

THE CODE OF SILENCE

Revisiting South African police integrity

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In exploring the contours of the code of silence among South African police officers, our 2005 survey of 379 police officers from seven provinces found that a substantial proportion of respondents were keen to protect various forms of police corruption. Between July 2010 and August 2011 we engaged in the second sweep of the survey, encompassing 771 police officers (commissioned and non-commissioned) from nine South African provinces. Our results provide further evidence of the presence of the code of silence covering various forms of police misconduct. At least one quarter of the respondents would protect a fellow officer who verbally abused citizens, covered up police driving under the influence (DUI) accident, accepted gratuities, or failed to react to graffiti. At least one out of eight police officers showed willingness to cover up internal corruption, striking a prisoner, a kickback, a false report on drug possession, and protection of a hate crime. The results further indicate that the respondents' willingness to adhere to the code of silence is directly related to their estimates of whether other police officers in their agency would protect such behaviour with silence, as well as to their estimates of the seriousness of misconduct and expected discipline.

THE CONTOURS OF THE CODE OF SILENCE

The reluctance of police officers to report their colleagues' misconduct is an almost inevitable police organisational trait, developed through the fusion of solidarity, loyalty, and mutual trust among police officers in a paramilitary environment often characterised by extensive rules and an overt emphasis on readily quantifiable performance measures (i.e., arrest numbers). In circumstances in which this synthesised loyalty to the group clashes with the supposed responsibility and accountability to the

larger society and/or with legality, the code often prevails. The presence of the code of silence has been documented in several police agencies in the US, as described by commission reports regarding corruption in the New York Police Department,¹ the Philadelphia Police Department,² and the Los Angeles Police Department,³ as well as a body of prior research.⁴

The contours of the code of silence vary among police agencies. In those characterised by widespread misconduct, be it corruption, excessive force or other miscellaneous forms, the code tends to be strong.⁵ Here the reticence of reporting is motivated as much by the fear that the department could investigate all cases of misconduct and discipline all police officers thus caught, as it is by the department's proven, draconian and exemplary punishments and the possible public

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outrage over the existence of widespread misconduct.

The Klockars *et al* survey of the prevalence of integrity among police officers in thirty US police agencies illustrates the dramatic differences found across police agencies.⁶ In fact, Klockars and colleagues found that the strength of the code of silence in two agencies on the opposite ends of the integrity spectrum, measured as the percentage of police officers who would not report misconduct, could vary as much as 40%.⁷ Addressing the notion that the code is not equally applicable to all forms of misconduct,⁸ the study further suggests that, when presented with the same form of misconduct, the prevalence of the code among the respondents also did not hold equally for all cases.⁹

To date, very few studies have attempted to measure the code of silence among the South African Police Service (SAPS). Newham's study¹⁰ focuses on the willingness of police officers in one police station in Johannesburg to report misconduct. His survey included 104 police officers who responded to 11 hypothetical scenarios based on the model developed by Klockars and Kutnjak Ivković.¹¹ Newham finds that a strong majority of police officers (two thirds or more) indicated that they would report the behaviour of their colleagues only in the three scenarios depicting the most serious forms of corruption.¹² Newham also reports that the police officers expected their colleagues to adhere to the code of silence even more than they themselves felt they would.¹³

In 2005, Kutnjak Ivković and Sauerma conducted a country-wide survey of 379 SAPS supervisors representative of seven of the country's nine provinces, all attending training sessions at SAPS centres.¹⁴ In responding to the 11 hypothetical scenarios based on the model developed by Klockars and Kutnjak Ivković,¹⁵ the respondents were more likely to protect the acceptance of gratuities and off-duty employment than they would a crime-scene theft, bribery, or internal corruption. A worrisome finding suggests that about 25% of the officials would protect some

of the worst forms of police corruption and misconduct.¹⁶ Similar to the Newham finding, the Kutnjak Ivković and Sauerma data suggest that the respondents assumed that their colleagues would be more likely to adhere to the code than they would themselves.¹⁷

In this paper we further explore the contours of the code of silence among the SAPS officers. We present the analyses of a survey of 771 police officials from all nine South African provinces. The surveyed SAPS members were inclusive of almost all the ranks within the SAPS. We study their own adherence to the code of silence and their perceptions of others' adherence to the code, and briefly compare these findings with the 2005 data.

CONTROLLING CORRUPTION AND THE CODE OF SILENCE IN THE SAPS

The SAPS's questionable reaction to police misconduct and its apparent tolerance of corrupt activities within its ranks have been exposed comprehensively in both media accounts¹⁸ and research studies.¹⁹ Similar perceptions are also found among the South African public, who seem sceptical of the SAPS's capacity for accountable policing. Both the 2003 and 2007 National Victims of Crime Surveys (NVCS) identified the police, among numerous public service departments, as a prominent initiator of acts of corruption.²⁰ Members of the organisation seem equally concerned about the SAPS's levels of integrity. In reviewing SAPS personnel research studies for the period 2001 to 2009, Newham and Faull found that SAPS members believe corruption to be a problem at their stations and a 'serious challenge' facing the SAPS.²¹

A lion's share of these media, public and police official concerns can be attributed to the SAPS top management, who, through dubious decisions and apparent oversights, have derailed a very promising anti-corruption strategy implemented during the early stages of the SAPS's transformation from a force to a service. Reflecting on this series of unfortunate

management resolutions, Bruce concludes that 'not only has the SAPS actively undermined its corruption control mechanisms but it has done so whilst management systems, which constitute the basic mechanism of control, have been undermined.'²²

In response to a study of corruption levels within the SAPS, the first national Anti-Corruption Unit (ACU) was established in 1996, a reactive measure that proved very effective in curbing the escalating occurrences of police corruption – by 2001 the ACU had already tallied 3 045 SAPS member arrests on charges related to corruption.²³ To Newham,²⁴ the sheer arrest numbers indicate the presence of widespread corruption within the SAPS, although a significant number of these cases were 'related to "petty" corruption, or "once off" incidents of bribery or other misuse of police powers for personal gain'. Controversially, this unit was closed down in 2002 under the auspices of the then National Police Commissioner, Jackie Selebi, who stated that the ACU had become superfluous because its functions had been duplicated by the Organised Crime Unit (OCU). At about the same time, in an occurrence foreboding of events to come, the KwaZulu-Natal head of the OCU was convicted on corruption charges on the basis of a strong ACU investigation.²⁵

Following the establishment of the SAPS in 1995, several independent, civilian-led bodies were created and tasked with the formal overseeing of policing and police accountability within the country. Regrettably, serious structural problems, coupled with increased police resistance to external investigations,²⁶ laid waste to any profound effect that these bodies could have had on service delivery and corruption complaints.²⁷ Despite these voids in both internal investigative powers and external oversight bodies, the SAPS still insisted in its 2004 annual report that 'a considerable effort has been made to put mechanisms in place to detect alleged cases of corruption and to implement restorative actions aimed at dealing with potential shortcomings that may result in or contribute to corruption.'²⁸

Contradictory to these claims, however, Newham and Faull refer to an unpublished, 'high-level SAPS Policy Advisory Council report' that warned about the insufficient capacity of the SAPS to investigate corruption during the 2006/7 period.²⁹

Reflecting on this period, Faull concludes that corruption within the SAPS is 'widespread, widely acknowledged, but seldom acted upon', and that the organisation 'has since 2002 lacked an applied corruption fighting strategy.'³⁰ During this absence, it would appear that opportunities for corrupt behaviour within all echelons of the organisation have increased, with high profile police officials at the centre of recent integrity-related controversies. A case in point – Jackie Selebi, the then National Police Commissioner, Interpol president, and the driving force behind the abolishment of the ACU – was officially charged in March 2008 with corruption and defeating the ends of justice related to his alleged links with key figures of organised crime syndicates.³¹ In 2010 he was convicted on the corruption charges, involving R1,2 million (roughly \$165 000), and received a fifteen-year prison sentence.³² Regrettably, this serendipitous opportunity to alter the corrupt image of the SAPS was not taken advantage of as, even after he had been formally charged, Selebi was publicly defended by several senior SAPS members. The presence of the code of silence among these senior officials not only raises serious concerns about the integrity of the remaining management of the SAPS, but it also, as Newham and Faull suggest, sends the inevitable message to the public and SAPS members alike that loyalty among police officials is more important than adherence to the country's constitution and its laws.³³

This message became louder still as the dubious influence of political powers emerged during the Selebi scandal. In a bizarre turn of events, the agency responsible for investigating this high-level corruption case – the National Prosecuting Authority's (NPA) elite investigative unit, the Scorpions – was incredulously accused by the ANC-led government of 'Hollywood style tactics',³⁴ leading to the suspension of the head of

the NPA on grounds of incompetence and the subsequent disbanding of the Scorpions.³⁵ Another investigative void thus created, it would certainly appear that corruption control is not high on the priority list of those with political power. During 2009, the Directorate for Priority Crime Investigations (DPCI), or the Hawks, was established to target '*criminal high flyers*' with functions inclusive of the prevention, combating and investigation of national priority offences with a particular focus on serious organised crime, serious commercial crime, and serious corruption.³⁶ With the Hawks' commanding officer in Mpumalanga recently charged for allegedly stealing money from a detained suspect,³⁷ it remains unclear whether the switching of investigative units was indeed in the interest of law enforcement or whether murkier political agendas were appeased.

Meanwhile, Bheki Cele had replaced Selebi as National Police Commissioner and was quick to claim that the police were dealing swiftly with corruption and criminals found within their ranks: 'a stern warning has to be sent to those who think that being in the police means you can do as you wish, you can treat people with contempt...there are such potatoes.'³⁸ In February 2011, less than a year after the conviction of Jackie Selebi, the office of the Public Protector issued this 'stern warning' by releasing a report in which the new Police Commissioner was accused of 'conduct [that] was improper, unlawful and amounted to maladministration,' by violating laws and regulations while failing to seek competitive bids in the leasing of police offices. It was also noted that the real estate company involved in this scandal was headed by 'a close friend of the country's president.'³⁹ Here, Newham and Faull also comment on the SAPS backlash during this new scandal. Instead of embracing corruption investigations, the SAPS reacted with strong-arm tactics aimed at intimidation by first arresting the journalist who 'broke' the story, and then releasing him without charge.⁴⁰ Even the office of the Public Protector was not spared. In an action 'widely perceived as police intimidation,' SAPS Crime Intelligence officials arrived at these offices shortly after the release of the damning report,

and requested documents pertaining to the allegations.⁴¹ In October 2011, General Cele was relieved from his duties as National Police Commissioner 'pending the outcome of an investigation into *unlawful* police lease agreements.'⁴²

The demise of both police commissioners in such a brief period of time surely cannot bode well for the already floundering trust of both the public and police members in the management of the SAPS. The fact that both investigations were prompted by the involvement of either independent third parties or journalists further underscores the SAPS's lack of corruption control structures. Unfortunately, this type of informal corruption control seems the only available measure at present, with Newham and Faull reflecting on the absence of any independent body with the capacity to undertake a criminal investigation into the actions of the SAPS National Commissioner, 'as this capacity resides solely within the SAPS, [which falls] under his direct command'.⁴³ The present uncertain, and possibly hostile, climate with regard to anti-corruption investigations – which in itself is the product of political interventions – raises troublesome questions regarding the SAPS's independence as a policing agency and its overall ability and willingness to report integrity challenged behaviours.

METHODOLOGY

The questionnaire developed by Klockars and colleagues⁴⁴ contains descriptions of 11 hypothetical scenarios describing instances of police corruption, use of excessive force, and failure to execute an arrest warrant. We added three more scenarios describing the protection of a hate crime, accepting a bribe from a speeding motorist, and not reacting to graffiti. The respondents were asked to evaluate each hypothetical scenario in terms of its seriousness, appropriate and expected discipline, and willingness to report. This questionnaire has already been used in countries as diverse as the United States,⁴⁵ Croatia⁴⁶ and South Korea.⁴⁷ In its present, enhanced form the second

questionnaire is still largely based on the original as developed by Klockars and Kutnjak Ivković,⁴⁸ which was successfully utilised across the world,⁴⁹ including South Africa.

During 2010/2011, we surveyed SAPS officers at their assigned police stations and in units of specialised policing operations. The response rate was about 87,5%. The sample included 771 police officers surveyed across the country (154 from Western Cape, 82 from Eastern Cape, 43 from Northern Cape, 75 from Free State, 109 from Kwazulu-Natal, 137 from Gauteng, 49 from Mpumalanga, and 64 from North West).

Most respondents were assigned to detective/investigative units (33,5%), patrol (26,3%), or community policing (COP) (11,9%). About 43% were constables, 8% sergeants, 21% warrant officers, 2% lieutenants, 16% captains, and 8% had a higher rank. The majority of the respondents were employed in somewhat larger police agencies: medium-sized police agencies with 76 to 200 sworn officers (24,8%), large

police agencies with 201 to 500 sworn officers (13,9%), or very large police agencies with over 500 sworn officers (26%). Most of the respondents held non-supervisory positions (63%). About one-half of the respondents had been police officers for more than 16 years (46%), and 49% had between three and ten years of experience.

ADHERENCE TO THE CODE OF SILENCE

After reading each scenario, the respondents were asked a series of questions, including whether they would personally report the police officer who engaged in the described misconduct and whether, in their opinion, other officers in their agency would report. The answers ranged from 'definitely not' to 'definitely yes' on a five-point Likert scale.

The results, shown in Table 1, indicate that the code of silence is not a flat prohibition of reporting. Rather, it varies across the scenarios,

Table 1: Respondents' own perceptions of reporting and perceptions of others' reporting

Scenario number and description	Own reporting	Others' reporting	Value of the percent difference	McNemar Chi-square test
	Percent not reporting (rank)	Percent not reporting (rank)		
Scenario 1 – Free meals, gifts from merchants	25,7% (3)	45,9% (1)	-20,2	179,5***
Scenario 2 – Failure to arrest friend with felony warrant	9,3% (11)	26,2% (11)	-16,9	72,0***
Scenario 3 – Theft of knife from crime scene	6,9% (13)	23,1% (12)	-16,2	115,1***
Scenario 4 – Unjustifiable use of deadly force	8,7% (12)	18,0% (14)	-9,3	309,8***
Scenario 5 – Supervisor: holiday for errands	16,3% (8)	26,3% (10)	-10,0	311,7***
Scenario 6 – Officer strikes prisoner who hurt partner	19,1% (6)	34,6% (6)	-15,5	288,1***
Scenario 7 – Verbal abuse of motorist	34,1% (1)	42,8% (2,5)	-8,7	394,9***
Scenario 8 – Cover-up of police DUI accident	30,9% (2)	42,4% (4)	-11,5	329,4***
Scenario 9 – Auto body shop 5% kickback	20,5% (5)	35,8% (5)	-15,3	270,9***
Scenario 10 – False report of drug possession on dealer	12,5% (10)	27,3% (9)	-14,8	236,8***
Scenario 11 – Sgt, fails to halt beating of child abuser	16,2% (9)	32,4% (7)	-16,2	198,3***
Scenario 12 – Protecting hate crime	18,0% (7)	29,3% (8)	-11,3	203,2***
Scenario 13 – Bribe from red light violator	5,8% (14)	18,8% (13)	-13,0	163,4***
Scenario 14 – Not reacting to graffiti	25,4% (4)	42,8% (2,5)	-17,4	308,7***

with the percentage of officers saying that they would not report varying across the described behaviours from as many as 34% (Scenario 7) to as few as 6% (Scenario 13). Between one quarter and one third of the respondents said that they would not report the verbal abuse of a motorist (Scenario 7), the cover-up of police DUI accident (Scenario 8), the acceptance of gratuities (Scenario 1), and the failure to react to graffiti (Scenario 14). On the other hand, fewer than 10% of the respondents said that they would not report the acceptance of a bribe from a red light violator (Scenario 13), the theft of a knife from a crime scene (Scenario 3), the unjustifiable use of deadly force (Scenario 4), and the failure to execute an arrest warrant on a friend (Scenario 2).

There were statistically significant differences between the respondents' own adherence to the code, to their perceptions of their fellow officers' likelihood of reporting in all scenarios (Table 1). In all but two scenarios, the differences were above 10%, suggesting that the differences were substantively large as well. The results show that the respondents perceived that other police

officers would be more likely to adhere to the code of silence than they would.

We also explored potential differences between the results from the 2005 survey⁵⁰ and the present, 2010/2011 survey. Six scenarios are comparable across the two versions of the questionnaire. Some have exactly the same wording (Scenarios 8, 9 and 13), and others are similar (Scenarios 1, 3 and 5). The respondents' own expressed willingness to report misconduct was very similar in four out of six scenarios; the differences slightly exceeded the 10% mark (10,7 and 12,3%, respectively) in only two scenarios (1 and 13), suggesting that a somewhat narrower code was expressed by the 2010/2011 respondents.

The differences in the perceptions of others' code of silence between the police officers surveyed in 2005 and 2010/2011 were even more similar than their own perceptions were; in only one scenario (Scenario 1) did the respondents in 2011 expect a narrower code of silence than their counterparts in 2005. In five out of six scenarios the contours of the expected code of silence among other police officers were very similar, within 10%.

Table 2: Logistic coefficients from the regression of willingness to report on respondents' attitudes and background characteristics¹

	Scenario 1: free meals, gifts from merchants		Scenario 2: failure to arrest friend with felony warrant ^{4b}		Scenario 3: theft of knife from crime scene ^{4b}		Scenario 4: unjustifiable use of deadly force ^{4b}	
	B	s.e.	B	s.e.	B	s.e.	B	s.e.
Violation of rules ²	2,628 ***	0,416	1,025 *	0,491	0,757	0,794	-1,111	0,749
Own seriousness ³	1,774 ***	0,284	1,906 ***	0,437	2,316 *	0,899	3,860 ***	1,044
Expected discipline ⁴	1,089 ***	0,246	-0,068	0,326	0,865 *	0,356	2,243 ***	0,454
Others' reporting ⁵	2,623 ***	0,305	1,665 ***	0,292	2,930 ***	0,406	6,200 ***	0,889
Length of service ⁶								
Less than 2 Years	-0,609	0,526	-0,810	0,658	0,129	0,743	0,730	1,096
3-10 Years	-0,051	0,586	-0,330	0,710	0,396	0,809	-0,811	1,237
Rank ⁷								
Constable	-0,496	0,406	0,092	0,528	-0,751	0,546	-0,649	0,902
Sergeant	-0,224	0,398	0,376	0,512	0,434	0,582	2,102	0,986
Warrant Officer	0,324	0,417	-0,127	0,455	0,552	0,564	0,642	0,757
Constant	-3,645	0,614	-0,732	0,677	-2,597	1,115	-3,878	1,339
Pseudo R ²	0,601		0,286		0,393		0,709	

* $p < 0,05$; ** $p < 0,01$; *** $p < 0,001$

1 The dependent variable is coded as follows: 0 = no; 1 = yes.

2 Violation of rules is coded as follows: 0 = no; 1 = yes.

3 Own seriousness is coded as follows: 0 = not serious; 1 = serious.

4 Expected discipline is coded as follows: 0 = none or verbal reprimand; 1 = written reprimand or more severe discipline.

4b Because of the small percentage of the respondents selecting either "no discipline" or "verbal reprimand" (below 20 percent) we reclassified the variable expected discipline for several scenarios as follows: 0 = none, verbal reprimand, or written reprimand; 1 = suspension or more severe discipline.

5 Others' reporting is coded as follows: 0 = no; 1 = yes.

6 Length of service is coded as follows: 0 = above 10 years; 1 = 2 years or less; 2 = 3-10 years.

7 Rank is coded as follows: 0 = Lt. or higher; 1 = Constable; 2 = Sgt.; 3 = Warrant Officer.

Table 2: continued

	Scenario 5 Supervisor: holiday for errands		Scenario 6 Officer strikes prisoner who hurt partner		Scenario 7 Verbal abuse of motorist		Scenario 8 Cover-up of police DUI accident	
	B	s.e.	B	s.e.	B	s.e.	B	s.e.
Violation of rules ²	1,139 **	0,464	1,312 *	0,600	1,541 **	0,498	2,299 ***	0,457
Own seriousness ³	1,837 ***	0,521	2,814 ***	0,628	1,966 ***	0,426	1,330 **	0,422
Expected discipline ⁴	0,990 **	0,303	0,855 **	0,295	1,070 ***	0,257	0,745 **	0,266
Others' reporting ⁵	3,659 ***	0,344	4,053 ***	0,427	3,581 ***	0,293	3,055 ***	0,298
Length of service ⁶								
Less than 2 Years	-0,639	0,819	-0,382	0,716	-0,815	0,713	-0,167	0,673
3-10 Years	-0,002	0,878	-0,081	0,710	-0,173	0,748	0,413	0,751
Rank ⁷								
Constable	0,038	0,592	-0,350	0,546	-0,881	0,473	-0,789	0,491
Sergeant	0,452	0,525	-0,165	0,431	-0,908 *	0,395	-0,236	0,453
Warrant Officer	0,149	0,479	0,377	0,472	-0,901 *	0,402	-0,701	0,446
Constant	-3,118	0,931	-4,123	0,937	-3,372	0,842	-3,694	0,757
Pseudo R ²	0,632		0,634		0,710		0,684	

	Scenario 9 Auto body shop 5% kickback		Scenario 10 False report of drug possession on dealer ^{4b}		Scenario 11 Sgt. fails to halt beat- ing of child abuser ^{4b}		Scenario 12 Protecting hate crime	
	B	s.e.	B	s.e.	B	s.e.	B	s.e.
Violation of rules ²	1,265 **	0,489	0,987	0,672	1,279 *	0,551	1,527 **	0,498
Own seriousness ³	1,821 ***	0,471	2,699 ***	0,740	1,282 **	0,490	1,151 *	0,463
Expected discipline ⁴	1,109 ***	0,274	1,305 ***	0,344	1,629 ***	0,328	1,238 ***	0,255
Others' reporting ⁵	3,601 ***	0,338	3,912 ***	0,447	3,057 ***	0,314	2,522 ***	0,267
Length of service ⁶								
Less than 2 Years	0,720	0,729	-0,860	0,882	0,583	0,628	1,150 *	0,561
3-10 Years	0,888	0,758	0,102	0,952	1,024	0,691	2,037 **	0,621
Rank ⁷								
Constable	-0,414	0,519	-1,180	0,579	1,626 *	0,698	0,143	0,502
Sergeant	0,206	0,418	0,452	0,533	0,136	0,448	-0,014	0,413
Warrant Officer	-0,708	0,387	-0,413	0,516	-0,355	0,448	-0,952 *	0,394
Constant	-4,106	0,931	-3,031	0,933	-3,285	0,788	-4,270	0,754
Pseudo R ²	0,590		0,609		0,525		0,505	

	Scenario 13 Bribe from red light violator ^{4b}		Scenario 14 Not reacting to graffiti	
	B	s.e.	B	s.e.
Violation of rules ²	1,578 *	0,647	1,341 *	0,518
Own seriousness ³	0,721	0,713	2,120 ***	0,578
Expected discipline ⁴	-0,489	0,447	0,750 *	0,290
Others' reporting ⁵	4,183 ***	0,594	4,198 ***	0,457
Length of service ⁶				
Less than 2 Years	0,513	0,817	0,732	0,801
3-10 Years	1,660	0,955	-0,910	0,838
Rank ⁷				
Constable	0,809	1,254	-0,223	0,513
Sergeant	0,865	0,663	0,455	0,416
Warrant Officer	0,963	0,728	0,699	0,401
Constant	-2,121	0,855	-4,381	0,905
Pseudo R ²	0,526		0,699	

* $p < 0,05$; ** $p < 0,01$; *** $p < 0,001$

1 The dependent variable is coded as follows: 0 = no; 1 = yes.

2 Violation of rules is coded as follows: 0 = no; 1 = yes.

3 Own seriousness is coded as follows: 0 = not serious; 1 = serious.

4 Expected discipline is coded as follows: 0 = none or verbal reprimand; 1 = written reprimand or more severe discipline.

4b Because of the small percentage of the respondents selecting either "no discipline" or "verbal reprimand" (below 20 percent) we reclassified the variable expected discipline for several scenarios as follows: 0 = none, verbal reprimand, or written reprimand; 1 = suspension or more severe discipline.

5 Others' reporting is coded as follows: 0 = no; 1 = yes.

6 Length of service is coded as follows: 0 = above 10 years; 1 = 2 years or less; 2 = 3-10 years.

7 Rank is coded as follows: 0 = Lt. or higher; 1 = Constable; 2 = Sgt.; 3 = Warrant Officer.

MULTIVARIATE MODELS OF THE CODE OF SILENCE

To further explore the code of silence, we used the logistic regression analysis (see Table 2). The dependent variable in each of the logistic regressions (see Table 2) was the respondents' own willingness to report. The independent variables were the respondents' perceptions of whether the behaviour violates official rules, perceptions of behaviour seriousness, expected discipline, and estimates of others' adherence to the code of silence. In addition, we related the respondents' length of service and rank to their expressed willingness to report misconduct. We excluded the respondents' views about the appropriate discipline because of the multi-collinearity issues.

The multivariate analyses show that the respondents' evaluations of rule-violating behaviour, evaluations of behaviour seriousness, expected discipline, and estimates of others' willingness to report are the key explanatory variables in most of the models (see Table 2). The respondents' estimates of others' willingness to report were related to their own expressed willingness to report in all 14 scenarios; depending on the scenario, the odds that the respondents who thought that others would report said that they would report the described misconduct themselves are 5,29 (Scenario 2) to 492 times higher (Scenario 4) than those of the respondents who thought that others would not report (Table 2).

Perceptions of seriousness evaluations were significant in 13 out of 14 scenarios (Table 2). Depending on the scenario, the odds that the respondents who evaluated these behaviours as more serious would say that they would report misconduct are 3,16 (Scenario 12) to 47,46 (Scenario 4) times higher than those of the respondents who evaluated the scenarios as less serious. Similarly, the respondents' evaluations of behaviour as rule violating, as well as the severity of the expected discipline, were statistically significant in 12 out of 14 scenarios (Table 2). Depending on the scenario, the odds that the respondents who evaluated the behaviour as rule

violating would say that they would report misconduct are 2,79 (Scenario 2) to 13,85 (Scenario 1) times higher than those of the respondents who did not evaluate the behaviour as rule violating. Finally, depending on the scenario, the odds that the respondents who expected more severe discipline would say that they would report misconduct are 2,12 (Scenario 14) to 9,42 (Scenario 4) times higher than those of the respondents who expected less severe discipline.

Lastly, out of the two demographic variables included in the models, length of service was not statistically significant in any of the 14 scenarios (see Table 2). Rank was not statistically significant overall, but it turned out to be significant for three scenarios (Scenario 7, Scenario 11 and Scenario 12) and for a very limited number of comparisons.

CONCLUSION

The post-apartheid government has started a complex process of transforming the SAPS. Although the reforms have been evaluated as successful overall,⁵¹ the results of the public opinion polls and existing research can be interpreted as an indication that the control of police misconduct could be substantially enhanced. The South African public has, after all, evaluated the SAPS as the second most corrupt public service department in the country.⁵² Bheki Cele had, at the time of writing, been suspended pending corruption charges⁵³ and Jackie Selebi, the preceding police commissioner, was convicted to 15 years of imprisonment.⁵⁴

Our prior research⁵⁵ detected the presence of a strong code of silence among our respondents. A strong minority of our respondents, mostly police supervisors in the SAPS, adhered to the code and was not willing to report even the most serious forms of police corruption. At least one out of four supervisors would allow police bribery, theft from a crime scene, and theft of money from a found wallet to continue without reporting it.

The results of our 2010/2011 national survey provide further evidence of the presence of the code of silence covering various forms of police

misconduct. At least one quarter of the respondents would protect a fellow officer who verbally abused citizens, who covered up police DUI accident, who accepted gratuities, and who failed to react to graffiti. At least one out of eight police officers showed willingness to cover up internal corruption, striking a prisoner, a kickback, a false report on drug possession, and protection of a hate crime.

According to our results, the respondents' willingness to adhere to the code of silence was directly related to their estimates of whether other police officers in their agency would also protect such behaviour in silence. This result is in accordance with our analysis of the 2005 data.⁵⁶ On the other hand, the respondents' estimates of rule violations, perceptions of seriousness, and expected discipline turned out to be related to their expressed willingness to say that they would report misconduct.

The finding that the expected discipline matters is a novel one; the analysis of our 2005 data showed that the expected discipline carried little weight on the respondents' expressed willingness to report.⁵⁷ We assumed that this was the case because the respondents expected no discipline or very mild discipline. Although the respondents participating in the 2010/2011 survey did not expect severe discipline either, recent events – the conviction of Jackie Selebi and the suspension of Bheki Cele – may indicate that the likelihood of discovery of police misconduct may be increasing and thus potentially, more weight should be attached to the police agency's reaction to police misconduct. If police commissioners are not outside of the reach of the official system, police officers may very well not be immune either – a view expressly stated during interviews with our 2005 SAPS respondents.⁵⁸ We conjecture that the resolution of these two highly publicised cases should have a significant effect on police integrity in general and the code of silence specifically. It is hoped that future research will fully conceptualise the importance of these cases in the contemplated narrowing of the code of silence within the SAPS.



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NOTES

1. Knapp Commission, *Report of the commission to investigate allegations of police corruption and the city's anti-corruption procedures*, New York: George Braziller, 1972; Mollen Commission, *The City of New York commission to investigate allegations of police corruption and the anti-corruption procedures of the police department: commission report*, New York: Mollen Commission, 1994.
2. Pennsylvania Crime Commission, *Report on police corruption and the quality of law enforcement in Philadelphia*, Philadelphia: Pennsylvania Crime Commission, 1974.
3. Christopher Commission, *Report of the independent commission on the Los Angeles police department*, Los Angeles, California: City of Los Angeles, 1991.
4. T Barker and RO Wells, Police administrators' attitudes toward the definition and control of police deviance, *FBI Law Enforcement Bulletin*, 51, 1982, 8-16; JP Crank, *Understanding police culture*, Cincinnati, Ohio: Anderson, 1998; VE Kappeler, RD Sluder and GP Alpert, Breeding deviant conformity: The ideology and culture of the police, in RG Dunham and GP Alpert (eds), *Critical issues in policing: Contemporary issues*, Long Grove, Illinois: Waveland Press, 2005, 231-257; C Klockars, S Kutnjak Ivković and MR Haberfeld, Enhancing police integrity, *Research in Practice*, Washington, DC: National Institute of Justice, U.S. Department of Justice, 2005; ER Stoddard, A group approach to blue-coat crime, in Lawrence W. Sherman (ed), *Police corruption: A sociological perspective*, Garden City, New York: Anchor Press, 1974, 277-304.
5. P Chevigny, *Edge of the knife*, New York: The New Press, 1995; Mollen Commission, *Commission report*; LW Sherman, *Scandal and reform: Controlling police corruption*, Berkeley: University of California Press, 1978.
6. C Klockars, S Kutnjak Ivković and MR Haberfeld, (eds), *The contours of police integrity*, Thousand Oaks, California: Sage Publications, 2004.
7. Ibid.
8. Stoddard, A group approach to blue-coat crime; T Barker, Peer group support for police occupational deviance, *Criminology* 15, 1977, 353-366.
9. Ibid.
10. G Newham, Out of step: Integrity and the South African Police Service, in Klockars, Kutnjak Ivković and Haberfeld (eds), *The contours of police integrity*.
11. Klockars and Kutnjak Ivković, Measuring police integrity.
12. Ibid.
13. Ibid.
14. S Kutnjak Ivković and A Sauerma 2011, Measuring the Code of Silence among the South African Police: Findings from a SAPS Supervisor Survey in C Gould (ed), *National and international perspectives on crime and policing: Toward a coherent strategy for crime reduction in South Africa beyond 2010*, Pretoria, South Africa: Institute for Security Studies, 2011, 74-87.

15. Klockars and Kutnjak Ivković, Measuring police integrity.
16. Ibid.
17. Ibid.
18. Selebi must pay for his appeal, *News24*, 8 October 2010, available at <http://www.news24.com/SouthAfrica/News/Selebi-must-pay-for-his-appeal-20101008> (accessed 15 May 2012); P Joubert, A Basson, S Brümmer and S Sole, Scorpions lose Selebi sting, *Mail & Guardian*, April 11-17 2008; SAPS 'full of criminals', *News24*, 12 May 2008, Available at: <http://www.news24.com/SouthAfrica/News/SAPS-full-of-criminals-20080509> (accessed 15 May 2012); Biting the Corrupt: Are South Africa's crime busting Scorpions about to lose their sting?, *The Economist*, October 13 2005, Available at: http://www.economist.com/displayStory.cfm?story_id=5028672 (accessed 15 May 2012).
19. H van Vuuren, Small Bribes, Big Challenge: Extent And Nature Of Petty Corruption In South Africa, *SA Crime Quarterly* 9, 2004; A Faull, Bring Them Into Line – Managing corruption in SAPS and metro police departments. *SA Crime Quarterly* 23, 2008; D Vigneswaran and J Hornberger, Beyond Good Cop/Bad Cop: Understanding Informality and Police Corruption in South Africa, Johannesburg: *FMSP Research Report*, October 2009.
20. D Bruce, Benign Neglect? The policies and practice of controlling police corruption in South Africa, Research paper written for workshop: Crime, Poverty and Police Corruption Annual Bank Conference on Development Economics, Cape Town, South Africa, June 2008.
21. G Newham and A Faull, Protector or predator? Tackling police corruption in South Africa, *ISS Monograph* 182, Pretoria: ISS, 2011.
22. Bruce, Benign Neglect?
23. G Newham, T Masuku, L Gomomo and M Maroga, The police integrity management report, research report, Johannesburg: Centre for the Study of Violence and Reconciliation, 2003.
24. G Newham, Tackling Police Corruption in South Africa, research report, Johannesburg: Centre for the Study of Violence and Reconciliation, June 2002, available at: <http://www.csvr.org.za/wits/papers/papoli14.htm> (accessed 15 May 2012).
25. SAPS 'full of criminals', *News24*.
26. Open Society Justice Initiative, South Africa: Enhancing Police Accountability, 24 September 2003, available at: http://www.justiceinitiative.org/activities/ncjr/police/sa_police (accessed 15 May 2012).
27. Newham, Out of step: Integrity and the South African Police Service.
28. South African Police Service (SAPS), *Annual Report: 2003/2004*, Pretoria, South Africa, 2004.
29. Newham and Faull, Protector or predator? Tackling police corruption in South Africa.
30. A Faull, Corruption and the South African Police Service – A review and its implications, *ISS Paper* 150, September 2007.
31. Joubert et al, Scorpions lose Selebi sting.
32. Staff Reporters, A National Embarrassment – Selebi gets 15 years as actions ruled 'incomprehensible', *The Star*, 4 August 2010.
33. Newham and Faull, Protector or predator? Tackling police corruption in South Africa.
34. Ex-Scorpions boss warns Hawks, *News24*, 6 July 2009, available at <http://www.news24.com/Africa/News/Ex-Scorpions-boss-warns-Hawks-20090706> (accessed 15 May 2012).
35. Joubert et al, Scorpions lose Selebi sting.
36. Ex-Scorpions boss warns Hawks, *News24*.
37. M Kotlolo, *Times Live*, 21 June 2011, Hawks commander in court for theft, Available at <http://www.timeslive.co.za/thetimes/2011/06/21/hawks-commander-in-court-for-theft> (accessed 15 May 2012).
38. Cele: Police are dealing with corruption, *News24*, 15 September 2009, available at <http://www.news24.com/SouthAfrica/Politics/Cele-Police-are-dealing-with-corruption-20090915> (accessed 15 May 2012).
39. High-level corruption cases mount, *News24*, 9 May 2011, available at <http://www.news24.com/SouthAfrica/News/High-level-corruption-cases-mount-20110509> (accessed 15 May 2012).
40. Newham and Faull, Protector or predator? Tackling police corruption in South Africa.
41. Ibid, 24.
42. *News24*, Bheki Cele suspended over lease saga, 24 October 2011, available at: <http://www.news24.com/SouthAfrica/Politics/Bheki-Cele-suspended-over-lease-saga-20111024> (accessed 15 May 2012).
43. Newham and Faull, Protector or predator? Tackling police corruption in South Africa.
44. Klockars et al., *The contours of police integrity*.
45. Newham and Faull, Protector or predator? Tackling police corruption in South Africa, 24.
46. S Kutnjak Ivković, The Croatian Police, Police Integrity, and Transition toward Democratic Policing, *Policing: An International Journal of Police Strategies and Management*, 32(3) (2009), 459-488.
47. S Kutnjak Ivković and W Kang, Police Integrity in South Korea, *Policing: An International Journal of Police Strategies and Management*, 2011, Forthcoming.
48. C Klockars and S Kutnjak Ivković, Measuring Police Integrity, in A Piquero, JR Greene and MJ Hickman (eds), *Police Integrity and Ethics*, Wadsworth Publishing, 2004.
49. Ibid.
50. Ibid.
51. D Bayley, *Changing the Guard: Developing Democratic Police Abroad*, Oxford University Press, 2005.
52. Van Vuuren, Small Bribes, Big Challenge: Extent And Nature Of Petty Corruption In South Africa.
53. Bheki Cele suspended over lease saga, *News24*.
54. A National Embarrassment – Selebi gets 15 years as actions ruled 'incomprehensible', *The Star*.
55. Kutnjak Ivković and Sauerma, Measuring the Code of Silence among the South African Police.
56. Ibid.
57. Ibid.
58. Ibid.