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Police ethics and integrity: Can a new code overturn the blue code?

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Police ethics and integrity: Can a new code overturn the blue code?

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Abstract

This paper analyses police officer perspectives on the seriousness of potential misconduct or unethical behaviour, and the factors that might shape whether they would report their colleagues' misdemeanours. It compares responses from police officers in UK three forces, looking at potentially corrupt behaviours described in a series of scenarios. The discussion includes why some types of misdemeanour seem more likely to be reported and the potential effects of a newly introduced formal Code of Ethics. In terms of differences between ranks and roles, and different responses from different services, the study suggests that the way police culture operates is significant and needs to be more widely addressed. The study used scenario based questionnaires to elicit views about the seriousness of certain police behaviours and to ask whether officers would report colleagues' misdemeanours. It develops a previous survey by one of the authors which conducted a similar survey published in 2005. Using the same questionnaire the new study examined a larger and more diverse sample of serving officers (n=520). This new study compares responses from police officers in UK three forces, geographically distributed across the country and have differing characteristics in terms of size, rurality, population density and policing priorities.

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Introduction

Internal solidarity and unwillingness to 'snitch' are said to cover up a range of behaviours from brutality to bribery and perjury to protectionism in the police. The existence of a 'blue code', 'wall', or 'curtain' of silence is debatable but as Skolnick (2002, p. 7) asserts, there are unwritten rules which 'sustain an oppositional criminal subculture protecting the interests of police who violate the criminal law'. An international study upon which this present research is based concluded that 'the most dramatic finding that emerges from the contours of integrity concerns the worldwide prevalence of the code of silence' (Klockars et al. 2004, p.17). In an attempt to provide some further empirical evidence of the so-called blue code of silence this paper aims to address a number of key research questions around the way police officers regard certain misbehaviours and whether they would report deviant colleagues. We draw upon a survey of serving UK police officers in 2011 to address three key questions. First, to assess officers' knowledge of their organisation's rules; second to explore what officers regard as 'serious' misdemeanours; and, third, their propensity to report them. We consider the significance of the harmful outcomes of various actions versus their 'crime' or legal value in terms of seriousness of offence or punishment. Throughout the paper we explore these themes and link them to issues of internal solidarity, loyalty and accountability. Towards the end of the paper we discuss these issues in the light of a code of ethics which has been introduced recently by the UK's College of Policing. Our key findings are that acquisitive misdemeanours (behaviour that is 'bent for self', to use Punch's (2009) term) was regarded as more serious than other types of concern. Further, we re-affirm that officers were often reluctant to report misdemeanours, even when these were regarded as serious.

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Although more serious offences were more likely to lead to reporting, large proportions of officers still would not report the more problematic behaviour. Officers in the more rural force were more likely to report than the other two, as were those in supervisory roles, and those with less length of service. Thirdly, we found no clear association between the (potential) harm associated with each behaviour and respondents' evaluation of seriousness. Potential negative impacts relating, for example, to perversion of the course of justice, did not necessarily relate to judgements about the gravity of the conduct.

In exploration of these themes we took pertinent characteristics of police culture, or cultures, into account. Cultural beliefs such as partner loyalty provide a framework upon which the survey is based although we acknowledge that this is a contested area without universally agreed definitions. Similarly, we acknowledge that the 'blue code', which prevents police misbehaviour being revealed and increases the likelihood of malpractice, is contested. Despite the definitional difficulties, the debate about 'culture causing corruption' deserves further examination. The discussion that follows considers the extent of the influence of police cultural traits, such as loyalty and discretion on officer's propensity to break the supposed blue code by reporting colleagues who bend or break the rules. In addition to these questions about the impact of cultural values, we were also interested in other variables that might influence officer perceptions. To consider whether the concept of the cynical 'uniform carrier' (Reiner 2010, p. 120) is still pertinent the survey posed questions about length of service and rank. By asking the sex of respondents we were able to consider whether male or female officers might make different ethical choices around to reporting a colleague's misdeeds. Furthermore, the inclusion of three police services

allowed consideration of whether geographic location and size of police force affected the results. We also explored the ways in which locality and the rural/urban setting might make a difference in attitudes and responses.

Background

As observational field work studies from the 1960s onwards have shown, one of the characteristics of police occupational culture is a strong bond of affinity between colleagues. In some of these early accounts of accompanying police officers on duty, writers such as Banton (1964), Skolnick (1966) and Bittner (1967) observed that the officers always backed each other up and were constantly on the alert for potential danger. As Reiner (2015, p. 319) says, for Skolnick, 'mainstream police culture is characterised by isolation, solidarity, suspiciousness and conservatism, all constructing a picture of a "symbolic assailant", threatening order and the police themselves'. One of the enduring characteristics of police culture is claimed to be an unwillingness to report colleagues who violate the rules. In Skolnick's (2002, p.8 original emphasis) more recent work on the blue code he argues that '*loyalty* to fellow officers is a key feature of the culture of policing, regardless of whether criminality is involved'. Skolnick (1991) provides evidence of public inquiries and investigations which have uncovered police corruption, including examples of telling lies and extreme brutality where officers had seemed confident that the code of silence would protect them. He cites the shocking and brutal attack of Rodney King in Los Angeles in 1991 which was broadcast worldwide. Officers who could have stopped the attack stood by and those carrying it out seemed unworried by the presence of police

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observers. Skolnick (1991, p. 7) argued that 'those who participated must have believed they could count on their colleagues to lie in case of an investigation'.

This solidarity and confidence in being backed up by colleagues, according to Kleinig (1996), is because police officers are governed by an unwritten set of cultural rules. These rules demand competing loyalties, but loyalty to (police) partner is above all others and the whistle blower is viewed with contempt (Kleinig 1996, p. 74). One of the main issues around the adherence to the blue code is the way group solidarity may prevent unethical behaviour coming to light due to its fostering of a 'no-snitch' culture. Aside from the stigma attached to being known as a 'rat' or snitch, there is the additional worry that colleagues may not come to the aid of a whistle-blower if he or she is in danger. The documented experiences of Frank Serpico illustrate this (Maas 1973). As a maverick detective in a US police department in the 1970s Serpico was seriously injured and colleagues did not make concerted attempts to save him. Maas argues that this was because he had refused to take part in the corrupt activities of his colleagues and had given evidence to a tribunal against some of them. Cultural beliefs around loyalty are also related to police discretion and accountability. The discretion which is built into police practice demands that decisions around what is 'right' or 'moral' to be constantly under review as officers decide what action to take in any given situation. As Kleinig (2013, pp. 30-31) argues, a police officer is not confronted simply with someone who has broken the law, but 'a human being with such-and-such characteristics who appears to have broken the law in such-and-such circumstances'. As officers often encounter prolific law breakers they might be encouraged to view their own behaviour favourably in contrast to the people they meet in the course of their duties. The cop culture 'blue' code of ethics, amongst other beliefs, holds that police officers 'fight with one hand tied behind our back as

criminals don't have a code of ethics' (Author 1, 2016, p.13) and in comparison to the activities of those they arrest, their own misdemeanours may seem trivial.

In addressing the role of culture in relation to police integrity we are mindful that culture does not exist in isolation from the organisational context of policing and the roles that officers perform. Following Loftus (2010) we argue in the conclusion to the paper that enduring characteristics (both negative and positive) of police culture need to be understood in terms of institutional, social and political pressures that shape policing. An advantage of including three different forces within the study is that is allows the opportunity to consider different organisational dynamics that might interact with the blue code and to consider this wider context in which officers react to potentially unethical behaviour.

In summary, the paper explores a range of misdeeds on duty including some 'serious' offences, and whether officers would report their colleagues. We also explore whether this is dependent upon certain variables such as the number of years' service, gender, the perceived harmfulness of the offence and the geographic location of the force. We analyse officers' ranking of which scenarios they counted as more or less 'serious', and to what extent this would affect whether they would report a colleague's misbehaviour. In the discussion which follows we relate our findings to some previous studies of a similar type (Klockars *et al.* 2004, Westmarland 2004, 2005, Rowe 2007) and discussions around loyalty, discretion and accountability. We end the paper by reflecting on a new formal code of ethics introduced by the UK College of Policing in 2014.

Methods

As discussed in more detail below, the survey used a series of scenarios to ask about some ethically challenging situations to discover how serious the infringements were

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regarded. The dilemmas posed by the situations included whether respondents would report hypothetical misdemeanours. Kleinig (2013 p. 27 original emphasis) claims that 'scenarios offer opportunities for practical moral reflection based on situations or sets of circumstances that might be encountered in the *real world*'. The vignettes were adapted from an original survey aimed to assess the degree of seriousness officers attribute to various actions and their willingness to report the misconduct of other officers (Klockars *et al.* 2004, p. 10-12). The questions were originally designed to elicit opinions about police integrity in relation to a spectrum of activities, some of which seemed mundane and could be justified in some circumstances, while others, such as theft and deception, were clearly breaking organisational rules. Violations of criminal law, including theft and accepting bribes were included at the other end of the range of behaviours. The responses to these questions as to how serious the respondents rated the activities were then compared with the data indicating whether officers said they would report colleagues' misbehaviour.

As some of the survey's scenarios describe 'minor' deception or mundane matters we might expect respondents to say they would not report these actions. Two of the other scenarios involved the theft of goods or cash of a significant value and it is reasonable to assume that they would be more likely to be reported. A third type of scenario presented some potentially difficult situations that might require discretionary responses to moral dilemmas. These involved wrongdoing in a legal sense but which might be against 'blue code' rules to report. What is acceptable in any organisation is, to some extent, informed by cultural norms. Police officers often have to make decisions which involve weighing up their powers of discretion against the numerous written and unwritten rules and regulations. Waddington (2013, p.12) argues that the

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police are similar to medical practitioners, in that 'their practice too involves ethical dilemmas aplenty'. In essence the scenarios in the survey were aimed at interrogating the level of malpractice that would have to be apparent before the majority of officers would 'definitely report' the misbehaviour.

As mentioned earlier, one of the academic studies which led to the development of this paper began with an international project to compare police ethics and integrity across various countries (Klockars *et al.* 2004). In that survey, one of the authors of this paper conducted a small scale study of a police force in the south of England which fed into the comparative analysis by Klockars et al (Westmarland in Klockars *et al.* 2004) that was later published as a paper concentrating on the UK part of the study (Westmarland 2005). The earlier study (n= 275) uncovered some interesting issues about the existence of a 'blue curtain' of silence, where some officers said they were unlikely to report offences, even when they thought 'serious' rule breaking had taken place. The wider international study found that 'the most dramatic finding that emerges from the contours of integrity concerns the worldwide prevalence of the code of silence' (Klockars *et al.*2004, p.17).

In 2011, funding was obtained to conduct a wider study of UK forces, using the same questionnaire, with the aim of surveying a larger sample of officers and a wider geographical distribution. The present paper reflects upon this larger survey of police officers in three forces across the UK with a total response of 520 police officers. It concentrates on the aspects of the survey which asked about officers' opinions of the seriousness of various misdemeanours which were presented in 11 scenarios. Respondents were then asked how likely it was that they would report these actions

and behaviours. Officers were asked to indicate on a scale (from one to five) how serious they regard particular actions and whether they would tell anyone about it.

The Questionnaire Scenarios

1. A police officer runs a private business in which he sells and installs security devices, such as alarms, special locks, etc. This work is done during off-duty hours.

2. A police officer routinely accepts free meals, cigarettes and other items of small value from shopkeepers on his beat. He does not solicit these gifts and is careful not to abuse the generosity of those who give gifts.

3. A police officer stops a motorist for speeding. The officer agrees to accept a personal gift for half of the amount of the fine in exchange for not issuing a summons.

4. A police officer is widely liked in the community, and on occasions such as Christmas local shopkeepers and restaurant and bar owners show their appreciation for her attention by giving gifts of food and alcohol.

5. A police officer discovers a burglary of a jewellery shop. The display cases are smashed and it is obvious that many items have been taken. While searching the shop, he takes a watch, worth about two days pay for that officer. He reports that the watch had been stolen during the burglary.

6. A police officer has a private arrangement with a local vehicle body shop to refer the owners of the cars damaged in the accidents to the shop. In exchange for each referral, he receives a payment of 5% of the repair bill from the shop owner.

7. A police officer, who happens to be a very good car mechanic, is scheduled to work during some planned forthcoming holidays. A supervisor offers to authorize these days off, if he agrees to tune-up the supervisor's personal car. Evaluate the SUPERVISOR'S behaviour.

8. At 2am, a police officer, who is on duty, is driving a patrol car on a deserted road. She sees a vehicle that has been driven off the road and is stuck in a ditch. She approaches the vehicle and observes that the driver is not hurt but is obviously intoxicated. She also finds that the driver is an off-duty police officer. Instead of reporting this accident and offence, she transports the driver to his home.

9. A police officer finds a bar on his beat which is still serving drinks an hour past its legal closing time. Instead of reporting this violation, the police officer agrees to accept a couple of free drinks from the owner.

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10. Two police officers on foot patrol surprise someone who is attempting to break into a car. He runs off. They chase the suspect for about two streets before apprehending him by tackling him and wrestling him to the ground. After he is under control, both officers punch him a couple of times in the stomach as punishment for fleeing and resisting.

11. A police officer finds a wallet in a car park. It contains the amount of money equivalent to a full-day's pay for that officer. She reports the wallet as lost property, but keeps the money.

The 11 scenarios were described in some detail in the questionnaire and demanded a reasonable level of concentration. As with the earlier study in 2004, the questions in the 2011 study were primarily aimed at throwing light on the belief that police culture demands that colleagues do not blow the whistle on colleagues. The survey was not trying to establish whether officers engaged in misdemeanours, but whether they would tell anyone and if there was any association between 'seriousness' and reporting. Loosely structured focus group discussions were held in each police area with senior officers to review the survey findings and capture their insight into resultant issues. These were further enhanced by discussion among experts at a Parliamentary Select Committee seminar at which the results were presented in early 2012.

Following extensive consultations three forces took part in the study. These were the only volunteers after a series of approaches and appeals to senior officers to give permission for their force to participate. Fortunately the three volunteer forces were different in a number of ways. Force 1 was a large organisation with major cities and mixed rural areas within its remit. Force 2 was a large metropolitan force with significant areas of largely isolated rural areas and Force 3 was small rural force. They were from different regions of the country: one located in the middle of England, one in the west and one in the north.

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The survey

The survey took the form of a paper booklet consisting of the 11 scenarios that officers had to rate. Questionnaires were sent to each police force in boxes by person or post and distributed at shift briefings. Each survey had an addressed, pre-paid envelope in which to place the completed questionnaire. This was then returned directly to the named lead researcher at the university marked 'confidential'. Due to this process anonymity was guaranteed to individual officers although it was possible for the researchers to discern from which force they originated due to a colour coding system. In the following discussion forces are identified as 1, 2 and 3 and following the completion of the study Chief Constables in those forces were given the results of their part of the survey, but not told the identity of the others.

The total return rate varied from force to force although this is slightly misleading at individual force level (see Table 1 below). This is because the researchers could not be certain of the exact number of delivered questionnaires which were handed to officers for completion. At the end of the data collection period of around six months 520 questionnaires were received from the three forces in total. The substantial number of responses enabled a computer statistical system (SPSS) to be used to analyse the findings and compare responses with variables such as years' service, gender and type of geographic location.

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Table 1 Distribution and return rate of questionnaires (n=520)

	Responded	Distributed	Return Rate
Force One	102	750	13.6%
Force Two	110	1,500	7.3%
Force Three	308	750	41.1%

As with all paper surveys, one of the problems for this analysis is that the response rate relies on all of the questionnaires delivered to the force being placed in the hands of officers who could then choose whether or not to respond. In the case of Force 2 for example, a large metropolitan force, the rate was very low, and although large numbers of questionnaires were delivered we could not determine how many were actually distributed or discarded by officers. Around half of the boxes of questionnaires were returned untouched.

Composition of sample

Having received the questionnaire and considered the scenarios, officers were asked to answer some demographic questions including an indication of how long they had served as a police officer and how many years they had been in their current role or location. The sample had a broad range of officers with varying years' service, adequate for the analysis, and showed that a significant proportion of officers had been in their current location for a fairly short period of time. The following tables illustrate the composition of the 520 officers who responded to the questionnaire.

Table 2 Number of years served as a police officer by force area

	<1	1-2	3-5	6-10	11-15	16-20	>20
Force One	1%	5.9%	21.6%	30.4%	9.8%	6.9%	23.5%
Force Two	0%	10.9%	17.3%	29.1%	12.7%	9.2%	17.3%
Force Three	0%	.6%	7.1%	24.4%	15.9%	14.3%	37%

Table 3 Years served in current location or role

	<1	1-2	3-5	6-10	11-15	16-20	>20
Force One	11.8%	19.6%	37.3%	20.6%	4.9%	1%	4.9%
Force Two	5.5%	21.8%	21.8%	25.5%	10%	4.5%	5.5%
Force Three	11.4%	14.3%	28.6%	28.2%	9.1%	1.6%	6.2%

Officers were also asked to indicate their gender on the questionnaire. The sample composition was broadly representative of women officers nationally which was around 26.2 per cent at the time of the survey (Home Office 2011). This compares with our sample consisting of women officers comprising between 29% and 34%.

Table 4 Gender of officers by force area

	Male	Female
Force One	60.8%	29.4%
Force Two	52.7%	34.5%
Force Three	65.6%	27.3%

The questionnaire requested information about an individual's role partly because one of the scenarios involved the assessment of a supervisor's behaviour regarding the granting of a day's leave. In terms of whether certain actions would be reported, it might be expected that supervisors might be more likely to report rule breaking as

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part of their role, but perhaps less likely to observe such behaviour, being somewhat removed from front line duties.

Table 5 Number of officers in supervisory and non-supervisory roles

	Non-supervisor	**Supervisor**
Force One	69.6%	29.4%
Force Two	70.9%	23.6%
Force Three	61.7%	35.7%

Descriptive Statistics

As might be expected, the scenarios where officers' behaviour was for personal gain were the ones viewed as most serious by almost all officers who responded. Stealing money, taking an expensive watch and accepting a bribe from a speeding motorist were all at the top of the scale of seriousness and were ranked as most likely to be reported. Next, there was a 'middle' range of misdemeanours they viewed as 'serious' which included use of excessive force and covering up for a drink driving colleague. These were less likely to be reported. Finally there was a category comprising of the least serious behaviours such as accepting gifts or a supervisor offering a day off to an officer in return for carrying out work on a privately owned vehicle. These were unlikely to be reported in most cases.

In terms of the behaviours classed as the least serious, there seemed to be an element of uncertainty about the rules and regulations. In some cases officers were not clear about the bending of rules covering 'minor' offences such as working in their spare time or accepting free drinks or small gifts. In response to the question about an

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officer running a security firm in his own time, some officers wrote on the comments such as 'this is not against force regulations' or 'it depends if he had permission'. This was also clear at feedback meetings with senior officers which the research team arranged. Some senior officers whom we consulted at these meetings confessed to being uncertain as to the regulations regarding second jobs. Rules varied between the three forces we surveyed, ranging from not being allowed to have paid work outside the force to being able to do so at the Chief Constable's discretion.

Officers who responded thought that running a business on the side and accepting small gifts were the least serious behaviours, They thought that misdemeanours such as hitting a suspect or covering up for a drink driving colleague who caused an accident were less serious behaviours than stealing property, such as a watch, or cash from a lost wallet or accepting a bribe from a speeding motorist. The following table provides a summary of the scenarios with the activities they thought the most 'serious', although in the survey they were more detailed. Table 6 shows the ranking the respondents assigned to each scenario, with 10 being the least serious. (10 is least serious, 1 is most serious).

Table 6 Scenarios ranked in terms of seriousness by respondents

Scenario	Rank
A police officer runs an off-duty private business that sells and installs security devices.	10
A supervisor authorises a day off in exchange for body work on his personal car. Officers were asked to rate the supervisor's behaviour.	8
A well-liked officer receives gifts such as food and alcohol on occasions such as Christmas.	11

An officer accepts a couple of free drinks from the owner of a bar that is serving drinks after the legal hour rather than report the offence.	6
An officer accepts unsolicited items of small value (cigarettes, free meals) whilst on duty being careful not to abuse the generosity of the gift giver.	9
An officer agrees to accept a personal gift for half of the amount of the fine in exchange for not issuing a summons to a speeding motorist.	3
An officer finds a lost wallet that contains the equivalent of a full day's pay. The officer turns in the wallet, but takes the money.	2
An officer refers owners of vehicles damaged in an accident to a local body shop and receives 5% of the repair bill for each referral.	5
An officer takes a watch worth about two days' pay from a burgled jewellery shop prior to other officers arriving on the scene.	**1**
At 2 AM, an officer comes across a car in a ditch. The officer realizes the driver is intoxicated and an off-duty police officer. He brings the off-duty officer home instead of reporting the accident.	4
Officers chase a suspect for two streets before wrestling him to the ground. Once under control, the officers punch the suspect a couple times as a punishment for fleeing and resisting.	7

(10 is least serious, 1 is most serious n= 520)

One of the key themes of the study was to examine the likelihood of reporting colleagues' behaviour, and whether this would be related to how serious the offence was regarded. As might be expected, the highest levels of reporting were associated with the behaviours officers thought most serious. One of these was taking money from a found wallet. As Table 6 shows, almost all respondents thought it serious or very serious, and in force 3 (the small rural force) 95% said they would report it. A slightly lower percentage of Force 2 (metropolitan centre and large cities and conurbations within a large geographic area) respondents said they would definitely report this behaviour.

Table 8. Whether officer taking money from a lost wallet was 'serious' and would report

Officer takes money from a lost wallet (Q 11)		
	Considered the behaviour serious	*Definitely* **would report**
Force 1	99%	84%
Force 2	100%	80%
Force 3	99%	95%

As might be expected, the less serious the offence, at least in terms of the respondents' opinions, the fewer the positive responses as to whether they would 'definitely' be reported. In scenario 10, where a suspect is assaulted - there were some interesting differences between officers' responses which depended on their years in service as an officer and their location. In Force 2, officers with less than 5 years' service were the most unlikely of all the respondent groups to say they would report this behaviour. In terms of the accepted wisdom on police cultural beliefs, this might seem unusual, as 'cynics' or 'police pessimists' (Reiner 2010, p. 120-121) would normally be expected to be older, longer serving officers who had 'seen it all'. This finding might indicate that those at an earlier stage in their career felt more tightly bound to the blue code and less likely to 'snitch' on their colleagues

Table 9 Years as officer compared with whether they would report excessive force

Officer uses excessive force on fleeing suspect (Q 10)		
	Years as officer	**% Would report**
Force 1:	5 or Less	59%
	6-15	65%
	>15	81%

Force 2:	5 or Less	48%
	6-15	62%
	>15	79%
Force 3:	5 or Less	88%
	6-15	86%
	>15	82%

Overall our findings suggest the reinforcement of some previously accepted beliefs about police and whistle blowing, and some surprising differences. In terms of what we might expect as scholars of policing, stealing and acquisitive corruption, or 'bent for self' is regarded as very serious behaviour that most respondents said they would definitely report. Other actions, such as the covering up for a drink driving colleague and those who assaulted suspects, were viewed as less serious than stealing and officers were not so certain that they would report them. Minor discrepancies were unlikely to be reported.

Analysis

In order to examine these findings we considered a number of issues that could affect the results. We looked at variables such as being situated in a rural or an urban area; the officer's gender; their role; whether working in a supervisory position; and the number of years' service the officer had completed. These issues are considered in turn in the following sections of the paper.

Rural versus urban

Taking a more detailed explanation of the findings, one of the key characteristics which might explain the differences in preparedness to report could be the difference between rural and urban police forces. It might be expected that officers based in rural versus those in urban or mixed areas might take different a view on what is 'serious' or the giving and receiving of gifts, due to local community traditions. Research suggests (Yarwood, 2015, Young, 1993) that cultural identity and relations among police and with wider community networks have features in rural police that are distinct from urban environments. The forces in this study included one (force 3) that was characterized as a small, rural police force; while Forces 1 and 2 identified themselves as large, metropolitan forces. Of the scenarios that were considered 'serious' by almost all officers, those in Force 3 said they would 'definitely report' more than those in Forces 1 and 2.

Table 10 Seriousness and likelihood to report officer taking money from lost wallet by force area.

Officer takes money from a lost wallet (Q 11)		
	Considered the behaviour serious	*Definitely* **would report**
Force 1	99%	84%
Force 2	100%	80%
Force 3	99%	95%

Of the behaviours that were considered not so serious by most officers in the sample, respondents in Force 3 were generally more willing to report most of the activities outlined in the scenarios. The only exception was Question 4 – an officer receives

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small gifts at Christmas. In this case the officers in Force 3 were similar to the other

forces in their reluctance to definitely report this behaviour.

Table 11 Whether officers would report a colleague accepting small gifts at Christmas

Officer accepts small gifts at Christmas Q4	
	Definitely would report
Force 1	8%
Force 2	17%
Force 3	15%

When we discussed these findings with the senior management team of the small rural

force, they said they expected these responses was because 'everyone knows

everyone here' and 'if someone does something wrong it stays with them for the rest

of their career'. They also said that because officers live in the area they police it

would also be known about by the local populace, and so this would be an even

bigger threat to their reputation and a disincentive to bend or break the rules. One of

the senior officers pointed out that recruits may have a relative formerly or currently

working for the organisation, meaning that this would be an even greater deterrent to

misbehaviour. These findings reflect research suggesting that the personal impact of

the work environment can be stronger on officers in rural rather than urban

environments (Buttle et al. 2010).

Gender

There were no differences in responses by gender on the seriousness of the

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behaviours. Both men and women were in agreement regarding the seriousness of the scenarios. There was also no difference between men and women on whether they would report the offence.

Role: Supervisor v. Non-Supervisor

We found that in most cases there was a significant difference between supervisors and non-supervisors regarding whether they would report the behaviour; except for question number 5 (where an officer takes an expensive watch from a jewellery shop burglary) and number 7 (supervisor behaviour). In general, supervisors would report all the behaviours mentioned in the scenarios more often than the sample as a whole, especially the instances that most respondents considered minor, or non-serious. In terms of most organisations this makes sense – a person in a supervisory role would feel more obligated to report violations of the rules. Feedback from senior officers also supported this supposition. They said that supervisors would feel it was their duty to report misdemeanours and they would feel confident about the procedures involved. As discussed below, this is one example of how the organisational context in which the officer works inter-relates with working culture.

Table 12 Whether officers would report by supervisor/ non supervisor role
Number of years' service

Officer runs a side business (Q 1)		
Force 1	**% Would Not Report**	**% Would Report**
Non- Supervisor	62%	17%

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Supervisor	23%	57%

Q2. Officer accepts gifts of small value		
Force 1	**% Would Not Report**	**% Would Report**
Non-Supervisor	66%	23%
Supervisor	37%	57%

Q1. Officer runs a side business		
Force 2	**% Would Not Report**	**% Would Report**
Non-Supervisor	50%	31%
Supervisor	39%	39%

Q2. Officer accepts gifts of small value		
Force 2	**% Would Not Report**	**% Would Report**
Non-Supervisor	45%	33%
Supervisor	27%	39%

Q1. Officer runs a side business		
Force 3	**% Would Not Report**	**% Would Report**
Non- Supervisor	47%	31%
Supervisor	18%	60%

Q2. Officer accepts gifts of small value		
Force 3	**% Would Not Report**	**% Would Report**
Non-Supervisor	39%	40%
Supervisor	22%	59%

The survey responses revealed that in terms of the most serious behaviour it did not matter how many years an officer had been a serving officer; they all answered each of these questions in a similar way. In effect, whether experienced or new to the job, officers agreed on what was 'serious'. In general terms they all agreed on the level of seriousness. However, as with the distinction between supervisor and non-supervisor, whether the officer would report the behaviour did depend on years in the force.

Officers who had been in service for 5 years or less would report the behaviours less often, while officers who had been on the force for 15 years or more would report the behaviour more often. This analysis was based on all of the three forces combined. When separated from the other data however, Force 3 did not reveal the same pattern, further indicating that organisational context shapes and filters working culture.

Table 13 Whether officers would report excessive force by years as an officer

Officer uses excessive force on fleeing suspect Q10		
	Years as officer	% Would report
Force 1:	5 or less	59%
	6 – 15	65%
	>15	81%
Force 2:	5 or less	48%
	6 – 15	62%
	>15	79%
Force 3:	5 or less	88%
	6 – 15	86%
	>15	82%

When we discussed these findings with Force 3's senior management team they were largely underwhelmed. In fact, the results we had found most surprising – that newer 'ideologically fresh' recruits would be less likely to report than the 'hardboiled' cynics (Reiner 2010, p.120) was regarded as completely normal by the officers at the meeting. They argued that officers with more years' service would be confident about the rules and to whom they should report whereas newer recruits would be worried about challenging senior officers or those with more service.

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Discussion

In terms of the findings and the existence of a 'blue code' relating to whether officers would report colleagues' misdemeanours, and issues around subcultural solidarity, rule breaking and (non) reporting, three main issues arose from the analysis.

1 Officers are not certain about the 'rules'

This paper concentrates primarily on how serious officers believe some behaviours to be and whether they would report a colleague. One of the first things to determine was whether respondents thought the particular action was contrary to their force regulations. Almost all of the scenarios were contravening a rule, although in some cases in very minor way, such as scenario 2 'accepting small gifts'. In terms of one of the 'minor' infringements – where an officer was conducting a private business on the side, there was some confusion and difficulty with the question. In the free text section at the back of the questionnaire officers wrote comments such as 'this isn't against the rules' or 'it depends if permission was sought'. We recognise of course that many of the individual police forces across the UK have different regulations and this was partly the reason for asking this question.

Focus group discussion with senior officers in each force allowed elaboration. We told them about the confusion regarding minor infringements, and provided feedback on our findings. When we asked senior officers about their policies on staff running a private security business, which was the scenario in the survey, there was confusion. Some of the senior teams were unsure, some said it was allowed, some that it was not

permitted, others that it was discretionary. One senior officer checked with a member of his team, during our meeting with them, to make sure he knew the correct answer. At a national level it seemed that there was no universal strategy and at a force level a degree of uncertainty. From the survey responses, and the senior officers' feedback meetings, it seems that there was some confusion around the minor infringements at many levels in the organisations. It seems likely that this provides for circumstances in which officers do not have reference to a clear set of standards, and that this is an organisational short-coming that inter-relates with occupational culture.

This was not the case in the more serious cases however, and there was almost universal response to most of the misdemeanours such as keeping the money from the lost wallet and the watch from the jewellery shop burglary and the bribe from a motorist. These are clearly legal infringements and so it is probable that officers had no sense of ambiguity as to the organisational expectation, unlike in the previous example. There were two more 'ambiguous' cases – where officers were not completely certain about whether to report, and these were the drink driving and the use of excessive force scenarios. These were clearly against force rules and in most cases classed as 'serious' by respondents, but not always likely to be reported.

The following table shows the way all officers who responded ranked the seriousness of the actions described in the scenarios, including an average of their responses.

Table 14 Average seriousness and the rank of the scenario –(1 being least serious, to 11 being most serious).

Case	Average Seriousness	Rank
1 – Off duty security business	3.023	2
2 – Gifts from shopkeepers	3.463	3
3 – Speeding motorist	4.944	9
4 – Christmas gifts	2.829	1
5 – Watch theft	4.994	11
6 – Kickback from garage	4.627	7
7 – Supervisor	4.070	4
8 – Cover up drink driver	4.741	8
9 – Free drinks at bar open late	4.551	6
10 – Excessive force	4.474	5
11 – Wallet	4.981	10

2 Officers not willing to report colleagues' misdemeanours

What is most significant for our argument that the 'blue code' of silence is still

important was the finding that even where officers were certain that behaviours were

against the rules and they thought that the infringements were serious, they were not

always willing to report colleagues' actions. For example, in one force, less than 50%

said they would definitely report a colleague who covered up for a drink driving off-

duty police officer who had crashed his car. Others indicated that they thought

punching a suspect in the stomach was 'serious' but would not necessarily report it. It is this evidence that we use to support our assertion that that the 'blue code of silence' (Westmarland 2005) is preserved, possibly because officers have no confidence in their management (Huberts *et al*. 2003) or possibly because they are worried that they will be blamed, stigmatized, subjected to 'overt hostility' (Miller 2003, p. 32) or ignored.

This represents another important organisational dimension to the issues examined in this paper, which is that police service responses continue to be shaped by a command and control disciplinary approach. While there might often be good reason to take disciplinary action against officers who do not behave with integrity, a wider organisational 'blame culture' that responds to problems primarily at the level of the individual staff members might deter officers from reporting minor infractions. This might mean that misdemeanours continue unchecked and might escalate in gravity. Moreover, if less serious misdemeanours remain hidden, police services will not be able to use such behaviour as an organisational learning opportunity. Organisational efforts to develop and apply early warning indicators to identify and respond to minor misdemeanours might present an opportunity for improvement. Casting these in such terms – rather than as disciplinary matters – might help to reframe police culture such that reporting becomes seen as less problematic. In his analysis of institutional responses to error in policing, Shane (2013, p. 2) noted a similarly problematic tendency for police services to approach such issues as individual rather than organisational terms:

> *When searching for the causes of the harm, it is not sufficient to examine the active failure in isolation from the organisational context in which it occurred, which means also examining the cascade of underlying conditions that coexisted and perhaps facilitated the unsafe acts. While the individual operator is not*

absolved from responsibility for their acts or omissions, they are operating inside a bureaucracy that has ensnared them with a set of cultural and operating practices that might deviate from accepted standards.

The differences between the small rural force and the larger mixed and metropolitan ones, and in the reporting levels of those with different length of service suggest organisational context needs consideration. It also suggests that the role status of officers has an influence, reminding us that culture is not an all-powerful explanatory concept.

3 Police Officers' beliefs about which scenarios are most 'serious' might not take harm and risk into account

From the responses there was fairly widespread agreement as to what sort of behaviour is regarded as 'serious'. The two scenarios concerning outright theft - stealing a watch from the scene of a jewellery shop burglary and cash from a found wallet - were seen as the worst offences by almost everyone. Nearly all the respondents said that they would definitely report these actions. Other behaviour, such as the use of excessive force and covering up for a drink driving colleague were rated as less 'serious' than taking the money or the watch by most respondents. In some cases less than 50% of officers who responded said they would report these behaviours. Despite this, the potential outcome from these actions of covering up for a drunk driver or assaulting someone with a pre-existing medical condition could be much more harmful to the individual or to society at large than an officer stealing property or cash. Whilst few would agree that a police force with officers who thought that stealing by 'finding' or taking a watch is acceptable, it might be regarded

as less serious than the harm and risk involved in physical violence or drink driving. In feedback meetings we were told that police officers are used to judging actions by the rule of law and an offence's 'crime' value. In other words, a theft would usually carry a higher penalty in the criminal justice system than an assault, and would be easier to prove. One suggestion we were offered was that officers would rank these sorts of behaviours by their colleagues in a similar way, using a tariff of seriousness to which they were accustomed. Police organisations might use this finding to develop a response to reporting misconduct such that officers are encouraged to consider the risks they might face in terms of not reporting. This does not have to be framed in a disciplinary manner but might be based on not implicitly tolerating, and so encouraging, behaviour at odds with professional codes of practice.

Evidence of the 'Blue Code'?

The main findings of this research are in line with previous published studies using a similar questionnaire (see Klockars *et al.* 2004, Westmarland 2005). Although the sample size for the present study was larger than previous studies in the UK, the same attitudes towards the similar offences was observed. Stealing money, goods and accepting bribes were all seen as 'serious' and likely to be reported. 'Minor' infringements were less likely to be seen as serious, and correspondingly less likely to be reported. In terms of two of the 'middling' serious offences – covering up for a drink driving colleague and the excessive force towards a suspect were less clear cut. As tables 9 and 13 illustrate, fewer than half the officers who responded would have 'definitely' reported these actions. In terms of the aims stated in our opening discussion therefore, we have shown that the 'blue code' still plays a part, but not regarding 'acquisitive' or 'bent for self' corruption. The activities that officers could

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clearly label 'crime' – stealing the cash and the watch or the bribe from the motorist-were examples of this, but the lesser offences – perjury in the case of covering up for the drink driver, and not reporting an assault in the case of the suspect, were less clearly viewed as requiring action.

Could a formal code of ethics help?

As mentioned in the introduction to this paper, the UK's College of Policing published a formal Code of Ethics in 2014. Although previous police regulations stipulated that officers should not ignore colleague's rule breaking, the new code strengthens and makes more explicit the requirement for officers to report their colleagues' misdemeanours. The new code states that it 'requires everyone in policing to prevent unprofessional conduct by questioning behaviour which falls below expected standards. Additionally, it supports reporting or taking action against such behaviour' (College of Policing 2014). The Code has been introduced by the College as part of their drive to 'professionalise' the police and to provide a formal set of ethical guidelines and standards of behaviour commensurate with this status.

There is now an explicit requirement for officers to 'blow the whistle' on colleagues who commit misdemeanours as the Code says 'all staff have a duty to act if they believe the Code may be breached'. As the title of our paper suggests we wonder how the 'new code' will interact with the 'blue code'? To borrow a phrase[1] from organisational management studies, 'will culture eat strategy for breakfast?' As some of the behaviours described in this paper are shown as unlikely to be reported. This is the case even where respondents considered them 'serious or very serious', such as

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[1] Usually attributed to Peter Drucker, we are unable to find the original source

the excessive use of force and drink driving, and so it is difficult to predict the potential effectiveness of the newly introduced formal Code. The misdemeanours described in the survey cover a wide range of potentially unacceptable behaviours, from receiving gifts to stealing relatively large amounts of money or valuable goods. The ones concerning obtaining goods or money – sometimes called 'acquisitive' corruption, in that the officer gains some benefit, however small, are easier to codify; but the ones classed as 'noble cause' corruption, which is where there is no discernible benefit to the individual officer are more difficult to define. 'Noble cause' corruption or the 'Dirty Harry' syndrome, is described by Punch (2009, p. 23) as 'cops using 'dirty' means for 'good'' ends' and is sometimes encouraged by cultural codes. By this definition acting with 'honesty and integrity', as required by the new formal code of ethics, might in some circumstances include using dirty means.

There is a long history in police culture literature in many jurisdictions describing what Punch calls the difference between 'bent for self' and 'bent for job' (Punch 2013, p. 3). He makes the distinction between rule bending being 'for' or 'against' the interests of the organisation (Punch 2009, p. 34), in the sense that some actions are viewed as being wrong, but carried out for the right reasons. Kleinig (2013 p.31) argues that a 'police officer who pulls over a speeding does not necessarily make a bad decision in issuing a warning rather than a ticket if the driver appears contrite or was trying to respond to an emergency' as the 'wise use of discretion' requires practiced engagement. An example of how officers might use their discretion is shown in the spaces on the questionnaire that invited responses to be written about the survey itself. Officers who wrote remarks about the drink driving scenario, where an over the limit colleague was transported home without being reported made

comments such as 'would need more information', 'is it the first offence?' 'He might be going through a divorce'. At feedback sessions officers explained that to lose a valued colleague, over a one-off mistake would not be good overall for the organisation, or for society in general, and so the rational action would be to help the colleague, rather than report the misdemeanour. As Punch (2009, p. 3) suggests, this is an example of the 'complex, many-faceted' and ambiguous nature of a subversive 'under-culture' that exist in police organisations and it is one which the new formal Police College Code may have to tackle. Moreover, our findings demonstrate considerable uncertainty about regulations governing behaviour, which suggests that any statement, whatever its content, needs to be strongly articulated and embedded into the routines of operational policing. In terms of clarity of rules and regulations, differences between ranks and roles, and variations between the three services, the study suggests that the organisational context in which police culture operates is significant and needs to be more widely addressed.

Concluding issues

This paper reports on the first UK-wide survey of serving police officers to consider questions of integrity and attitudes towards corruption and misdemeanours on duty. The survey was administered throughout 2011 and the findings were reported to a Parliamentary Select Committee conference in January 2013. The survey was distributed during a period of change in UK policing as the College of Policing was being developed bringing along a new, formal Code of Ethics. It remains to be seen whether the new Code will change behaviour or beliefs and it would be interesting to repeat the survey once the Code is embedded. This said, we are not implying that the police officers who responded to our survey are 'unethical' or lacking in integrity. We

recognise the shortcomings of scenario style questions in terms of the difference between 'what people say and what they otherwise do' (Deutscher, 1973, p. 2) and the pressures to conform to internal codes of practice and organisational targets. Neither are we arguing that 'cop culture' is responsible for corrupt behaviour, or a totally negative influence. As Waddington (1999, 2013, p. 3) pointed out the blue code, has many positive aspects, and most police officers are dedicated, love policing and want to do a good job. On the other hand, we do question how the new College of Policing's Code of Ethics will overcome the much stronger and long established 'cop code' especially as the new code seems to take no account of existing police culture or notions of within-group or partner loyalty. In essence we are questioning how a 'new' code can overturn the powerful influences of long standing police cultural beliefs and how a formal code introduced from above will overturn the 'blue code' of the streets. Additionally responses need to be improved within police organizations outwith established disciplinary and regulatory frameworks for dealing with individual miscreants.

In conclusion, we also recognise the shortcomings of our findings in that our research is not broad or deep enough to answer some arising questions. We also recognise that there are limitations associated with the questionnaire that this paper describes. Some of the scenarios are seen as 'unlikely' and behaviours considered outlandish, although discussions with police professional standards officers during access arrangements for the survey suggest that each one evokes a recent a real life example with which they were familiar. As stated at the beginning of this paper, the study aimed to throw light on attitudes towards reporting behaviour, rather than the actions themselves. As such, the findings, albeit limited to three forces, show that the 'blue wall of silence' still

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exists, and that work needs to be done to reassure officers who feel unable to report colleagues' unethical or illegal behaviours. Some positive aspects of the research include the way that police officers have a strong and unfailing 'moral compass' when it comes to some actions and beliefs, especially where theft is concerned; that many officers would report colleagues' misdemeanours, and that they are willing to take part in a survey to examine these issues. Perennial tensions around the way the police must work effectively within an ethical framework, whilst remaining effective and efficient remain unresolved however and further research into how and why officers keep the 'blue code' would be timely.

Table 15 about here

1. A police officer runs a private business in which he sells and installs security devices, such as alarms, special locks, etc. This work is done during off-duty hours.
2. A police officer routinely accepts free meals, cigarettes and other items of small value from shopkeepers on his beat. He does not solicit these gifts and is careful not to abuse the generosity of those who give gifts.
3. A police officer stops a motorist for speeding. The officer agrees to accept a personal gift for half of the amount of the fine in exchange for not issuing a summons.
4. A police officer is widely liked in the community, and on occasions such as Christmas local shopkeepers and restaurant and bar owners show their appreciation for her attention by giving gifts of food and alcohol.
5. A police officer discovers a burglary of a jewellery shop. The display cases are smashed and it is obvious that many items have been taken. While searching the shop, he takes a watch, worth about two days' pay for that officer. He reports that the watch had been stolen during the burglary.
6. A police officer has a private arrangement with a local vehicle body shop to refer the owners of the cars damaged in the accidents to the shop. In exchange for each referral, he receives a payment of 5% of the repair bill from the shop owner.
7. A police officer, who happens to be a very good car mechanic, is scheduled to work during some planned forthcoming holidays. A supervisor offers to authorize these days off, if he agrees to tune-up the supervisor's personal car. Evaluate the SUPERVISOR'S behaviour.
8. At 2am, a police officer, who is on duty, is driving a patrol car on a deserted road. She sees a vehicle that has been driven off the road and is stuck in a ditch. She approaches the vehicle and observes that the driver is not hurt but is obviously intoxicated. She also finds that the driver is an off-duty police officer. Instead of reporting this accident and offence, she transports the driver to his home.

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9. A police officer finds a bar on his beat which is still serving drinks an hour past its legal closing time. Instead of reporting this violation, the police officer agrees to accept a couple of free drinks from the owner.

10. Two police officers on foot patrol surprise someone who is attempting to break into a car. He runs off. They chase the suspect for about two streets before apprehending him by tackling him and wrestling him to the ground. After he is under control, both officers punch him a couple of times in the stomach as punishment for fleeing and resisting.

11. A police officer finds a wallet in a car park. It contains the amount of money equivalent to a full-day's pay for that officer. She reports the wallet as lost property, but keeps the money.

References

Banton, M.,1964. *The policeman in the community*. London: Tavistock.

Bittner, E., 1967. The police on skid row: a study in peacekeeping. *American Ssociological review*, 32.

Buttle, J., Fowler, C. and Williams, M.W., 2010. The impact of rural policing on the private lives of New Zealand police officers. *International journal of police science & management*, 12(4), 596-606.

College of Policing, 2014. *Code of ethics. A code of practice for the principles and standards of professional behaviour for the policing profession of England and Wales.* Coventry: College of Policing Limited.

Deutscher, I.,1973. *What we say/what we do: sentiments and acts*. Scott, Foresman and Co., Glenview, IL.

Home Office,2011. *Police strength in England and Wales 2011.* London: Home Office.

Huberts, L.W.J.C., Lamboo, T. and Punch, M., 2003. Police integrity in the Netherlands and the United States: awareness and alertness. *Police Practice and Research*, 4, 217–232.

Kleinig, J.,1996. *The ethics of policing.* Cambridge: Cambridge University Press.

Kleinig, J., 2013. Reflections on teaching police ethics with scenarios. In P.A.J. Waddington, J. Kleinig and M. Wright, eds, *Professional police practice. scenarios and dilemmas*. Oxford: Oxford University Press, 25- 42.

Klockars, C.B., Haberfeld, M. and Kutjnak Ivkovich, S., 2004**.** *The contours of police integrity*. Thousand Oaks, CA: Sage.

Loftus, B., 2010. Police occupational culture: classic themes, altered Times. *Policing and society*, 20 (1), 1-20,

Maas, P., 1973. *Serpico*. London: Collins.

Miller, J., 2003. *Police corruption in England and Wales: an assessment of current evidence*. Home Office Online Report 11/03, Home Office, London.

Punch, M., 2009. *Police corruption*. Cullompton: Willan Publishing.

Reiner, R.,2010. *The politics of the police*. 4th edn. Oxford University Press: Oxford.

Reiner, R.,2015. Revisiting the classics: three seminal founders of the study of policing: Michael Banton, Jerome Skolnick and Egon Bittner. *Policing and society*. 25 (3), 308-327.

Rowe, M., 2007 Tripping Over Molehills: Ethics and the Ethnography of Police Work *Int. J. Social Research Methodology* Vol. 10, No. 1, February 2007, pp. 37–48

Shane, J., 2013. Learning from error in policing; a case study in organizational accident theory. New York: Springer.

Skolnick, J. H., 1966. *Justice without trial: law enforcement in democratic society.* New York: Wiley.

Skolnick, J. H., 1991. It's not just a few rotten apples.

    Section B, Metro, March 7,p. 7.

Skolnick, J. H., 2002. Corruption and the blue code of silence. *Police practice and research*, 3 (1), 7-19.

Rowe, M. (2006)

    (2007)

Waddington, P.A.J., 1999. Police (canteen) sub culture: an appreciation. *British journal of criminology*, 39 (2), 286-308.

Waddington, P.A.J., 2013. Introduction. In P.A.J. Waddington, J. Kleinig and M. Wright, *Professional police practice: scenarios and dilemmas*. Oxford: Oxford University Press,
  3-24.

Westmarland, L., Rowe, M., Hougham, C., and Grimshaw R. (2013) *Police Integrity Feedback Report*. Downloadable at www.open.ac.uk/ICCCR

Westmarland, L., 2004 Policing Integrity in Klockars, C.B, Haberfeld, M. and Kutjnak Ivkovich, S. *The Contours of Police Integrity*. Thousand Oaks, CA: Sage

Westmarland. L., 2005 'Police Ethics and Integrity: Breaking the Blue Code of Silence', *Policing and Society*, Vol 15, (2), pp145-165.

Yarwood, R., 2015. Lost and hound: the more-than-human networks of rural policing. *Journal of rural studies*, 39, 278-286.

Young, M., 1993. *In the sticks: cultural identity in a rural police force*. Oxford: Oxford University Press.