Controlling Corruption and Misconduct: A Comparative Examination of Police Practices in Hong Kong and New York

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Abstract Police corruption and misconduct are of perpetual concern to both the police and the public. Various measures have been used and programs created to reduce these problems. But existing research indicates that the effects of such measures are either transient or uncertain. Few studies have been conducted to understand the mechanisms for controlling police corruption and misconduct from an international, comparative perspective. This study intends to fill this gap by exploring the experiences of the Hong Kong Police Force (HKPF) as well as those of the New York Police Department (NYPD). Although Hong Kong is today a part of China, it remains in the Common Law system and its police practices have been highly influenced by Western policing principles, making such a comparison relevant and perhaps useful. The findings of this study suggest that Hong Kong and New York have both adopted various measures for controlling police corruption and misconduct, but have diverged significantly from each other in the structure and content of their control efforts.

Keywords Police corruption and misconduct · Control measures · Hong Kong Police Force · New York Police Department

Introduction

Police corruption and misconduct are of perpetual concern to both the police and the public. Various measures have been used and programs created to reduce these problems. But existing research indicates that the effects of such measures are either transient or uncertain. Although separate studies of corruption and misconduct of specific police agencies exist, few studies have been conducted with the aim of understanding the mechanisms for controlling police corruption and misconduct from a comparative perspective. At the time of this writing, no study has yet compared police practices in the Hong Kong Police Force (HKPF) and the

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New York Police Department (NYPD). This study intends to fill this gap by exploring the experiences of the HKPF in comparison with those of NYPD in order to shed some light on understanding viable approaches to addressing police misbehavior in similar jurisdictions. This research is aimed specifically at answering two primary questions: (1) what are the key approaches to controlling corruption and misconduct in these two organizations? (2) How effective are these approaches in the context of their historical and current environment? Answer to these questions, if sufficient, may also shed light on whether police can learn from each other in their efforts to control police misbehavior.

There are several factors that may make such a comparison relevant and perhaps useful. First, as described below, both the HKPF and the NYPD have been confronted with serious problems of corruption and misconduct. Second, they have both developed various measures to combat police abuse of power but have observed differential effects of such measures. A comparison of these measures could potentially inform policy making and thus advance the police profession. Third, on the basis of the author's observation, these two police agencies are similar in size, structure, and operations. Fourth, they both operate in the Common Law tradition. Although Hong Kong is today a part of China, it remains in the Common Law system and its practices have been highly influenced by Western policing principles. Control mechanisms developed in a Common Law jurisdiction reflect the principles of due process rules and procedures, independent investigation, and a check and balance relationship that involves the police, prosecution, and the court.

Some background information on these two organizations is required here to demonstrate further their comparability. Before the 1970s, abusive, corrupt officers were commonly found in Hong Kong (Liu 1988; Brogden and Lau 2001), where clean officers were ridiculed (Cheung and Lau 1981) and treated like Frank Serpico in New York. Since the establishment of the NYPD, it has experienced major police scandals approximately every 20 years (Knapp Commission 1972; Mollen Commission 1994; Campisi 2003). Police corruption was syndicated and institutionalized in both cities in the early days of their history, linked by mid-ranking officers—staff sergeants—who played a significant role in connecting vice businesses with their superiors. A culture of corruption developed and flourished, in which a whole station in Hong Kong or an entire precinct in New York could be "on the take."

In recent years in Hong Kong, according to the Independent Commission Against Corruption (ICAC), an external agency independent from the HKPF, the number of corruption reports against police officers, the number of officers charged, and the number of officers convicted are a far cry from the past, down from 1,443 reports in 1974 to 435 in 2004, for instance (ICAC Operations Department Review 1998–1999; ICAC Statistics 2002; ICAC Annual Reports 1999–2004). While official data alone should not be used to measure the magnitude and frequency of all cases of corruption, they suggest a much lower rate compared to the same records kept by the ICAC in earlier years. Most notably, syndicated corruption has been kept under control since the late 1970s.

In New York, the pervasiveness of police corruption has decreased also, but individual cases have grown more severe over a 20-year period. Meat-eaters, i.e., officers actively seeking bribes and engaging in serious corruption (as opposed to the grass-eaters, i.e., officers passively accepting bribery), have become more common (USGAO 1998). For example, in the 1990s, the arrest of five officers on drug-trafficking charges brought attention to the most prevalent form of police corruption in New York—police committing crimes in connection with the illegal drug trade. Twenty years earlier the most prevalent form of corruption was police taking money to overlook illegal activities (Knapp Commission 1972; Beals 1993; James 1993; Castaneda 1993; Mollen Commission 1994).

In contrast to police corruption, police misconduct is handled by an internal office in Hong Kong, the Complaints Against Police Office (CAPO), and in New York by the Civilian Complaint Review Board for most complaints, and the Internal Affairs Bureau (IAB) for more serious cases. The number of complaints in Hong Kong fell below 3,000 in 1997 and 1998, rising again to between 3,222 and 3,833 from 2000 to 2004 (CAPO Annual Report 1997–2000; Hong Kong Police Review 2000–2004). In New York, according to the police department's own records, there was a 50% drop in complaints of serious misconduct and a 60% decrease in the number of shooting incidents in 2002. Out of 30,000 complaints received by the NYPD in that year, the IAB investigated 1,035 serious cases (Campisi 2003).

Over the years, both the HKPF and NYPD have taken various measures to address police corruption and misconduct. The creation of the independent ICAC in the early 1970s in response to syndicated corruption represents the most drastic effort in Hong Kong in the fight against corruption. In New York, an internal restructuring of the NYPD with more strict rules and regulations against corruption occurred after both the Knapp and Mollen Commission investigation, but there is no permanent independent agency empowered to investigate corruption. Because police corruption has been reduced significantly in Hong Kong, the HKPF appears to have shifted its attention to misconduct and malfeasance in recent years, according to police officers interviewed for this study. The HKPF emphasis on malfeasance in a way sets itself apart from the NYPD, where tough official talks against officer debt and personal financial problems are hardly ever heard of.

These similarities and differences between the HKPF and NYPD present an interesting case for comparative study between the East and West, a much neglected area of research in criminal justice. But before the methods and findings of this study are introduced, it is important to set the limit or scope of this paper. This study is not intended to provide a theoretical explanation of police corruption and misconduct through the process of hypothesis testing. It is more a descriptive comparative account of how the HKPF and NYPD deal with police abuse of powers by comparing and contrasting HKPF and NYPD approaches to corruption and misconduct. Where police corruption is hinted to result from historic traditions, police environment, and organizational and agency-specific conditions, this aspect is used to facilitate the exploration and description of the problem and the system response to it. In this sense, certain theoretical concepts such as coercive isomorphism and legitimacy crisis (DiMaggio and Powell 1991; Jiao et al. 2005) have been used to illustrate the process of institutional changes, or lack of this process, and related changes in these police organizations, rather than to test their validity. This explorative and descriptive approach is important because little-known areas such as the issues focused on in this study often need to be described sufficiently first before more systematic, theory-based explanations can be attempted.

While this paper is intended to demonstrate what approaches, and thereby which of the two agencies, are more effective in addressing police abuse of power, it must be duly recognized that this purpose was hampered by a lack of uniform definitions of relevant concepts such as types of corruption and misconduct and standardized measures for recording related incidents by both organizations while controlling for the cultural, social, economic, and political conditions prevailing in these jurisdictions. Without such definitions and standardized measures, it would be almost impossible to make sense of related numbers and statistics or interpret differences and reach conclusions. Because it is beyond the scope of this paper to resolve these measurement issues, the focus is on describing important control measures for corruption and misconduct in the context of the HKPF and NYPD for the purpose of achieving a better understanding of such measures.

Research Methods

Police corruption is defined in this paper as misbehaviors involving financial or material gains, while misconduct does not involve such gains. A descriptive research on these problems in Hong Kong and New York requires access to, and collection of, relevant information from both cities and systematic organization of such information. The research process for this study therefore is inductive, and methods used include personal interviews and documentary research. The data collected focused on programs, policies, and practices concerning corruption and misconduct in the two police systems. Because both the police and other public agencies tackle corruption and misconduct, collected information was organized as internal and external measures. External measures refer to those provided by other government agencies external to the police, including oversight bodies, investigative agencies, and monitoring bodies. Monitoring agencies scrutinize activities of an external investigative agency.

Personal interview data was collected in the HKPF during the academic year 2001–2002 and in the NYPD during the academic year 2002–2003 for the purpose of understanding police corruption and misconduct. Hong Kong police officers were interviewed as part of a comprehensive study of the HKPF. Both semi-structured and non-structured interviews were conducted, and were arranged either by the police or acquaintances. The NYPD was studied with a similar approach but on a smaller scale and involving fewer officers. Overall, 36 officers in Hong Kong and 12 officers in New York were interviewed on questions specifically related to corruption and misconduct. Steps taken to collect the data include contacting the police administration, establishing contact, and then interviewing officers who have knowledge of these questions. Although random sampling was attempted, it was not approved by the police agencies. The officers interviewed therefore might not be representative of the target population in each of the agency. However, officers from various ranks, including 20 street constables, four inspectors, ten superintendents, and two assistant commissioners in the HKPF, and three senior officials in the ICAC were interviewed. Seven patrol officers, two sergeants, one lieutenant, and two captains in the NYPD were interviewed.

Documentary research was relied on to balance some of the limitations of the personal interviews. The documents collected from the police and external agencies include agency annual reports, status reports, statistical reports, departmental reviews, police newspapers, and published personal remarks, writings, and speeches given by police officials. Typical documents from Hong Kong include the Hong Kong Police Review, Complaints Against Police Office (CAPO) Annual Report, ICAC Annual Report, ICAC Complaints Committee Report, ICAC Operations Department Review, ICAC Statistics, and Independent Police Complaints Council (IPCC) Report. Documents from New York include the Annual Report of the Commission to Combat Police Corruption (CCPC), New York City Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department Commission Report, and the New York City Civilian Complaint Review Board (NYCCCRB) Status Report. These documents complement personal interviews by providing both historical and current information pertinent to the research questions.

Because of the qualitative nature of this research, the interview questions used were kept at the exploratory and descriptive level. The procedure of predetermining the types of corruption and misconduct to be investigated and then looking for such evidence was not adopted. Only general questions regarding the types, severity, and treatment of corruption and misconduct were asked. The questions were designed to allow the researcher to understand the key approaches taken to control police misbehavior and their effectiveness

(see Appendix for the list of questions used for this study that are directly related to police corruption and misconduct). Once the problems were identified, officers and programs with jurisdiction over them were sought and contacted. Once the data were collected, control mechanisms were broken down into internal and external measures on the basis of who was responsible for implementing those measures, i.e., the police or non-police agencies. In this process, circumstances in which these measures were developed, and the factors contributing to such measures, were also examined where appropriate to understand the context of police misbehavior and its control and the extent to which police forces may learn from each other.

The findings of this research as presented in the next section are derived from both interviews and documentary research. All available information about how corruption and misconduct are handled by the police and their external agencies are examined. Verbal data from interviews and written information from documentary research both address the research questions of this study and thus were applied equally in presenting the findings. Since the grounded approach is used in developing the findings, they represent patterns that emerged in the interviews and documentary data.

Some may argue that any researcher investigating police corruption and misconduct should identify the importance of societal factors as key explanations of these problems and explain why the level and/or nature of police abuse of power is similar and/or different across different societies. This research, however, does not focus on society's impact on police abuse of power, or on the development of a sociological explanation of the different forms and extent of corruption and misconduct. It is, rather, an investigation into the meso- or organizational level, i.e., organizations directly involved in abuse of power, and the control of such abuse. One possible approach toward this type of research is to compare how police organizations in different societies actually operate, and to try to pinpoint the underlying reasons or explanations. This was the basic approach taken for developing the research information for this paper. In doing so, a descriptive method was used where relevant policies and operations in two different police systems were described. However, as stated in the Introduction, it is not implied here that various measurement issues, such as differences in recording practices, agency policies, legal context, cultural environment, and level of openness on the part of the police, were resolved. The information presented in this paper thus can best be described as coarse-grained and is intended to provide only a descriptive account of the issues involved.

Findings

The findings of this study, as described below, fall broadly under two categories: measures against corruption and measures against misconduct. These measures take various forms in Hong Kong and New York, including internal policies and programs, external or independent oversight bodies, laws and legislature, politicians and government officials, and the public and news media. Internal measures refer to those that involve the effort of the police themselves and external measures are those created by institutions independent or semi-independent from the police. The specific description of these measures in terms of their historical development, current practices, and possible effects provides answers to the two primary research questions for this study: what are the key approaches to controlling corruption and misconduct, and how effective are they in the context of their historical and current environment? The descriptions are based on common themes identified in the interviews and documentary research.

Measures Against Police Corruption

Because key approaches to controlling corruption can be better understood by examining their original context, findings on the historical development of these measures, which are based primarily on documentary research, are presented here first.

Corruption control is essentially an external function in Hong Kong if direct investigation is used to determine the locus of this responsibility. The police have traditionally rejected any direct investigation of their officers by an external body. The ICAC in Hong Kong was established in 1974 after years of resistance from the police. Syndicated corruption before the 1970s and major police scandals and political events had led to loss of confidence in the government from the public. In response, the Hong Kong government attempted to set up an independent anti-graft body in 1960 and again in 1971. Both attempts failed due to vigorous opposition from the police. The newly appointed Governor Murray McLehose then initiated a series of reforms to establish the regime's legitimacy (Lo 1993). The HKPF was forced to separate its then Anti-Corruption Branch from the Criminal Investigation Division, and to upgrade it to a semi-independent unit named the Anti-Corruption Office (ACO; Lo 1993). A key success of the ACO was the discovery of a major corruption scandal involving Chief Superintendent Peter Godber, who was found to be in possession of assets equal in value to HK$4.3 million, approximately six times his total net salary from August 1956 to May 1973. The Godber scandal reflected not only rampant police corruption in Hong Kong but also a colonial official's ability to stay above the law. Combined with other social issues at the time, the scandal marked "a moment of profound rupture in the political and economic life of the colony" (Lo 1993, p 106). Meanwhile, the management consultants McKinsey and Co. were engaged to look into civil service reform in Hong Kong. Their report revealed that a sizable portion of the community "hated" the police (Grant 1992, p 70). Governor MacLehose subsequently proceeded to establish the ICAC in 1974 to win over public support for the colonial regime despite the continued objection of the HKPF (Lo 1993).

In New York, corruption control is essentially an internal function. Corruption scandals in its history have not led to the establishment of an independent anti-graft agency like the ICAC in Hong Kong. Most changes occurred internally. Subsequent to a major scandal investigated by the Knapp Commission in the early 1970s, Police Commissioner Patrick Murphy decentralized procedures for corruption control. Field Internal Affairs Units (FIAUs) handled the bulk of allegations, and a centralized Internal Affairs Division (IAD) took responsibility for major cases (Sherman 1978). Following another major scandal in the early 1990s, Police Commissioner Raymond Kelly announced a series of organizational changes, including a larger staff and better-coordinated field investigations (Mollen Commission 1994). The Mollen Commission (1994) then recommended the forming of the Internal Affairs Bureau (IAB) and the establishment of an external independent body to oversee it. This move was initially unsuccessful due to both internal resistance and external concerns. Internally, the police top brass was against it; externally many feared that an independent body would not be effective in obtaining information and cooperation from the police (Weber 1993).

In early 1995, the Commission to Combat Police Corruption (CCPC) was created through Executive Order 18 for the purpose of monitoring the anti-corruption efforts of the NYPD. This Commission is charged with performing audits, studies, and analyses to assess the quality of corruption control systems in the NYPD. It monitors the work of, and reviews investigations conducted by, the IAB and provides non-binding recommendations (CCPC 2006). Since the CCPC does not conduct its own investigations, corruption control has remained essentially an internal function of the IAB in the NYPD (NYPD 2007).

According to their officials and documentary research, the current practices of the ICAC suggest a three-pronged approach to fighting corruption, reflecting essentially three functions: investigation, prevention, and education. Investigation embodies enforcement and deterrence, prevention involves improving the system of control, and education is aimed at educating the public of the evils of corruption. The ICAC is organized into these three areas as Operations, Corruption Prevention, and Community Relations. The Operations Department is the investigative arm and the largest department of the Commission. A major responsibility of the Corruption Prevention Department is identifying loopholes in the practices and procedures of government departments and public bodies. The Community Relations Department is responsible for educating the public about corruption and harnessing its support for the ICAC (The ICAC Annual Report 1999–2004).

The structure and functions of the ICAC indicate that it enjoys great power and a wide scope of responsibilities. As an agency vested with extensive powers, the ICAC is checked and balanced to ensure its agents act within the law. For this purpose, the ICAC is guided in its work by five monitoring bodies: the Advisory Committee on Corruption (ACOC), the Operations Review Committee (ORC), the Corruption Prevention Advisory Committee (CPAC), the Citizens Advisory Committee on Community Relations (CACCR), and the ICAC Complaints Committee (ICAC Annual Report 1999–2004; ICAC Complaints Committee 2000–2001).

Two related common themes that emerged from the interviews are (1) a relationship between the police and their external oversight bodies, and (2) a culture within the police against corruption. In Hong Kong, the police and ICAC have had their share of tensions and frictions, especially in earlier years. Over time, however, their disagreements have become rarer and differences have been generally resolved through existing channels. According to both the police officers and the ICAC officials interviewed for this study, the three-pronged approach to fighting corruption is only the outline, what is more important is the coordinated effort. The HKPF and ICAC have developed a coordinated partnership relationship in investigating and reducing opportunities for corruption. For example, the ICAC has an operational liaison with police management. Senior ICAC officers regularly provide briefings to various police formation commanders. The ICAC also regularly participates in police workshops on management issues, particularly on the topic of supervisory accountability.

According to both HKPF and ICAC officials interviewed, the partnership approach to controlling corruption has been an official policy for the HKPF and ICAC. They also reiterated that any existing policy cannot be translated into genuine practices by itself. So, to achieve this goal, the two agencies have focused on a long-term effort towards fostering a culture against corruption. The culture, once developed, has served as the foundation for HKPF–ICAC cooperation. In this culture, street officers believe corruption is a crime and that it hurts their career; management officers take the view that corruption is demoralizing and hurts the health of the organization. In order to maintain this culture, the ICAC supports good officers and ensures their timely consideration for promotion. Good officers in Hong Kong therefore benefit from the ICAC and form the foundation for this partnership relationship and anti-corruption culture. Many of the ICAC's most successful cases also originated from this partnership relationship. These ideas are also evident in some of the documents collected (ICAC Annual Report 1999–2004; Kwok 2001).

In New York, the IAB, an investigative unit of the NYPD, is responsible for investigating police corruption. While it works closely with prosecutors and provides the external oversight body with requested information, it is responsible only to the Chief (Campisi 2003). Built on the belief that an internal program provides the most efficient and effective structure for tackling police corruption, the IAB both receives and investigates corruption cases and engages in related proactive and preventive activities. It analyzes

information from complaints and other sources to identify specific units where problematic police behavior is occurring. Once particular officers are identified and their modus operandi established, secretive "integrity tests," either targeted or random, are carried out to secure evidence against them. About 1,000 tests are conducted annually to establish an "aura of omnipresence" of the IAB to deter officers from engaging in corruption. Out of this number, the IAB detects 12–13 criminal failures, 23–30 administrative failures, and 6–7 supervisory failures annually (Campisi 2003).

Whether an internal unit can be effective in handling police corruption remains questionable, when earlier and recent NYPD history is examined. In the 1970s, the Knapp Commission (1972) found corruption in the NYPD to be widespread. Yet, very few police officers were prosecuted and tried for police corruption. The prosecutors initiated 136 Supreme Court and Criminal Court proceedings involving 218 police officers over a four-and-a-half year period. By the time the commission wrote the report, only 91 officers had been convicted, of whom 80 had been sentenced. Only 31 of the 80 sentenced officers were imprisoned (Knapp Commission 1972). The Mollen Commission (1994) findings suggest that corruption remained a serious problem in the NYPD in the 1990s. Recent statistics suggest that allegations of property-related police theft increased. Out of 1,035 serious complaints investigated by the IAB in 2002, about 350 were complaints of property theft leveled against officers. An increased number of officers were also found to have been involved in organized crime such as accident insurance fraud (Campisi 2003).

Since investigation of police corruption is an internal function of the IAB in the NYPD, the nature of its relationship with external monitoring bodies is quite different from the relationship between the HKPF and ICAC. The NYPD's Disciplinary Assessment Unit (DAU) maintains an ongoing liaison with the Executive Directors of both the CCPC and CCRB (NYPD 2007). While the police have suffered from a poor relationship with the CCRB for several decades (Safir and Whitman 2003; Walker 2005), their relationship with the CCPC seem to have improved. The CCPC reviews corruption cases and discusses its findings with IAB executive staff and investigators. It views these discussions productive as timely feedback is provided regarding issues of its concern. The discussions also provide an opportunity for CCPC and IAB staff to exchange ideas and evaluate the quality of IAB investigations. The CCPC believes that this on-going dialogue has enhanced its monitoring function (CCPC 2006).

Another external relationship the NYPD maintains is with the local and federal prosecutors. In early 1990s, the NYPD had not always provided the prosecutors with cases of serious police corruption (Mollen Commission 1994). Nowadays, five independent district attorneys have oversight over police misconduct and corruption and two Federal attorneys from the United States (US) Attorneys' Offices examine the actions of the NYPD (Safir and Whitman 2003). While most drug-related corruption cases are investigated by the IAB, they are prosecuted by local district attorneys. Federal prosecutors are involved in a corruption case when it is egregious, cross-jurisdictional, generated by the US Attorneys' offices, brought to them by the IAB, or is an IAB-closed case that a US Attorney decides to review (USGAO 1998). Between 1992 and 1996, local and federal investigations and prosecutions led to the conviction of 30 officers in Manhattan's 30th precinct, primarily for narcotics-related offenses. An additional officer was acquitted, but later found guilty of administrative charges and fired by the NYPD (USGAO 1998).

Measures Against Police Misconduct

The structural difference in Hong Kong and New York in handling police misconduct again lies in who is responsible for directly investigating such cases. In Hong Kong, a number of

internal police units are charged with this responsibility, including the Complaints against Police Office (CAPO), the Internal Investigations Office (IIO), and the Disciplinary Unit (DU). The CAPO was established in 1974 and is the key unit for investigating complaints against police officers. It functions as a division of the Complaints and Internal Investigations Branch (CIIB), reporting directly to the Assistant Commissioner of the Service Quality Wing.

Since all CAPO investigations are conducted by police officers, their activities are monitored by the Independent Police Complaints Council (IPCC). The IPCC comprises professionals and community leaders appointed by the Chief Executive of the Hong Kong Government. Main IPCC functions include monitoring and reviewing CAPO investigations of complaints to ensure impartiality and thoroughness. A "lay observer scheme" has been established whereby observers attached to the IPCC can be present during interviews of both complainants and accused without prior notification. Upon completion of a CAPO investigation, the investigation file is sent to the IPCC Secretariat for examination. Reports are then circulated to IPCC members for their approval and endorsement (IPCC 2007).

Since investigation of police misconducts remains an internal function in the HKPF and the IPCC plays a largely monitoring role, the depth and extent of collaboration between the HKPF and IPCC is nowhere near that between the HKPF and ICAC. At the conclusion of a complaint investigation, the CAPO classifies a complaint according to the result and prepares a report for the IPCC for review and endorsement. Thus, the relationship between CAPO and IPCC is more procedural than substantive.

Without an external agency that directly investigates allegations of police misconduct in Hong Kong, the HKPF has established elaborate rules and procedures for investigating various complaints, from abuse of authority to unmanageable debt. According to police managers interviewed, officer debt is one of the most frequently cited management concerns in the HKPF. All officers filing for bankruptcy are subject to investigation to see if there are any violations of disciplines. Officers at the rank of inspector and below are handled internally; officers at the rank of superintendent and above are investigated by the Civil Service Disciplines Department (The Sun 2002). Officers declaring bankruptcy can be disarmed, demoted, or sacked. From 1999 to 2001, more than 20 officers were placed under criminal investigation after they declared bankruptcy. At least one of these officers was charged with failing to report his debt in full when borrowing money from a financial institution. Another was accused of imprudent financial management, with the subsequent ruling that his problems had impaired his work efficiency (Lee 2002). The number of indebted officers disciplined for having their operational efficiency impaired by their indebtedness went from 14 in 1999 to 39 in 2001 (Lee 2002). A total of 249 officers was classified as unable to pay back their debt in 2001, a 23% increase from the previous year (Ming Pao 2002; The Sun 2002).

The HKPF has also adopted proactive strategies and policies to control police misconduct. It promotes values of integrity and honesty and a culture of service among its officers. It has adopted a proactive approach to its recruitment, training, and socialization activities. The Recruitment Branch has increased its emphasis on prudence over daring, "marking a turnaround" from previous years, "when it tried to entice recruits with such swashbuckling images as marine-smuggling stings, gambling raids, and shoot-outs in the street" (Keenan 1995, p 19). In-service training programs and Living-the-Values workshops have been used to reinforce positive officer values. Police management has also integrated value training and quality service ideas into a Healthy Lifestyle Campaign. This campaign incorporates the issue of officer debt as the management believes that building a culture of prudent financial management is the best solution to unmanageable debt (Offbeat 2002).

In New York, the internal police supervisory and disciplinary system for misconduct has received strong criticism over the years. According to the Knapp Commission (1972), the Inspector Services Bureau's manpower was kept at a level that made it virtually impossible to do its job effectively. The Mollen Commission (1994) noted that the caseload within the NYPD was unevenly distributed between the centralized IAD unit and the field internal affairs units (FIAUs), making the work of the FIAU units difficult. Moreover, the supervisory conditions in the NYPD in the 1990s deteriorated due to a dramatic increase in the ratio of supervisors to line officers, assignment of supervisory officers to two different precincts, requirement to perform a number of administrative duties, and the necessity of handling calls for service in lieu of busy patrol officers.

The New York City Council subsequently passed legislation creating the Civilian Complaint Review Board (CCRB) in 1993, after extensive debate and public comment. An independent and non-police municipal agency, the CCRB handles allegations of police misconduct directly. It is empowered to receive, investigate, hear, make findings and recommend action on complaints against NYPD officers. Its jurisdiction includes the use of excessive or unnecessary force, abuse of authority, and discourtesy or use of offensive language (NYCCCRB 2007a). But the CCRB was underfunded at its inception, leaving it unable to cope with the large number of complaints it received. After the Abner Louima incident in 1997, the CCRB's budget has been steadily increased, allowing the agency to hire more investigators and experienced managers that oversee investigations (NYCCCRB 2007b).

The CCRB had 129 full-time investigators, an executive and administrative staff, and a budget of approximately US $9 million (Wohl 2001). Its investigative staff, composed entirely of civilian employees, conducts investigations of police misconduct; however, the CCRB cannot impose discipline on a police officer. Dispositions by the CCRB on complaints are forwarded to the Police Commissioner. As determined by the CCRB, dispositions may be accompanied by recommendations on which disciplinary measures are appropriate. The CCRB can recommend one of three disciplinary measures for the Police Commissioner's consideration—from instruction to charges (NYCCCRB 2003, 2007a). Ultimately it is the internal disciplinary system of the NYPD that is responsible for formally correcting police misbehavior and dismissing officers. Under the command of the First Deputy Commissioner are the Special Prosecutor's Office (SPO) and the Disciplinary Assessment Unit (DAU). The SPO promotes integrity in the NYPD through immediate administrative prosecution of officers engaged in corruption and serious misconduct. The DAU monitors and coordinates the critical components of the disciplinary system and ensures that disciplines are effectively maintained (NYPD 2007).

There is no openly available statistics regarding the financial problems of NYPD officers. But officers interviewed suggest such problems are examined as part of the early warning system. Officers being considered for IAB positions are also routinely scrutinized to ensure high levels of internal integrity. Once individual officers are selected for the IAB, they are subject to a stringent screening process. This includes looking into their financial background to see if they have unmanageable debt or other financial problems and if their lifestyles are healthy. Furthermore, IAB officers are subject to drug tests (Campisi 2003).

Preventive practices in the NYPD include making a commitment to integrity from the department, changing the police culture, requiring command accountability, raising age and educational requirements, and implementing and improving integrity training in the police academy (USGAO 1998). An integrity program called Courtesy, Professionalism, and Respect (CPR) was established in 1996 to test, measure, and assess the level of compliance with CPR displayed by members of the NYPD to both citizens and members within the Department (NYPD 2007). Drug tests are required for all new recruits and are administered

to any newly promoted or transferred officer. Random drug testing has been introduced at all precincts, testing 20% of all officers at all levels each year. Since these anti-drug measures were introduced, drug-related allegations against NYPD officers have declined (Campisi 2003).

Available complaint statistics in the HKPF and NYPD are difficult to compare due to potential differences in reporting and recording procedures as well as the distinct legal, policy, and cultural environments. Due to these complications, the officially reported complaint rates may have little or nothing to do with the actual level of misconduct. Although the NYPD seems to have seen an increase in complaints in recent years, the overall figures presented here are not intended to suggest that one department has a better handle on public complaints. Rather, an examination of these statistics is meant to provide an overview of the recent trend within each police force.

When the statistics are compared longitudinally within one organization, they suggest the complaint figures are decreasing in Hong Kong and increasing in New York. During 2000, members of the public lodged 3,673 complaints against the HKPF, about 19% higher than in 1999. Most of these complaints were classified as either "withdrawn" or "not pursuable", or were minor and trivial and settled by informal resolution. Of the complaints that were fully investigated, 13.8% were substantiated, leading to 48 officers being disciplined in 2000 (Hong Kong Police Review 2000; Tsang 2001). The CAPO received 2,694 complaints in 2005 and 2,542 in 2006—a decrease of 5.6%. In 2005, the IPCC received 2,983 cases from CAPO. In 2007, it received 2,437 cases, a reduction of 546 cases or 18.3% over the 2005 figure. The IPCC endorsed a total of 2,114 investigative reports in 2007 (IPCC 2007).

In New York, since 1993, the CCRB has received an average of about 4,800 complaints per year. It received 5,953 complaints in 2000, including 2,038 complaints for excessive or unnecessary force, 2,319 for abuse of authority, and 1,596 for discourtesy. It fully investigated 2,414 cases and substantiated less than 8% of them (Wohl 2001). The CCRB received 4,512 complaints in 2002. It administratively closes more than half of the initial complaints it receives each year, "truncating" 51.6% between January 2002 and mid-2003 (NYCCCRB 2003). It received 6,785 complaints in 2005 and 7,669 in 2006. Compared to the first 6 months of 2003, the number of complaints filed with the CCRB increased by 41% in 2007 (NYCCCRB 2007a).

Analysis and Discussion

The material collected for this study as described above demonstrates the dramatically different organizational approaches to dealing with police corruption and misconduct in Hong Kong and New York. The internal structure of the police and their relationship with external investigative and overseeing bodies suggest certain unique features in each city in the way that police abuse of power is addressed. In Hong Kong, the ICAC—an independent, external agency—is responsible for controlling corruption, but there is no independent body for investigating misconduct. Complaints against police misconduct are handled by the internal CAPO unit, whose operations are monitored by the IPCC. In New York, the CCRB is capable of independently investigating misconduct, but the IAB is responsible for probing corruption cases, whose operations are monitored by the CCPC (see Table 1).

More specifically, Hong Kong's control mechanisms indicate three factors for achieving effective handling of police corruption: (1) an independent agency capable of conducting its

Table 1 Structural differentiation for controlling police corruption and misconduct between Hong Kong and New York

		Internal	Independent	Monitoring agency
Hong Kong	Complaints	CAPO	–	IPCC
	Corruption	–	ICAC	Various
New York	Complaints	–	CCRB	
	Corruption	IAB	–	CCPC

CAPO Complaints against Police Office, *IPCC* Independent Police Complaints Council, *ICAC* Independent commission against corruption, *IAB* Internal Affairs Bureau, *CCPC* Commission to Combat Police Corruption

own investigations, (2) a strong police culture against corruption, and (3) a strong partnership relationship between the police and an external investigative body. From a historical standpoint, successful control of corruption is unlikely without a strong external investigative body in Hong Kong. Largely because of the ICAC, corruption cases involving the HKPF have consistently declined and syndicated corruption hardly exists today.

Fundamental changes in policing rarely occur, however. When they do, they are often brought about through a process called coercive isomorphism (DiMaggio and Powell 1991; Jiao et al. 2005). The creation of the ICAC in Hong Kong illustrates this process. As official enquiry into the riots in the 1950s and 1960s revealed widespread, syndicated police corruption, a deep public antipathy toward the police emerged and persisted (Scott 1989; Grant 1992). Then, as the Godber scandal sparked further outcry, the British government appointed McLehose in 1971 to establish the regime's legitimacy (Lo 1993). As a major sovereign of the HKPF, the government saw the need to reform the police in order to establish its own authority. It was against this backdrop that the ICAC was established (Lo 1993). This process of creating an independent body for investigating police corruption supports the notion of coercive isomorphism, which states that institutional isomorphic changes take place when an institution is suffering from a legitimacy crisis (DiMaggio and Powell 1991).

The independent anti-graft agency in Hong Kong reflected not only the public's hatred of corruption but also its acceptance of the government's coercive maintenance of public order. Corruption control in Hong Kong ultimately "helped transcend class conflict and unite capital and labor on the same front" (Lo 1993, p 108). It enabled the colonial government to accomplish "part of its hegemonic functions" and "facilitated the dominant class bloc to dominate its subordinate and reestablish domestic order for capitalist production" (ibid). For these reasons, there has been stronger legislative backing and public support for corruption control in Hong Kong.

The establishment of an anti-graft agency and related policies and programs is only half of the battle against corruption. In the long run, an institutional culture against corruption needs to be established to maintain the momentum. This point was clearly recognized by the ICAC and HKPF and their effort in developing this culture through a partnership relationship helps complete the important steps towards achieving a sustainable effect on the problem of police corruption.

There remains, however, no independent agency for investigating complaints caused by police misconduct in Hong Kong. The IPCC externally oversees the HKPF with capacity to review and recommend changes, but does not investigate individual complaint cases. As the IPCC is limited in its independence and capacities, it is subject to police and other political pressure. In recent years, there has been a rise of police malfeasance cases, and civilian complaints have become a more urgent issue for HKPF management. But resistance to

establishing an independent body for investigating complaints in Hong Kong remains, demonstrating the challenges involved in reforming the police. In this regard, the IPCC could borrow the lessons learned from the collaborative relationship between the HKPF and ICAC and work in partnership with the police in developing a culture against misconduct. This would seem difficult, however, before the IPCC is able to obtain its own resources, expertise, and power for investigating individual complaint cases.

Some may argue that a partnership relationship between the police and an external investigative agency is difficult to develop and maintain due to conflicting demands on accountability as well as traditional tensions between internal and external control mechanisms. This is not necessarily the case anymore since times have changed. As Walker (2005, p 10) argues, "this traditional conflict is now sterile and irrelevant. The strategies and tools of the new police accountability involve a merger of internal and external mechanisms." The historical development of the ICAC and its relationship with the HKPF serves to illustrate this point. In the early years of the ICAC, the police in Hong Kong regarded corruption allegations as hostile acts on the part of citizens and did their best to reject or discredit them. Today, the ICAC and HKPF enjoy a partnership relationship in fighting corruption. And materials gathered for this study strongly suggest that a strong partnership between the police and an external investigative body is the key to effective control of police corruption.

Although the immediate circumstances leading to the development of external agencies were similar in Hong Kong and New York, the extent to which corruption was viewed as a threat to social order and political regime was drastically different. The police scandal that led to the creation of the CCPC in New York thus resulted in an agency that is far less powerful than the ICAC in Hong Kong. At the time of this writing, there remains no independent agency for the investigation of corruption in New York. The CCPC oversees the NYPD externally with capacity to recommend changes in police policies and procedures but does not investigate individual corruption cases. CCPC members are limited in their independence and capacities, and are subject to police and other political pressures. The NYPD remains the body responsible for detecting and investigating the bulk of corruption cases. But history suggests that when the police were charged with this role in the 1970s and 1990s, corruption was found to be widespread (Knapp Commission 1972; Mollen Commission 1994) and prosecutions and convictions of corrupt officers were uncertain, slow, or lenient (Ivković 2005).

The resistance to establishing an independent body for investigating corruption in New York again demonstrates the challenges faced in reforming the police. Without coercive isomorphic change, the chance for an independent corruption investigation agency in New York is slim. Major police reforms in the US have occurred only under strong public and government pressure. The deadly force policy instituted in 1972 in New York, for example, was a result of continuing pressure from the community. The core elements of the police accountability system were established due to the Department of Justice pattern or practice suits under Section 14141 of the 1994 Violent Crime Control Act, which was added to the law largely because of the demands of civil rights advocates in the Congress and in the civil rights community (Walker 2005). An Independent Police Auditor was created in some cities only after peaceful but vocal demonstrations in front of city halls by different segments of the community (Guerrero-Daley 2000; Ivković 2005).

When external pressure is of lesser strength and magnitude, fundamental change seldom occurs. The pressure on the NYPD was strong in the early 1990s after the Michael Dow corruption scandal, but the City did not suffer from a legitimacy crisis. The response to the scandal, as in history, was to appoint a special commission to investigate the problems and

then issue a report containing a set of recommendations. But, as Walker (2005, p 39) pointed out, such commissions "have lacked the power both to implement their own recommendations and to follow up on whatever changes were made in the police department." The police reforms introduced as a result of such investigations were designed to achieve greater accountability. But they "never developed institutionalized procedures for sustaining reform over time" (Walker 2005, p 39).

As elaborated by Walker (2005, p 143), an emerging independent auditing model in the US represents a "significant improvement over the traditional blue-ribbon commission." But, like the CCPC in New York, this model does not empower auditors or provide them with adequate resources to investigate individual cases. In a similar vein, the tripartite system of accountability illustrated by Chevigny (1995), Hirst (1991), and Kerstetter (1985), which includes a fact-finding body for complaints, an auditor with power to obtain police documents, and an internal police inspector general, also relies on the police to conduct individual investigations.

On the basis of the available information gathered for this study, there seems to be a weak culture against corruption in the NYPD. This weakness is demonstrated by the police management's tendency to focus on avoiding scandals (Mollen Commission 1994). Both the Knapp Commission (1972) and the Mollen Commission (1994) found a weak culture against corruption and a lack of accountability within the NYPD. Integrity programs and training offered to officers were inadequate and outdated (Mollen Commission 1994). Against this background, officers that reported corruption were punished instead of rewarded. Middle-ranking and immediate police supervisors either actively participated in corruption or knew of it and did nothing. The code of silence tended to be strongest in precincts where corruption was most severe. As Ivković 2005 pointed out, negative organizational factors contribute to police corruption. These factors often include police administration's low recruitment and selection standards, inadequate training in ethics, weak supervision and management, and the presence of a strong code of silence. To address these problems, the CCPC should move toward building a culture against police corruption in collaboration with the NYPD. But without its own resources, expertise, and power for investigating individual corruption cases, the CCPC will find this relationship difficult to develop.

In contrast to corruption control, there seems to have been more headway in addressing police misconduct in New York. In this area, the CCRB functions as an independent agency vested with investigative power. Following the strategy of building a strong partnership relationship in addressing police misconduct, the NYPD and CCRB have established an open and accessible relationship in managing civilian complaints. While the CCRB investigates such cases, the police enter such information into the early intervention system to identify performance gaps. However, the CCRB and its stronger relationship with the NYPD have not had a significant impact on the number of complaint cases in the NYPD, as the total number of such cases remains high. Part of the problem for the CCRB is that its investigators are not experienced law enforcement officers. To ensure their success, it seems necessary for them to have not only independence and investigative power, but also a clearly defined scope of responsibilities, adequate resources, unfettered access, law enforcement expertise, and accountability.

Overall, this comparative analysis of the organizational efforts of Hong Kong and New York in addressing police abuse of power suggests that an independent corruption control agency modeled after the ICAC in Hong Kong is the most effective in achieving the goal of reducing police corruption. Such an agency, in collaboration with the police, should serve the functions of detecting and investigating corruption, monitoring propensity for

corruption, cultivating a culture against corruption, helping establish supervision and accountability, improving the existing system of control, and limiting opportunities for corruption.

To create such an agency, opportunity must be seized "in the midst of political momentum spurred by a scandal that had developed following public revelations of corruption allegations" (Ivković 2005, p 116). Short of a crisis situation, the creation of independent agencies would be at the mercy of reason and the desire of all parties concerned, including politicians, the public, and the police. Besides the need for political will, another oft-cited obstacle to establishing such an agency is cost. But cost seems a less critical factor than political willpower. Existing research suggests that the cost to the public would be far heftier without an independent agency because police misuse of power tends to have a negative financial impact on individuals, city government, and businesses alike (City of San Jose 2004). The cost of police liability in large cities is typically millions of dollars annually. In New York, for example, police corruption was regarded "a secret tax totaling millions of dollars a year" in the 1970s (Burnham 1974, p 305) and aggrieved citizens cost the city US $44 million from 1994 to 1995 (Kappeller 2001). And of course, the cost of corruption is "not only exorbitant in monetary terms but also high in terms of the resulting injustice" (Ivković 2005, p 189).

Conclusions

This study explores the mechanisms behind the efforts of the HKPF and the NYPD in dealing with corruption and misconduct. The results indicate some dramatically different approaches to dealing with police misbehaviors and vastly diverse perspectives on control measures. While Hong Kong has developed an effective independent agency for investigating corruption, would it ever be possible for this city to establish an independent complaint investigation agency? While New York has established a viable independent body for investigating police complaints, would it be possible for it to create an independent anti-corruption body vested with investigative power? When viewed from a comparative perspective, these questions do not seem too farfetched, and it does not seem unreasonable to suggest that the IPCC in Hong Kong could be empowered to investigate complaints and the CCPC in New York could be given real resources and expertise for investigating corruption. Furthermore, the study also demonstrates that a police organization and its external bodies can work in partnership to develop and maintain a culture against police corruption and misconduct, which should prove the most important element in achieving a long-term solution to these problems.

The challenge remains, however, to develop a culture against corruption and misconduct. Although the HKPF now enjoys a stronger culture against corruption, the often negative attitude among officers toward public complaints demonstrates it has yet to build a culture against misconduct. The findings of the two independent commissions in New York suggest that the NYPD has done very little to change existing police culture. The current system of corruption control in New York suffers from the temporary and sporadic nature of institutions assigned to deal with corruption because no agency has been assigned the task of controlling the NYPD's control system on a continuous basis. Creation of an independent agency with the task of controlling and investigating complaints in Hong Kong and corruption in New York on a continuous basis may only become possible, however, through a process of coercive isomorphism.

Appendix

Questions Used for Personal Interviews

1. How common are corruption and misconduct among police officers?
2. What types of corruption and misconduct are most common?
3. How do you explain the police corruption and misconduct rates?
4. What do you think is the most important cause of corruption and misconduct?
5. What are the internal control programs and what are their duties and responsibilities?
6. What are some of the typical problems you find through internal channels? What problem causes greatest concern? What do you suggest that the police do to correct them and improve service?
7. Are internal police programs primarily proactive or reactive? How do the police anticipate problems and act accordingly?
8. What kind of corruption and misconduct problems of subordinate officers are you most concerned with? Why?
9. How are subordinates supervised and how closely are they supervised?
10. How often do officers see their supervisors per day while on duty? How much time per day are police officers completely on their own while on duty?
11. Are senior officers usually held accountable for behaviors of their subordinates? To what extent do superior and junior officers share liability for mistakes?
12. Are police officers' behaviors regulated more by the formal structure or by group membership? What formal and informal activities are devoted to promoting ethical and moral police behaviors? How frequent, extensive, and intensive are they?
13. What are the external oversight mechanisms of the police?
14. What are some of the important goals and objectives of external control mechanisms?
15. Have there been any changes in the organization, policies, personnel, operations, etc., of the external control agency since its inception?
16. How does the external body maintain and ensure its independence and effectiveness?
17. What's the primary function of the external agency, prevention, education, or deterrence? How are these strategies balanced and how is manpower distributed in these areas?
18. What types of police corruption is the external agency most concerned with?
19. What would make the external agency a more efficient and effective organization?
20. Do you think that police behaviors have been changed fundamentally because of the external control mechanism or because of their own efforts in fighting corruption?
21. What lessons have the police learned from their experience in fighting police corruption and misconduct over the years?
22. What do you think has the greatest impact on police corruption and misconduct?
23. What do you think is most important in controlling or preventing police corruption and misconduct and producing more responsible police behaviors? Better training, better supervision, better recruitment, better pay and benefits, more accountability, more effective external oversight?
24. How would you describe internal police programs' effect on police corruption and misconduct?
25. How is the external control agency viewed by police officers in general?
26. Which oversight mechanism do you think is more effective in controlling police corruption and malfeasance? Internal disciplinary procedures or external oversight bodies?

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