Police misconduct: accountability of internal investigations

Terry Lamboo
Ministry of the Interior and Kingdom Relations, Den Haag, The Netherlands

Abstract

Purpose – The purpose of this paper is to report the findings of an analysis of official data on police misconduct, providing new insights into the nature and extent of police misconduct and in the official response to police misconduct. Next to the use of force and neglect of duty, private time misconduct is a major type of (alleged) misconduct although it is often discarded from theoretical conceptions of police misconduct. The analysis also showed that two-thirds of internal investigations are the result of an internal report. This paper shows that official data on police misconduct can result in new insights in the nature and extent of police misconduct and is therefore a relevant source for academic analysis.

Design/methodology/approach – An analysis of official data on police misconduct is compared with theoretical notions of police misconduct, internal investigations and reliability of official data.

Findings – The implementation of a uniform Registration of Internal Investigations for all Dutch police forces has resulted in a clear increase in the number of registered investigations. This seems to be due to a combination of increased strictness on (alleged) misconduct and an improved quality of the registration. The analysis also showed that two-thirds of the investigations are the result of an internal report. This places a new perspective on the so-called code of silence among police officers. However, information on the extent and nature of complaints that are dealt with through the complaints procedure is lacking. The complaints procedure has also no formal relation with the disciplinary or criminal procedures.

Research limitations/implications – Official data on police misconduct have to be viewed with a critical eye. The analyses showed however that the Dutch data seem fairly reliable. Additional research should place the official data in further perspective, e.g. through case studies and through a control of the registration with the files of the Bureaux of Internal Investigations. Finally, a comparison with official data in other countries is needed.

Practical implications – The Dutch police should improve its complaints procedures and the complaints registration.

Originality/value – Academic analysis of police misconduct is often limited to case studies of scandals or focuses on citizen complaints. The paper gives a broader perspective by using official data.

Keywords Police misconduct, Whistleblowing, The Netherlands, Complaints against police

Paper type Research paper

Introduction

The police are invested with far reaching powers and a significant degree of discretion in order to perform their duty: to uphold the law and protect citizens. Much of their work is enacted immediately and can only be scrutinized afterwards. Because of these aspects of police work, it is crucial that the public can place their trust in the police and that they can hold the police accountable for their actions. Accountability is especially important when police actions may be labelled as misconduct (Harrison and Cunneen, 2000).

Individual police officers can be held accountable through an (internal) investigation which can result in an acquittal or some form of criminal or disciplinary sanction. The police force can be held accountable for its policies regarding police misconduct, for instance, through an analysis of official information on complaints of misconduct.
However, official data are often discarded because it would be unreliable as internal investigations are, reputedly, biased in defence of police officers (Liederbach et al, 2007) and would only show “the tip of the iceberg” Klockars et al. (1997, p. 4) for example argue:

[...] official data on corruption is best regarded as a measure of police agency anti-corruption activity than the actual level of corruption.

Nonetheless, precisely because official data are a reflection of official activity, the quality of official data is a relevant indicator of the extent to which official agencies account for the conduct of their members. Just as official crime reports are limited and a mixture of research designs are used to investigate the “dark number”, so can official police data on internal investigations provide a background for further research.

The Dutch police provide an interesting case. Since 2003, the National Council of Police Chiefs has been responsible for the uniform Registration of Internal Investigations and reports annually the main results since 2005. As previous research acquired data over the years 1999 and 2000 (Lamboo et al., 2002) this data can be compared with the first official information on the years 2003-2004. An analysis of the data can show whether the establishment of the uniform registration resulted in changes in the data on internal investigations. In addition to enhancing our understanding of police misconduct, this can provide insights in the influence of accountability and control.

In order to analyze the quality of the Dutch official data on police misconduct three issues need to be discussed. First, it must be understood what types of investigations can be distinguished. Second, in practice, this is strongly linked with the severity and the type of police misconduct. Third, the reliability of official data needs to be analyzed and this is related to the “dark number” and to the control over the data. In the conclusions the Dutch experience is set against the theoretical concepts.

Types of police misconduct investigations
Four aspects of (internal) investigations into police misconduct are distinguished:

1. external oversight and control;
2. internal or external initiated investigations;
3. the relevant procedures; and
4. reactive and pro-active investigations.

A history of police scandals in many Western democracies, and a strong criticism of how the police conduct their internal investigations have resulted in much debate on how they should be held accountable (Harrison and Cunneen, 2000). A key issue is the advancement of external control over the police: “who polices the police” (Prenzler and Ronken, 2001; Walker, 2001; Ede and Barnes, 2002). The complaints process can, at one extreme, be fully organized and controlled by the police or at the other extreme be fully organized and controlled by an independent and external organization. External control can take place by independent review of the quality of the internal investigation by boards consisting (partly) of citizens (“civilian oversight”) or by boards that have the authority to investigate complaints (“civilian control”) (Walker, 2001). Most Western democracies have installed systems where there is at least some independent control.
or oversight. Examples are the Independent Police Complaints Commission (UK), the Special Investigations Unit (Ontario, Canada) and the Police Integrity Commission (New South Wales Police Service, Australia).

This issue of external control and concerns over the quality of the investigative process relates mainly to civilian complaints. An example is the study by Liederbach et al. (2007), even though it does contain information on the 12.6 percent of complaints that were initiated by police officers or other employees of the police force. Little attention has been paid to police officers that may complain about the misconduct of their colleagues. This is also reflected in the limited attention on how police forces organize their internal discipline (Mulcahy, 1995, p. 101). Since police culture is generally depicted as having a strong “code of silence”, it is assumed that police officers do not blow the whistle. The code of silence refers to a powerful norm of not exposing deviance perpetrated by colleagues and a tendency to protect one’s profession and organization given that the police are often subject to sustained criticism. As such, the police can display the closeness of a threatened and defensive “tribe”. Management is part of this culture. Because of this horizontal and vertical loyalty, misconduct can continue for prolonged time and is difficult to tackle (Crank, 1998; Skolnick, 2002). Rothwell and Baldwin (2007), however, argue that this may be exaggerated and that police culture not only contains elements that foster a code of silence, but also elements that may promote whistleblowing. Their survey even indicates that police officers are slightly more likely to blow the whistle than civilian public employees.

Whether the complainant is a citizen or a police officer, an allegation of misconduct can be handled through several procedures which have different goals and burden of proof (Dixon, 1999, p. 60; Ede and Barnes, 2002):

- **A formal investigation.** Through a disciplinary or criminal procedure, the allegation is substantiated or not substantiated and which can result in a criminal or disciplinary sanction.

- **An informal procedure.** Informal resolution is aimed at some form of agreement between the parties involved, rather than at some form of formal sanction. In some cases mediation is being tried.

- **Managerial resolution.** The subject officer’s supervisor can use several non-disciplinary strategies such as guidance and remedial teaching.

Most investigations are limited to reactive investigations: an investigation is started as a result of a complaint. Pro-active investigations are less common but are strongly advised (Newburn, 1999; Dixon, 1999). The relevant procedures in a case and the need for external oversight and control are related to the type of victim and the severity of the (alleged) misconduct. A typology of police misconduct is therefore needed.

**Dimensions of police misconduct**

The various definitions of such terms as police deviance, misconduct and corruption vary to the extent they include or exclude certain kinds of misconduct. These are based on underlying views of which “dimensions” of police behavior should or should not be relevant. Through an analysis of the literature (Punch, 1985; Barker and Carter, 1994; Kappeler et al., 1998) four dimensions have been distinguished (Lamboo, 2005). Together, they provide a broad overview of police misconduct.
Normative systems: formal versus informal, external versus internal

The concept of misconduct, or “deviance”, points at behavior that deviates from normative expectations (Roebuck and Barker, 1973). The conduct of the police can be judged from four relevant normative systems (Roebuck and Barker, 1973; Barker, 1978; Heijder, 1982; Alderson, 1984; Kappeler et al., 1998; Lynch, 1999; Wright, 2000):

1. external formal normative systems such as international treaties, national law and rules and regulation;
2. internal formal normative systems such as the internal rules and regulations of the police forces including codes of conduct;
3. internal informal police standards and working rules; and
4. police ethics.

The existence of external versus internal and formal versus informal norms, which could result in different conclusions as to the nature of perceived misconduct, can cause tension between the ranks within a police force and between police forces and society. An investigation can only be conducted if a formal norm has been violated, but whether a norm violation will actually result in an internal investigation is dependant on informal police norms and of external accountability.

Domain of the behavior: functional, internal and private

Each conduct takes place within a certain context or domain. The relevant domains for police officers are the functional domain, the domain of the police organization and the private domain. Functional behavior refers to the execution of police duties, defined as upholding the law, maintaining order and providing service within society, in which police powers and authority can be legitimately used. These police duties are external as they are aimed at society (Roebuck and Barker, 1973). Internal behavior refers to the performance as a member within an organization. For example, “work avoidance and manipulation” could involve taking long breaks, and “employee deviance against the organization” such as stealing, sabotage, or neglect (Punch, 1985).

Private time behavior is not always (explicitly) included in typologies. Both the Europe and the USA require a higher standard for police employees, although there might be differences as to the extent in which private behavior might be regulated, with the USA being more strict (Neyroud and Beckley, 2001, p. 89). Private time misconduct may range from double standards (conduct that if performed by other civilians would barely raise an eyebrow) to the most heinous criminal offences.

The victim(s) harmed by the behavior: citizens, colleagues, the organization and society

Police misconduct can harm four different types of relationships (Pollock, 1998, p. 13). The first is that between the individual and the organization, for example through a sloppy work ethic and the acceptance of gifts. The second type is that between the organization and the employee, as shown through discrimination and unrealistic performance demands. The third type is the relation between the individual and other employees, as in harassment and blaming colleagues for mistakes. Finally, the relationship between the individual and the public, as in abuse of power and lack of service. The potential victim varies with the domain in which the misconduct takes place. The organization can be directly harmed, but also indirectly as misconduct undermines public trust in the police.
**The interest served with the behavior: (formal) organizational versus private interest**

The formal duty of police forces is the correct and efficient execution of police duties and the protection of public trust in the police. Misconduct can be part of activities in the interest of the organizations (Skolnick, 1966; Haarr, 1997). This is also called “noble cause corruption” (Crank and Caldero, 1999). This “deviance for the organization” can be defined as to do the job in a way that “deviate[s] from normal rules and regulations” (Punch, 1985).

Private interest can take several forms, such as direct financial or material profit, receiving services, or psychological profit. This is generally called corruption but also entails “informal rewards” that are perceived as normal within organizations, such as perks, discounts and services (Punch, 1985, pp. 11-12). This can range from a free cup of coffee, to the stealing of money from arrestees. Psychological profit is seen in the “corruption for power” where force is abused for the sense of power one gets from it (Mollen Commission, 1994).

**Taxonomy of police misconduct**

Based on the literature, a taxonomy consisting of 13 types of police misconduct can be constructed, as is shown in Table I (Huberts, 1998; Lasthuizen et al., 2002; Lamboo, 2005). These types are related to three of the four dimensions. Theft and (sexual) harassment are therefore split between an internal and external dimension. Only the split in normative systems is not possible as this depends on the seriousness of the individual case.

**Reliability of official data**

*The “dark numbers”*

For every form of socially unacceptable behavior there is a “dark number”. This means that official statistics and research cannot show the whole picture but only a selection, and sometimes only the tip of the iceberg. Just how much becomes clear and how much remains in the dark, is the result of some obvious factors. This relates to whether the misconduct leaves a signal or mark, whether this is traced or recognized by relevant parties, whether these parties report the (alleged) misconduct and how official agencies respond to the allegations. The provability is then not only a motive for all parties.

<table>
<thead>
<tr>
<th>External domain: the police function</th>
<th>1. Corruption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victim: citizens</td>
<td>2. Conflict of interest: gifts and discounts</td>
</tr>
<tr>
<td>Interest: private interests and interests</td>
<td>3. Theft, external</td>
</tr>
<tr>
<td></td>
<td>4. Abuse of force</td>
</tr>
<tr>
<td></td>
<td>5. Abuse of information</td>
</tr>
<tr>
<td></td>
<td>6. Abuse of other police powers</td>
</tr>
<tr>
<td></td>
<td>7. (Sexual) harassment of citizens</td>
</tr>
<tr>
<td>Internal domain: the organization</td>
<td>8. Theft, internal</td>
</tr>
<tr>
<td>Victim: colleague and organization</td>
<td>9. Fraud</td>
</tr>
<tr>
<td>Interest: own interest</td>
<td>10. Abuse and waste of organizational goods</td>
</tr>
<tr>
<td></td>
<td>11. (Sexual) harassment of colleagues</td>
</tr>
<tr>
<td>Private domain</td>
<td>12. Conflict of interests: side job or activities</td>
</tr>
<tr>
<td>Victim: citizen and organization</td>
<td>13. Private misconduct</td>
</tr>
<tr>
<td>Interest: private</td>
<td></td>
</tr>
</tbody>
</table>

*Table I.* A taxonomy of police misconduct

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*The interest served with the behavior: (formal) organizational versus private interest*
involved in their choice of action, but it is misconduct that is investigated, or sustained, that ends up in the statistics.

The visibility not only relates to a direct victim or witness, but also, for example, in the paper trail that indicates fraud. Second, the behavior has to be detected and labelled as misconduct. This is influenced by the clarity of the (formal) norm, and the informal culture of both society and the police force. Public outrage over police misconduct, for example, varies greatly over the specific type of misconduct and the specific type of victim. Third, someone has to report the (alleged) misconduct. Victims and witnesses can have many motives not to report, as is for example shown in studies on whistleblowers (Rothwell and Baldwin, 2007). Fourth, official attention for (specific types of) misconduct can vary and as such can influence the dark number. It influences the labelling of behavior as misconduct and the willingness to report, but it also influences the formal response to (alleged) misconduct. For example, as domestic violence became a focus of Dutch policing, it also became an item of police integrity policies resulting in disciplinary dismissals. Finally, provability is a practical factor. Misconduct that is difficult to prove may not be reported, or if reported not wind up in official statistics as no action is followed through.

Table II gives an overview of the factors that influence the chance that police misconduct is made public through some form of statistic (Lamboo, 2005).

### Control over the data

When police forces are primarily responsible for internal investigation, they are also the primary provider of data on these investigations. For several reasons, these data are mistrusted by the public and academics. First, because there are many examples of how complainants are discouraged and how the process benefits the police officer and not the complainant (Newburn, 1999; Prenzler and Ronken, 2001). The Mollen Commission (1994) for example concluded that internal investigations by the New York Police Department (NYPD) were executed in a sloppy manner, were being sabotaged and did not result in the sanctioning of the offender. The high rates of non-sustained complaints are often seen as an indication of “biased results”. In their analysis of actual investigation files, however Liederbach et al. (2007) raise some serious doubts about whether this is a relevant indicator of the quality of internal investigations or is just an indicator of the inherent limits of complaints investigations.

An additional reason to distrust the reliability of official data is the chance that they are purposefully manipulated, “registration manipulation”, in order to avert any form

| Visibility | 1. The visibility of the misconduct for citizens, colleagues and the organization |
| Sense of values (recognition and acknowledgement) | 2. The presence of a victim (citizen or colleague) |
| Willingness to report | 3. Clarity of the norm (internal or external norms; formal or informal norms) |
| | 4. Acceptance of misconduct (internal or external) |
| | 5. Willingness to report as a witness (or victim) by colleagues |
| | 6. Willingness to file a complaint by citizen’s as a victim or witness |

| Official attention | 7. Official attention for (types of) police misconduct |
| Provability | 8. The provability in a disciplinary or legal procedure |

**Table II.** Dark number factors
of negative attention to the police force. For example, the NYPD, out of fear of negative publicity, managed to manipulate their statistics on internal investigations on corruption. Large cases were split, the scope of investigations was limited, cases were kept away from the prosecutor partly through labelling them as minor cases, etc. The NYPD found itself, partly because of former scandals, stuck in a no-win situation:

[... ] if it succeeds in uncovering corruption, the public and the press often take these revelations as evidence of widespread management and integrity problems. On the other hand, if it fails to uncover corruption, the Department’s integrity problems fester and scandal is the inevitable result (Mollen Commission, 1994, p. 73).

Evidence of “registration manipulation” is mainly related to major scandals.

A more common reason to distrust the reliability of official police data on any subject is the general reluctance within police culture to undertake proper administration as this would only divert from “real” police work. Timmer and Beijers (1998) noticed for example much variation between the Dutch police force in the quality of their obligated registration of the use of police force. This lack of what we could call “registration dedication” impairs the reliability of official data.

The Dutch police and the organization of internal investigations

Management of the police forces

Since 1994, the Dutch police has consisted of 25 regional forces and one central force. The 26 forces employed 52,941 employees in 2004, consisting of sworn officers and administrative or technical personal, and serve a population of approximately 16 million citizens. The regional forces vary in size from 500 employees to 5,000, with an average of 2,500 employees.

Each of the Dutch regional forces is headed by a Regional Police Board, consisting of mayors and a chief public prosecutor. The police force manager is the mayor of the largest municipality in the region. The police force manager generally delegates some of his or her decision-making powers to the chief officer, particularly in matters of personnel policy. Formally, the chief officer holds little formal power, but in practice he or she is the one in charge (Huberts et al., 2004).

Although the police regions are autonomous, the Minister of Interior bears an overall responsibility for the quality of public administration, including the police. Since 1992, the Minister has put integrity forward as an important theme in public administration. In 2006, this resulted in a law obliging public administration, including the police, to formulate and implement an integrity policy including a code of conduct. In addition, they have to account yearly for their integrity policies. At the same time, subsequent ministers have stressed that they have no reason to doubt the overall integrity of Dutch Government, including the police. This is confirmed by the yearly Transparency International Corruption Index, which places The Netherlands among the top ten of least corrupt countries (Transparency International, 2006).

Procedures for investigating police misconduct

In The Netherlands, there are basically three “procedures” available for police misconduct which each have their own goals and form of external control; the National Agency the Rijksrecherche, citizens complaints and the bureaus for internal investigation.
Rijksrecherche. The Rijksrecherche is a National Agency under the supervision of the National Head of the Public Prosecution Department for investigating serious cases of possible criminal behavior by public servants which could damage the proper functioning of government. According to official guidelines the investigation has to be conducted by the Rijksrecherche if the police misconduct is of a sensitive nature, such as police shootings which resulted in death or serious injury, death in police cells, or involves high-ranking police officers. Investigations can also be conducted in cooperation with the police force. The Rijksrecherche publicizes yearly an overview of its investigations. In 2007, the Rijksrecherche conducted 67 investigations involving police officers, including 21 shooting incidents.

Citizens' complaints. Under the Dutch Police Law a complaint is defined as all written and verbal submitted complaints and all complaints resolved by informal resolution. All complaints and their outcomes have to be registered and yearly published in order to recognize and resolve structural problems.

The Regional Police Board establishes the regional complaint procedure and the Regional Complaints Commission which consists of professionals such as judges, mayors or lawyers. Citizens are encouraged to address their complaint directly with the regional police force, but are allowed to complain directly to the commission. In either case the complaint is handed to a complaints investigator of the police force. The police force manager is primarily responsible for the investigation and its conclusion. The main goal of the complaints procedure is to restore the confidence between the complainant and the police force. In the case of successful informal resolution through reconciliation the complaint is not forwarded to the commission. The commission oversees the general complaint procedure, holds hearings and advices the police force manager about the conclusion of the complaints. If a complainant is not satisfied with the results, the complaint can be filed with the National Ombudsman. Overall, the Dutch complaint systems can be characterized as external oversight, not external control.

If a complaint does indicate misconduct that could warrant disciplinary or criminal sanctions, the complaint is transferred to the internal investigations process. This is, however, an informally grown practice as the formal complaint procedures do not address this issue. This is also neglected by evaluations of the complaint procedure (Lamboo, 2005). As a result, the yearly reports by the Complaints Commissions contain no information about the number of complaints that have resulted in a disciplinary or criminal procedure. The complaints procedure emphasis only organizational learning from complaints, not how this may affect the individual police officer.

There are several critical evaluations of the Dutch police complaints procedure as its main goal, to restore public confidence, is often not met (Geerts, 1982; Naeyé, 1991; Cachet et al., 1994; Hanrath, 1997; Verberk et al., 1998; IOOV, 2007). However, little attention is paid to the number and nature of complaints and their conclusion. As a result, only older data are available. In the years 1995-2000, an average of about 4,000 complaints per year have been submitted. This translates to about 12.5 complaints per 100 fte of executive police officers (Krysztof van Rijn, 2001). Whether this is high or low cannot be determined as complaint rates are a poor indicator of the quality of the police force (Luna and Walker, 1997). About a third of the complaints related to a lack of police services, a third to police conduct, a sixth to the use of police powers, 10 percent to the use of police force and almost a tenth to other issues (Naeyé and Schalken, 1999).
The Bureaux for Internal Investigation. Before 1995, most police forces had no central unit for internal investigations as they were dealt with at the district or divisional level. In 1995, the Ministry of the Interior set a number of general rules regarding a police integrity policy. One of these was the establishment by the police forces of a “structural provision for conducting internal investigations” (Ministry of the Interior, 1995 (TK 1994-1995, 23900 VII nr. 36). Since then, all police forces have installed a Bureau of Internal Investigation (BII).

The police force manager, the public prosecutor and the chief officer are primarily responsible for the internal investigations. Internal investigations based on disciplinary regulation are ultimately overseen by the police force manager. Likewise, internal investigations based on criminal law are overseen by the public prosecutor. A preliminary investigation can be used to review a signal of alleged misconduct to determine if the signal warrants a disciplinary or criminal investigation. In The Netherlands, a disciplinary procedure can be held independent of a concurrent criminal investigation. Generally, the supervisor of an investigation is a district or division chief. Usually, only the more serious cases of misconduct are investigated by the BII’s while the districts or divisions investigate less serious cases. The BII’s can only conduct investigations at the request of a district or division chief; they are not allowed to conduct pro-active investigations.

Early evaluations showed that the BII’s were generally small and lacked capacity NPI, 2001. Almost half of the police forces had assigned a coordinator with mainly administrative tasks, while the investigators were selected from a “pool” of assigned investigators’. Only seven police forces had assigned more than two persons specifically for the internal investigations. The Amsterdam police force had the largest bureau consisting of about 17 persons. The police forces, which did create a formal bureau showed a marked rise in the number of internal investigations, therefore suggesting that a minimal provision would lead to an underestimation of the problem. In addition, reporting an internal investigation to the BII was not generally mandatory so lower management was prone to dodge the issue. More recently, van der Steeg (2004) concluded that the police forces had barely developed a disciplinary policy. As a result internal investigations were generally focused on the individual officer and the specific circumstances of the case but there was little attention for the role of the organizational culture or of first-line management.

The Dutch police and the Registration of Internal Investigations
In 2003, the National Council of Police Chiefs developed an electronic form and a national database for the Registration of Internal Investigations. This was motivated by research by the Vrije Universiteit (VU) (van der Steeg, 2004; Lamboo et al., 2002) and official requests for information by the media. The National Council of Police Chiefs felt that collecting and analyzing data should be an internal responsibility. They also felt that the data should contain information that is relevant for the further advancement of the integrity of the police, for academic purposes and for accountability to the public. The Dutch police was not involved in (major) scandals regarding police conduct. As such, the registration was not hampered by political pressures to limit the informative value of the registration.

The BII’s of the police forces are responsible for registering the internal investigations within the police force. Each police force uses the uniform registration.
Since 2005, the council has published a yearly report of the internal investigations. As the regional police forces are autonomous, this can count as a form of external oversight. The National Council has also made the data available for scientific analysis, therefore providing for another form of external oversight. The council has also developed guidelines for disciplinary sanctioning in order to facilitate equality in disciplinary regulations between the police forces.

As part of an agreement with the National Council of Police Chiefs the VU has received a copy of the database for the years 2003 and 2004. These data have been analyzed and compared with the results of an earlier research on the internal investigations in the years 1999 and 2000 (Lamboo et al., 2002). In that research, all police forces had complied with a request for detailed case information on the internal investigations as registered by the BII’s. The researchers translated these into a uniform case format. The focus in this paper is on developments that could indicate changes in the accountability of internal investigations as the police forces switched from their own – ad hoc – registration to a uniform registration which results in a yearly report. The registration includes a variety of information, such as gender, age and experience in years (not reported in this paper).

The number of internal investigation
The number of internal investigations has grown (Table III). In the years 1999-2000, a total of 1,569 investigations were started, while this increased to 2,078 in the years 2003-2004. An increase of almost a third (32.4 percent), or 509 investigations. An investigation can be held on more than one police officer. The number of involved police officers grew with 40.5 percent, or 699 involved officers. Analysis showed that the number of investigations with more than one involved officer rose from 11.4 to 19.4 percent.

The number of Dutch police officers grew from 46,463 in 2000 to 52,941 in 2004. In the years 1999 and 2000, an average of 1.8 police officers per 100 fte per year were involved in an internal investigation. This went up to average of 2.3 involved officers per 100 fte per year in 2003-2004.

The investigating body
Most internal investigations were done by the Bureaus for Internal Investigations (63.5 percent). A third was done at the district or division, either alone (22.8 percent) or together (9.0 percent) with the BII. The Rijksrecherche conducted 76 (3.2 percent) investigations, usually in a cooperation with the BII. It is difficult to compare these results with the years 1999-2000 as data were missing on this subject for many cases. Nonetheless, the largest increase (547 cases) is shown in investigations that are done (in cooperation with the BII) at the district or division level.

<table>
<thead>
<tr>
<th>Table III. Number of internal investigations and involved police officers</th>
<th>1999</th>
<th>VU</th>
<th>2000</th>
<th>Total</th>
<th>2003</th>
<th>RII</th>
<th>2004</th>
<th>Total</th>
<th>Change</th>
<th>Absolute</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal investigations</td>
<td>753</td>
<td>816</td>
<td>1,569</td>
<td>1,062</td>
<td>1,016</td>
<td>2,078</td>
<td>509</td>
<td>32.4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Involved police officers</td>
<td>833</td>
<td>892</td>
<td>1,725</td>
<td>1,249</td>
<td>1,175</td>
<td>2,424</td>
<td>699</td>
<td>40.5</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Type of internal investigation

A preliminary investigation can result in a disciplinary and a criminal investigation. In 2003-2004, three-quarters of all preliminary investigations never progressed. Table IV shows this comprises 29.6 percent of all investigations in 2003-2004. The disciplinary investigations comprise a third and the criminal investigations a quarter of all investigations. In 11.3 percent, they are combined. Compared with the years 1999-2000 the number of preliminary investigations without follow-up has grown (160.4 percent). In absolute numbers, the criminal investigations have remained stable, although they have declined relatively. This seems to be compensated by the marked increase in the combination of criminal and disciplinary investigations (155.2 percent).

Reporting misconduct

One of the most interesting questions is who reports the misconduct? In 2003-2004, a third of the internal investigations were the result of a citizen complaint (34.9 percent), a third as a result of a report by a supervisor or manager (32.8 percent) and a fifth because of a report by a fellow police officer (18.0 percent). Other internal reports came from the National Criminal Intelligence Service, criminal investigations, the whistle-blowers regulations or other police sources. Therefore, a majority of the investigations are started as a result of an internal report. These results cannot be compared with the years 1999-2000 because of poor registration; in less than half of the cases information was available on the informant; but this was then evenly divided over internal and citizen reports.

Types of misconduct

The Registration of Internal Investigations of the Dutch police encompasses seven types of misconduct. These are financial, abuse of office, use of force, abuse of legal powers, harassment, neglect of duty, alcohol and drugs. These are broken down into almost 50 subtypes. In order to facilitate analysis, these have been related to the functional, organizational and private domain. Table V shows which types of (alleged) misconduct were investigated in the years 1999-2000, and 2003-2004. The percentages are based on the number of types of misconduct as an internal investigation can be aimed at more than one type of misconduct. As the table contains the, alleged, misconduct it is an indicator of official attention to police misconduct.

<table>
<thead>
<tr>
<th>Type of internal investigation</th>
<th>VU Total</th>
<th>VU %</th>
<th>RII Total</th>
<th>RII %</th>
<th>Change Absolute</th>
<th>Change %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary, no follow-up</td>
<td>270</td>
<td>21.0</td>
<td>703</td>
<td>29.6</td>
<td>433</td>
<td>160.4</td>
</tr>
<tr>
<td>Disciplinary</td>
<td>583</td>
<td>33.7</td>
<td>825</td>
<td>34.7</td>
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<tr>
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<td>582</td>
<td>24.5</td>
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<td>4.9</td>
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<tr>
<td>Criminal and disciplinary</td>
<td>105</td>
<td>6.6</td>
<td>268</td>
<td>11.3</td>
<td>163</td>
<td>155.2</td>
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<tr>
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<tr>
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<td>46</td>
<td>46</td>
<td>46</td>
<td>-91</td>
<td>-66.4</td>
</tr>
<tr>
<td>Total involved police officers</td>
<td>1,725</td>
<td>2,424</td>
<td>699</td>
<td>40.5</td>
<td></td>
<td></td>
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</table>

**Note:** Including follow-up unknown

<table>
<thead>
<tr>
<th>Type of internal investigation</th>
<th>VU Total</th>
<th>VU %</th>
<th>RII Total</th>
<th>RII %</th>
<th>Change Absolute</th>
<th>Change %</th>
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<tr>
<td>Preliminary, no follow-up</td>
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<td>21.0</td>
<td>703</td>
<td>29.6</td>
<td>433</td>
<td>160.4</td>
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<td>Disciplinary</td>
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<td>825</td>
<td>34.7</td>
<td>242</td>
<td>41.5</td>
</tr>
<tr>
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<td></td>
</tr>
</tbody>
</table>

**Table IV.** Type of internal investigation
In 2003-2004, more than half of the investigations dealt with either the use of force or the neglect of duty. Abuses of public office consist of over a fifth of the investigations. Abuse of police power was the least investigated. Harassment of colleagues is an important theme as several large surveys showed that the police are more prone to (sexual) harassment than other type of workforces (de Haas et al., 2007). Compared with 1999-2000 the order of the types of misconduct did not change. The number of financial misconduct and (sexual) harassment cases increased relatively little, while the number of abuse of police powers cases increased.
No less than 26.0 percent of the investigations concerned misconduct in the private
domain, 53.5 percent in the external domain, and 28.0 percent within the police
organization. In 14 percent of the cases, the domain remained unknown.

**Results of the investigations**
For each type of misconduct, a conclusion is registered. Almost half of the
investigations result in the conclusion that a neglect of duty (36.9 percent) or a penal
act took place (12.4 percent). In 17.3 percent of the investigations, the officer was
exonerated, and in 23.2 percent, the allegations were not sustained. The latter included
208 cases were the involved officer remained unknown. In the remaining 10.2 percent,
some other conclusion was reached. These results cannot be compared with the years
1999-2000. Foremost, the results of the investigations were only available for half of the
investigations. Second, the conclusion was related to the type of investigation, not to
the type of misconduct.

**Disposal of the investigations**
The final question is how many police officers were sanctioned? Only in half of the cases
was it concluded that neglect of duty or a penal act had taken place. That means that in
the other half of the investigation no sanction is to be expected. As is shown by the
number of missing cases (Table VI). In 2003-2004, this was the case for 1,005 involved
officers (41.5 percent). In just over 10 percent of the cases, the involved officer received
more than one sanction. Therefore, the percentages in Table VI do not add up to a
100 percent. It should be read that for example in 2003-2004 14.8 percent of the involved
officers received a criminal sanction. Overall, there is a clear increase of the number of
dismissals. This is accompanied by a decrease in other (managerial) sanctions.

**Discussion of the results**
The most prominent result is the increase in the number of internal investigations
between 1999-2000 and 2003-2004. Three possible explanations seem logical:

1. Dutch police officers commit more misconduct.
2. (Alleged) misconduct leads more often to an internal investigation:

<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Total</td>
<td>Total</td>
<td>%</td>
</tr>
<tr>
<td>Disciplinary dismissal</td>
<td>82 9.7</td>
<td>204 14.4</td>
</tr>
<tr>
<td>Other disciplinary sanction</td>
<td>234 27.7</td>
<td>508 35.8</td>
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<tr>
<td>Penal sanction</td>
<td>97 11.5</td>
<td>210 14.8</td>
</tr>
<tr>
<td>Managerial sanction</td>
<td>433 51.2</td>
<td>795 56.0</td>
</tr>
<tr>
<td>Number of sanctions</td>
<td>846 –</td>
<td>1,717 –</td>
</tr>
<tr>
<td>Number of involved officers</td>
<td>740 42.9</td>
<td>1,419 58.5</td>
</tr>
<tr>
<td>Number of involved officers without sanction</td>
<td>595 34.5</td>
<td>1,005 41.5</td>
</tr>
<tr>
<td>Ongoing investigations, results unknown</td>
<td>390 –</td>
<td>0</td>
</tr>
<tr>
<td>Total number of involved officers</td>
<td>1,725 –</td>
<td>2,424 –</td>
</tr>
</tbody>
</table>

Note: “–” The percentages do not add to a 100 percent as an officer may receive more than one
sanction

Table VI. Disciplinary and criminal sanctions
because there are more (internal or external) reports of (alleged) misconduct; or
because supervisors and managers have become less lenient and start an internal investigations. In the past, they have ignored the misconduct or chosen an alternative course of action; or
the Dutch police forces have more capacity for internal investigations.

(3) The Registration of Internal Investigations has improved.

How do these possible explanations relate to the data? Several factors remain consistent, most remarkable that of the order of the types of misconduct. Unfortunately, it was not possible to establish whether the development of integrity policies resulted in an increase of internal reports of misconduct. The number of preliminary investigations and the number of investigations by the district or division level had increased so strongly that they can explain the total increase in investigations. This addresses explanations 2b and 3. A general increase of misconduct (1) or reports (2a) would most likely have resulted in an even distribution over type of investigation and investigative body. This is clearly not the case. Preliminary investigations and investigations at the district or division are relatively low key. The increase, therefore, supposes a stricter norm towards misconduct among supervisors and managers and/or an improved registration of these kinds of investigations. The strictness is collaborated by the increase in formal disciplinary sanctions as compared with the more informal managerial sanctions. The improved registration is also visible in the increase of the number of involved officers per investigation.

It seems that the uniform registration contributed to an improved accountability due to an improved registration dedication, while simultaneously stimulating moral strictness in how police forces respond to (alleged) misconduct. The analyses of the data on internal investigations cannot answer all questions. More insight in the practice is necessary. For example, the increase in internal investigations varied strongly among the 26 police forces, some even showed a clear decrease. The general explanations have therefore to be matched with specific explanations for the changes in individual police forces.

Conclusions
The Dutch police system, particularly in relation to police misconduct, can be determined mainly as one of external oversight. Only in relation to sensitive cases are the police forces subjected to external control by the Rijksrecherche. The Regional Complaints Commissions can conduct hearings, but most complaints are handled directly by the police forces. As the Dutch police are relatively free from scandal, there is little call for an increase of external control on police misconduct. Do the official data correspond with this positive vision?

Does the accountability extend to the various procedures? The registration includes preliminary, disciplinary and criminal investigations either done at the district level, by the Bureaus of Internal Investigation or in cooperation with the Rijksrecherche. It includes complaints from citizens and from police officer or other police personnel. The registration also encompasses a wide variety of types of misconduct. As such, it seems that design of the registration does not exclude any information on police misconduct. However, in The Netherlands there is a certain division between the formal
internal investigations and the complaints procedure that is mainly limited to informal resolution and fact finding. So even though a third of the internal investigations are the result of a citizens complaint, the complaint procedure, nor the yearly reports by the regional commissions nor evaluations of the complaints procedure, provide insight in the number of complaints that result in a disciplinary or criminal investigations, nor in the number of complaints that results in a police officer being penalized. As the focus lies on informal resolution and on the ability of the police force to learn in general from complaints, this is a black box in the formal complaints procedure, although in practice complaints are being transferred to a formal investigation. As the police inspection (IOOV, 2007) has recommended the development of a uniform registration system for citizen complaints, it is advisable that the registration should be amended.

A little light can be shed by comparing data. Based on older data, it can be assumed that at least 4,000 citizen complaints are filed per year. The registration showed that each year about 350 investigations related to citizens complaints. This could mean that less than 10 percent of all citizens’ complaints result in a disciplinary or criminal investigation. Whether this is low, or high, can only be established by further research.

The analyses of the data show clearly that internal investigations are only partly the result of citizen complaints, as two-thirds is the result of internal complaints and reports. This is consistent with the rate of internal complaints at other public organizations in The Netherlands (de Graaf, 2007). This challenges the notion of “the code of silence”. Perhaps, the code of silence is not strong within Dutch (police) culture, or is counterbalanced by other factors. The interviews among police officers and other public employees indicate both (de Graaf, 2007). It also puts a different perspective on the limited focus of academic and public attention on citizen complaints.

What do we know about actual police misconduct as reported by police forces and how does this relate to theories on police misconduct? 26 percent of the internal investigations related to private misconduct. This is remarkable because in the academic discussion on police misconduct this is not always included. Second, the Dutch police under the general heading of “neglect of duty” showed more types of misconduct in the internal domain than were theoretically distinguished. Also, the abuse of alcohol or drugs (including the internal domain and private time misconduct) was used by the Dutch police as a separate type of misconduct.

The reliability of the data refers partly to the unknown dark number. The order among the types does seem to reflect the influence of dark number factors (visibility, sense of values, willingness to report, official attention and provability). The use of force and neglect of duty were by far the two largest types of misconduct. The use of force is highly visible as there is a direct victim and as police officers have to report the use of force. Neglect of duty is also highly visible for supervisors and managers as it entails a variety of misconduct that takes place within the police organization and can be easily monitored. Clearly, the least investigated was the abuse of police powers (mainly relating to methods of criminal investigation). As these lay at the heart of police investigations, it seems hard to believe that these numbers are a true reflection of actual misconduct. It is possible that several dark number factors are at work. Thus, the figures may be misleading as some victims are not always knowledgeable about which powers the police are allowed to use. As the abuse of police powers may be supportive of the goals of the organization, it may not be recognized and acknowledged by the police. As a result, there may be little willingness to report. Official attention
seems to be lacking in the sense that in the context of police integrity most attention is paid to other forms of misconduct, thereby neglecting the abuse of police powers. In general, the integrity policies of the Dutch police forces seem to be little focused on the work of the criminal investigators (Lamboo, 2005). It is, therefore advisable that the Dutch police forces use the results of the registration to consider critically whether it gives a fair representation of all types of police misconduct.

In terms of data reliability, three factors have been mentioned: “registration dedication”, “registration manipulation” and “biased results”. In comparison with 1999-2000, the data imply that the police forces are more dedicated to keeping proper records. The total number of registered investigations has gone up due to an increase in the registration of the more low-key local investigations and preliminary investigations. There is no indication that the police forces engage in a deliberate manipulation of the registration. The Dutch police forces are relatively free of scandal and as a result there is no political pressure to keep the numbers down. Instead the National Council of Police Chiefs is proud that the police are the only public sector that can be held accountable due to a uniform registration system. The police are often praised for their openness in dealing with misconduct and as such are seen as an example for other public organizations. This leaves the possibility of biased results. This mainly refers to the manipulation or the bias of the investigation to disadvantage the complaining citizen, or internal complainant. Half of the investigations resulted in the conclusion that misconduct did take place. In half of these cases, a formal disciplinary or criminal sanction was applied, resulting in 14.4 percent of disciplinary dismissals. The other half received managerial sanctions such as counselling, or a written disapproval. In comparison with data on other countries, the Dutch police seem to have a strict code on misconduct and an effective disciplinary process. As such, it seems that the internal investigations of the Dutch police are not biased. However, it could be that police forces will not start an investigation unless they are convinced that misconduct did take place. But this is not in line with the 40 percent of preliminary investigations. The registration however, as indicated above, excludes citizen complaints of police misconduct that were dealt with through the complaints system and that were not accompanied with a disciplinary of criminal investigation.

This first analysis of the official data on internal investigations by the Dutch police has gained some interesting insights. Qualitative research on the reliability of the Dutch Registration of Internal Investigations remains to be done. Future research should most of all compare the extent and nature of police misconduct and the official response to it between the Dutch police and other countries.

References
Crank, J. P. (1998), Understanding Police Culture, Anderson, Cincinnati, OH.


Further reading

Corresponding author
Terry Lamboo can be contacted at: terry.lamboo@minbzk.nl

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