

1974

Book Review- Police Corruption: A Sociological Perspective

Peter J. O'Connor

Follow this and additional works at: <https://ir.lawnet.fordham.edu/ulj>



Part of the [Law Enforcement and Corrections Commons](#)

Recommended Citation

Peter J. O'Connor, *Book Review- Police Corruption: A Sociological Perspective*, 3 Fordham Urb. L.J. 151 (1974).

Available at: <https://ir.lawnet.fordham.edu/ulj/vol3/iss1/8>

This Article is brought to you for free and open access by FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Fordham Urban Law Journal by an authorized editor of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.

BOOK REVIEWS

POLICE CORRUPTION: A SOCIOLOGICAL PERSPECTIVE.
Edited by Lawrence W. Sherman. Garden City: Anchor Press,
1974. Pp. x, 347. \$2.95 Paper.

For several years, the American public has been assailed by the Watergate scandals, involving as they did abuses of power by high officials in the executive branch of the federal government. On the local level, New York City residents have been reminded on an almost daily basis of abuses of power by "the city's finest"—the New York City Police Department.

The most recent police scandal in New York City commenced with the publication of a story in the New York Times on April 25, 1970, charging "that police officers received systematic payoffs from gamblers, narcotics peddlers, and other law violators, and that the police hierarchy as well as officials of the City administration had been informed of specific charges of serious corruption and failed to take any action."¹ In response to these disclosures, on May 21, 1970 the Mayor of the City of New York created the Commission to Investigate Allegations of Police Corruption and the City's Anti-Corruption Procedures (popularly known as the Knapp Commission).² Concluding its labors in late 1972, the Commission filed a report setting forth its findings and recommendations. Corruption was found to be widespread,³ and the Knapp Commission recommended, *inter alia*, that "the Governor . . . appoint a Special Deputy Attorney General with jurisdiction in the five counties of the City of New York and authority to investigate and prosecute all crimes involving corruption in the criminal process."⁴

1. REPORT OF THE COMMISSION TO INVESTIGATE ALLEGATIONS OF POLICE CORRUPTION AND THE CITY ANTI-CORRUPTION PROCEDURES 35 (1972) [hereinafter cited as COMMISSION REPORT].

2. *Id.* at 269. The Knapp Commission derived its popular name from its chairman, Whitman Knapp.

3. *Id.* at 1.

4. *Id.* at 15; see NEW YORK, N.Y. CODE OF RULES & REGS. §§ 1.55-59 (1972). See also Pitlea, *Superseding the District Attorneys in New York City—The Constitutionality and Legality of Executive Order No. 55*, 41 FORDHAM L. REV. 517 (1973).

In New York City, however, police corruption, although still a grave matter, is only one phase of the problem. For every corrupt officer there necessarily exists a corrupt citizen. It is worth remembering, however, that it was a New York City police officer, Frank Serpico, who reported charges of police corruption to the New York Times and thus initiated the chain of events leading to the creation of the Knapp Commission and the appointment of the Special Deputy Attorney General.⁵ At present it would also appear that corruption is not confined to the police department; just recently, for example, evidence of widespread corruption in New York City's Building Department has come to light.⁶

In *Police Corruption: A Sociological Perspective*, Lawrence W. Sherman⁷ maintains that "police corruption is merely a slice of the larger problem of corruption in American society."⁸ The policeman, according to Mr. Sherman, is a unique public official because he "has the power to deprive an American of his liberty, and only the policeman defines, on a daily basis, the *real* law of the land."⁹ He concludes that the possibility of policemen as criminals "may be the gravest concern for [the] 'rule of laws, not of men.'"¹⁰

In the introduction to his book Mr. Sherman sets forth his sociological theories of police corruption. The balance of the book consists of selections from books, reports, and articles in support of his thesis. These materials report the findings and conclusions of various authors regarding corruption in police departments in India, Great Britain, France, and several cities in the United States.

In Mr. Sherman's view, "[a] public official is corrupt if he accepts money or moneys worth for doing something that he is under a duty to do anyway . . . or to exercise a legitimate discretion for

5. COMMISSION REPORT 60.

6. See N.Y. Times, Nov. 8, 1974, at 1, col. 8.

7. Mr. Sherman is presently an Associate-in-Research at Yale University. He served on the staffs of the Mayor and the Police Commissioner of the City of New York from 1970 to 1972. Mr. Sherman is the author of various articles which have appeared in sociology and police administration journals, as well as being the principal author of *TEAM POLICING* (Police Foundation 1973).

8. L. SHERMAN, *POLICE CORRUPTION: A SOCIOLOGICAL PERSPECTIVE* vii (1974).

9. *Id.*

10. *Id.*

improper reasons."¹¹ He asserts that every police department has some corruption, and these departments fall into three categories. The first consists of those in which a few officers yield to the temptation of profiting by corruption when a chance opportunity arises; most Northwest European police departments appear to fit into this category. The second type includes those departments where unorganized corruption is pervasive; most Indian departments seem to be within this class. The final group, into which late nineteenth century municipal police departments fell, consists of departments in which organized corruption is pervasive. In this last type, for example, a gambling or prostitution ring controls the local government and police by paying these officials to guarantee the unimpeded operations of the racket.

According to Mr. Sherman, certain factors inherent in police work—for example, the extraordinary discretion involved—make corruption both possible and probable. An officer has broad discretion to arrest and, if he does, to determine the grade of offense charged. Moreover, this discretion is usually exercised by an officer either alone, on the street, or with a partner. Compounding all this is the sense of brotherhood shared by many officers, which imposes a tacit code of mutual protection.¹²

Numerous external factors which create an atmosphere conducive to police corruption are identified by Mr. Sherman. One such factor is assigning police the responsibility of enforcing laws which they and the general public may believe should not be enforced. Another example is the area of economic activity regulated by laws which, because of their complexity, make it virtually impossible to operate a business efficiently.

A police officer who becomes corrupt does not commence his venal career by immediately taking narcotic bribes or committing burglaries. According to Mr. Sherman, his career in corruption proceeds in stages.¹³ Seeing no legal or moral impropriety, he at first accepts free meals. The officer then graduates to accepting bribes for not issuing traffic tickets. Satisfying himself that the laws prohibiting gambling are unpopular, he goes on to accept bribes from those

11. *Id.* at 6, quoting McMullan, *A Theory of Corruption*, 9 SOCIOLOGICAL REV. 183 (1961).

12. *Id.* at 12-14.

13. *Id.* at 20-21.

violating such laws. Finally, having acquired a hardened conscience he may take narcotic bribes, or worse still, choose to engage in the narcotics trade.

Not only does Mr. Sherman canvass the problem of police corruption, he also draws conclusions as to how to reduce it. For example, if generally unpopular laws were repealed and complex laws regulating economic activity simplified, opportunities for corruption would be reduced.¹⁴ Mr. Sherman also concludes that the existence of internal investigative units in police departments and the presence of vigorous and uncensored news media tend to deter police corruption.¹⁵

The materials included by Mr. Sherman in support of his theory are enlightening. For example, his selection from the Knapp Commission Report documents New York City narcotics detectives committing extortion, taking bribes, illegally wiretapping, selling narcotics, and planting narcotics on arrested persons. Two other selections describe two American communities controlled by a local racket organization where, through a system of payoffs to various officials and police, the racketeers operated with impunity. Another selection details how a new policeman's peers pressure him into accepting corruption by threatening to isolate him if he does not acquiesce, and by failing to support him if he finds himself in a dangerous situation.

Mr. Sherman's book affords a welcome insight into a persistent problem. Too often, lawyers—be they judges, law professors, practitioners, or legislators—treat problems which are sociological in nature as legal problems only. For that reason, this book is highly recommended to all lawyers. To this reviewer, the book presents dimensions of the problem which my years of service as a prosecutor of corruption failed to afford.

*Peter J. O'Connor**

14. *Id.* at 31-35.

15. *Id.* at 32.

*Associate Professor of Law, Fordham University School of Law. Former Assistant District Attorney of New York County; Assistant District Attorney and Chief of Appeals Bureau of the Queens District Attorney's Office; and Special Assistant Attorney General of the State of New York.

WHERE DO I GO FROM HERE? A CAREER PLANNING MANUAL FOR LAWYERS. By Frances Utley. Chicago: American Bar Association, 1973. Pp. 142. \$7.95 (Cloth), \$2.95 (Paper).

An "important emotional need in those who choose law, is to seek a high degree of order and predictability in life."¹ Many law students and recent law graduates have never before been confronted with an uncertain future prior to beginning their employment search. They have not experienced a situation where the goal—legal employment—cannot and will not be the predictable result of three or more years of preparation.

After four years of advising and counseling hundreds of law students and young attorneys, I am not sure if there is such a thing as "planning a career." Certainly, one must be aware of those decisions or events which close options temporarily or permanently, and those steps one can take to gain a sense of oneself as a lawyer. The key is gathering as much information as possible before venturing into an employment search. Most of Frances Utley's book, *Where Do I Go From Here?*,² is very helpful in this regard.

Specific chapters dealing with assessing the market³ and salaries⁴ provide much practical information and guidance for the novice job-hunter. Ms. Utley sets forth a reassuring roadmap through the often unnerving interview process,⁵ and a section entitled "How To Be A Loser"⁶ provides a useful list of emphatic "don'ts"—obvious when seen in print, but too easily overlooked in practice. In little more than 120 pages of text the book discusses researching the job market, reviews factors which may limit the range of career choice and development, and provides the nuts and bolts of finding, contacting, and convincing prospective employers. Appendices contain sample correspondence⁷ and a useful bibliography⁸ for the recent law graduate.

1. Watson, *Legal Education Plays Some Strange Psychological Tricks on You*, 3 *STUDENT LAW*. 23, 24 (Sept. 1974).

2. F. UTLEY, *WHERE DO I GO FROM HERE? A CAREER PLANNING MANUAL FOR LAWYERS* (1973).

3. *Id.* at 55-64.

4. *Id.* at 115-20.

5. *Id.* at 88-89.

6. *Id.* at 98-99.

7. *Id.* at 138.

8. *Id.* at 139-42.

Still, one must not expect all of the answers for every situation. This book was, after all, written for both students and experienced attorneys, for general situations rather than specific, and for students from both national and local law schools. While it may be an overstatement to call the book a "planning manual," it is, for the most part, an intelligent and realistic presentation of suggestions and advice.

There are significant problems with certain statements in the first chapter, the effect of which may be to cause a reader to dismiss the book as unrealistic and not continue on to more helpful segments. The discussion of choices—entering law school and career selection by choice—is misleading. There is every indication that small but growing numbers of students may be in law school by default, either because of lack of employment opportunities immediately following college, or because of saturated job markets in other graduate study disciplines.⁹ Concerning career choices following law school, the author writes: "today when a lawyer chooses to render his services within the traditional patterns, he does so by choice, not because these are the only forms available."¹⁰ This is clearly inaccurate in today's job market. Students and recent graduates of both national and local law schools do not have a real choice of non-traditional jobs in lieu of the traditional.¹¹ The number of non-traditional opportunities is appallingly low compared with the number of students seeking them as a first career choice.¹² Additionally, if one area of "traditional" job opportunities is made up of small to medium sized firms, it is in this area that the greatest discrepancy is found between student preferences and actual work available. Con-

9. ABA, REPORT OF THE TASK FORCE ON PROFESSIONAL UTILIZATION 24 (1973).

10. F. UTLEY, *supra* note 2, at 5.

11. This observation is based on interviews with law students and alumni over a four year period, on informal statements of other placement directors, and on public knowledge of government cutbacks in legal services. Traditional patterns include private practice, law firms, corporate law departments, and government departments and agencies. Non-traditional opportunities arise in the provision of legal services to the poor and public interest practice.

12. This is based on observations of several placement directors as well as New York University statistical reports. There do not appear to be any published studies on a nationwide basis on career preferences.

sidering the present economic situation, it is the four to twenty member firm which is least likely to expand.

Ms. Utley notes that while new lawyers may reasonably expect professional careers of forty years or more, every significant decision they make restricts their future options even further. Add such uncontrollable factors as the economy, and the optimism evoked in the book's first chapter is severely shaken.

Further, attorneys, just as everyone else, are susceptible to what Ms. Utley calls the "greener pastures' syndrome"¹³—that faint but compelling conviction of being better off elsewhere. For the established attorney, the greener pasture is often another area of the law, and the book provides realistic information for those contemplating such a new start. Educational limitations are the most serious. While certain continuing education programs are available, the essential element in such an extensive reorientation must be self-help. The necessity of such a rigorous period of study discourages even highly motivated lawyers, and forecloses many opportunities that would otherwise be open. Ms. Utley provides a few general guidelines for such mid-career shifts: "At about three years, experience in general practice is readily transferable to the corporate legal department but this becomes increasingly difficult as time goes on."¹⁴ What options exist for the fairly experienced lawyer? The answer is that few exist, and any change in career fields must be considered in conjunction with the resultant salary loss.

In addition, the book covers careers for retired lawyers. In a situation where an active but retired attorney is available, the financial considerations of youth may be long since past "so that there is real freedom to seek out new and challenging opportunities unfettered by money problems."¹⁵

Lawyers by training are reassuring, dignified, and deliberate. The American Bar Association's 1973 Report of the Task Force on Professional Utilization suggests that "in the near future there may be a shortage of employment opportunities in some areas of the traditional practice of law."¹⁶ Unfortunately, both this statement and the

13. F. UTLEY, *supra* note 2, at 106.

14. *Id.* at 110.

15. *Id.* at 124.

16. ABA, REPORT OF THE TASK FORCE ON PROFESSIONAL UTILIZATION 51 (1973).

book understate the reality that already exists beyond the board rooms and executive suites.

*Kathleen Kruger**

* Kathleen Kruger is Director of Placement for the New York University Law School and is Chairperson of the Information Exchange Committee, National Organization of Law Placement.