

Noble Cause Corruption

AKA

The Blue Wall of Silence

Or

The Thin Blue Line

Presented by

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I have a task for the audience, please
finish this statement:

Noble Cause Corruption is:

Introduction

- Sir John Woodcock in 1992 when, as Her Majesty's Chief Inspector of **Constabulary**, first coined the phrase '**Noble Cause Corruption**' when he was attempting to explain how miscarriages of justice occur.
- Noble Cause Corruption is a police crime, in which police officers violate legal ethical standards in pursuit of what they perceive to be the benefit of society at large.

Noble Cause Corruption

- Now, just 19 years later, this term has managed to make its way into many oversight reviews relating to policing activities.
- I hope I am not alone in thinking that this thought process and excuse making, is nothing short of pretty window dressing or candy coating, for extreme and unacceptable activity by the keeper of the public trust.

Noble Cause Corruption

- It is hard to believe these statements escape the mouths of the very people that are hired or appointed to ensure public trust is protected and upheld. It certainly should not be tolerated by the political bodies that are entrusted to uphold law and order and to promote public safety.
- It is this very mindset that breeds life into the casual minimization of serious unethical, immoral and criminal behavior in police agencies.

Noble Cause Corruption

- “Nobel Cause Corruption”, and the acceptance of this term by Political Masters and Policing Executives has contributed to a permeation of “the end justifies the means” mentality, all the way down to the street level community police officer.
- Public official have to hold the senior management and upper echelon of police agencies accountable for the actions and wrong doings within their respective police agencies.
- If not, some rank and file street police officers, will find justification for their own actions, inactions, misconduct, fabrications and manipulations to solve cases and bring closure to investigations.
 - **“Just getting the bad guys off the street !!”**

Noble Cause Corruption

- Nobel cause corruption is committed in the name of “good ends”. It is corruption that sometimes happens when police officers care too much about their work. It is a corruption committed in order to get the bad guys off the streets....
- The corruption of police power, when officers do bad things because they believe that the outcomes will be good.”
- Examples of noble cause corruption are, planting or fabricating evidence, lying on reports or in court, and generally abusing police authority to make a charge stick.
 - John P. Crank and Michael A. Caldero, Police Ethics: The Corruption of Noble Cause

Noble Cause Corruption

- Recent history throughout the policing world has told us that most police agencies struggle with these issues. Politics has a firm controlling hand on police agencies. Pressures to solve crime, reduce crime and protect the taxpaying public, comes from all political directions and cascades down to the street level police officer. To succeed you have to make the arrest.
- In this country, academic think tanks have conducted research, analyzed incidents and causation for many years. Publications in this country, notably some by the Fraser Institute, highlight the affects of political influence upon policing and the direct impact upon the policing culture.

Noble Cause Corruption

- “Experience should teach us to be most on our guard to protect liberty when the Government’s purposes are beneficent....The greatest dangers to liberty lurk in the insidious encroachment by men of zeal, well meaning but without understanding.
- — U.S. Supreme Court Justice Louis D. Brandeis (1856-1941)”

Noble Cause Corruption

Traditional Police Corruption

- Traditional corruption is defined as the use of one's official position for personal gain. The personal gain can be economic or otherwise, such as promotion, prestige or favoritism.
- Policing professions, have long understood this type of abuse of power. When it is discovered and investigated, those involved are arrested. We do not tolerate these issues. It is a blight for all who are involved in the policing profession.
- Police “corruption” is intolerable by all aspect of society in all corners of the world.

Noble Cause Corruption

- For those in a role of Policing Oversight, the less obvious but perhaps even more threatening type of misconduct in law enforcement, is Noble Cause Corruption.
- This type of misconduct involves not necessarily the rotten apples in the agency but sometimes involves the best officers in the agency, or the golden apples. Those with the best arrest and solve records.

Noble Cause Corruption

- Noble Cause Corruption is a mindset or sub-culture which fosters a belief that the ends justify the means.
- In other words, law enforcement is engaged in a mission to make our streets and communities safe, and if that requires suspending the Charter of Rights or violating laws in order to accomplish that mission, then for the greater good of society, so be it.
- The police officers who adopt this philosophy lose their moral compass and are guilty of participation in corrupt behavior.

Noble Cause Corruption

- This type of thinking is misguided, places the police officer at risk of losing his/her job, facing criminal charges, and seriously damages the reputation of the whole police agency and policing community in general.
- Some examples include; manipulating evidence, tampering with facts in reports or lying in court to convict a suspect, also referred to as “perjury”.
- When police officers engage in this type of behavior, they adopt a philosophy that supports the notion that justice should be dispensed on the street, not in the courtroom, and it is morally right to do whatever it takes to imprison those who prey on society.

Noble Cause Corruption

- Perjury in open court, is deceptive or manipulated testimony offered under oath and witnessed by judges, prosecutors, and sometimes a jury.
- There are times when police officers have rationalized such willful deception as an ends-justify-the-means rationale. They attempt to justify their actions by arguing that their necessary deception results in societal predators being incarcerated for as long as possible.
- However, they seem to forget that our entire criminal justice system is based on the premise that all police officers, always tell the truth. The public expects this as a basic foundation of public trust in all policing actions.

Noble Cause Corruption

- Another area where corruption can raise its ugly head is in the area of report writing.
- Report writing has fewer supervisory oversight mechanisms, and administrators assume that officers tell the truth in their reports. The basic premise of all police training is the critical importance of truthfulness and accuracy in an officer's initial report.
- Good training will always emphasize the need to establish the elements of the crime in these reports. Most police agencies no longer have their street-level officers swear to their reports' accuracy when offering them for supervisory review.
- Today's street-level supervisors must provide review and emphasize the need to specifically articulate the probable cause facts of arrests so rights are not violated and convictions successfully obtained.

Noble Cause Corruption

How Does This Issue Involve Me?

- I do not consider myself as an academic on this issue nor an expert. I feel I am more of a practitioner who has had opportunity and experience to see these issues from an investigative and administrative perspective.
- I am just about to retire from the RCMP after 31 years of service. Most of this service has been in Manitoba, what we affectionately refer to as “Dirty D”. Dirty, not because of corruption, but because we are true, small town, gravel road cops who police some of the poorest and most violent communities in the country.

Noble Cause Corruption

Career Background

- During my career I have had the opportunity to work Rural, Municipal, Highway Patrol, First Nations Policing and several areas of Plainclothes policing.
- I was fortunate to have worked on three separate postings, over a nine year period with our RCMP Major Crime Unit. I served there as a Constable, as a Corporal and as a Sergeant.
- I have also served two postings with the Criminal Intelligence Section.
- For the last 5 years in the RCMP, I served as the Staff Relations Labour Representative, where I provided much advice and guidance on policy, process and procedure to the RCMP membership. This included internal investigation issues.

Noble Cause Corruption

- Crown Attorney Issue
- Senior Officer Issue
- Staffing and Personnel Issue
- Internal Investigations
- Officer Involved Death Reviews

Noble Cause Corruption

- For 135 years the RCMP has strived to secure and maintain the public trust and confidence based upon a strict adherence to a set of entrenched core values that they attempt to identify in every employee that enters their service.
- These core values are noted as Honesty, Integrity, Respect, Compassion, Professionalism and Accountability. It is through strict adherence to these values that the national police service can assure the public, that the RCMP is beyond reproach.
- The RCMP has to be held to the highest moral and ethical standards, far exceeding the expectations of most private and public institutions.

Noble Cause Corruption

- The mechanism for insuring the adherence to Core Values is accountability and supervision.
- The most dangerous consequence of poor accountability and supervision is corruption. The lack of proper accountability and supervision has been stated as an important contributor to corrupt behavior.
- Proper supervision and accountability allows managers to identify the warning signs and by ensuring the Charter of Rights, Judicial expectations and internal policies are adhered with, they can remove the opportunities for corrupt behavior.

Noble Cause Corruption

- Honest hard working employees, have to know and be assured that if they observe and report wrong doing, they will not suffer personally or professionally, if they report the observations.
- Corruption has a tremendous impact on public trust, faith in police services and internal police morale.
- Always remember, one uniform, one identify. Issues of internal police incorruption are worn by every employee of the a policing agency and by all police officers, coast to coast.

Life and Career Changing Event – Project Probity

- I was a 25 year veteran of the RCMP posted to the “D” Division (Manitoba) Major Crime Services
- Project Probity was a 14 month investigation conducted jointly by the RCMP and Ottawa Police Service
- I had been conducting project work and case management for RCMP Major Crime cases in Manitoba
- In April 2004 was seconded to Ottawa to assist the Ottawa Police Service in setting up an investigation into alleged inappropriate activities relating to the RCMP Pension Fund

Project Probity

- Ottawa Police Service RCMP Pension and Insurance Investigation started in April 2004
- The adage of who knew, what did they know, when did they know it and what did they do about it, should have held true as checks and balances for corrupt behavior.
- At the conclusion of this investigation, being a member of the RCMP with over 25 years of service, having been a lead investigator with Project Probity, I came to several harsh conclusions.
- I have never heard of, or witnessed internally, such wholesale violations of all our RCMP core values, as I had observed during the course of the Pension and Insurance Investigation.

Project Probity

- There was an apparent lack of accountability and unethical conduct by some influential Senior Managers within the RCMP. This could only be related to a failure of the principles of modern comptrollership, financial stewardship and unprofessional ethical conduct. These observations were noted of many different ranks and categories in this national policing organization. These failures were identified at so many levels. These failures were also identified by the RCMP Internal Financial Audit, Ottawa Police Service - RCMP Criminal Investigation, Independent Financial Forensic Reviews, the Auditors General's Report and the David Brown Report.

Project Probit

The Beginning

- Investigation Set Up April 2004
- Major Case Management
- Financial irregularities (contract manipulation, contract splitting, violation of Treasury Board Policy and Directives, lack of adherence to NAFTA, work for little or no value, violation of accounting and comptrollership guidelines, fenced funding manipulation.

Project Probit

- Favoritism and Nepotism
- HR struggles - Corporate Co-operation - Fear
- The Sept 2002 Regina discussion
- Re-evaluation
- Consulting and Audit Canada (CAC) involvement

Project Probity

- Insurance Carrier
- Ethics Officer
- Previous OPP investigation
- The beginning of the end. Promotions, retirements and transfers.

Project Probity

- On Sept. 30th 2004 I personally met with Chief and D/Chief of the Ottawa Police Service.
- Infighting - Case Management Protocols not complete
- Interim and Final Reports (January and June 2005)
- Meeting with Commissioner September 2005
- Fall 2005 meeting with Public Accounts Committee member

Project Probity

The Fallout

- March 28, 2006 Public Accounts Appearance
- Complaint to SRR Caucus June - September 2006
- Sept 2006 meeting with Commissioner and Caucus
- Commissioner Resigns - Pension Investigation – Sponsorship Scandal – Maher Arar- Contracting issues with Renovations

Project Probity

The Fallout

- Staff Relations Representative Labour meetings on issue
- Office of the Attorney General Report
- Meeting with the Office of the Attorney General
- Meeting with new RCMP Commissioner

Project Probity

The Fallout

- David Brown Investigation and Review
- Brown Task Force
- Parliamentary Direction and Sanctions
- Ontario Provincial Police Review of Insurance Plan Issues

Project Probity

The Fallout

- From the top down, there were failures in professional and ethical conduct, failure to maintain the public trust and a lack of adherence to the Core Values of Honesty, Integrity, Compassion, Respect, Accountability and Professionalism.
- Management would talk the talk, but not walk the walk.
- It sent a loud and clear message to the rank and file. This tumultuous period of time caused great mistrust of the whole RCMP organization by the public and by employees within the organization.

THERE IS NOTHING NOBLE ABOUT CORRUPTION !!!

- The terms “Noble” and “Corruption” should never be associated in a positive manner, nor be found acceptable.
- There is no acceptable justification for corrupt behavior, for any reason, in a police environment.
- Stop making up excuses for unacceptable behavior. Set examples from the top down, that corruption of any kind, will not be tolerated.

Educate, Educate, and Re-Educate

Noble Cause Corruption and Training

- Noble cause corruption is an unethical and sometimes illegal (ends-oriented result) approach to an ethical dilemma that thankfully, a minority of law enforcement professionals, will utilize.
- In many cases, we are talking about good officers trying to do the right thing (noble cause). They step outside the grey area of law enforcement due to bureaucratic red tape, a lack of evidence, frustration with judicial issues or any other roadblock to “getting the job done.”
- They feel compelled to bend or even break the rules to catch the bad guy. This leads to unacceptable ethical corruption and loss of their moral compass.
- This is absolutely unacceptable in the eyes of the public and by the majority of honest and ethical police employees.

The Bottom Line

- Noble Cause Corruption – The Blue Wall of Silence – The Thin Blue Line
- In general, these are all, “ends justifying the means” ideologies.
- These actions or inactions dramatically increase the likelihood of a serious situation of professional misconduct that could easily turn horribly messy.
- These actions could lead to an end of a career in law enforcement.
- These actions could potentially, scar or negatively impact the lives of the public, other police officers and cause damage to the public trust of Police Agencies across the country.

Change the Culture

- So what do you do when faced with the temptation of noble cause corruption?
- The answer is simple: Remember your training!
- Remember back to why you first decided to become a police officer.
- Remember your Core Values.

Change the Culture

- Remember a police officer's job is to collect the facts and gather the evidence in accordance with your core values. Your job is to be honest and truthful. Your job is not to convict.
- Remember time is on your side and the end does not always justify the means. Bad guys do not quit, they will continue with their trade until they are locked up. You will probably get another chance at catching them.

Change the Culture

- There has been some academic research that has focused on both training academy and in-service ethics training for Police officers. This research has noted that on average, approximately one third of all incoming training academy cadets have an ends oriented ethical ideology, which puts them at risk for noble cause corruption once they begin their field training.
- This may seem like a huge negative, but having sharp, ethical, well trained instructors, they can identify these traits and be able to focus additional attention on strict adherence to evidence collecting, report writing and central focus on Core Values. Constantly reinforcing the need to conduct themselves in an honorable and professional manner as expected by the Public.

Change the Culture

Accountable, educated and ethical supervision

- Arrogance and weak supervision contributes to the degree of noble cause corruption found in any police organization or unit.
- How do you measure success in your organization? Are you rewarding the right people? Is your leadership training identifying those with courage of conviction to always do the right thing?
- A team of well motivated officers with high arrest and detection rates may on the face of it, look good and therefore bring credit to the supervisor or manager of that team. But, are there any suspicious contributing factors to this success?

Change the Culture

Accountable, educated and ethical supervision

- A vigilant and ethical supervisor or manager will look further into that success. Was the law, policy, process and fairness properly applied during the entire investigation?
- Without honest, strong leadership and supervisors who promote Accountability and strong Ethics, you may find noble cause corruption to be a consequence of success.

Change the Culture

- Police agencies need to make it a priority to identify and train, strong, ethical leadership.
- Strong ethical principles and values need to be clearly articulated and regularly re-communicated (education), to ensure that professional policing activities in accordance with the accepted ethical principles for policing and natural laws of justice.
- When police officers act in accordance with the legally enshrined ethical principles governing the use of harmful methods, they achieve three things at the same time.

Change the Culture

- They do what is morally right, every single time
- Their actions are lawful and in compliance with the Charter of Rights and Freedoms
- They act in accordance with the will of the community

Change the Culture

- Failure of police agencies to make good ethical behavior the backbone of their policing principles will bring the danger that some police officers will come to think that the ends always justify the means.
- It will promote and foster the inevitability and desirability of so-called 'noble cause corruption'. Candy coating bad or illegal policing tactics. Promoting those who are willing to win at any cost. Willing to bend the rules to get ahead.
- From noble cause corruption, police officers can easily graduate to straightforward traditional corruption.

Change the Culture

- Police work in this country is not a Steve Segal or Dirty Harry film based upon fantasy and vigilantism.
- This is real life where daily decisions by police officers have lifelong impacts on themselves, family, friends and the general public.
- Throughout this country, all police officers and the general public have been made privy to policing activities that exceed the imaginations of film makers. It has caused an erosion of the faith in the Policing Service abilities to maintain the Public Trust.

Eliminating Corruption

- Where are our managers and supervisors when these unethical and illegal actions are taking place?
- Are Police Services properly identifying and promoting supervision and leadership based upon knowledge, skill, ability and strong ethical principles?
- Will these policing leaders recognize what is happening and do they have the courage of conviction to always do the right thing.

Eliminating Corruption

- **The Canadian Public has a right to expect police leadership to lead in an unquestionably ethical, professional and moral manner.**
- **If not, they risk losing the respect of those who work with them and risk losing the trust of the public.**

Statutory Failures Identified During Project Probity

- RCMP Act and Regulations
- RCMP Regulation 39(2) Impartial performance of duties that results in disgraceful conduct.
- All RCMP Regular and Civilian Members and Officers under Sec. 46.1 of the RCMP Regulations shall report promptly any contravention of the Code of Conduct by any other member.

Statutory Failures Identified During Project Probity

- Under Treasury Board Policy and Guidelines on Conflict of Interest, Section 30
- Employees must not accord preferential treatment in relation to any official matter to family members or friends, or to organizations in which the employee, family members or friends have an interest. Care must be taken to avoid being placed, or appearing to be placed, under obligation to any person organization that might profit from special consideration by the employee

Statutory Failures Identified During Project Probity

- Breach of Trust Section 122 (a) C.C.
- Every official who, in connection with the duties of his office, commits fraud or a breach of trust is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years, whether or not the fraud or breach of trust would be an offence if it were committed in relation to private person.

Statutory Failures Identified During Project Probity

AVOIDANCE OF PREFERENTIAL TREATMENT

Section 41(1)

- The Governor in Council may make regulations with respect to the conditions under which contracts may be entered into and, notwithstanding any other Act of Parliament,
 - (a) May direct that no contract by the terms of which payments are required in excess of such amount or amounts as the Governor in Council may prescribe shall be entered into or have any force or effect unless entry into the contract has been approved by the Governor in Council or the Treasury Board; and
 - (b) may make regulations with respect to the security to be given to and in the name of Her Majesty to secure the due performance of contracts.
- (2) Subsection (1) does not apply in respect of Crown corporations or Canada Customs and Revenue Agency.

Statutory Failures Identified During Project Probity

Section 80 - Financial Administration Act

- Every officer or person acting in any office or employment connected with the collection, management or disbursement of public money who;
 - c . designedly permits any contravention of law by any person
 - e. having knowledge or information of the contravention of this Act or the regulations or any revenue law of Canada by any person, or fraud committed by any person against her Majesty, under this Act or the regulations or any revenue law of Canada, fails to report in writing, that knowledge or information to a superior officer; I guilty of an indictable offence and liable on conviction to a fine not exceeding five thousand dollars and to imprisonment for a term not exceeding five years