

**The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:**

**Document Title:** Police Integrity Lost: A Study of Law Enforcement Officers Arrested

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**Document No.:** 249850

**Date Received:** April 2016

**Award Number:** 2011-IJ-CX-0024

**This report has not been published by the U.S. Department of Justice. To provide better customer service, NCJRS has made this federally funded grant report available electronically.**

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(Kraska & Kappeler, 1995, p. 93). Less serious forms of sexual misconduct include acts whereby a police officer uses his or her position to “initiate or respond to some sexually-motivated cue for the purpose of sexual gratification” (Maher, 2003, p. 357).

Opportunities for sex-related police crime abound because officers operate in a low visibility environment with very little supervision. The potential victims of sex-related police crime include criminal suspects but also unaccompanied victims of crime (Rabe-Hemp & Braithwaite, 2013). Cases of sex-related police crime often do not involve direct forms of violence, because police may be able to perpetrate these crimes on the basis of threats or other forms of intimidation given their position of authority. Police sexual misconduct and cases of police sexual violence are often referred to as hidden offenses, and studies on police sexual misconduct are usually based on small samples or derived from officer surveys that are threatened by a reluctance to reveal these cases. Rabe-Hemp and Braithwaite (2013) recently identified the need for national level studies on the phenomenon.

### **The Problem of Alcohol-related Police Crime**

A second type of police crime explored in this study is alcohol-related police crime. In August 1998, the (New York City) Commission to Combat Police Corruption released a comprehensive report on the misconduct of New York Police Department (NYPD) officers. The Commission found that a significant number of cases arose out of misconduct that occurred while the officers were off-duty. A large number of the misconduct cases analyzed by the Commission to Combat Police Corruption involved off-duty officers who were intoxicated (Commission to Combat Police Corruption, 2004). The most prevalent charges in these cases were driving under the influence and cases where officers had consumed enough alcohol to be considered unfit for duty. The Commission to Combat Police Corruption report indicates the

magnitude of alcohol-related problems among NYPD officers and suggests that these problems primarily involve both the off-duty consumption of alcohol and cases involving police officers who drive drunk, a phenomenon we refer to as police driving under the influence (DUI). Following the outline of the Commission's findings, this report describes the problem of alcohol-related police crime in two parts: (a) police crimes that involved the consumption of alcohol, and (b) police crimes that specifically involve cases of police DUI.

One problem for scholars interested in the study of alcohol-related police crime stems from the fact that much of it—or at least many of the most visible cases of alcohol-related police crime—seems to occur while police are technically off-duty (Commission to Combat Police Corruption, 2004). Virtually all of the existing data on off-duty police misconduct and crime describes the misbehavior of NYPD police officers. The data are based on either the findings of independent commissions designed to investigate the city's unique cycle of police scandals or published research derived from a data set on career-ending misconduct among NYPD officers from 1975 to 1996 (Fyfe & Kane, 2006; Kane & White, 2009). The existing line of research provides coverage on the off-duty misbehavior of NYPD officers, but the absence of data on the phenomenon as it occurs elsewhere raises legitimate concerns in regard to generalizability. The current study provides much needed data on the alcohol-related police crimes perpetrated by off-duty police officers as these crimes occur nationwide.

Police DUI—or cases in which police are arrested for crimes associated with driving while intoxicated—comprises the second part of our description of alcohol-related police crime. Drunk and/or impaired driving is unquestionably an enormous societal concern (Commission to Combat Police Corruption, 2009; Shults, Beck, & Dellinger, 2011), and evidence from anecdotes and journalistic investigations demonstrate that some police drive while impaired themselves

(e.g., Castaneda, 2008; Davis, 2008; Fazlollah, 2001, 2003). Aside from anecdotes and the reports of local journalistic investigations however, there are no systematic data on the problem of police DUI's. There are no official statistics on the number of officers arrested for DUI-related offenses, and only one study provides data that describe cases involving police who drive impaired on a national scale (see Stinson, Liederbach, Brewer, & Todak, 2014). Additional data are clearly necessary to understand and mitigate the problem.

### **The Problem of Drug-related Police Crime**

A third type of police crime explored in this study is drug-related police crime. Police scandals during the last two decades of the twentieth century exposed dramatic cases of drug-related corruption in several major American cities. A report of the United States General Accounting Office (1998) outlined several different drug-related corruption scandals across the United States during this period. The most widely-recognized scandals occurred in Miami (Sechrest & Burns, 1992), Los Angeles (Los Angeles Police Department, 2000), and New York City (Baer, Jr. & Armao, 1995). The scandals within the NYPD gained particular notoriety because of both the visibility of the NYPD and the egregious crimes perpetrated by the involved officers. Investigations into the NYPD scandal discovered widespread drug-related corruption including police who burglarized drug dens, trafficked in stolen drugs, and robbed drug dealers and their customers (Baer, Jr. & Armao, 1995).

Twenty years ago the Mollen Commission (1994) highlighted the role of cocaine and crack markets in the production of drug-related police corruption in New York City. Whereas previous scandals usually arose within the context of payoffs tied to gambling or prostitution rackets, the Commission described how the burgeoning narcotics trade had become the source for more “aggressive, extortionate, and often violent” corruption that “parallel[ed] the violent

world of drug trafficking” (Baer, Jr. & Armao, 1995, p. 76). The Mollen Commission revealed how drug corruption tends to instigate various forms of misconduct and in some cases violent crimes perpetrated by police, at least as these cases unfolded within the largest police agency in the nation during the 1980s and 1990s. The patterns identified by the Mollen Commission suggest the need for more recent data to explore the incidence of drug-related police crime since the 1990s, and the degree to which drug-related police crime occurs within agencies across the nation.

### **The Problem of Violence-related Police Crime**

A fourth type of police crime explored in this study is violence-related police crime. Crimes committed by police officers are by their nature special and deserving of scholarly attention because the law affords police unique rights and responsibilities, including the legal authority to use coercive force and access to weapons not available to ordinary citizens. The police are afforded unique opportunities for misconduct and crime that potentially involve violence including the excessive and/or illegal use of violence against criminal suspects and other citizens. This report describes the problem of violence-related police crime in two parts: (a) police crimes involving violence, and (b) cases in which police are arrested for crimes associated with domestic and/or family violence.

Police use of physical force is synonymous with police violence. Sherman (1980) defines police violence as behavior by any officer—acting pursuant to their authority and/or power as a sworn law enforcement officer—that includes any use of physical force (including, but not limited to, the application of deadly force), whether justified or unjustified, against any person. Many acts of police violence are never brought to the attention of law enforcement authorities and never disclosed to the public.



A second aspect of the problem of violence-related police crime involves what is commonly referred to as officer-involved domestic violence (Blumenstein, Fridell, & Jones, 2012; Gershon, 2000; Johnson, 1991; Johnson, Todd, & Subramanian, 2005; Sgambelluri, 2000; Stinson & Liederbach, 2013; Wetendorf, 2000). The movement to recognize officer-involved domestic violence gained momentum through the last two decades; and, incorporates provisions of the 1994 Violence Against Women Act that defined domestic violence as a national crime problem and the 1996 enactment of the Lautenberg Amendment to the federal Gun Control Act (18 U.S.C. § 925) prohibiting individuals—including police officers—from owning or using a firearm if they have been convicted of a misdemeanor crime of domestic violence (Lonsway & Harrington, 2003). In 1999, the International Association of Police Chiefs promulgated a model policy on the handling of officer-involved domestic violence cases and described domestic violence in police families as a problem that “exists at some serious level and deserves careful attention” (International Association of Chiefs of Police, 2003, p. 2). These and other initiatives have worked to establish officer-involved domestic violence as an important issue for police scholars and executives as well as the general public; but, there is still a lack of empirical data on the phenomenon.

### **The Problem of Profit-motivated Police Crime**

Profit-motivated police crime involves officers who use their authority of position to engage in crime for personal gain (see, e.g., Kane & White, 2009, 2013; Stinson et al., 2010; Stinson, Liederbach, et al., 2012; Stinson, Todak, & Dodge, 2013). The Mollen Commission (1994) noted that greed is the primary motive behind corruption-based police crime. This is likely true in the traditional conceptualization of police corruption in the context of, for example, an officer accepting a bribe as payoff to refrain from law enforcement. It is less clear, however,

when an officer while either on- or off-duty sells drugs, shoplifts, commits burglaries or robberies, or engages in acts of insurance fraud. Fyfe and Kane (2006) recognized this conceptual problem and—in labeling their reconceptualization as profit-motivated police misconduct—urged future policing scholars and police administrators to rethink the notion of police corruption because “police corruption is not as easy to define as we formerly may have believed” (Fyfe & Kane, 2006, p. xv). Carter (1990a, 1990b) also conceptualized drug-motivated police corruption as characterized by a profit-driven cycle as one of two behavioral motivations. Stinson (2009) adopted profit-motivated police crime as the fifth type of police crime and noted that it is consistent with Ross’ (2001) taxonomy of police crime.

## Literature Citations and Review

Our review of the relevant research literature proceeds from the general to the specific. First, we cover scholarship relevant to the conceptualization of police crime. These studies provide definitions for the focus of our research and an identification of the features that distinguish the phenomenon from the more general topics of police deviance, police misconduct, or police corruption. This part of the review also outlines studies that describe and specifically measure the more general forms of police deviance. These studies provide data on behaviors that sometimes—but not always—involve specific violations of the criminal law by police officers. The second portion of the review covers research literature more relevant to each of the five key types of police crime outlined in the preceding section of the report.

### The Conceptualization of Police Crime

The study of police crime has thus far been hampered by a degree of conceptual confusion, mostly due to the tendency of police scholars to consider crimes perpetrated by officers *within* studies focused on the more generalized topics of police corruption, deviance, or misconduct. A quick review identifies the myriad of terms used to define each of these distinct topics. Wilson (1963) defines police criminality as “illegally using public office for private gain without the inducement of a bribe, whereas acts of corruption *do* involve the acceptance of bribes (p. 190). He further distinguishes police criminality and corruption from brutality, which includes “mistreating civilians or otherwise infringing their civil liberties” (p. 190). Punch (2000) distinguishes “crimes committed by criminals in uniform” from acts of police misconduct, which involve violations of administrative rules that are typically investigated and sanctioned internally by the police organization (pp. 302–303). Ross (2001) provides a multidimensional taxonomy of police crimes based in part on whether the act was (a) violent, (b)

motivated by profit, and/or (c) perpetrated on behalf of the individual or the organization.

Sherman (1978) focuses on corruption as a form of organizational deviance, and does not distinguish between police corruption and police crime.

Scholars have tended to consider acts of law violation together with other forms of police deviance that do not involve specific violations of the criminal law, as well as those whose legal status as crimes tends to shift over time, such as bribery (see, e.g., Anechiarico & Jacobs, 1996, pp. 6–7). Fyfe & Kane (2006) point out that the various forms of police deviance are not mutually exclusive—some forms of corruption and misconduct are police crime and all forms of police crime constitute misconduct. Crimes, however, that do not involve the misuse of authority cannot be defined as acts of corruption (Fishman, 1978). The distinction among the various forms of deviance is that *all* police crimes involve a violation of criminal statutes and are subject to criminal prosecution, but not all acts of police corruption or misconduct violate criminal laws (Wilson, 1963). The conceptual confusion stems largely from the failure to distinguish specific violations of the criminal law whether or not they constitute an abuse of authority. *The current study focuses on crimes committed by police officers that involved an arrest on at least one criminal charge* to avoid this confusion and focus scholarly attention on behaviors that have thus far remained invisible to researchers because they have often been lumped together with more general acts of corruption, deviance, and/or misconduct (Box, 1983; Jupp, Davies, & Francis, 1999; Kutnjak Ivkovic, 2005).

Most of what we know about police corruption and other forms of police deviance is from the investigations of independent commissions in the wake of police scandals including the Knapp Commission (1972) report, the Pennsylvania Crime Commission (1974) report, and the Mollen Commission (1994) report. These investigations were not designed to investigate police

crimes per se, but their findings in regard to corruption and other forms of misconduct shed some light on the crimes committed by officers. The commissions collectively demonstrated a problem that went well beyond the usual claim that police deviance is limited to a few “rotten pockets” of morally deficient officers, but their findings supplied only limited information on the true nature and extent of crimes committed by officers (Sherman, 1974, p. 7; Skogan & Frydl, 2004).

The Knapp Commission (1972) acknowledged that bribe-taking and petty thefts were pervasive. The investigation also identified small groups of officers referred to as “meat-eaters” who “spend a good deal of their working hours aggressively seeking out situations they can exploit for financial gain, including gambling, narcotics, and other serious offenses” (p. 65). Twenty years later, the Mollen Commission recognized a shift in the nature of corruption “primarily characterized by serious criminal activity” closely associated with the drug trade, including wide-scale drug abuse and trafficking among officers (Mollen Commission, 1994, p. 17). The trend was closely tied to an explosion of crime opportunities provided by open-air markets for crack cocaine that sprouted during the early 1990s.

Researchers have used police agency records to study officer misconduct that in some cases includes specific violations of the criminal law. Fyfe and Kane (2006) studied the career-ending misconduct of a sample of 1,543 New York City Police Department officers employed during the period 1975 through 1996 (see also Kane & White, 2009, 2013). They identified eight separate categories of career-ending misconduct, and found that officers commonly engaged in several different types of profit-motivated crime including bribe-taking, grand larceny, insurance fraud, burglary, petit larceny, receiving stolen property and welfare fraud.

Officers also engaged in a wide variety of crimes while they were off-duty, including domestic violence, driving while intoxicated, bar fights, and sexual offenses.

Discussions on the conceptualization of police crime lead naturally to debates on appropriate responses to the phenomenon including various forms of organizational and court-based dispositions. There is a limited body of empirical evidence in regard to factors that influence the imposition of organizational sanctions in cases of career-ending police misconduct based on the study of a sample of 1,543 NYPD officers employed from 1975 through 1996 (Fyfe & Kane, 2006; Kane & White, 2009, 2013). The research demonstrated that the NYPD was more likely to terminate employment in cases of serious misconduct where there was evidence that an officer violated the criminal law and/or a major administrative policy. The NYPD commonly used suspension(s) to respond to less serious forms of misconduct. The best predictors of career-ending police misconduct were disciplinary and reliability problems at previous jobs, prior criminal involvement, and the mean number of complaints against an individual officer per year. Overall, the imposition of some form of organizational discipline was most likely in cases where officers: (a) exhibited serious behavioral problems, and (b) violated rules that “conflicted with the proper functioning of the organization” (Kane & White, 2013, p. 163).

The existing research on organizational dispositions—based almost exclusively on the experience of NYPD officers—remains difficult to interpret in regard to generalizability and how police agencies nationwide respond to cases of police misconduct. The logical source of data on organizational dispositions are agency records and personnel files; but, these data are not commonly made available to researchers, the media, or the public. Kane and White (2013) summarize some more general limitations associated with the use of agency records in the study

of organizational responses to police misconduct. These data are in some ways inherently biased since they largely represent the organizational perspective on the process of discipline. Agency records also commonly present an incomplete picture of the disciplinary process. For example, police organizations often suggest resignation as an alternative to termination for officers involved in serious forms of misconduct, a situation that threatens the validity of data based exclusively on the final documented organizational disposition of these sorts of cases. Problems associated with generalizability and an overall dearth of data are exacerbated in regard to the issue of legal rather than organizational dispositions. We are aware of no existing studies focused on the legal disposition of police crime cases in terms of the imposition of adverse employment outcomes aside from those derived from data collected as part of the current project (e.g., Stinson, Liederbach, et al., 2013, 2012; Stinson, Brewer, Mathna, Liederbach, & Englebrecht, 2014; Stinson & Liederbach, 2013; Stinson, Liederbach, Brewer, & Mathna, 2014; Stinson, Liederbach, Brewer, & Todak, 2014; Stinson et al., 2010; Stinson, Todak, & Dodge, 2015; Stinson, Reynolds, & Liederbach, 2012; Stinson & Watkins, 2014). One primary goal of this project is to describe and analyze the organizational and legal disposition of cases of police crime, including officers arrested for crimes that related to sex, alcohol, drugs, violence, and/or were profit-motivated.

In *Garrity v. New Jersey* (1967) the United States Supreme Court discussed the difference between adverse employment actions in the nature of disciplinary investigations against officers for police misconduct and initiation of criminal proceedings against a police officer for the same underlying event. The Court held that a police officer is required to answer questions truthfully in internal disciplinary investigations where the officer would be subject to termination for failing to answer the questions, but that statements made in that context by a

police officer cannot then be used in any criminal proceeding against the officer because the statements were coerced. As a result, many investigations into police misconduct that potentially involve police crime are stymied because a decision must be made by police administrators whether to (a) elect to gather information by questioning an officer in a disciplinary matter, or (b) forego any questions of an officer administratively and proceed with a criminal investigation against the officer. If the second option is elected, then the officer would be entitled to the right against self-incrimination that is afforded to any suspect or defendant in a criminal investigation pursuant to the Court's holding in *Miranda v. Arizona* (1966). In some instances, law enforcement agencies simply allow an officer to resign in lieu of initiation of criminal proceedings against a sworn officer as an effort by the agency to quietly resolve a matter without public disclosure of police misconduct.

### **Review on Sex-related Police Crime**

The first type of police crime explored in this study is sex-related police crime. Scholarship on the topic has been comparatively sparse. Early studies focused broadly on behaviors that constituted police sexual misconduct and acts such as on-duty consensual sex between officers and female adult citizens. Barker (1978) surveyed police officers who indicated that consensual sex on-duty was quite prevalent, especially in patrol cruisers. Sapp (1994) provided data derived from in-depth interviews of police. The study included qualitative—sometimes lurid—descriptions of seven different forms of police sexual misconduct, including cases wherein police spent entire shifts seeking opportunities to view unsuspecting females partially clad or nude, the sexual harassment of crime victims and criminal suspects, and sexual contacts between officers and underage females. Some of the behaviors described within the



Sapp study clearly involved sexual coercion rather than consensual sex between police and willing citizens.

Kraska and Kappeler's (1995) exploratory study on police sexual violence incorporates a wide continuum of behaviors that range from comparatively unobtrusive forms of sex-related misconduct (e.g. voyeurism and other invasions of privacy) to obtrusive forms of sexual violence (e.g. sexual assault and rape). Kraska and Kappeler study the phenomenon within the context of existing police scholarship *and* scholarship derived from the feminist literature that more clearly defines police sexual violence as a form of gender bias and the systematic differential treatment of females in the criminal justice system. They identified 124 cases of police sexual violence through both published news reports and federal lawsuits arising under 42 U.S.C. §1983 involving police accused of sexual misconduct. Close to one-third of the cases (30%) identified involved rape and/or sexual assault. More than one-half of the cases involved strip searches. Published news reports tended to identify more serious forms of police sexual violence, while cases that involved strip searches and less serious acts were more likely to be identified through the federal lawsuit data. Cases of police sexual violence were widely dispersed geographically, and Kraska and Kappeler (1995) suggest that the cases identified in their study were likely the “tip of the iceberg” (p. 97). They indicated that the organizational and occupational culture of policing provides officers ample opportunity to engage in sex-related misconduct and crime, and note the obstacles to reporting these forms of misconduct confronted by victims including the fear of retaliation and forms of secondary victimization similar to that experienced more generally by victims of sexual assaults (see, e.g., LaFree, 1989).

More recently, Maher provided data on police sexual misconduct derived from surveys of both officers (Maher, 2003) and police chiefs (Maher, 2008). Surveys of officers demonstrate

that they believe less serious forms of sexual misconduct occur frequently, and are facilitated by the opportunity structure provided by the job. The majority of officers indicated that they had not been pressured to engage in acts of sexual misconduct, but, they were unlikely to report less serious forms of the phenomenon. Surveyed police chiefs believed that less serious forms of sexual misconduct were common and serious forms of sexual misconduct and crime were rare. The data suggest that most police agencies do not have any written policies that expressly prohibit sexual misconduct (Maher, 2008). Walker and Irlbeck (2002) describe cases that they refer to as "driving while female," wherein police initiate bogus traffic stops to harass, intimidate, and/or sexually assault female motorists.

Rabe-Hemp and Braithwaite (2013) recently published a study focused on police sexual violence and the problem of officer shuffle, wherein police involved in various forms of sexual misconduct and crime escape punishment and maintain their law enforcement career through employment with another police agency. Data were derived through a content analysis of published newspaper accounts of police sexual violence from 1996-2000. They identified 106 cases of police sexual violence. Close to one-half (41.5%) of the cases involved repeat police perpetrators. Repeat offenders were more likely than first time offenders to victimize juveniles.

### **Review on Alcohol-related Police Crime**

The second type of police crime covered in this study is alcohol-related police crime. This report describes the problem of alcohol-related police crime in terms of both the off-duty consumption of alcohol and the phenomenon of police DUI. As we previously described, virtually all of the existing empirical data on off-duty police misconduct describes the misbehavior of NYPD officers primarily through the reports of the Commission to Combat Police Corruption (1998b, 2004). The Commission recommended specific policies designed to

mitigate problems associated with off-duty alcohol abuse, including provisions to expand the definition of unfit for duty to include intoxicated off-duty officers and prohibitions against carrying an off-duty weapon while intoxicated (Commission to Combat Police Corruption, 1998b). Fyfe and Kane's (2006) classification of police misconduct includes driving while intoxicated within the category of off-duty public order crimes, but they do not provide specific data that distinguishes misconduct that includes the abuse of alcohol. Kane and White (2009) provide several descriptions of cases that involved intoxicated off-duty officers engaged in bar fights, drunk driving, and personal disputes.

Despite the findings of Kane and White (2009), the lack of existing scholarship on alcohol-related police misconduct and crime is even more acute in the specific case of police DUI. Reviews of the empirical literature failed to uncover any scholarly research specifically focused on the phenomenon of police DUI other than the research by Stinson, Liederbach, Brewer, and Todak (2014) using data from the current study on police crime. Some recent evidence indicates that officers and agencies often minimize or ignore the problem of impaired driving among police. A Bureau of Justice Statistics (BJS) survey reported that over one-third of responding state and local police agencies *would* consider police applicants with a prior DUI conviction (Reaves, 2012). Additionally, a majority of officers responding to a survey on police integrity said they *would not* report a fellow officer who had a minor traffic accident while driving under the influence of alcohol (Klockars, Kutnjak Ivkovic, Harver, & Haberfield, 2000). Recent journalistic investigations in Milwaukee (Barton, 2011), Denver (McGhee, 2011), and New York City (Paddock & Lesser, 2010) reported disturbing cases in which police found to have driven drunk were either not arrested and/or otherwise minimally punished.

















































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































































