruption barometer' (Transparency International, 2018) can be compared: Sub-Saharan Africa 23%, Asia Pacific 28%, Latin America and Caribbean 29%, Middle East and North Africa 30%, European Union 9%, EU accession nations 20%; and Commonwealth of Independent States 30%.

The public policing profession is generally an honorable one.[7] However, as in many occupations, there have often been lapses in judgment and integrity. When these instances involve local law enforcement officials, the results are not only sensational, but disturbing. To eradicate or deter these events in the future, there is the need to better understand the underlying roots and causes for these societal harms. In order to accomplish this mission, trends and patterns of police deviance over time noted within the United States and Portugal will be identified. One flaw in prior research undertakings has involved the lack of a clear definition of police deviance. A critical goal of this research will be to develop a distinct typology that will delineate police deviance into specific categories. Once this has been accomplished, sociological and criminological theories will be utilized to explain the apparent underlying causes for these unacceptable events. And, as no research is complete without practical recommendation for improvement, this paper will conclude with reasonable and realistic policy proposals to improve organizational integrity and enhance professionalism.[8]

However, if we observe the Citizens' Views and Experiences of Corruption - Global Corruption Barometer / European Union 2021 -, we will have a different information:[9] "*On average, 83 per cent of people in the region think that corruption in the police is limited to some officers at most*". We can see in a graph – "*Corruption, By Institution*" – that Police is in the better position of the scale: 11%. The worst is the one from "*Members of Parliament*" (28%), follow by Business Executives (25%), Bankers (23%), President/Prime Ministers Office (23%), National Government Officials (22%), Local Government Representatives (Including Mayors, 19%), NGO's (16%) and Judges and

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[7] LEE, W.L.M. (1901). A History of Police of England. London: Methuan and Company.
[8] LEE, W.L.M. (1901). A History of Police of England. London: Methuan and Company.
[9] https://www.transparency.org/en/gcb/eu/european-union-2021 , 18/9/2022.

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Magistrates (14%). At the end we can also say that trust in the police, local governments and the courts is high across European Union. The exact scale is this one: 48% have a fair amount or a great deal of trust in their National Governments; 56% have in the European Union; 61% in the Courts; and 77% in the Police. About bribery rates, by service, the percentage of people who used public services and paid a bribe in the previous 12 months is: 6% (public clinics and hospitals); 3% (official documents); 3% (police); 3% (public schools); and 2% (welfare benefits). We also have to pay attention to personal connection rates, by service - percentage of people who used public services and used personal connections in the previous 12 months: public clinics and hospitals: 29%; welfare benefits: 23%; public schools: 22%; official documents: 21%; and police: 20%.

Policing in the United States of America

Due to the legally mandated decentralized nature of the American federal and state structure, the federal government and each of the states and respective subdivisions (i.e. counties, cities, towns, villages, etc.) are permitted to operate their own independent law enforcement and policing agency. As such, there are more than 800 thousand sworn police officers across the United States working for approximately 18 thousand federal, state or local law enforcement organizations.[10] Unless mandated by federal or state legislation, each of these police departments functions autonomously with its own organizational policy, procedure, training curriculum, mission, and set of responsibilities. Federal agencies enforce federal law and state and local agencies address state and regional law violations. Since the terrorist attacks on September 11, 2001, the United States Department of Homeland Security has coordinated the exchange of information and intelligence between regional entities and has orchestrated inter-agency planning and drills to properly address large scale events and disasters and to counter the threats of terrorism. As a result of this relative autonomy, quality and integrity control measures

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[10]REAVES, B.. *Census of State and Local Law Enforcement Agencies, 2008*. Washington, D.C.: US Department of Justice, 2011.

generally vary across the United States. Specific issues related to police deviance will be outlined later.[11]

POLICING IN PORTUGAL

In contrast, Portugal relies principally upon about 12 agencies for policing and law enforcement responsibilities. It is another world. The GNR or the *Guarda Nacional Republicana* (National Republican Guard that in the time of the Monarchy had the name of *Guarda Real da Polícia* or the Royal Guard of the Police) is responsible for law enforcement across most of the Portuguese country. The *Guarda Nacional Republicana*, within the Ministry of Internal Administration and the Ministry of National Defense, basically performs the typical police missions, but not exclusively as it derives from its mission the responsibility of national defense in cooperation with the Portuguese Armed Forces. This is the chief difference with the role strictly as *Polícia*. As we said before, GNR is in all the Portuguese territories, especially in some small urban centers and can be found on the national highways and roads between cities and villages. While the *Polícia de Segurança Pública* (Public Security Police within the Ministry of Internal Administration) and the *Polícia Municipal* (Local Police or Municipality Police in the Ministry of Internal Administration in *Porto* and Lisbon through a contract with City Councils and under City Councils in the rest of the country waiting for new professional statute) are usually in the larger urban centers. In addition, the *Polícia Judiciária* (Judicial Police) are responsible for investigating crimes under the guidance of the Public Prosecutors (*Ministério Público* within the Public Ministry). The *Serviço de Estrangeiros e Fronteiras* (Foreigners and Borders Service in the Ministry of Internal Administration) is responsible for border and immigration control. The *Polícia Marítima* (Maritime Police under the Ministry of National Defense) patrols the Portuguese harbors and waterways. In total, there are approximately 50,000 police officers servicing the country. In contrast to the United States,[12] the police across Portugal

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[11] REAVES, B.. Census of State and Local Law Enforcement Agencies, 2008. Washington, D.C.: US Department of Justice, 2011.
[12] REAVES, B.. Census of State and Local Law Enforcement Agencies, 2008. Washington, D.C.: US Department of Justice, 2011.

enforce state law and their specific responsibilities are outlined within the national constitution (OSCE, 2015).[13]

Furthermore, there are a number of other law enforcement oriented entities in Portugal including the *Guarda Prisional* (Prision Guard in the Justice Ministry), the *Autoridade para a Segurança Alimentar e Económica* (the 'ASAE' or the Authority for Food and Economic Security within the Ministry of Economy), the *Polícia do Exército, Polícia Aérea e Polícia Naval* (Police of the Army, Air Police and Naval Police in the Ministry of National Defense) and the *Polícia Judiciária Militar* (Judicial Military Police within the Ministry of National Defense). If only *Polícia Judiciária* (Judicial Police), *Polícia de Segurança Pública* (Public Security Police) and *Guarda Nacional Republicana* (National Republican Guard) are included in the tally of police officers within Portugal, there are 7,5 Judicial Police for every 100.000 citizens; 205,7 Public Security Police for every 100.000 citizens; and 220,1 National Republican Guards for every 100.000 citizens.[14]

As soon as it comes to allegations made against law enforcement officials in Portugal, the Inspectorate General of Internal Administration is responsible for conducting "*investigations of corruption and serious misconduct*" involving any of the police organizations.

DEFINING POLICE DEVIANCE: A BRIEF LITERATURE REVIEW

The first issue that researchers should have attempted when studying the concept of police deviance was to clearly define this critical phenomenon. Unfortunately, there is no one common definition and many researchers have listed different misbehaviors and inappropriate actions when discussing the topic. Kappeler, Sluder and Alpert included corruption,[15] abuse of authority, police crime, and occupational deviance as categories of police deviance. Klockars et al[16] produced the seminal survey instrument to examine the

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[13] OSCE, *OSCE Polis: Portugal*. Vienna: OSCE, 2015.
[14] https://www.pordata.pt/Portugal/Pessoal+ao+servi%C3%A7o+nas+pol%C3%ADcias+por+100 +mil+habitantes-2039 2020/06/15. Última actualização, 19/11/2021: https://www.pordata.pt/Portugal/Pessoal+ao+servi%C3%A7o+nas+pol%C3%ADcias+e+outros+ organismos+de+apoio+%C3%A0+investiga%C3%A7%C3%A3o-276 .
[15] KAPPELER, V.E., SLUDER, R.D., and ALPERT, G.P.. *Forces of Deviance: Understanding the Dark Side of Policing*. 2nd Edition; Prospect Heights, Illinois: Waveland Press, USA, 1998.
[16] KLOCKARS, C.B., KUTNJAK IVKOVICH, S., and HABERFELD, M.R.. *The Contours of Police Integrity*. Newbury Park, California: Sage Publications, 2003.

perceptions of corruption. Actions which they described as involving police corruption also included working in the security profession while off duty,[17] accepting free coffee and meals,[18] police officers referring victims to specific businesses, drinking alcohol while on duty, and other questionable or illegal actions by law enforcement personnel. Their research has been replicated in other countries including Poland, Slovenia, and Croatia.[19] Barker and Carter[20] identified five patterns of police deviance which included corruption, courtroom perjury, police brutality, sex on duty, sleeping on duty, and drinking on duty. Punch[21] separates the concept of police deviance into three categories, namely corruption, misconduct, and police crime. We are thus left with no universally accepted definition of police deviance or police corruption. It is believed that the five general classifications as outlined below will provide clearer guidance in better understanding these phenomena and will provide the bases for discussion and closer examination.[22]

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[17] In New York City and other jurisdictions, police officers are permitted to work in most security positions with the specific permission of their agency, so this does not necessarily that police personnel who work a second job in the security field are deviant or corrupt.

[18] Accepting free coffee has presented some discomfort to police administrators. On one hand, the police should move closer to the community and accepting a cup of coffee or a nonalcoholic beverage would be considered appropriate within the boundaries of community policing. Some businesses that operate 24 hours (e.g. coffee shops, restaurants, and some gas stations) have established the standard practice of providing free coffee to uniformed police personnel, more so on the night shift. On the other hand, there are businesses that provide free coffee and/or discounted meals to police personnel often with an expectation (e.g. no traffic tickets issues in front of their business or perhaps permitting illegal activity such as gambling to take place on those premises). Again, this is a sensitive situation as each instance may have to be judged on its own specific characteristics and intentions. A troubling issue for front line police personnel is that they often see high ranking administrators attending community, business or inter-agency meetings where meals are served and they do not understand how that is different from them accepting coffee or discounted meals from local business persons. The matter also has to be evaluated in relation to its perception by the public.

[19] HABERFELD, M. R., KLOCKARS, C. B., KUTNJAK IVKOVICH, S., and PAGON, M.. Police Officer Perceptions of the Disciplinary Consequences of Police Corruption in Croatia, Poland, Slovenia, and the United States. *Police Practice and Research: An International Journal. Vol. 1 (1)*, 2000, pp. 41-72.

[20] BARKER, T. and CARTER, D.L.. "*Police Deviance*" 3rd Edition; Cincinnati, Ohio: Anderson Publishing Company, Cincinnati, 1993.

[21] PUNCH, M.. Police Corruption and Its Prevention. *European Journal on Criminal Policy and Research, Vol. 8*, 2000, UE, pp. 301–324.

[22] ALBRECHT, J.F.. *Police Brutality, Misconduct and Corruption: Criminological Explanations and Policy Implications*. New York: Springer International Publishers, 2017. The 5 general classifications are outlined in thorough detail within the text; see below.

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Defining Police Deviance: A Contemporary Typology

As noted above, the distinct challenge in studying police deviance is that many researchers have often used many related terms interchangeably, when in fact there are distinct differences between corruption, brutality, and other serious forms of police criminality and abuse. As such, it is critical to properly create a specific typology for these phenomena.

Police deviance can take many forms, from serious crime to simple violations of agency rules. In simplest terms, police deviance can be defined as disregarding agency policy, rules and regulations, policies, societal norms, or criminal law. However, to provide further clarity, five basic types of police deviance can be delineated:[23]

1) Police Corruption

2) Police Criminality

3) Excessive Use of Force

4) Abuse of Authority

5) Police Misconduct

Police Corruption involves situations when police officers lose integrity in their professional actions and accept benefits or rewards in exchange for violating their mandated responsibilities. Examples include bribe receiving, receiving reward for official misconduct, and official misconduct. Police criminality occurs when police officials engage in direct acts of crime, such as robbery or theft, whether on or off duty. The use of excessive force involves engaging in menacing (i.e. threatening with a weapon) actions, assault, battery and perhaps murder, when it is not justified and while acting in the capacity of a police professional. Abuse of authority involves violating the legal mandate of the police position. Such infractions could include illegal stops, searches and arrests. Finally, police misconduct includes acts that violate the rules and regulations of the respective law enforcement agency. Such agency infractions could include arriving to work late or an unprofessional appearance (which could be indicators of other serious personal issues that could negatively affect police performance). Most acts of police misconduct are not illegal but are violations of agency policies and procedures. They are usually punished

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[23] ALBRECHT, J.F.. *Police Brutality, Misconduct and Corruption: Criminological Explanations and Policy Implications*. New York: Springer International Publishers, 2017.

through administrative means (e.g. loss of a fixed amount of pay, suspension from duty for a fixed period, demotion, or a change in assignment).

Defining Police Deviance: Example of Some Classic Doctrine

Corruption is closely linked to the experience of the police and has obvious effects on discretion and selection. The so-called "*radical criminology*" studies this subject with particular emphasis.

The manifestations and impact of corruption are very different from country to country. As G. Sykes[24] points out in relation to the United States of America, "*any analysis of the structure and functioning of the police must take into account that corruption is a chronic problem.*" Corruption was polarized at the beginning of the century in prostitution and illicit gambling, then in the thirties in the traffic of alcoholic beverages and from the 50's on drug trafficking.[25]

The United States has a position that is unique from the outset due to two potential sources of corruption, i.e. organized crime and the interpenetration of the police with the political apparatus. This has been referred to as the "*capture of control by external explorers*" by Sherman.[26]

It is also important to note that the potential for corruption is closely linked to the very nature of the work of the police. The police relate daily with '*the worst side of humanity,*' those how engage in illegality. Thus, the police are accustomed to seeing also the crimes of '*respectable persons,*' including magistrates, lawyers, politicians, military personnel, senior state officials and persons with high responsibilities in private commercial enterprises. Thus, according to Goldstein[27] the police appear "*to develop a cynical attitude and leads them to consider corruption as a game in which all seek to profit*".[28] It is also when the legislator seeks to impose morality, especially in the identification of victimless crimes,[29] [30] [31] that corruption finds a privileged field. Thus, one

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[24] SYKES, G.. *Criminology.* New York: Jovanovich Publishers, New York, 1978.
[25] SYKES, G., *Criminology,* New York: Jovanovich, New York, 1978, pp. 398.
[26] SHERMAN, L., Three Models of Organizational Corruption in Agencies of Social Control, *Social, 1980*, pp. 484. Sherman, L. (1980), 1908.
[27] GOLDSTEIN, H.. *Police Corruption: a Perspective on its Nature and Control.* Washington, D.C.: Police Foundation, 1975.
[28] GOLDSTEIN, H., *Police Corruption. A Perspective on its Nature and Control*, Washington: Police Foundation, 1975, p. 25.
[29] SCHUR, E.. *Crimes Without Victims.* Englewood Cliffs: Prentice Hall, 1965.
[30] SKOLNICK, J.. *Justice without Trial. Law Enforcement in a Democratic Society*, New York: Wiley Publications, 1966.

dominates an idea of '*realism'* or the fact that '*prohibited practices do not harm anyone.*'[32]   *In an environment of corruption, the question becomes how not to become corrupt*? As will be outlined later, there are potential solutions.

Police Deviance in the United States

The United States routinely ranks in the highest 25 nations (of the United Nations 193 member States) where the general public perception of government corruption is ranked. Of 180 Transparency International nations surveyed in 2019, the United States rank was 23rd and the score was 69.[33] And 67 in 2021.[34] However, the United States had consistently received a score that reveals that the public believes that approximately 25% to 30% of American government officials had engaged in acts of corruption (Transparency International, 2020 and 2016). In one of the latest Transparency International report (2020) can be found the following assertions that around 70% in America believe that the government is failing to properly fight corruption; about 30% of African-Americans surveyed see the police as highly corrupt, compared to 20% of the general public across the United States overall; 55% gave fear of retaliation as the main reason for not reporting acts of corruption; and almost 75% of American respondents reported that ordinary people can make a difference in the fight against corruption. As Mark Twain, 1924, taught us, and P.F. Velleman when stating: "… *in which case the remark attributed to Disraeli would often apply with justice and force: 'There are three kinds of lies: lies, damn lies, and statistics'*".[35] However, in reality, statistics, if they are not manipulated, can be very helpful for developing objective rationality. And finally, what should be identified as being very disturbing is that Americans in 2019 think that approximately 20% of the police are (were) corrupt (Transparency

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[31] DIAS, J. de F. / ANDRADE, M. da C.. *Criminologia § O Homem Delinquente e a Sociedade Criminógena*, 2ª Reimpressão, Coimbra Editora (Reimpressão 1997), 1984.

[32] SKOLNICK, J., Justice Without Trial. Law Enforcement in a Democratic Society, New York: Wiley, 1966, pp. 207; SCHUR, E., Crimes Without Victims, Englewood Cliffs: Prentice Hall, 1965, pp. 34 and pp. 130.

[33] The rank of 69 is out of a potential perfect score of 100, which would indicate that the nation is perceived to be corruption free.

[34] Transparency International. Corruption Perceptions Index 2021. Berlin, Germany: Transparency International, 2022, pp. 2 e ss..

[35] Apud Velleman, P.F.. "*Truth, Damn Truth, and Statistics*", *Journal of Statistics Education Volume 16*, Number 2, 2008, ww2.amstat.org/publications/jse/v16n2/velleman.html , 2018/8/7. Twain, Mark, 1924, p. 246.

International, 2020). This is in stark contrast to the actual statistics in the United States that reveal that less than 1% of all police officers nationally engage in behavior that can be described as being corrupt, brutal, criminal, or overly abusive.[36] As such, law enforcement personnel across America clearly do not portray a sufficient or acceptable amount of public confidence and trust, particularly among minority populations. And to many, unfortunately, perception is reality.

In 2014 and again in 2020, public perceptions of law enforcement professionalism in the United States were destabilized following two sensationalized events that portrayed the police as being overly brutal and in particular engaging in excessive force in separate incidents involving African American criminal suspects. Both incidents resulted in mass demonstration, occasional rioting and dramatically diminished confidence generally in the police. While official data and research indicated otherwise,[37] public outcry has extolled systematic racism within the police and criminal justice system in America and resulted in calls for police reform, and even a movement to defund the police as an institution.

Clearly the level of alarm in the United States could be said to be increasing, but this would be more disturbing if the agencies responsible for enforcing the law were in fact excessively involved in these practices. Fortunately, the feedback appears to point heavily in the direction of private corporations and special interest groups more entrenched in attempting to obtain advantages within the political arena, rather than policing and other criminal justice professionals.

When the American law enforcement profession was most recently examined, the rate of police misconduct within the USA was noted to be below 0.5%, i.e. less than half of 1% of all police personnel have been the subject of allegations of criminality or serious misconduct in 2009 and 2010.[38] This supports the findings of the Christopher Commission that revealed that less

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[36] ALBRECHT, J.F.. *Police Brutality, Misconduct and Corruption: Criminological Explanations and Policy Implications.* New York: Springer International Publishers, 2017.

[37] ALBRECHT, J.F.. *Understanding and Effectively Investigating Officer-Involved Shootings and Arrest-related Deaths.* Presentation at the Annual Conference of the Volunteer Law Enforcement Officers Alliance – Orlando, Florida, October 2019.

[38] PACKMAN, D.. *National Police Misconduct Reporting System.* Washington. D.C.: Cato Institute, 2010.

than 0.5% of LAPD officers could be labeled as being "*problematic*" (Independent Commission on the Los Angeles Police Department, 1991). Even when examining involuntary terminations from law enforcement agencies, less than 2% of police officers were found to have been separated from the organization for cause, including dismissals, terminations, and forced resignations or retirements. Of those involuntary separations, more were found to be attributable to profit-oriented corruption than to brutality or other allegations of civilian abuse and were found to likely involve male rather than female officers.[39] Other studies have supported the notion that a small percentage of officers account for a disproportionate amount of agency misconduct.[40] While ultimately the goal should be total eradication of police deviance, it should be noted that the number of reported incidents of police misconduct are relatively minimal, and that most statistical analyses have based their findings on the total amount of allegations and not the number of substantiated cases or criminal convictions, which undoubtedly would result in a much smaller value of identified deviant police personnel. Regardless, any accusation of police deviance or criminality often taints the reputation of the entire agency involved and the more sensational cases (e.g. the Rodney King incident in Los Angeles and the Abner Louima brutal attack on a criminal suspect in New York City, etc.) have often placed the credibility and legitimacy of the entire law enforcement profession into question.

When analyzing the larger scale corruption and criminal events that have involved police departments in the United States since the 1980s, a number of common factors have been identified.[41] Many major scandals had routinely occurred within high crime and violence prone communities. These neighborhoods were also plagued by widespread street level and indoor drug dealing. Since these police stations were found to be undesirable to police personnel, they were the most common locations where troublesome police officers were transferred to after they had been identified as 'problem'

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[39] FYFE, J.J. and Kane, R.. Bad Cops: *A Study of Career-Ending Misconduct among New York City Police Officers*. Washington, D.C.: US Department of Justice, 2006.
[40] HARRIS, D. A.. How Accountability-Based Policing Can Reinforce - or Replace - The Fourth Amendment Exclusionary Rule. Ohio State *Journal of Criminal Law. Vol. 7*, 2009.
[41] ALBRECHT, J.F.. *Critical Concepts of Police Leadership*. Presentation at the Norwegian Police College in Oslo, Norway in February 2017a; Albrecht, J.F. *Police Brutality, Misconduct and Corruption: Criminological Explanations and Policy Implications*. New York: Springer International Publishers, 2017.

employees.[42] The police station commander often assigned these officers to the midnight shift in an effort to limit their contact with community residents. Since these police stations had high workloads, the supervisors assigned within these precincts were normally overwhelmed with work, which limited time to provide 'problem' officers with extra supervision. In addition, some of the 'problem' employees were supervisors themselves with poor or indifferent management skills. Due to the high crime rate, these police stations were not routinely visited or inspected by police managers from external agency units, such as the police department's central headquarters or from the regional command office. Even those conducting the internal investigations frequently avoided travel to these areas and opted to spend more time conducting surveillances in considerably safer communities. In essence, police personnel who worked in high crime, drug prone police stations, specifically those who worked on the midnight shift, were not tightly supervised by police station and external police management. This eventually provided the 'problem' officers with 'free reign' to routinely perform their duties as they wanted to.[43]

When closely examining the police officers who eventually turned to corruption and criminality in the large scale cases, most of the officers involved actually were later identified as being 'proactive' employees who routinely made arrests for drug offences and other serious crimes. The high crime rates made it easy to take summary action (i.e. make arrests). A common trend was often observed. These officers initially engaged in proper arrest processing, but eventually, and likely due to the lack of appropriate supervision, engaged in evidence and inventory abuses, which included drug disposal to avoid paperwork, then moved on to theft of some of the drugs to reward cooperative informants, then to theft of some of the currency that was recovered, to theft of all the money retrieved from the suspects or crime scenes, and finally to the

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[42] ALBRECHT, J.F.. *Critical Concepts of Police Leadership*. Presentation at the Norwegian Police College in Oslo, Norway in February 2017a; ALBRECHT, J.F.. *Police Brutality, Misconduct and Corruption: Criminological Explanations and Policy Implications*. New York: Springer International Publishers, 2017.

[43] ALBRECHT, J.F.. *Initiatives to Improve Integrity and Prevent Abuse: the New York City* Police Department Model. Presentation at the Annual Conference of the International Police Executive Symposium in Malta in March 2010; ALBRECHT, J.F.. *Critical Concepts of Police Leadership*. Presentation at the Norwegian Police College in Oslo, Norway in February 2017a; ALBRECHT, J.F.. *Police Brutality, Misconduct and Corruption: Criminological Explanations and Policy Implications*. New York: Springer International Publishers, 2017.

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theft of the drugs seized for resale to other drug dealers. Almost all of the officers engaged in some form of perjury when preparing police reports or while testifying in court.[44] These patterns have been repeatedly identified in numerous police scandals occurring across the United States since the early 1980s and provide clearer insight for policy reform measures (which will be later proposed).

Police Deviance in Portugal

Portugal routinely ranks in the top 30 nations (United Nations has 193 member States) where the public perception of government corruption is ranked.[45] Of 180 nations surveyed by Transparency International, Portugal in 2019 ranked 30th with a score of 62.[46] In 2021 is the same 62.[47] Some of the features that Transparency International (2018) identified as being relevant to the 2018 Portugal were and are (there were no changes): golden visa programs; anti-corruption compliance mechanisms; state-owned enterprises; more civil engagement; the concept of political lobbying; corporate interest and influence in political decision-making; and Portugal's secret influence market, *ipsis verbis*.[48] In 2019 and 2020, just to talk about these two years, we also can identify as being relevant – unfortunately common to all the world according to Transparency International – the following: in order to

> "*reduce corruption and restore confidence in politics, Transparency International recommends that governments strengthen controls and accounts and promote the separation of powers; address preferential treatment to ensure that budgets and public services are not driven by personal connections or biased special interests and control political funding to avoid excessive money and influence in politics. Transparency International also advises to manage conflicts of interest, regulate lobbying activities, strengthen electoral integrity, prevent and sanction disinformation campaigns, and empower citizens and protect activists, whistleblowers and journalist*s."[49]

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[44] ALBRECHT, J.F.. *Critical Concepts of Police Leadership*. Presentation at the Norwegian Police College in Oslo, Norway in February 2017a; ALBRECHT, J.F.. *Police Brutality, Misconduct and Corruption: Criminological Explanations and Policy Implications*. New York: Springer International Publishers, 2017.

[45] https://www.transparency.org/en/countries/portugal , 2020/8/12.

[46] The rank of 62 is out of a potential perfect score of 100, which would indicate that the nation is perceived to be corruption free.

[47] Transparency International. Corruption Perceptions Index 2021. Berlin, Germany: Transparency International, 2022, pp. 2 e ss..

[48] https://www.transparency.org/country/PRT , 2018/8/7.

[49] https://www.transparency.org/en/countries/portugal , 2020/8/12. And https://observador.pt/2020/01/23/corrupcao-setor-publico-em-portugal-piorou-em-2019/ , 2020/01/23.

Unfortunately, Police Deviance happens also in Portugal.

As has been seen in the Portuguese mass media, the concept of police deviance is considered a serious problem across Portugal. One can however state that the majority of the Portuguese police are considered to be honest because most of them do not have any public accusations made against them. And of course, the principle of the presumption of innocence should be respected in this case.[50] But the media often portrays a different perspective. The following headlines can be used as clear examples: "*Three policemen convicted of corruption, two with effective sentences up to four years*;"[51] "*Police expelled for corruption in Lisbon*;"[52] "*Thirteen police officers tried for drug trafficking, corruption and illegal private security*;"[53] and "*The underworld of the corruption of the agents of the Judicial Police*."[54] Or "*Nearly 600 members of the PSP and GNR have written more than three thousand messages inciting hatred and racism. The Ministry of Internal Administration has requested the Inspection-General of Internal Administration to open an inquiry*".[55] In addition, there is even a Portuguese website that collates incidents and allegations of police deviance involving law enforcement officials within Portugal.[56] And more recently there is unfortunately the case involving an Ukrainian citizen, that was killed by one or more Portuguese agents of the *Foreigners and Borders Service* (SEF-Serviço de Estrangeiros e Fronteiras) at the International Lisbon Airport (?).[57]

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[50] Art. 32. of Portuguese Republic Constitution. And Art. 11. of the Universal Declaration of Human Rights.

[51] 2015/1/30. https://www.dn.pt/portugal/interior/tres-policias-condenados-por-corrupcao-dois-a-penas-efetivas-ate-quatro-anos-4373564.html , 2018/8/7. A bribery scheme in the explosives business.

[52] 2018/3/5. https://www.cmjornal.pt/portugal/detalhe/policia-expulso-por-corrupcao-em-lisboa , 2018/8/7. He legalized prohibited weapons in return for money.

[53] 2015/3/24. https://www.dn.pt/portugal/interior/treze-policias-julgados-por-trafico-de-droga-corrupcao-e-seguranca-privada-ilegal-4471803.html , 2018/8/7. Among the 28 defendants are nine agents, two commissioners, a subcommissary and a PSP-Polícia de Segurança Pública (Public Security Police) chief.

[54] 2016/4/20. https://www.sabado.pt/portugal/detalhe/o-submundo-da-corrupcao-dos-agentes-da-policia-judiciaria , 2018/8/7. Telephone calls to suspicious agents, hundreds of kilos of drug missing, operations that fail mysteriously. The Judge Carlos Alexandre speaks in "*lamaçal*".

[55] VEIGA, Nuno, Lusa, https://www.rtp.pt/noticias/politica/mai-sobre-mensagens-de-odio-de-agentes-nao-confundimos-a-parte-com-o-todo_v1447793 , 2022/11/17.

[56] 2018/8/7: Always respecting the presumption of innocence in this article: https://fdpv.wordpress.com/2016/06/21/policia-portuguesa-nao-podemos-confiar/ .

[57] https://www.dn.pt/poder/-caso-de-ucraniano-morto-e-inaceitavel-e-uma-vergonha-diz-cabrita-vai-haver-mudancas-profundas-no-sef-do-aeroporto-12035084.html , 2020/08/12.

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One noteworthy issue is that Portugal has a very low level of public and private salaries.[58] Nunes has indicated that Portugal is considered one of the busiest entry points of illegal drugs in the world,[59] and perhaps the second largest entry port in the world after Mexico. It is amazing. The United States is the largest consumer of illicit drugs in the world, followed by the rich Europe. It should be noted – it is ironic or may be not - that the headquarters of the formal European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) is in Lisbon, Portugal.[60] As a result, it is obvious that the temptation of corruption is very high in Portugal.   From an international perspective, there are some institutions that have a bad impression of the Portuguese Police, which is highlighted by the headline: "*Portuguese police accused of mistreatment, especially those of African origin.*"[61] Just as surprisingly, when the Committee of the Prevention of Torture and Inhumane Treatment of the Council of Europe (CPT) asked the government of Portugal about police violence data, it was revealed that "*such information did not exist*".[62] As noted earlier, when Transparency International asked people in 2017 to identify which institutions in Portugal they felt were most corrupt, the police and elected government officials were tied top overall with 36% of people responding that they believed that those entities were highly corrupt, more than for any other group or institution they asked about.[63] What *de per se* is a contradiction with the Portuguese state assumption that the State maintains no official data on police violence. BBC

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[58]   2018/8/7, https://www.dn.pt/dinheiro/interior/recuperacao-salarial-de-portugal-e-das-mais-lentas-8907224.html ; https://econews.pt/2017/02/14/low-salaries-make-the-portuguese-turn-down-job-offers/ .

[59] NUNES, P. (2015). "*Portugal in the Atlantic: The Maritime Route of Cocaine to Europe*", CEDIS Working Papers, nº 2, Direito, Segurança E Sociedade, Lisboa, Julho, pp. 1.

[60] 2018/8/7 , https://europa.eu/european-union/about-eu/agencies/emcdda_en .

[61] https://www.tsf.pt/sociedade/interior/policia-portuguesa-acusada-de-maus-tratos-sobretudo-a-quem-tem-origem-africana-9146908.html , 2018/2/27, 2018/8/8, "*In addition to the inhumane treatment in many prisons, the latest report of the Council of Europe Committee against Torture calls on the Government to take urgent action to combat police violence*".

[62]   https://www.dn.pt/portugal/interior/estado-assume-nao-ter-dados-sobre-a-violencia-policial-9199560.html , 2018/3/20, 2018/8/8. "*The Attorney General's Office (PGR) has no organized data on police violence and has left unanswered the Committee of the Prevention of Torture and Inhumane Treatment of the Council of Europe (CPT), which in its last report on our country asked these statistics. The Ministry of Justice (MJ) also acknowledges that it does not have this information and states that there is no intention to change the 'statistical criteria'. The CPT will continue to 'follow up' and wait for responses*".

[63]   Is important to say that the results cover 119 countries, territories and regions around the globe. It is based on interviews with 162,136 adults from March 2014 until January 2017. https://www.transparency.org/news/feature/global_corruption_barometer_citizens_voices_from_around_the_world , 2018/8/4.

reporter Fletcher made an interesting journalistic study about the relation between the police working in Lisbon and the suburban population with the problematic title: "*They hate black people.*"[64] In addition, Fletcher then explained that: "*Portugal is often praised for its success in integrating immigrants but in the suburbs of Lisbon police are being accused of racism and brutality.*" One main issue noted within the story that can provide a glimpse of hope was that there were indications of the first clear example of the promotion of closer co-operation between police and residents, "*but unfortunately the plan was cancelled by the conservative government of Passos Coelho*"(?). Another impressive point is that the Migrant Integration Policy Index (MIPEX) ranks countries according to how successfully they integrate migrants, and Portugal in the latest assessment (2015) placed second, behind Sweden, noting that "*Portugal's defenders also point out that it hasn't had riots like London or Paris, and that there's little anti-immigrant political rhetoric in Portugal*".[65] And the final point is that even with the large proportion that does not positively view the police in Portugal, the reality is that the majority of the Portuguese population has a good impression of their law enforcement agencies.

If we observe the Citizens' Views and Experiences of Corruption - Global Corruption Barometer / European Union 2021 -, we will have the following information about the perception of the population with the Police in Portugal:[66] bribery and personal connection rates: bribery 3% and personal connections 39%; corruption by institution: 5%. The most concern is the perception of the rise of corruption in Portugal in the previous 12 months before this document: 41% in Portugal, the sixth biggest rising in Europe. We have reasons to be concern.

SOCIOLOGICAL EXPLANATIONS FOR POLICE DEVIANCE: BRIEF LITERATURE REVIEW

Many researchers have attempted to apply theories of crime to police deviance or corruption. One interesting viewpoint promoted by kappeler, Sluder

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[64] FLETCHER, J. (2015), *They hate black people*, BBC News, https://www.bbc.com/news/magazine-32419952 , 2015/4/23.
[65] FLETCHER, J. (2015), *They hate black people*, BBC News, https://www.bbc.com/news/magazine-32419952 , 2015/4/23.
[66] https://images.transparencycdn.org/images/TI_GCB_EU_2021_web_2021-06-14-151758.pdf , 10/5/2022.

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and Alpert[67] and Erikson[68] is that deviance must be measured from two separate perspectives, the perception of the actors and the other through the eyes of the observer. As such, while the public may view certain actions of the police as being inappropriate or deviant, the law enforcement officers involved, due to the sub-cultural atmosphere, may believe that their acts were appropriate or correct. Some examples could include 'professional courtesy'[69] at traffic stops, not reporting police misconduct involving others to supervisors or administrators, and even courtroom perjury. Unfortunately, fidelity to other police officers at times exceeds their loyalty to their oath of office and their service to the public. The use of excessive force against criminal suspects and falsifying evidence or courtroom testimony have often been justified by police officers through the 'just desserts' concept, in which no true harm has been done since criminals deserve to be punished. Such acts have often been referred to as 'noble cause' corruption,[70] since officers may have considered their efforts to ensure that criminals be properly punished, regardless of methods used, to be an acceptable practice of crime control.

Many other studies on the application of criminological theory to inappropriate police behavior have been reported. One significant research publication made an attempt to apply control balance theory[71] to police deviance. Hickman, Piquero, Lawton and Greene[72] theorized that "*the amount of control to which one is subject relative to the amount of control one can exercise (the control ratio) affects both the probability of deviance as well as the specific form of deviance.*" Control balance theory outlines that actual deviance is a product of complex interactions between three factors: motivation, constraint, and opportunity. Each person has a 'psychic need' that draws them toward deviant action and a desire for autonomy. Their actions within a specific

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[67] KAPPELER, V.E., SLUDER, R.D., and ALPERT, G.P.. *Forces of Deviance: Understanding the Dark Side of Policing*. 2nd Edition; Prospect Heights, Illinois: Waveland Press, 1998.

[68] ERIKSON, K.T.. Notes on the sociology of deviance. *Social Problems. Vol. 9*, 1962, pp. 307-314.

[69] 'Professional courtesy' is often displayed when police officers fail to issue traffic summonses to off-duty police personnel or members of their families.

[70] CRANK, J.P. and CALDERO, M.A.. *Police Ethics: The Corruption of Noble Cause*. Cincinnati, Ohio: Anderson Publishing Company, 1999.

[71] TITTLE, C.. *Control Balance: Toward a General Theory of Deviance*. Boulder, Colorado: Westview Press, 1995.

[72] HICKMAN, M.J., PIQUERO, A.R., LAWTON, B.A., and GREENE, J.R.. Applying Tittle's Control Balance Theory to Police Deviance. *Policing. Vol. 24 (4)*, 2001, p. 503.

opportunity are therefore triggered by an imbalance within their 'control ratio.' A person could then be motivated to act in a deviant fashion if they could escape a 'control deficit' and extend a 'control surplus.' As a result, the opportunity for some type of deviance is almost always present.[73] Within police work, the frequency of the opportunities and the isolated and unsupervised nature of the events, add to the potential that officers may act in a deviant fashion. The findings of this limited research revealed that police personnel with control deficits were more likely to report police misconduct to supervisors and agency administrators,[74] which is counter to what is commonly observed in many police organizations. As such, officers with stronger attitudes towards ethics were more likely to engage in appropriate conduct and less likely to engage in activity that would support the '*blue wall of silence'* phenomenon, i.e. the lack of cooperation by police officials in official investigations involving police deviance.

Since a specific typology for forms of police deviance has now been outlined,[75] there is now the opportunity to more closely examine the sociological explanations for each of the unique categories.

Sociological Explanations for Police Deviance: Police Corruption

In applying theories of crime to police corruption, which involves the willful acceptance of bribes and other rewards, the officer has in essence committed to engaging in official misconduct. In most cases, the incentive to engage in this deviance would involve the reception of money or other valuable item or items. We are also talking about advantages. One sociological theory of crime that could be applied is the strain theory clarified by Merton.[76] Merton's strain theory proposed that societal pressure to achieve unattainable material goals can coerce individuals to engage in criminality. Specifically, as it applies to the police in Portugal and many police departments in large urban centers in the United States, whose officers have been recognized as some of the most underpaid in Europe and the United States respectively, one can identify the

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[73] TITTLE, C.. *Control Balance: Toward a General Theory of Deviance*. Boulder, Colorado: Westview Press, 1995.
[74] HICKMAN, M.J., PIQUERO, A.R., LAWTON, B.A., and GREENE, J.R.. Applying Tittle's Control Balance Theory to Police Deviance. *Policing. Vol. 24 (4)*, 2001, p. 503.
[75] ALBRECHT, J.F.. *Police Brutality, Misconduct and Corruption: Criminological Explanations and Policy Implications.* New York: Springer International Publishers, 2017.
[76] MERTON, R.K.. *Social Theory and Social Structure*. New York: Free Press, 1968.

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potential for these officers to desire more material goods to keep up with the social pressures and the high cost of living. As an example, many of the police officers who were later apprehended for corruption and criminality in New York City during the 1980s were found to own lavish homes, sport cars, and other luxury items.[77] They lived as rich men. One routine recommendation by each of the three New York City mayoral commissions that have followed major police corruption scandals has been an increase in salary for New York City Police Department personnel to counter the potential for temptation to engage in deviance or corruption.[78] Eureka! *Mutatis mutandis*, the same potential solution can be posed for Portugal due to the relatively low salaries in most public service professions, which clearly supports an unstable environment and the potential for corrupt behavior.

In the newer generations (i.e. post-2000) of police officers found to be involved in corruption, some have been found to have had prior associations or contacts with criminal gangs or street level criminals. These relationships were not revealed during the pre-employment screening process. These younger officers continued their involvement with some of these criminal elements and were drawn into corrupt activities to further their commitment to their private associates. These officers have likely been influenced by differential association – Edwin Hardin Sutherland (8/13/1883-10/11/1950) and his white collar crime - , but in this case, their loyalty is stronger to outside contacts and friends, rather to their work cohort. Their socialization to the deviant elements in the community had been developed prior to their police employment. As such, in these isolated cases, this form of corruption (and associated criminality) could be attributed to Sutherland's differential association theory,[79] which suggested that individuals learn their personal values, techniques and motives for their illegal activities through contact with others within their respective social network.

One final theoretical explanation to explain police corruption could involve Becker's rational choice theory. Rational choice theory proposes that criminals,

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[77] McALARY, M.. *Buddy Boys: When Good Cops Turn Bad*. Kirkwood, New York: Putnam Publishing Group, 1989.

[78] MOLLEN, M.. Commission Report: *Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department*. New York: City of New York, 1994.

[79] GAYLORD, M.S. and GALLIHER, J.F.. *The Criminology of Edward Sutherland*. Piscataway, New Jersey: Transaction Publishers, 1988.

and all people, weigh the costs and risks and potential rewards and benefits when considering whether to engage in criminal conduct. Economic factors also play a significant role. Proper planning to avoid detection and apprehension will be devised, and criminals actually conduct a probability analysis before engaging in deviant acts.[80] In the case of police officers, they may believe that since they are the actors charged with the enforcement of the law, the potential for detection or arrest would be relatively low. As such, some corrupt police personnel may have believed that their position has left them 'above the law'. But they are not above.

Sociological Explanations for Police Deviance: Police Criminality

   Police criminality encompasses criminal actions undertaken by police personnel other than corruption and the excessive use of force. These incidents would involve theft, robbery, drug dealing, and other illegal endeavors. In many of the most significant cases in the United States since the early 1980s, police officers assigned to crime ridden and drug prone police stations had been observed to engage in the theft of money, drugs and other valuables, at times threatening violence. In many cases, stolen drugs were used to reward informants or were resold by the officers themselves to increase their criminal profit.[81] The investigation and some of the interviews of the officers involved later revealed that many of the police officers had started their careers by engaging in productive enforcement of the laws. They expressed frustration when seeing the criminal offenders promptly returned to the street with little or no punishment. The detailed and tedious evidence inventory process led many police officers to destroy some of the drugs recovered. As this went on undetected, the officers slowly progressed to removing some and eventually all of the recovered currency for their personal use. Eventually further greed developed, and the officers reverted to not making arrests and merely stealing the criminal proceeds and either delivering the recovered drugs to cooperative drug dealers or to selling the drugs either within the boundary of the police

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[80] BECKER, G.. Crime and Punishment. *Journal of Political Economy. Vol. 76 (2),* 1968, pp. 196-217.

[81] McALARY, M.. Buddy Boys: When Good Cops Turn Bad. Kirkwood, New York: Putnam Publishing Group, New York, 1989; and MOLLEN, M.. Commission Report: Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department. New York: City of New York, 1994.

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station or outside the New York City borders.[82] Clearly there was an evolution to the deviance that had arisen in many of the cases involving police criminality.

From a theoretical perspective, the most likely explanation for these developments would rely on Becker's rational choice model.[83] It would appear that the officers calculated the likelihood of detection and noting its unlikelihood, progressed from low level criminality to serious crime and violence. In the perspective of these criminal officers, Tittle's proposed "*control ratio*"[84] would have weighed in on the side of deviance. In addition, since the three scandals involved a small cadre of criminal police officers all routinely working together on the same shift, one could propose that Sutherland's differential association theory played a role in their illicit conduct.[85] In these scenarios, which involved groups of officers and not simply individual actors, it would appear that many officers believed that they would not be identified as a member of "*the team*" unless they participated in criminal activities. Limited integrity control measures and specific instances of weak supervision appear to have often resulted in unrestricted unethical actions in the scandal plagued police stations. And we must not forget that when we are speaking about integrity, we are talking about "police" that could be an individual, but also a group, an organization, an agency, an institution, any collection of police.[86]

Sociological Explanations for Police Deviance: Police Use of Excessive Force

Police brutality involves the use of more than the minimal amount of force needed to overcome resistance or counter an attack or threat. Criminal law and police policy and procedure almost universally delineate that the use of force by law enforcement officers must involve no more than what is needed to overcome the use or threat of force directed at them or a third party. When police officers exceed the amount of force necessary, then they may be acting

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[82] McALARY, *idem ibidem*, 1989 and Mollen, *idem ibidem*, 1994

[83] BECKER, G.. Crime and Punishment. Journal of Political Economy. Vol. 76 (2), Chicago, 1968, pp. 196-217.

[84] TITTLE, C.. Control Balance: Toward a General Theory of Deviance. Boulder, Colorado: Westview Press, USA, 1995.

[85] GAYLORD, M.S. and GALLIHER, J.F.. The Criminology of Edward Sutherland. Piscataway, New Jersey: Transaction Publishers, New Jersey, 1988.

[86] KLOCKARS, Carl. B / IVKOVIC, Sanja Kutnjak / HABERFELD, Maria R., Enhancing Police Integrity, Springer, AA Dordrecht, The Netherlands, 2006, p. 3.

with criminal intent or in a reckless manner. Law enforcement personnel who utilize excessive force are therefore acting in a deviant manner.[87]

Regarding the excessive use of force, the phenomenon can best be explained in similar fashion to other criminal behavior in which the perpetrators inflict injury to their intended victims. The use of violence, intentionally and often without remorse, could best be elucidated through trait theory, which promotes that biological, genetic or psychological factors influence an individual to engage in violent outbursts.[88] In essence, the police officers who engage in police brutality may be plagued by a biological deficit that leaves them prone to inflict guilt free physical punishment. The use of disproportionate or unwarranted force or violence can also be explained through social learning theory,[89] which proposed that those who have had childhood exposure to violence or have been victimized by physical abuse are more likely to engage in violence against others, and as such, these aggressive behaviors had been learned earlier by these individuals as being socially acceptable. If either (or both) of these theories are accepted, then one must question the effectiveness of the psychological, background and other screening processes that have taken place during the pre-employment period.

In either case, whether trait theory or social learning theory is acknowledged as the primary explanation, it is highly likely that police officers who engage in brutal conduct have done so in the past and will do so in the future unless efforts are made to terminate these problematic individuals from the police agency, either through criminal or administrative processes.[90]

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[87] This has to be contrasted with the '*perceived'* use of excessive force by police personnel, which is more common than the actual incidents involving force-related police deviance. The sensationalized cases often highlighted by the media have routinely resulted in prosecutorial or jurist conclusions that the police officers had acted appropriately given the known circumstances and facts at the time of the decision to deploy force. This often differs dramatically from the related allegations of racism and police brutality made by minority group and other community advocates. It is clear that the perception of police brutality has to be addressed by police administrators, but it should not be confused with the actual use of excessive force by law enforcement actors, which research has shown to be extremely limited and almost statistically negligent.

[88] SIEGEL, L.J.. Criminology: The Core. 4th Edition. Belmont, California: Wadsworth Publishers, USA, 2011.

[89] WIDOM, C.S.. The cycle of violence. Science. Vol. 244, USA, 1989, pp. 160-166.

[90] ALBRECHT, J.F.. Initiatives to Improve Integrity and Prevent Abuse: the New York City Police Department Model. Presentation at the Annual Conference of the International Police Executive Symposium in Malta, 2010; ALBRECHT, J.F.. Critical Concepts of Police Leadership. Presentation at the Norwegian Police College in Oslo, Norway, 2017a.; ALBRECHT, J.F.. Police

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In this context is consequential to recollect a program in which police officers would debrief colleagues who had utilized legitimate force and would explore whether better decisions and tactics could be used next time and whether the incidents under review were instructive for purposes of future training, procedures, and policy.[91]

Sociological Explanations for Police Deviance: Police Abuse of Authority

The remaining categories of police abuse of authority other than police brutality and use of excessive force include discourtesy, abusive language, ethnic slurs, and verbal threats. In practice, since these matters deal more so with disrespect than ethical issues, allegations involving these incidents are routinely referred to in the United States as 'civilian complaints' against the police and are often investigated by an independent agency staffed by non-law enforcement investigators.

In the field, it is not uncommon for patrol officers to escalate their verbal discourse when confronted with an uncooperative individual. If one considers the potential increases in the police use of force spectrum that match the threat posed by a suspect, so too do police personnel cater their verbal interactions to the amount of verbal or physical cooperation or resistance displayed by persons with which they are interacting. When a suspect or other civilian encountered continues to be uncooperative with law enforcement personnel, the verbal requests and directives presented by the police will likely get louder and possibly escalate to the use of abusive language. While clearly unprofessional, some officers perceive that the use of louder verbal direction coupled with abusive language will result in a higher likelihood for cooperation and thus negate the need to elevate the interaction to one that requires the use of physical force. As such, in many police organizations the use of abusive language (e.g. cursing) does not necessarily lead to instruction or reprimand by agency supervisors. Under these circumstances, front line police personnel, supervisors and even police administrators may have rationalized this type of behavior as being acceptable. This is in line with Sykes and Matza's

Brutality, Misconduct and Corruption: Criminological Explanations and Policy Implications. New York: Springer International Publishers, New York, 2017b.

[91] KLOCKARS, Carl. B / IVKOVIC, Sanja Kutnjak / HABERFELD, Maria R., Enhancing Police Integrity, Springer, AA Dordrecht, The Netherlands, 2006, pp. 4-5.

neutralization theory,[92] which opined those individuals can justify specific conduct, often illegal or socially unacceptable, through a process of personal rationalization. These individuals undertake '*techniques of neutralization*' in which they deny the existence of personal responsibility and injury to intended victims, while condemning the criminal justice system and promoting their noble calling to ensure criminals receive '*appropriate punishment.*'

The utilization of discourteous or abusive language is viewed in stark contrast to the use of ethnic slurs or unjustified threats that police officers may verbally convey to suspects or encountered civilians. This type of behavior is unquestionably unacceptable. One theoretical explanation for these two categories of abusive dialogue is social learning theory,[93] in that abusive and threatening dialogue and discriminatory representations of different ethnic groups may have been learned during infancy and adolescence from family members and friends and later through peers. These officers involved have opted to disregard agency ethical and cultural awareness training and continue to engage in these forms of police abuse of authority. There is also a strong belief among police and citizens that there is nothing wrong with police using foul, insulting, abusive, or threatening (but not racist) language when dealing with citizens who insult, defy, or resist them.[94] Again: this type of behavior is unquestionably unacceptable.

Sociological Explanations for Police Deviance: Police Misconduct

Some authors think the most effective method of enhancing police integrity is to aggressively solicit complaints of officer misconduct and to severely discipline even minor infractions.[95] Police misconduct involves the failure to abide by agency policy, procedure, rules and/or regulation. While some infractions may rise to the level of criminal conduct, most are rule violations normally addressed by verbal or written reprimand and instruction, or through a

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[92] HUNT, J. and MANNING, P.. "The social context of police lying" in Deviant Behavior edited by Delos. New York: St. Martin's Press, New York, 1993; KAPPELER, V.E., SLUDER, R.D., and ALPERT, G.P.. Forces of Deviance: Understanding the Dark Side of Policing. 2nd Edition; Prospect Heights, Illinois: Waveland Press, USA, 1998.

[93] WIDOM, C.S.. The cycle of violence. Science. Vol. 244, USA, 1989, pp. 160-166.

[94] KLOCKARS, Carl. B / IVKOVIC, Sanja Kutnjak / HABERFELD, Maria R., Enhancing Police Integrity, Springer, AA Dordrecht, The Netherlands, 2006, p. 3.

[95] KLOCKARS, Carl. B / IVKOVIC, Sanja Kutnjak / HABERFELD, Maria R., Enhancing Police Integrity, Springer, AA Dordrecht, The Netherlands, 2006, p. 261.

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formal administrative process. While issues like tardiness, unprofessional appearance, sick leave abuse and other minor rule infractions would not normally warrant overwhelming attention, repeat violations could be signs of a more serious issue. Chronic tardiness, disheveled appearance, routine unplanned absences or excessive sick leave may be signs of a more serious personal disorder or issue. Within the law enforcement profession, recurring incidents involving one or all of the above could be a sign of alcohol or substance abuse or familial instability. Without instruction or early intervention, these employees could engage in criminal conduct (e.g. theft) to support an alcohol or drug addiction or could exhibit abusive conduct (verbal or physical) in response to fatigue or abuse experienced at home. It is quite common for police colleagues and agency managers to overlook these infractions and the potential future problems as part of the sub-cultural custom involving the 'blue wall of silence,' which involves an organizational effort for police personnel to not cooperate in official investigations involving other law enforcement personnel.[96] Unfortunately, this lack of consideration may lead these officers, who unquestionably require support and assistance, to engage in harmful behavior and possibly to later commit suicide, so there is clearly a need to monitor even lower level police misconduct more closely.

Practical Recommendations to Enhance Police Ethics and Integrity

With a better understanding of the underlying roots and apparent causes of the different categories of police deviance comes the potential for policy proposals to enhance the professionalism and ethical standards of law enforcement personnel. These recommendations can be addressed at two levels, specifically revisions to pre-employment screening practices and enhancements to in-service leadership endeavors.

At the pre-hiring stage, it is imperative that effective screening mechanisms are implemented to ensure that only the most suitable and qualified candidates are selected for employment. Personality testing, background investigation, and psychological screening are all relevant steps in ensuring that potentially problematic employees are screened out and that committed, and emotionally stable individuals are selected to deal with the sensitive and traumatic

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[96] WIDOM, C.S.. The cycle of violence. Science. Vol. 244, USA, 1989, pp. 160-166.

experiences that professional police personnel are consistently exposed to. Comprehensive pre- and post-employment psychological screening can be easily applied through the use of validated written questionnaires, e.g. the Minnesota Multiphasic Personality Inventory (MMPI) which is commonly used in the United States. Equally as important is the background investigation, which should comprehensively examine all 'negative' experiences, including prior police contacts (i.e. prior arrests, traffic stops and summonses, etc.) and should closely analyze disciplinary history while in school and when previously employed. These incidents may reveal tendencies toward immaturity, aggressiveness, and lack of self-control.[97]

During the post-hiring probationary period, whether in the police school or during the initial months of field training, the new police officer should be closely monitored and evaluated. Any disciplinary incidents should be properly documented to identify trends and patterns that may reveal the propensity for future police deviance. It is recommended that repeat infractions be reviewed for potential termination at the earliest stages of employment.

However, any punitive measures should correlate with comprehensive efforts to correct obvious deficiencies and to mentor police personnel throughout their careers. As such, law enforcement supervisors should receive comprehensive leadership training that advocates strong decision making and routine documentation of misconduct and other inappropriate activity by police personnel, and of course a mentoring-oriented management style. In addition, agency managers should use the monthly and annual performance evaluation processes to provide mentoring, instruction, and corrective discourse to subordinate personnel. Professionalism, leadership and integrity must be included as the core aspects of the organizational mission and at all stages of police academy and continuous in-service training.

In order to promote obvious signs of integrity, police administrators must continue to reward those who bring forward information about corrupt and abusive police officers and appropriately punish those who do not cooperate in these investigations. Organizational pride must be emphasized at every stage of employment, as one corrupt police officer will tarnish the reputations of not

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[97] WIDOM, C.S.. The cycle of violence. Science. Vol. 244, USA, 1989, pp. 160-166.

only the agency as a whole, but each individual officer. In order to ensure fair processes, due process measures in line with national constitutional guidelines should be implemented for any administrative agency process that could lead to termination. In addition, police administrators should heed the doctrine posed by Beccaria (1764/1963) that 'just' punishment must be both 'certain' and 'swift' to create an atmosphere of deterrence.[98]

As it relates to field operations, increased ethics should be the responsibility of all agency managers. As such, in those policing areas where complaints and allegations of police deviance are highest, particularly those that are plagued by high rates of violence and organized crime, there should be a notable effort for police managers from the regional headquarters to conduct visits to and to closely monitor field operations and police station during hours and at locations in line with identified trends, and specifically during night shifts (i.e. 2200 to 0600 hours) and in organized crime prone neighborhoods, which research has shown to be situations that require added supervision.

And do not forget: we can see integrity as the mirror opposite of corruption. The more corruption the less integrity and vice versa. There are still differences between a gratuity and a bribe.[99] And there are still judges in Berlin.

CONCLUSION

It is obvious that there is hope for the police profession in the United States, Portugal, and potentially across the globe. It is paramount that all government and law enforcement officials understand that police officers are public servants. As such, they must serve the public. Policing practices must therefore be undertaken with utmost commitment, integrity, professionalism, and transparency. One need only go back to the inception of the police profession almost two centuries ago and acknowledge a key principle posed by the 'grandfather of policing' Sir Robert Peel. i.e.: "…..*the police are the public and the public are the police*…"[100]. Organizational pride should not only consider effective crime control but should robustly emphasize and promote agency ethics and public trust.

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[98] WIDOM, C.S.. The cycle of violence. Science. Vol. 244, USA, 1989, pp. 160-166.
[99] KLOCKARS, C. B., KUTNJAK IVKOVICH, S., and Haberfeld, M.R., Enhancing Police Integrity, Springer, AA Dordrecht, The Netherlands, 2006, pp. 6-7, 173.
[100] LEE, W.L.M.. *A History of Police of England*. London: Methuan and Company, London, p. 57.

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