What Matters for the Police Code of Silence?

Sanja Kutnjak Ivković
*Michigan State University*

Maria R. Haberfeld
*John Jay College*

Robert Peacock
*Michigan State University*
Talk Overview

■ Introduction
■ Theory of police integrity
■ Police integrity and the code
■ Methodology
  ◆ Questionnaire
  ◆ Respondents
■ Results
  ◆ The extent of the code
  ◆ One code of silence
  ◆ Important factors
■ Policy implications

Source:
What is The Code of Silence?
Introduction

- **Code of Silence**: Informal prohibition of reporting; part of occupational culture of policing

The problem is that the atmosphere does not yet exist in which an honest police officer can act without fear of ridicule or reprisal from fellow officers. We create an atmosphere in which the honest officer fears the dishonest officer, and not the other way around.

--- Frank Serpico

- **Mollen Commission (1994):**
  - “The code of silence pervades the Department and influences the vast majority of honest and corrupt officers alike” (p. 51)
  - “The greatest barrier to effective corruption control” (p. 53)
Introduction Cont.

- Weisburd and Greenspan (2000):
  - 61% reported that POs do not always report serious misconduct
  - 67% claimed that POs who reported misconduct would get “a cold shoulder” from fellow officers

- Problems with studying police misconduct and the code of silence directly:
  - Usual witnesses and/or victims may lack credibility
  - Credible witnesses not willing to talk about misconduct → CODE OF SILENCE
  - Participants may have no motives to talk
  - Police chiefs unwilling to open their doors to researchers
Instead of focusing on police misconduct and facing resistance from police chiefs and police officers alike, we flipped the issue upside down and seek to measure its opposite – police integrity.

Studying police integrity: 1) Theory and 2) Methodology.
What is The Theory of Police Integrity?
Theory of Police Integrity
(Klockars and Kutnjak Ivkovich)

- **Dimension #1: Organizational Rules**
  - Focus on organizational rules explicitly prohibiting police misconduct and how the agency teaches these rules and enforces them when rule-violating behavior occurs
    - a) Federal, state, and municipal legal rules
    - b) Police agency’s polices and procedures (e.g., standard operating procedure manual)
    - c) Code of ethics
  - The content of the official rules could vary drastically across agencies, particularly for less serious forms of misconduct

Source:
https://cb100.acf.hhs.gov/sites/all/themes/danland/images/eBrochure/Pop-ups/C2-N-3-Policy.png
Theory of Police Integrity Cont.

- Dimension #2: **Corruption Control Techniques**
  - Emphasizes the police agency’s own methods of detection, investigation, and discipline of rule violations
  - From the more reactive activities (e.g., investigations of corrupt behavior and discipline of corrupt police officers), to the more proactive activities (e.g., education in ethics, integrity testing, and proactive investigations)
  - Typical police agency: primarily a reactive approach
  - Recent proactive techniques: early warning systems
Dimension #3: The Code of Silence

- Focus on the code of silence and what the agency is doing to control it
- The code of silence has been studied since the 1950s:
  - Field studies: Westley (1970) found a very strong code of silence
  - Surveys of POs: Weisbud and Greenspan (2000) reported that the majority of the POs in the study do not report even serious violations by fellow POs
  - Independent commissions: Christopher Commission (1992), Knapp Commission (1972), and Mollen Commission (1994) all found evidence of the strong code of silence
Theory of Police Integrity Cont.

- **Dimension #4: Influence of Public Expectations**
  - Emphasizes the role of the society at large
  - Police agencies are directly affected by the social, economic, and political environments:
    a) Some PDs and communities with long traditions of minimal corruption (e.g., Kansas City, Milwaukee)
    b) Some PDs and communities with long traditions of almost continuous serious integrity challenges (e.g., Chicago, New Orleans)
    c) Some PDs and communities with cycles of scandal and reform (e.g., New York, Philadelphia)
Empirical research on police integrity reported that the contours of the code of silence vary:

- **Across forms of misconduct** (e.g., Klockars et al., 2000)
- **Across seriousness of misconduct** (e.g., Klockars et al., 2000; Kutnjak Ivković and Haberfeld, 2015)
- **Across police agencies** (e.g., Klockars et al., 2000; 2006; Marche, 2009; Micuccui and Gomme, 2005; Rothwell and Baldwin, 2007a, 2007b; Schafer and Martinelli, 2008; Wolfe and Piquero, 2011)
- **Within police agencies** (e.g., Greene et al., 2004)
- **By rank/supervisory status** (e.g., Klockars et al., 2006; Kremer, 2000; Kutnjak Ivković and Klockars, 1998; Kutnjak Ivković and Shelley, 2008; Pagon and Lobnikar, 2000)
How can the code of silence be MEASURED?
Methodological consequences:

- **Traditional approach:** Ask direct questions about own participation or fellow officers’ involvement in misconduct
  1) How frequently does misconduct occur?
  2) Have you observed others engaging in misconduct?
  3) Have you engaged in misconduct yourself?
  4) Have you reported misconduct by fellow officers?

  → explore WITH resistance

- **Fabrizio (1990):** Asked surveyed experienced police officers attending the FBI National Academy:
  - NONE of the respondents provided an example of corruption

- **Martin (1994) and Knowles (1996):** Planned to ask police officers about the frequency of misconduct by their peers:
  - Pennsylvania & Chicago excluded
Methodology

Methodological consequences:

◆ Organizational theory: Ask questions of fact and opinion
  1) Do they know official agency rules?
  2) How serious do they evaluate misconduct?
  3) How familiar are they with the disciplinary threat?
  4) Do they think that the discipline is fair?
  5) Are they willing to report misconduct?

→ explore WITHOUT such resistance

◆ Theory + accompanying methodology:

- To date, surveys of POs from 28 countries
  (e.g., Australia, Bosnia and Herzegovina, Croatia, Japan, the Netherlands, Pakistan, Russia, South Africa, Sweden, Turkey, USA)

Source: https://upload.wikimedia.org/wikipedia/commons/b/b1/Globe_Atlantic.svg
Methodology: The Questionnaire

- Police integrity questionnaire:
  - Klockars and Kutnjak Ivković (1995) designed the first questionnaire measuring police integrity (version 1)
  - Klockars, Kutnjak Ivković, and Haberfeld (1998) designed the second questionnaire (version 2)

- Questionnaire version 2:
  - Non-threatening questions of fact and opinion
  - 11 hypothetical scenarios:
    - Corruption (S 1, 3, 5, 8, and 9)
    - Excessive force (S 4, 6, 7, and 11)
    - Other forms (S 2 and 10)

Source: https://www.lcpdfr.com/index.php?app=downloads&module=display&section=screenshot&record=23785&id=486&full=1
Scenario 1: A police officer is widely liked in the community. Local merchants and restaurant owners regularly show their appreciation for his attention by giving him gifts of food, cigarettes, and other items of small value.

Scenario 3: A police officer discovers a burglary of a hardware store. The display cases are smashed and many items have obviously been taken. While searching the store, he takes an expensive pocket knife and slips it into his pocket. He reports that the knife has been stolen during the burglary.

Scenario 6: In responding with her male partner to a fight in a bar, a young, female officer receives a black eye from one of the male combatants. The man is arrested, handcuffed, and, as he is led into the cells, the male member of the team punches him very hard in the kidney area saying, “Hurts, doesn’t it.”

Scenario 7: A police officer stops a motorist for speeding. As the officer approaches the vehicle, the driver yells, “What the hell are you stopping me for?” The officer replies, “Because today is ‘Arrest an Asshole Day.’”
The Questionnaire Cont.

- Each scenario followed by questions about:
  - Misconduct seriousness
  - Violation of official rules
  - Appropriate discipline
  - Expected discipline
  - Willingness to report misconduct

- Limited number of demographic questions:
  - Length of service
  - Supervisory status
  - Assignment

Source: http://www.middlebury.edu/system/files/media/question-mark.jpg
Methodology: Respondents Cont.

- **Sample:**
  - Data collected in 2013-2014
  - Electronic survey
  - Response rate: 37% (N = 604)
  - Sample of 11 police agencies from the Midwest and the East Coast
    - Large and small municipal agencies
    - Sheriff’s departments
  - Our convenience sample generally reflects the characteristics of police officers working in large, medium, and small cities in the U.S.A. (2011 BJS survey of local police agencies)

Source: Surveymonkey.com
Methodology: Respondents Cont.

- **Supervisory status:**
  - 72% line officers

- **Police experience:**
  - 12% fewer than 5 years
  - 42% had 6-15 years
  - 45% had over 15 years

- **Assignment:**
  - 55% in patrol
  - 17% in investigation

- **Telling the truth:**
  - 91% yes
  - 1.5% no
  - 7.5% missing

What is the EXTENT of the code of silence?
Measuring the Code of Silence

- Contours of the code:
  - Not a flat prohibition of reporting
Measuring the Code of Silence

Contours of the code:
- Not a flat prohibition of reporting

Percent of POs Not Willing to Report
Measuring the Code of Silence

- Contours of the code:
  - Not a flat prohibition of reporting

[Bar chart showing percent of POs not willing to report]


**Measuring the Code of Silence**

- **Contours of the code:**
  - Not a flat prohibition of reporting

---

**Percent of POs Not Willing to Report**

S10  S3  S4
Is there just ONE code of silence?
More Than One Code of Silence

- **Supervisor v. line officer code:**
  - In 10/11 scenarios, statistically significant differences

**Percent of POs Not Willing to Report**

- **Non-Supervisors**
  - S1  S8  S2  S5  S6  S11
- **Supervisors**
  - S9  S10  S3  S4
Supervisor v. line officer code:

- In 10/11 scenarios, statistically significant differences

Percent of POs Not Willing to Report

Non-Supervisors
- S1
- S7
- S8
- S2
- S5
- S6
- S11
- S9
- S10
- S3
- S4

Supervisors
- S7
More Than One Code Cont.

- **Supervisor v. line officer code:**
  - In 10/11 scenarios, statistically significant differences

**Percent of POs Not Willing to Report**

- **Non-Supervisors:**
  - S1
  - S7
  - S8
  - S2
  - S5
  - S6
  - S11

- **Supervisors:**
  - S9
  - S10
  - S3
  - S4
What FACTORS are important for the code of silence?
<table>
<thead>
<tr>
<th>Logistic regression of the code of silence</th>
<th>Scenario 6</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
</tr>
<tr>
<td>Supervisory status</td>
<td>2.178***</td>
</tr>
<tr>
<td>Own seriousness</td>
<td>1.668**</td>
</tr>
<tr>
<td>Knowledge of law</td>
<td>.662</td>
</tr>
<tr>
<td>Expected discipline</td>
<td></td>
</tr>
<tr>
<td>Some discipline</td>
<td>.153</td>
</tr>
<tr>
<td>Dismissal</td>
<td>.748</td>
</tr>
<tr>
<td>Discipline fairness</td>
<td></td>
</tr>
<tr>
<td>Too harsh</td>
<td>-1.984***</td>
</tr>
<tr>
<td>Too lenient</td>
<td>.932</td>
</tr>
<tr>
<td>Others’ reporting</td>
<td>4.566***</td>
</tr>
<tr>
<td>Constant</td>
<td>-2.869</td>
</tr>
<tr>
<td>Nagelkerke R Squared</td>
<td></td>
</tr>
</tbody>
</table>
Logistic Regression of The Code

Best predictors of POs’ (un)willingness to report:

1) Organizational measures’ significance:
   - Others’ willingness to report: 11/11 scenarios (100%)
   - Own seriousness: 8/8 scenarios (100%)
   - Expected discipline: 7/11 scenarios (64%)
   - Fairness of discipline: 11/11 scenarios (100%)
      * Too harsh v. fair: 9/11
      * Too lenient v. fair: 8/11
   - Familiarity with official rules: 1/9 (5/9) scenarios (55%)

2) Individual measures’ significance:
   - Supervisory status: 8/11 scenarios (73%)
   - Length of service: 2/11 (18%)
Policy Implications

- The theory and related methodology can be used:
  - To measure the contours of the code (e.g., not covered)
  - To detect any potential changes (e.g., after the new policy)
  - To help with control efforts (e.g., identify where the code is the weakest, level of support for it)
  - To learn how accurate the POs’ knowledge of the code is (e.g., if the perception inflated, correct it)

Policy Implications Cont.

The theory and the related methodology can be used to assess concepts DIRECTLY related to the code of silence:

- How serious the POs evaluate misconduct
- Whether the POs know the official rules
- Whether they have an accurate estimate of expected discipline
- Whether they perceive the expected discipline as fair

Source: https://openclipart.org/image/2400px/svg_to_png/221308/Two-Women-Two-Puzzle-Pieces-Silhouette.png
Questions?

Sanja Kutnjak Ivkovich
kutnjak@msu.edu