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This is the author's version of a work that was submitted/accepted for publication in the following source:

[Lauchs, Mark A.](#) (2012) Police Corruption as Adult, White-Collar Offending. In Tauri, Juan (Ed.) *Crime, Justice and Social Democracy: An International Conference Proceedings, 2nd edition*, Queensland University of Technology (QUT), Brisbane, Australia, pp. 1-12.

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Police Corruption as Adult, White-Collar Offending

This paper arises out of ongoing study into police corruption networks. Studies into police corruption in Australia have concentrated mainly on the ethical and managerial aspects of corruption by police officers (Ayling & Grabosky, 2006; Grabosky & Ayling, 2007; Prenzler & Ronken, 2003). Alternatively, my colleagues and I have been studying how police have conducted their corruption operations and the structure is of the networks they operated to bring this about (Lauchs, Keast, & Chamberlain, 2011; Lauchs, Keast, & Yousefour, 2011). In the process of carrying out the study, it has become clear that corrupt police networks have similar characteristics to the targets of other fields of study. Specifically, these networks display the same structural and support characteristics as organised crime groups, and, more relevant to this particular paper, the participants in the corrupt activity can clearly be examined using the frameworks of white-collar crime.

White-collar crime has been extensively studied since Sutherland coined the term in the early 20th century (Sutherland, 1949). The targets of most researchers have been classic perpetrators of white-collar crime, namely business executives working in the market system (Croall, 2001). More recently there has been a realisation that white-collar crime also extends to actors within the public sector. Police are public sector employees, but inhabit a different cultural sphere than the normal civil servant. A great deal of work has been done, describing the nature of police culture and the consequences of this culture to both promote good conduct and protect misconduct (Anozie, Shinn, Skarlatos, & Urzua, 2004; Criminal Justice Commission, 2001). It is possible that this culture brings about such significant changes that the nature of the crimes and criminals differs noticeably between police and other perpetrators of white-collar crime. Consequently, the research question in this paper is: do police who commit white-collar crime exhibit different characteristics that white-collar criminals in non-policing roles?

The outline of the paper will be as follows. Firstly, there will be a discussion of adult onset offending and white-collar crime. Second it will discuss social opportunity structure. Third, will be the nature of neutralisation techniques used by white-collar criminals. Each of these will be discussed from the perspective of the mainstream theories associated with these topics and how they apply to corrupt police. Finally, in the form of case studies, all the points will be applied to two well-known perpetrators of police corruption in Australia, namely Jack Herbert and Trevor Haken. Jack Herbert was the bagman for the police corruption network known as the Joke, which was investigated by the Fitzgerald Inquiry in 1988 to 1989. Trevor Haken was a police officer who participated in extensive corrupt activity in Sydney and was an informant to the Wood Inquiry into corruption in New South Wales.

The data for this paper comes from a range of sources. Information Queensland is provided from the Fitzgerald report (Fitzgerald, 1989), the transcripts of the Inquiry (Fitzgerald Inquiry, 1989) and autobiographical material on Jack Herbert (Herbert & Gilling, 2004). Similarly, the New South Wales material is provided from the Wood Report (Wood, 1997), transcripts of the public hearings in that Inquiry and Haken's autobiography (Padraic, 2005).

Adult Onset Offending

Adult-onset offending refers to research into the *life-course criminality* of individuals. This research has been conducted studying children from their early contacts with the law through to their desistance from crime or the continuation into offending as adults. This research has found that crime reaches a peak between the ages of 15 and 17 and then usually declines (Gottfredson & Hirschi, 1990). According to Moffitt (Moffitt, 1997; Nagin, Farrington, & Moffitt, 1995), offenders can be broken into two categories: *adolescence limited offenders*, who can find their offending to adolescence; and *life-course persistent offenders*, who remained active in crime throughout their lives. These studies contain three presumptions. First, early offending is an indicator of adult offending; in other words, adult offending is a progression from offending as a youth. Second, offenders possess *latent traits*, that is persistent offending occurs because something is wrong with the offender, such as low self-control or weak ties with the community (Caspi et al., 1994; Gottfredson & Hirschi, 1990; Nagin & Farrington, 1992). Finally, once a person is socially integrated they will reduce or cease offending, that is, once they have a job or are married and, thus, are part of the community (Gottfredson & Hirschi, 1990; Laub & Sampson, 2003; Sampson, Laub, & Wimer, 2006).

Studies of the careers of white-collar criminals tend to reject these conclusions. Most white-collar criminals do not have prior criminal records as juveniles before they commence offending as adults (Piquero & Benson, 2004, p. 156). In other words, most white-collar criminals are adult onset offenders; they commence offending in their adult years, having never offended as children. However, prior offending is more common amongst perpetrators of low-level fraud, such as passing bad cheques and welfare fraud (Benson & Simpson, 2009, pp. 41-42). White-collar criminals also generally do not grow up in socially disadvantaged environments, thus they grow up integrated into the community, rather than being marginalized (Piquero & Benson, 2004, p. 156). Next offending in white-collar crime takes place late in life, when life course studies say offending should taper off (Piquero & Benson, 2004, p. 156). Many white-collar offenders are married and employed, thus socially integrated; circumstances which life course criminality suggests should reduce or cease offending. Finally, white-collar crime seems to be driven by life events combined with the opportunity to commit crimes that did not exist earlier in the life of the offenders.

It is possible that this disparity in finding is a result of the nature of the studies that were conducted in life-course criminality. The researchers studied information relating to child offenders and their subsequent interactions with law enforcement. For example, Sampson et al (2006, p. 466) studied "the lives of 500 men who entered the transition to adulthood with a high risk of continued involvement in crime", and Nagin et al (1995) studied individuals from ages 10 to 32. Any offenders who did not offend in their childhood would not have appeared in the records for the studies and therefore would be left out of the findings. These new studies provide an opportunity to expand our understanding of life course offending. They also provide a basis to study offending by police officers.

We know that police offend. Some people in uniform steal, lie, cheat and indulge in corruption. Yet, by their very nature, police officers must fall outside of the standard life-course criminality model. Police officers, generally, do not have prior criminal records or else they could not enter the police force. They are no more likely than anyone else to grow up in socially disadvantaged environment. Most are married and all are employed at the core of social control, thus they have strong social ties.

At least in Western countries, police are reasonably well paid, and there are no indications of financial hardship or trauma to motivate their criminal activity. Under the life-course criminality thesis police offending should not occur.

Recent studies on organised crime offenders in the Netherlands paints a very similar picture of offending to that carried out by police officers. The researchers have developed the notion of the *Social Opportunity Structure* of organised criminals (E. R. Kleemans & de Poot, 2008). They point to a number of indicators of organised crime activity (E. R. Kleemans & de Poot, 2008, p. 75). First organised criminals have social ties to give them access to profitable criminal opportunities. The offenders cannot commence offending until they have connections within their social or work networks that provide the opportunity to offend. Next, the complex nature of offending requires that they have suitable co-offenders available to them before they can commit their crimes. In other words, there are specific circumstances that must exist before these people will involve themselves in criminal activity. The offenders have a propensity to commit crime but do not do so until they enter a scenario that makes criminal activity both possible and profitable. Further, these individuals commence offending through an opportunity that arises from their legitimate occupation rather than proactively seeking involvement with the illicit community (E. R. Kleemans & de Poot, 2008, p. 84). The authors add an additional criterion in that their studies indicate that most offenders were involved with transportation, which led in turn to opportunities to smuggle and distribute contraband (E. R. Kleemans & de Poot, 2008, p. 75). This final point may not be universal and may relate much more to the circumstances of organised criminal activity in the Netherlands and its role as a major trading port and distribution point.

The authors also point to what they call the *Social Snowball Effect*, whereby a person obtains the first contact with organised crime by their normal social or work network, that success in criminal activity reduces the need to rely on that network as the activity brings the offender in contact with more useful co-offenders. In other words, the offenders move beyond their initial network and work with new contacts and acquaintances who are able to produce more efficient and profitable outcomes (E. R. Kleemans & de Poot, 2008, p. 79). In addition, over time the offender builds expertise that attracts the notice of other offenders who need the expertise for their own endeavours (E. R. Kleemans & de Poot, 2008, p. 88). Finally, extended involvement in criminal activity allows a person to accumulate sufficient capital to fund further criminal activity (E. R. Kleemans & de Poot, 2008, p. 90).

A further study of the same data produced similar indicators of organised crime participation (E. Kleemans & Van de Bunt, 2008). Once again the offenders' legitimate jobs involve mobility and transportation. The offenders were either in non-salaried employment and/or operated independently. They had social jobs that allowed for interaction with potential co-offenders. The classic example being a flight attendant, was involved in the transport industry, moved around a lot within that industry, operated with relatively little supervision, and interacted a great deal of acquaintances. They describe how the offenders had "embeddedness of criminal activity in work relations" (E. Kleemans & Van de Bunt, 2008, p. 189). Similar to the previous study, the offenders were presented opportunities to crime; the offender could continue normal work at the same time is conducting criminal activity; and work colleagues acquaintances with potential partners in crime. Thus the offenders had a good dimension, the independence and discretion at work, and a group

dimension, in the sense of who they worked with (Mars 1994). However, they also found that a strong culture could provide bonds of loyalty and prevent deviance such as breaking a confidence of the offending group; in other words, the offenders maintained *wall of silence* (E. Kleemans & Van de Bunt, 2008, p. 192).

Study the nature of policing shows that it matches many of the findings of the Dutch studies. There is no indication of any economic necessity on the part of police officers for graft. Nonetheless, police have many opportunities to participate in illicit activity in the course of their normal work. Some police roles involve greater exposure to potential criminal activity than others, for example, police involved in law enforcement of drug activity or vice, both of which are heavily controlled by organised crime and extremely profitable, are more vulnerable to the likelihood of offers of corruption. The posting of a police officer into such a position can create the opportunity to participate in crime; an opportunity that may not have existed in their previous posting or adult life. Also, most police officers operate either alone or in small groups with little supervision, which creates an environment that improves the opportunity to commit crime. They also have social jobs which requires constant engagement with both legitimate and criminal communities. Police also are able to conduct their illicit activity as part of the normal duties for which they are employed. The one difference between police activity and the organised crime activity in the Dutch studies, is the lack of any indication of capital accumulation in order to fund further criminal activity. This is most likely due to the nature of the criminal activity that the police conduct. They do not need to fund crime, rather they provide a service that criminals must find funds to pay for. They supply the illicit community with the service of corruption and protection. This costs them nothing as the police agency is inadvertently providing them with the power and resources to deliver the service. Assuming they do not become directly involved as partners in the illicit activities they protect, then they do not need to accumulate funds to either continue expand their operation.

Neutralisation

Another association with white-collar crime is the reliance on neutralisation to justify illicit behaviour. White-collar criminals create a value system which makes the behaviour acceptable (Benson & Simpson, 2009, pp. 45-46). It is useful at this point to note the difference between an excuse and justification. According to Benson and Simpson (2009, p. 140) an excuse is where you admit you did something wrong but do not take responsibility for it, is where you take responsibility for your actions, but do not believe they are wrong or at least you believe that you are justified in taking action. An excuse, therefore, is a claim that you're unable to prevent the action occurring and would be forced into performing it; punishment is necessary that you do not deserve it. Neutralisations are justifications; no punishment is deserved. In the 1950s researchers (Sykes & Matza, 1957) recognised the process of neutralisation through which offenders rationalised their actions. Mars (1994, pp. 169-171) describes neutralisation as rituals which allow a person to separate their persona into one which is compliant with social norms as an employee or businessperson and another which allows covert offending. These two personalities can operate independently. This division can be supported by culture of the organisation. Often a person is simply replicating a split personality being operated by, or in collusion with, all their co-workers. These rituals of neutralisation include denial that injury was actually caused to anyone else, denial

of personal responsibility for the negative outcomes from their actions, and/or a higher justification for the action which overrides the otherwise negative social norms that apply

Case Studies

Trevor Haken was a New South Wales police officer. He was first posted to the Traffic Branch as a constable and was involved in corrupt activity almost immediately. He participated in taking kickbacks from tow truck operators and funeral companies (Padraic, 2005, pp. 58-61). As you progress through his career into the plainclothes detective branches, he likewise moved from one corrupt network to another. In the higher ranks the corruption took the form of opportunistic payments or shakedown is of criminals, or noble cause corruption to ensure convictions the evidence was insufficient. By the time he reached posting in Kings Cross, he became involved in systemic corruption involving regular payments by organised crime to maintain a system of protection by the police.

Just like the organised crime members studied in the Netherlands, Haken did not have a personal history of criminal convictions, grew up in a normal home, was married and obviously in full-time employment. His criminality began with the opportunities presented by his employment and it evolved as the opportunities changed with each posting and promotion. His Social Opportunity Structure set the boundaries his criminal activity. Whilst graft was present in every posting, the nature of the graft, and the rules that applied to it varied from posting to posting. For example, in the traffic branch only constables participated in kickbacks from tow truck drivers (Wood, 1994, p. 11800). Conversely, in other postings such as Kings Cross, only sergeants could share in the protection payments (Wood, 1994, p. 11896). Uniform officers did not have the jurisdiction or administrative responsibility to provide protection to organised criminals. On the other hand, plainclothes detectives were able to provide this protection through their independent, and relatively unsupervised, operations, without concern for regular scrutiny that might expose the criminality. Haken also experienced a snowball effect as his reputation as someone who would share in a drink, that is a corrupt payments, meant that corrupt networks both allowed this posting to their precinct and occasionally sought him out as a participant (Padraic, 2005, p. 26). The same reputation in the underworld meant that he could proactively seek out opportunities and was regularly approached by members of criminal class to provide them with protection or assistance (Padraic, 2005, p. 134). Throughout this period, Haken was very proud about the fact that he still performed his normal duties with great vigour and success. Even risked his career to raise under resourcing issues with the media to ensure that he is branch to perform its duties as effectively as possible (Wood, 1994, pp. 11871-11873).

Haken actively used neutralisation to rationalise his activities. In relation to taking kickbacks and bribes, Haken saw it is common practice that only outsiders did not participate in, and he knew that the code of silence would protect participants (Padraic, 2005, p. 61). He saw no harm in taking a personal benefit if his other work was good for the community. He and other police did not trust the courts to enforce the law (Padraic, 2005, p. 129). He was happy to use illegitimate means to take known offenders off the streets. He and the other police saw themselves as the white Knights, and thought it was quite acceptable behaviour in the normal course of being a detective. He was even able to rationalise his alliances with criminals. Haken believed that crooks had to be controlled.

Criminality was inevitable so the police had to form alliances to ensure that the consequences of crime was kept to a minimum (Padraic, 2005, p. 66). He and other police set rules for those who make graft payments, such as there would be no violence in the Kings Cross area. These and other rules were designed to allow the drug operations to continue, but still keep the peace for the law-abiding public. He also thought it was necessary that police should never lose the respect of criminals by participating in drugs or prostitution or borrowing money from organised crime members (Wood, 1994, p. 11990). In summary, he and his associates were the good guys who are protecting the public and, if they made a profit in the process then no harm is being done to anybody.

Jack Herbert

Jack Herbert was a London police officer who moved to Australia and commenced work with the Queensland Police Force. Unlike Haken, Herbert did not participate in graft either in London or in the Queensland Police Force prior to being posted to the Licensing Branch (Herbert & Gilling, 2004, p. 49). Having said that, Herbert was never presented with the opportunity to take bribes before joining the Branch. Once in the Licensing Branch and realising that "there was a quid to around," Herbert extorted his way into the corrupt network operating in the branch. He soon gained a reputation as being highly reliable and good operator (Fitzgerald Inquiry, 1989, pp. 15287-15290). When the organiser of the network left the branch, Herbert took over and expanded its operation as well as his control over the flow of money (Fitzgerald Inquiry, 1989, p. 15295). Herbert left the police force in 1974 and became involved with a semi-legal gaming industry (Fitzgerald Inquiry, 1989, p. 15367). He obtained this job through his reputation as a good organiser and someone who was willing to participate in corruption. The same reputation soon drew other people to him who wanted to re-establish the Joke. In the early 1980s, Herbert used his connections to develop a widespread police corruption network taking payments from illegal bookmakers, prostitution rackets and illegal gambling venues (Fitzgerald, 1989).

Once again we can see how Herbert's social opportunity structure contributed to both the commencement and expansion of his criminal career. Herbert admitted that he was open to criminal activity. However, he had no background of criminal participation as a child, nor was he exposed criminal opportunity either before joining the police or in his early career in either London or Queensland. But once an opportunity arose, he not only pursued it but tamed it and refined it. The Licensing Branch officers were plainclothes detectives who had freedom of movement and, in this early technological days, minimal supervision. As investigators of vice, the Branch exposed its staff to criminals who needed protection and had the money to pay for it. Unlike Haken, Herbert was not constrained by his career path in expanding his operation. Once outside the Queensland Police Force in 1974, he was able to proactively build a much larger network of corruption than he could have inside the force. In other words, he moved beyond his old work network and expanded into a much more profitable operation. His excellent reputation as an organiser lead to a snowballing of opportunities and connections both within the police force, where he was known as administrative ability and discretion, and in the underworld to his connections with senior police, including the police Commissioner.

The major departure between the careers of Haken and Herbert is that Herbert provided no rationalisations of his actions. At no stage in his evidence to the enquiry or his autobiography to justify participating in corruption. He knew it was wrong that he liked the money and did not think you would get caught.

Conclusion

Studies of white-collar crime and organised crime have established that most participants entered the career path as adult-onset offenders. These findings to emerge from studies of life-course criminality which find that offenders commence criminal activity in adolescence, peak in their late teens, and tend to desist once employed, married or otherwise integrated into society. Corrupt police officers have the opposite profile than that suggested by life-course criminality studies. They have no criminal background, are employed and in a profession at the core of social stability. Nonetheless, some police do commence offending when presented with the opportunity to make money from corruption. Like white-collar criminals, some police use neutralisation rituals to justify their behaviour. Haken's career meets all the aspects of this model. He commenced offending as a police officer and justified this activity as either victimless or as an effective method of ensuring that peace was maintained in his precinct. However, not all police take Haken's route. Herbert also commenced offending as a police officer, but snowballed his career outside the force and never tried to rationalise his actions. Further study is needed into this area to build new theories of adult onset offending and discover its relevance to white-collar crime and offending by public officials.

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