**POLICE ETHICS**

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**Introduction**

Police are an essential part of the justice system. They are the frontline actors in keeping the peace, social stability and cohesion. Thus good governance relies on honest policing. However, there will always be at least a small group of corrupt police officers, even though Australians are culturally averse to corruption ([Khatri, Tsang, & Begley, 2006](#_ENREF_23)). There have been many cases where the allegations of police corruption have reached to the highest levels of a state police force ([Blanch, 1982](#_ENREF_7)) and, in the case of the Fitzgerald Inquiry ([Fitzgerald, 1989](#_ENREF_17)), ended in a commissioner being convicted of corruption.

Any public official who places their own interests before those of the public have corrupted a system in which they are supposed to act as agents of the public, will undermine the good governance of a society ([Lauchs, 2007](#_ENREF_25)). Police officers attract offers of corruption because of their ability to enforce or ignore the law. Police who are unethical or in financial stress are vulnerable to offers of illicit payments. Longstanding arrangements of corruption within a police branch can lead to a corruption network between police and criminals. Organised police corruption constitutes “*social behaviour*, conducted in groups within organisations, that is powerful enough to override the officer’s oath of office, personal conscience, departmental regulations and criminal laws.” ([Punch, 2000](#_ENREF_35)) it is an even greater threat to the community because the damage done has more impact than the sum of the individual acts of corruption. This chapter will discuss the types of police corruption and focus on the organisation as the source of core police culture.

**Types of Police Corruption**

Police, as with any public official, can engage in a range of corrupt activity. Police work in general, provides opportunities for corruption. All government jobs are either ‘wet’ being ideal for corruption because they involve a high degree of discretion, or ‘dry’, that is, jobs which have no discretion ([Heidenheimer & Johnston, 2002](#_ENREF_21)). Also the opportunities to enact deviance vary depending on the organisational structure. For example, a uniformed officer on routine duties may have limited opportunities of corruption compared to a plainclothes officer who has contact with drug dealers ([Barker & Carter, 1991, p. 49](#_ENREF_2)). Most police have wet jobs as they have many opportunities to accept bribes to make particular decisions which assist crimes or criminals. For example, a member of the vice squad not only has discretion but makes decisions over highly profitable illegal activity. Police also have, through their unsupervised working arrangements, the opportunity to use excessive force and steal seized drugs, money, or alcohol. This is combined with a unique power, held only by police; the discretion to charge. A police officer can decide whether or not the law will be enforced. They have the discretion to provide a warning or to act. While this power is closely informed by policy and guidelines, there is no appeal mechanism. Consequently the power brings with it a substantial imbalance in favour of the police and requires a great deal of ethical awareness to avoid abuse.

The 1972 Knapp Commission in New York described two types of police corruption:

Corrupt policemen have been described as falling into two basic categories: "meat-eaters" and "grass-eaters." As the names might suggest, meat-eaters are those policeman who... aggressively misuse their police powers for personal gain. The grass-eaters simply accept the payoffs that the happenstances of police work throw their way. Although the meat-eaters get the huge payoffs that make the headlines, they represent a small percentage of all corrupt policemen. The truth is, the vast majority of policeman on the take don't deal in huge amounts of graft.

And yet, grass-eaters are the heart of the problem. Their great numbers tend to make corruption "respectable." They also tend to encourage the code of silence that brands anyone who exposes corruption a traitor. ([Knapp, 1972, p. 4](#_ENREF_24))

*Grass-eating* extends to accepting free, inexpensive privileges such as free coffee, meals, etc. This practice is common amongst many government services including fire brigades and paramedics. Conversely, meat-eating, also known as *volume* or *conventional* corruption ([Punch, 2009, p. 29](#_ENREF_36)), covers all forms of graft recognised by mainstream society, including bribes from criminals.

There are four types of corruption that involve proactive rather than reactive acceptance of money. At a low level of severity is *occupational deviance*, when rules are bent to an employee’s advantage and at the expense of the organisation. Some examples of this include sleeping on the job, pilfering and work avoidance ([Punch, 2009, p. 34](#_ENREF_36)). *Police crimes* are crimes committed by police officers. This is distinct from police corruption as the crimes may or may not involve activity that relates to corruption. As such, police corruption is a subset of police crime. Police crime includes *process corruption*; the manipulation of the justice system, usually to ensure a conviction. Most process corruption is *noble cause*, that is, it is intended to bring about a ‘just’ outcome by ensuring an offender is convicted. However, it subverts the justice system by removing the opportunity for a fair trial and relying on proof beyond a reasonable doubt as the basis of guilt.

Finally, the most serious forms of police corruption are corruption networks and predatory policing. These forms are both closely connected with organised crime. Organised crime operates through social networks that include both underworld and upper-world actors ([Block, 1994](#_ENREF_8); [Blok, 1974](#_ENREF_9); [McIllwain, 1999](#_ENREF_30)). Corrupt police are upper-world actors interacting with the underworld. Police corruption operates on the basis of protection ([Skaperdas, 2001](#_ENREF_39)), which arises when the state is weak, that is, when it cannot provide protection for its citizens. In addition, the state does not protect some sections of the community, such as ethnic minorities who do not trust the state, or those involved in illegal activity. The purveyors of illegal activity cannot look to the state apparatus to protect them from violence or to enforce their contracts. In such a case the operators need a hegemon to bring stability to the market. Unfortunately, like any illicit hegemony the police can create their own market for protection ([Skaperdas, 2001, p. 179](#_ENREF_39)). As such, some police officers cease to be passive participants in corruption and actively extort money from the illegal community. These are *predatory police* ([Gerber & Mendelson, 2008](#_ENREF_18)).

A police corruption network is a dark network whose social elements occur through information relations, social sanctions and an acculturation process ([Lauchs, Keast, & Chamberlain, 2011](#_ENREF_26); [Lauchs, Keast, & Yousepfour, 2011](#_ENREF_27)). A dark network conducts ‘covert and illegal’ activity at the cost of others ([Raab & Milward, 2003, p. 415](#_ENREF_37)).

Organised corrupt policing is more dangerous than individual actions because collaboration between offenders can multiply their income; the income of the group is greater than the sum of the income of individuals acting apart ([Morselli & Tremblay, 2004](#_ENREF_31)). There are many historical examples of powerful organised crime syndicates of predatory police establishing themselves within the Australian police services. The most prominent was the Kings Cross CIB which set rules for the sale of drugs in their area. Only those dealers who paid bribes and met the rules could operate in Kings Cross ([Wood, 1997](#_ENREF_41)).

Police misconduct is a slippery slope from minor infractions through participation in corruption leading to predatory policing ([Dean, Bell, & Lauchs, 2010](#_ENREF_16)). Corruption leads to corruption by providing new opportunities. When an illicit operator knows a police officer will take a bribe then they pass the word to others that this officer can be corrupted for other purposes. Some corrupt networks work in layers of protection. In the corrupt police network in Queensland, known as the Joke, the Licensing Branch provided corrupt support in the form of protection for the bribers, namely the operators of illegal gambling and prostitution. The senior police then provided corrupt support in the form of protection for the members of the Licensing Branch. The Premier and Queensland Police Union of Employees (QPUE) provided legitimate political support and protection as a by product, to the senior police ([Fitzgerald, 1989](#_ENREF_17); [Lauchs, Keast, & Yousepfour, 2011](#_ENREF_27)).

It could be argued that a police agency is also a trust based organisation. Members build trust by working together in dangerous and even life-threatening circumstances that weed out the untrustworthy. Groups may even develop their own criteria for trust; for example the New South Wales CIB mantra was “you never trust a man that doesn’t drink” (Padraic 2005, 19). Moving officers prevents them from developing the relationships which facilitate corruption ([Perry, 2001](#_ENREF_33)).

Over time people become *desensitised* as they get used to performing unethical acts. The shock decreases and the misconduct increases. This occurs because internal restraint is reduced in those who normally would not want to do it, and those who get a thrill from the conduct need to escalate their actions to get the same thrill ([Baumeister, 1997, pp. 286-290](#_ENREF_4)).

One of the most frequent claims is that a corrupt officer is a ‘rotten apple’, a lone individual, rather than a sign of system corruption or a ‘rotten barrel’.

I have stressed the *organisational* component in police deviance. This perspective rejects the ‘bad apple’ analogy (‘cancer’ is also sometimes used), and stresses the need to examine the orchard, if not the fruit industry and its owners. The ‘bad apple’ metaphor employed as an institutional defence – conveying that the problem refers to a small minority while the vast majority are in rude health – has been convincingly demolished time and again. Police deviance and corruption have repeatedly been shown to be widespread, organised, durable and even systemic. Sometimes everyone is on the take and everyone is bent; the entire orchard is rotten. ([Punch, 2009, p. 225](#_ENREF_36))

**Police Culture**

Police corruption can occur through the process of socialisation within a corrupt branch and reinforcement and encouragement from the peer groups ([Barker & Carter, 1991](#_ENREF_2)). Most police organisations possess the qualities of a subculture ([Sewell, 1999, p. 156](#_ENREF_38)). Police are socially excluded from the community and make friendships within their police agency. When a pattern of corrupt behaviour becomes ingrained in a police pattern of socialisation, this facilitates the passing on of this conduct ([Barker & Carter, 1991, p. 50](#_ENREF_2)). Group support for rule violations even further complicates the situation of corruption within a police organisation. Approved deviance in organisational settings provides the conduct with a backbone and once it has begun it is an ongoing expectation of favours. For example, if one officer permits another to a free meal he places himself in a compromising situation which then allows him to expect favourable treatment in return ([Barker & Carter, 1991, p. 52](#_ENREF_2)).

There is a distinctive police culture with its own positive and negative beliefs about the justice system. A positive policing culture can assist the functioning, survival and security among officers. Whereas a negative policing culture can deteriorate the police force, allow corruption to flourish and facilitate the protection of wrongdoers from prosecution ([Chan, 1999](#_ENREF_12)).

The nature of police work drives police culture ([Chan, 1999, p. 136](#_ENREF_12)). The work is dangerous and the officers unpopular; they are stigmatised by society and criticised for any real or perceived excessive action. This creates a group-think attitude that sets police apart from the rest of society. The central police culture elements are having a sense of mission, solidarity, danger and sacrifice, cynicism, the rule of silence, rough justice and just deserts, social isolation, and routinisation ([Chan, 1999, p. 99](#_ENREF_12); [Punch, 2009, pp. 36-41](#_ENREF_36)). Many of the negative elements arise from the darker underpinnings of police culture and practice.

There have been extensive applications of organisational theory to determine what facilitates unethical conduct in groups. These studies have ranged from the routine, such as stealing from the workplace through to training people to kill ([Grossman, 1995](#_ENREF_20)). There are a number of key considerations that are relevant to police that can drive misconduct.

Leadership

Police may perform unethical acts through the direction of a superior, to emulate the actions of a respected person of higher rank so as not to endanger the opportunity for promotion. It is more likely that an officer will comply if the superior is able to observe whether compliance occurs. The superior may also obtain compliance by providing absolution for misdeeds, that is, the superior says that he or she alone will wear responsibility for actions performed by the actor ([Bauman, 1989, pp. 21-22](#_ENREF_3)). Nonetheless some officers will still comply out of respect. The inclination to obey is affected by:

* Social education through school and work telling us to follow orders;
* The officer has to make a decision between a possible wrong action and an actual wrong disobedience. The choice is difficult but obedience is more likely;
* The fact that most people do not like to second guess superiors. The superior has all the facts whereas the actor has only their narrow perspective ([Baumeister, 1997, pp. 267-268](#_ENREF_4)).

This desire to obey leads into one of the classic excuses for avoiding responsibility for one’s actions: Orders are Orders. There is no refuge from prosecution for corruption by claiming that you were only following orders.

Superiors can also benefit by isolating themselves from blame. Ambiguous orders give the leader the chance to deny they intended the unethical consequences ([Baumeister, 1997, p. 255](#_ENREF_4)). Similarly, a leader can persuade a subordinate to be unethical by keeping them in ignorance of the heinous nature of their actions.

Group Think

Once part of a group, such as a police force, a person is able to perform actions they would never do on their own. They can do this by shifting the responsibility and, alternatively, sharing it, with the other members of the group – an ‘everyone was doing it’ excuse. Most people enjoy belonging to a group. Not only is belonging beneficial but exclusion results in a number of psychological and social negative consequences ([Baumeister & Leary, 1995](#_ENREF_5)).

According to *social identity theory*, when a person becomes part of a group they usually take on the beliefs and values of the group. This is reinforced by the natural desire to be liked ([Brown & Abrams, 2003](#_ENREF_10)) and not cause social friction ([Coady, 1996](#_ENREF_14)). Group members emulate the ethics of their peers and prefer them, even over those of direct authority figures ([Granitz & Ward, 2001](#_ENREF_19)). Consequently, a person feels he will ‘join in’ and act unethically rather than letting his friends down ([Beck, 1999, p. 145](#_ENREF_6); [Grossman, 1995, p. 153](#_ENREF_20); [Weber, Kurke, & Pentico, 2003](#_ENREF_40)).

In order to function in society individuals make decisions based on inductive logic; they rely on their own experiences and the lessons of their culture and society to create rules (heuristics) or mental shortcuts, which they use to help them make quick judgements in otherwise complex situations ([Cukier, Nesselroth, & Cody, 2007](#_ENREF_15)). The heuristics alter how they approach situations by ‘editing’ out information that does not comply with what they expect to see or, in some cases, want to see ([Chang & Chong, 2010, p. 339](#_ENREF_13)). A police officer mimicking his/her workmates can take on their attitudes as heuristic responses, including racist or other dehumanising responses. Thus a new impressionable police officer will learn responses to scenarios as heuristics from his/her workmates.

Being part of a crowd intensifies emotions not just out of wanting to mimic the others’ behaviour, but also because groups provide *anonymity*; you cease to be an individual and do not have to conceal your emotions ([Grossman, 1995, p. 151](#_ENREF_20)). In the case of a police officer, these emotions can take the form of greed, sloth or prejudice ([Padraic, 2005](#_ENREF_32)). It can also lead to prejudice. It is well documented that white, heterosexual, male officers dominate police forces, which has led to bias against those who are different and intolerance for members of minority ethnic groups, females and the queer community ([Loftus, 2008](#_ENREF_28)).

Group think creates a ‘distance’ between those in the group and those outside; real people (us) are the group and lesser people (them) are outside. Emotional distance is one of the most significant means of avoiding guilt and, therefore, allowing a person to act unethically ([Grossman, 1995, pp. 156-170](#_ENREF_20)). It is easier to be unethical against a *type* of person rather than an individual such as the bureaucratic assembly of people into categories such as a number rather than a human being ([Adorno, 2003](#_ENREF_1); [Kelley & Elm, 2003](#_ENREF_22)). Emotional distance can arise through a number of methods ([Grossman, 1995, pp. 161-164](#_ENREF_20)). Firstly, as has been mentioned above, there can be a cultural distance caused by the natural prejudice brought about by difference. This can be exacerbated by ridiculing their customs and depicting their leaders as evil. A person can also be re-characterised as something other than human. It is easier to maintain anger when a person stops considering the actual act which caused offence and generalise ‘they always do it’ or label ‘they are just savages’ ([Beck, 1999, p. 44](#_ENREF_6)) or ‘grubs’ in the Australian police vernacular. This redefinition of others removes their humanity and makes it easy to be complacent about any negative consequences our actions may have upon them.

Police officers, as upholders of the law, are also susceptible to establishing *moral distance*. Moral distance has two components: the *punishment justification* that is showing the person is guilty of a punishable/vengeful act, and the *legal affirmation* that is affirming the legitimacy of your own cause in acting against them ([Grossman, 1995, pp. 165-167](#_ENREF_20)). This position psychologically allows an officer to justify unethical acts such as stitching up or verballing on the basis that the person is guilty and deserves to be punished. Police can have a tendency to see themselves as the ‘white hats’ or good guys to the ‘black hats’ in the community. While this is literally true there is a danger that entire groups, rather than offending individuals, are depicted as “malicious, alien forces intruding on the world of well-meaning, unsuspecting, virtuous people.” ([Baumeister, 1997, p. 89](#_ENREF_4))

It is easier to rationalise unethical action against some people than others. Police officers are presented with the ultimate ‘easy target’ in the form of criminals. The criminal cannot complain that a police officer has stolen the drug money from them, or has extorted protection money for the brothel. In addition, it is easy for a police officer to develop a rationale that the criminal ‘deserved it’; no harm is being done with the criminal is being harmed. Therefore police officers can combine a monopoly of power with an ideal target group. The factors that affect the decision ([Grossman, 1995, pp. 171-176](#_ENREF_20)) to take advantage of a victim include:

* Relevance of available strategies, in this case, the ability to steal from the criminal with almost no chance of legal retribution;
* Relevance of victim, which relates to the ability to rationalise the unethical act as being a positive act, in this case is victimless because the criminal has no right to the money in the first place;
* Payoff, being the money or other benefit obtained from the unethical act.

Even within the group there can be disagreements: those who will not take money but will use noble cause corruption; and those who do not act but also will not report misconduct. Some police also are complicit in corruption by not reporting it. A person can have a *negative responsibility*, where they are responsible for things they may have not done, namely things they ought to have done and had the power or authority to do ([Lucas, 1993, p. 182](#_ENREF_29)).

**What are the possible answers?**

The standard response to police corruption is for the establishment of a body dedicated to investigating police misconduct. This has been implemented to varying degrees around the world. This response has been found to be simplistic as questions of independence and resourcing arise. The history in Queensland will be used as an example.

In the 1960s there was no effective police misconduct investigative role in the Queensland Police Force. Prior to the arrival of Commissioner Whitrod there had been no permanent body for investigations of misconduct by police. He set up the Crime Intelligence Unit (CIU) to be a proactive investigator not a reactive respondent to complaints ([Fitzgerald, 1989, p. 36](#_ENREF_17)). Unfortunately, the unit was underfunded and understaffed. Rather than reduce misconduct it became the focus of retribution by police officers and the police union ([Fitzgerald, 1989, p. 37](#_ENREF_17)). When Terry Lewis took over as Commissioner he replaced the CIU with the Internal Investigations Section which never carried out a serious investigation ([Fitzgerald, 1989, p. 49](#_ENREF_17)). After the Fitzgerald Inquiry the Criminal Justice Commission was created as an independent watchdog charged with investigating all complaints against police. This became untenable as the Commission was swamped with minor complaints. Today the Commission’s successor, the Crime and Misconduct Commission (CMC), only investigates serious official misconduct leaving minor matters to internal investigation by the Queensland Police Service.

There are lessons in this history. First, police should not investigate police lest they protect the police more than the public. At present most ‘independent’ bodies such as the CMC, either employs former police and/or second serving officers into their investigative branch. This may not be sufficient arms length from the notion that police ought not investigate themselves. The Hong Kong Independent Commission Against Corruption has taken this one step further by not employing police officers. It selects and trains its recruits from scratch as an independent force. An alternative that operates in Queensland, is for a watchdog to watch the watchdog. The Parliamentary Crime and Misconduct Committee oversights the CMC and regularly reviews it operation. Second, any independent body that is not sufficiently staffed and resourced will be ineffective. They will stand as a symbol of anti-corruption but be unable to carry out their work.

There is also the problem of perverse incentives. If you create as body to police the police then they are subject to all the same issues that have been discussed for policing ethics. They will be ostracised by their peers, namely other police will shun those ‘dogs’ who investigate their own; thus creating another us versus them group-think situation. The independent investigators will also face the same temptations for misconduct. They are police and could take small favours themselves, possibly from police branches they supervise. They have the potential to be included in a corruption ring as an insurance policy against disclosure of the corrupt activity. Even if they are not receiving benefits, they are likely to become jaded and dehumanise the police under investigation, resulting in the possibility that they use the noble cause justification to manufacture false evidence to convict ‘dirty cops’. Thus anti-corruption is an imperfect science. However, it is one that is better to exist imperfectly than not at all.

**Conclusion**

While the bad apple metaphor may be an excuse to conceal a larger problem, nonetheless policing agencies do need to investigate the actions of individual officers. In Queensland, for example, the Fitzgerald Inquiry ([Fitzgerald, 1989](#_ENREF_17)) uncovered systemic corruption within the Queensland Police Force. Subsequent enquiries have not revealed similar widespread corrupt activities or corruption networks within the Queensland Police Service. However, there have been cases where one or two officers have been involved in corruption ([Carter, 1997](#_ENREF_11)). It is claimed that modern integrity testing prevents systemic corruption. However, the Wood Inquiry ([Wood, 1997](#_ENREF_41)) in New South Wales found systemic corruption after the establishment of the Independent Commission Against Corruption, and the NSW Police Integrity Commission’s *Florida Inquiry* in 2001 also found widespread police corruption after the Wood reforms were largely implemented ([Police Integrity Commission, 2004](#_ENREF_34)).

It would be hubristic to second-guess the enquiries made by independent agencies and insist that any discovery of individual corruption is always an indicator of widespread systemic corruption. It would also be naive to accept that discovering and successfully prosecuting an individual officer ensured that corrupt behaviour had been dealt with in its entirety. Police, as with any citizen in the community, are innocent until proven guilty. Whilst we must pursue diligent investigations of both individual and organisational corruption, we must never stigmatise either individual police officers or an entire agency with the presumption of guilt.

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