Corrupt police are a serious problem for all societies. When police become corrupt, it corrodes the public trust necessary to sustain a decent society. As the most visible guardian of the public domain, they help maintain a society’s civic health necessary for a decent society. If the laws go unenforced or are enforced arbitrarily, a society gradually loses its ethical coherence. As its ethical coherence frays, the political health is undermined. In turn, if the political health becomes problematic and the political process comes under strain, then the laws become an instrument of power. In extreme situations, where police corruption is endemic or sustained, the political culture can become corrupted. When that occurs, the regime’s legitimacy, the way of life of the people, comes into question. A decent life, a life lived in accordance with the laws, becomes difficult if not impossible. Therefore, how a society responds to police corruption shows whether or not it has a healthy political culture and, in turn, a healthy regime. The paper explores these issues through the case of Daniel Morgan. Daniel Morgan, a private investigator, was murdered in 1988. His murder and subsequent investigation have revealed the UK’s worst case of police corruption. The Daniel Morgan Independent Panel (DMIP) is the public inquiry into his murder and the police corruption. Its outcome will tell us much about the United Kingdom’s police culture, political culture, and the health of its regime.

Daniel Morgan’s murder is one of the greatest scandals within UK history in terms of scope, duration, and consequence. The Metropolitan Police Service (MPS) have been unable to solve his murder and the political system is unable to deal with the corruption that it has revealed. The case has been made particularly difficult for it involves the relationship of the UK media with police and politicians. When two of the main guardians of the public domain, the police and the press, are seen to complicit in the case, then justice appears impossible. If justice is impossible, then what is the legitimacy of the regime? In response to this open sore on the body politic that leaks corruption into the public domain, the coalition government finally relented to the decades long campaign by Daniel Morgan’s family and created the Daniel Morgan Independent Panel (DMIP). The panel is looking at the records and evidence associated with his death to address the issue of police corruption. Even without the DMIP, we know that the Daniel Morgan murder has revealed the MPS to be institutionally corrupt. His death and its aftermath revealed that it was corrupt in a number of ways.

1 https://www.danielmorganpanel.independent.gov.uk/
2 The stark statement is intentional. We cannot escape this conclusion when we look at how The MPS conducted its work as an institution. It was corrupt in many activities and in the specific, but widespread, relationship with News International that undermined its organisational purpose. The charge is not made lightly. The Daniel Morgan murder case, the Leveson disclosures, and the Hillsborough disclosures (although on a different police force) demonstrate an overall police and political culture in which reputation came before the law, where justice was sacrificed for personal gain, and loyalty was more important than honesty. The individuals and organisation acted beyond the law, for their own purposes, or for purposes that corrupted the institution by privileging a relationship, in this case with the News of the World in particular and its parent company News International in general, over the public interest.
First, it was corrupt to the extent that corrupt officers were able to undermine the case. Second, the MPS’s attempts to deal with that corruption revealed further corruption. They were unable to bring the corrupt officers to account. In contemporaneous investigations, the MPS revealed it was infiltrated by criminal gangs who had suborned officers. In the case of Daniel Morgan’s murder, we are still to learn the extent to which they played a role. Third, neither the police nor the politicians have responded effectively to the murder or the failure of the investigations and trials. Despite five investigations and two prosecutions no one has been convicted of Daniel Morgan’s murder. Even the politicians, mainly Home Secretaries, have failed to respond positively to the victim’s family or to resolve the issues. They appear unable to overcome the MPS’s institutional resistance to reform or reform the entrenched relationship with the media. Fourth, and perhaps most importantly for the health of democracy, the case, which has stretched over 28 years, has revealed a corrupt relationship between the police and the press in particular the News of the World. The relationship between the MPS and the News of the World and more generally News International was corrupt. To understand this corruption, though, we have to look at the terms of reference.

**What are the terms of reference?**

The terms of reference that guide the public inquiry will determine its chances for success. They focus on three issues.

- Police involvement in the murder
- The role played by police corruption in protecting those responsible for the murder from being brought to justice and the failure to confront that corruption
- The incidence of connections between private investigators, police officers and journalists at the News of the World and other parts of the media and corruption involved in the linkages between them.

A previous essay covered the first point and future essay will cover the third point. This essay explores the second point about police corruption. It asks the following questions.

- How is corruption defined and how it is understood?
- What is corruption at the level of the individual, the organisation, and the regime?

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3 “After the murder trial collapsed in 2011, the Met’s then head of homicide, DCS Hamish Campbell, apologised to the family for the past police corruption: “This current investigation has identified, ever more clearly, how the initial inquiry failed the family and wider public. It is quite apparent that police corruption was a debilitating factor in that investigation.”” [http://www.theguardian.com/uk-news/2015/jan/05/metropolitan-police-daniel-morgan-murder-inquiry-obstruct-claims](http://www.theguardian.com/uk-news/2015/jan/05/metropolitan-police-daniel-morgan-murder-inquiry-obstruct-claims)
6 See the correspondence with then Home Secretary Hazel Blears and later with Home Secretary Jack Straw. [http://www.justice4daniel.org/pages/correspondence/home_office/letter2.shtml](http://www.justice4daniel.org/pages/correspondence/home_office/letter2.shtml)
7 Even the Leveson Inquiry refused to deal with the Daniel Morgan case for the political consequences it involved.
8 The first post can be found here. [https://lawrenceserewicz.wordpress.com/2014/12/29/mapping-the-daniel-morgan-murder-thoughts-on-the-independent-panel/](https://lawrenceserewicz.wordpress.com/2014/12/29/mapping-the-daniel-morgan-murder-thoughts-on-the-independent-panel/)
These questions are the only ones available to non-Panel members. Only people with access to the relevant police files can provide a definitive response to the role that corruption played. Here the focus is on the larger problem that MPS faces. All organisations face the problem of institutional corruption. Institutional corruption, though, is more prevalent in the public sector where normal practices that serve the public can be corrupted to serve a private interest. The central focus on institutional corruption helps us move beyond the traditional focus on the individual or organisational culture. By placing the organisation in a wider context, the regime, we can see that corruption never occurs with one employee, in isolation, or simply within an organisation. Corruption occurs within a wider context that involves one or more levels of analysis. Although a focus on one level can provide analytical clarity, the panel needs to consider all three levels together as a single level approach misses the way in which junior officers put loyalty before honesty as senior officers were enmeshed in a corrupt relationship with the News of the World. When we look at the levels and how they interact, we can understand how the failure to confront corrupt officers, corrupt police practices, and corrupt relationships undermines the police legitimacy and makes the MPS institutionally corrupt within UK society.

**Corrupt officers, corrupt institution or simply the way we work?**

All police forces have corrupt officers. However, not all officers are corrupt. The average police officer, like any other public servant, is honest, honourable and wants to do their job well. The small minority who are corrupt have a great influence and their effect is felt more widely, which makes it difficult for honest officers to work honestly and honourably. Further, as corrupt officers get promoted, they have a disproportionate influence on the institution as they encourage subordinates to tolerate corruption for its apparent effectiveness. How the police force or institution responds determines whether it is corrupt. As officers shape their culture and the culture shapes the officers, corrupt officers can have a disproportionate effect on the organisation. At a senior level such officers can have a devastating effect on the organisation. If the police have a robust vetting system, a consistent approach to promotion, and a strong anti-corruption ethos⁹, the problem is less likely to undermine the culture. Beyond the culture, though, there exists the threat of institutional corruption, which can occur even if the senior officers are not individually corrupt. Institutional corruption refers to a situation where the institution’s relationship with a patron serves the patron at the expense of the institution’s purpose. The institutional corruption can occur when senior officers enter and endorse the relationship. In that role, they may not be personally corrupt yet, they foster institutional corruption.

**Corrupt culture or institutionally corrupt?**

To distinguish between a corrupt culture and institutional corruption, the paper defines a corrupt culture as something more serious as it is larger than an institutional corruption that reflects a relationship or relationships. Culture refers to the way the organisation works and institutional corruption is the result of a specific relationship or relationships. At the individual level, a corrupt officer puts loyalty before the law and their personal gain before their duty. They are corrupt in that they fail to meet the responsibilities of the office in exchange for some gain. They are a corrupt individual within an organisation that may or may not be corrupt. If the culture

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⁹ See for example the report from 2015 on staff suspended or dismissed for corruption. [http://www.bbc.co.uk/news/uk-england-london-30227354](http://www.bbc.co.uk/news/uk-england-london-30227354)
encourages and protects this behaviour, then the culture can be considered corrupt. By contrast, at the institutional level, where the institution provides a service to benefactor at the expense of its core purpose, then it is institutionally corrupt. Institutional corruption does not make all officers corrupt nor does it make the culture corrupt. However, all issues start with and resolve to an individual level.

**Corrupt favours may pay a 30-year-old loyalty relationship debt.**

Neither corrupt officers, nor a corrupt culture, nor a corrupt relationship occurs overnight or in isolation. An officer who is corrupt works in an environment that either provides opportunities for corrupt behaviour or works actively to prevent those opportunities. Corrupt opportunities can occur in a moment as well as over time that can shape the culture. Enduring relationships can subvert the individual’s purpose and the organisation’s purpose. In the police, officers retain loyalties from relationships created in their probationary period 30 years earlier. A Chief Superintendent might attend a retirement party for a relatively junior officer because of the relationship. If we look at an issue such as a report that stays on a desk unread or is not passed upward, we have to consider whether a historical relationship has influenced that behaviour. The corruption may not be created by an immediate relationship. When an officer “forgets” to forward a report, they might be repaying the loyalty debt created 30 years ago. Neither the relationship nor the behaviour breaks the law, even though it they are corrupt as the behaviour falls short of what is expected within the post and may benefit an officer, or others, at the organisation’s expense or the law’s expense.¹⁰

**The level we look at will determine the type of corruption and its visibility**

Before we can judge the organisation for corruption, we have to consider the context for the behaviour of the individual and the organisation. We have to look at three levels, the individual, the organisational, and the regime. At each level, corrupt behaviour is visible or invisible in its own way. At the individual level, corruption is the most explicit such as an officer asking for, or accepting, a bribe or a favour in return for preferential treatment. The consequences are usually most visible at this level such as a police officer driving a sports car worth three times their annual wage. Senior officers may be as corrupt but are less likely to be seen as their context, relatively wealth and insularity can conceal similar corruption. When we move to the institutional level, the corruption is less visible to the public and regulators. Here, the corruption is often masked by the organisation doing its proper role, except for the wrong reasons. The police act to satisfy a patron such as a politician or a newspaper rather than their core role. Few in the force and fewer in the public will be able to see such corrupt activity and know that it is corrupt. The Leveson Inquiry revealed some of this behaviour as it explored how the police and the media interacted, which most in the media (and in the police) took to be acceptable behaviour, but was not serving the core policing responsibility. At the third level, the corruption is less visible. Citizens rarely are able to see the regime’s corruption clearly for what it is as they are conditioned to accept the political or social status quo as legitimate. Only in extreme situations such as the Brixton Riots, Stephen Lawrence case, or the

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Leveson Inquiry do they begin to see the illegitimacy of the police behaviour reflecting the regime’s corrupt behaviour.\textsuperscript{11}

**We have to look at the context for corruption to understand it.**

At the individual level, we look at the corrupt officer and their context—the organisation and the regime. The officer acts within a context where they influence, though mainly reflect, the organisation’s culture. If many officers act corruptly, they can corrupt the organisation, which would be the reverse collective action problem. In the normal collective action problem\textsuperscript{12} no one person is responsible so the event is left undone. In this situation, the opposite problem occurs. The organisation is corrupted without anyone wanting that outcome. When senior officers use their status for their own purposes or if they privilege a relationship over the organisation’s purpose, the organisation will be corrupted. When this occurs, we would say it has become organisationally or institutionally corrupt. The corruption comes not from individual acts or from a culture but the decision to prioritize the relationship over its core purpose.\textsuperscript{13} However, an important caveat is that the institutional relationship may develop from what the regime requires. The regime, broadly understood, may require the organisation to behave in a way that corrupts its purpose such as law enforcement, when it is used to enforce a political order even as it claims to serve the public through policing by consent.\textsuperscript{14} The corrupted purpose filters down to the individual officer who has to fulfil the institutional orders.\textsuperscript{15} However, before we can explore these levels, we need to define corruption.

**How to define corruption**

How the panel defines what it means to be corrupt, will influence their findings.\textsuperscript{16} The definition is important as it will determine what they look for and what they will find. If they take a narrow view of corruption then many acts will not appear as corrupt. If they take too broad of focus, they may not have the analytical focus to provide a

\textsuperscript{11} When the government, to defend the regime, commissioned the Special Demonstration Squad (SDS) to infiltrate political groups that were dissenting from the status quo, it demonstrated the corrupt behaviour that was unseen to the public and politicians. At the regime level, the behaviour was corrupt yet almost imperceptible for decades until the effects could not be shielded or dismissed and the victims could not be silenced or ignored. See fn 100 and fn 101 for more on SDS
\textsuperscript{12} See for example https://en.wikipedia.org/wiki/Collective_action the positive version of this is the idea of “belling the cat”. Where the mice cannot cooperate to put a bell on the cat as the risks are too high for each individual mouse even though all mice would benefit. See generally https://mediameditations.wordpress.com/2015/10/12/publicity-masks-the-illegitimacy-of-uk-policing/\textsuperscript{13} Thompson research on institutional corruption is used extensively in this section. http://www.law.uh.edu/assignments/fall2013/24767-1.pdf
\textsuperscript{14} The best example of this issue would be the poll tax riots. The police were required to enforce an unjust law. Even though they would personally not support the law, they had to do what the political masters directed. Policing by consent is based on the Pelian Principles found http://www.civitas.org.uk/pubs/policeNine.php see generally https://www.gov.uk/government/publications/policing-by-consent For an analysis of the myth of policing by consent see https://mediameditations.wordpress.com/2015/10/12/publicity-masks-the-illegitimacy-of-uk-policing/
\textsuperscript{15} Here we rely on the work of Dobel who explores the danger of a corrupt state, which is different, than the regime and what it may require from the police. Although there are important differences between the state and a regime, the regime level is needed as the UK state, especially its reliance on the Monarchy and the Crown, is not normal state so the regime provides a better analytical tool.\textsuperscript{16} The language around corruption can often be corrupted to serve the ideological demands of the various parties using the term. A good starting point on the language of corruption is Arlene Saxonhouse’s chapter in Corrupting: Expanding the focus Edited by Manuhuia Barcham, Barry Hindess, Peter Larmour http://press.anu.edu.au/apps/bookworm/view/Corruption+-Expanding+the+focus/9901/ch03.html
meaningful response to the specific questions they must answer. If they confuse corruption with misconduct, then they will include many acts that are easily explained and less contentious. Moreover, if they focus on what is corrupt for an office, then they miss the way in which corruption can be created by influence through senior officer or organisational relationships. Finally, if we accept only the public understanding of what it means to be corrupt, that which is most visible, we miss the less visible sophisticated corruption that occur outside the public’s view. The public often see something as corrupt if it involves an exchange or a favour such as a free meal or entry into a club without ever considering the institutional corruption or corrupt behaviour beyond what they can see such as meals at an exclusive restaurant or internships for relatives. The panel has to move beyond the public or commonly accepted view of corruption to consider those less visible acts that have a greater effect for their ability to shape and set the context for police behaviour. In particular, if the panel only focuses on acts that involve an exchange, especially monetary, they will miss the wider issues.

**How you define corrupt will determine what you find.**

As many corrupt acts have no direct exchange, we need to consider what the term means.\(^{17}\) The paper considers three approaches to corruption. The first is the Independent Police Complaints Commission’s (IPCC) definition. The second is what the law currently says. The third is based on what academics, including those who research police behaviour, have developed as a definition. These definitions are available and each has limits. An important limit to any definition is to know when it was in force and whether behaviour was punished. The law can change so that acceptable behaviour in the past is now considered corrupt. However, this does not mean that past behaviour is exempt from judgement. Instead, the panel has to decide whether it is applying a standard as it considers the context for corruption. The panel will face the claim, “Well, it was ok at the time.” In politics, this can often occur as political behaviours are outlawed so that previously acceptable behaviour is considered corrupt.\(^{18}\) Furthermore, we need to be careful to ask, “Corrupt compared to what?”\(^{19}\) A standard provides a basis by which corrupt acts can be compared. This is needed for two reasons.

**If we want to talk about corruption we have to know what healthy means**

The first is that we need to know the normal or healthy state to understand when and how it is corrupted. If the corrupt, or unhealthy, state is disordered, then we need to compare it to the ordered state as the earliest definitions of corruption from ancient Athens describe corruption as an unhealthy state.\(^{20}\) If the panel follow this approach,

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\(^{17}\) The issue of exchange is central to the problem. The focus on monetary exchange, while important, can miss the deeper problems where the exchange is still corrupt yet less visible. Monetary exchange is the most visible form of corruption but not the most damaging. On the issue of monetary exchange and the visibility of corruption consider Marc Shell’s interesting take on the Ring of Gyges http://www.people.fas.harvard.edu/~mshell/Shell.%20EconLit.%20Chapter%201.pdf as well as Marc Shell The Ring of Gyges Mississippi Review Vol 17 No 1/2 (1989) pp. 21-84

\(^{18}\) See Mark Philp Defining Political Corruption Political Studies 1997 XLV, 436-462


they will need a standard for healthy so that the community and the police force understand it the same way. Second, we need to compare the corrupt act against what is expected or understood within the context as an officer who accepts a free cup of coffee within an organisation where bribery is accepted is unlikely to look corrupt or to consider they are corrupt. Moreover, an individual act, like a free cup of coffee, may not be corrupt as there may be no intent and it is not repeated. Although, the context does not excuse; it explains what it means to be corrupt and how someone can be corrupted. A similar issue is that an act will appear corrupt when taken out of the context. The best approach to understand corruption would be to ask the perpetrators how they understood their behaviour and whether it was corrupt to compare it with the agreed standard of behaviour. However, the IPCC does not interview corrupt police officers to understand why they became corrupt or how they understood what it means to be corrupt.21 Instead, we will turn to a series of definitions before we look at the three levels of individual, institution, and regime.

How does the Independent Police Complaints Commission define corruption?

We start with the IPCC’s approach. They published research on the public’s view of police corruption. The research suggested that the public have a limited or superficial view of corruption.22 In some cases, an organisation can believe that as long as the public do not see their behaviour as corrupt, then it is not corrupt. The approach may appear logical to the organisation, yet it is problematic as it relies on the public’s ignorance and does not work for the public good. For example, the public might not ever see a police force falsify or misstate some of its performance information. Yet that willingness to “bend” the truth is a form of corruption. The public, ignorant of these low level or hidden acts, will focus on “serious” acts such as bribery in particular if it gains wide publicity. Such an approach skews the public understanding of corruption. As a result, the public might expect that an act is only corrupt if it is clear that an individual benefitted from it.23 In their attempt to understand these events, the public will lack the context of sophisticated corruption out of the public view where the police behaviour especially at an institutional level is rarely seen. In effect, the public who are unaware of what is happening will overlook it. An example of this problem from a different industry would be currency traders who manipulate the interest rates. For the currency traders, their corrupt behaviour was the way business was done. The public were unaware of what the traders were doing because they believed it was a well-regulated and fair market. In this context, the


21 In most learning organisations, they try to learn from the problem so that they can try to prevent it next time. The IPCC does not try to learn, which suggests that they do not have an interest or an incentive to prevent police corruption. Perhaps this approach is beyond what the IPCC can do. This information is based on their response to an FOIA request received by the author.

22 “There is overall consistency in how the audience groups the scenario examples and these are broadly placed within four categories: corruption, grey areas that could be classed as corruption or misconduct, misconduct, and those which are perceived as not serious and are neither corruption nor misconduct. The audience generally maps the scenarios in a similar way to the IPCC in relation to levels of seriousness.”


23 The issue of exchange and benefit which is central to most, but not all, definitions of corruption. The narrow focus on exchange and benefit, provides a basis for a possible criminal charge. However, it also serves other purposes which prove more contentious than an attempt to make corruption justiciable. http://press.anu.edu.au/wp-content/uploads/2013/03/ch11.pdf
public are more concerned about the bank manager who might walk out of the bank with their money and less with currency traders who manipulate interest rates and foreign exchange rates which increases their mortgages.

**Corruption can be confused with incompetence or misconduct.**

At times, people can confuse misconduct for corruption. To avoid this problem the IPCC differentiates corruption from misconduct as they focus on whether the person received a personal gain. This approach follows the common view that corruption is acting improperly within office by using the office for personal gain.

“Corruption is understood at the most basic level as doing something (morally) wrong/breaking rules, typically for personal benefit. It is normally seen as premeditated, covert and immoral. In contrast, misconduct feels less covert or considered, and may even on occasion be accidental.”

The IPCC focuses on who benefits. At first glance, it makes sense. We need to understand who benefitted to know if the act is corrupt. Such an approach is problematic if the behaviour is to corrupt a system or a process as these are less visible and the benefit can appear less tangible. In that scenario, the benefactor does not want to benefit an officer with money instead he wants to influence the whole organisation in the way that it relates to him. When that occurs, the institution being dependent on the benefactor, it is difficult to show a benefit, especially a monetary one, for an individual officer or group of officers. In effect, all the officers come under the benefactor’s influence as senior managers encourage or at least condone the junior officer’s work to satisfy the relationship with the patron. At a basic level, we can see this problem in the following example. If senior managers turn off the control systems and corrupt behaviour occurs, how do we show they benefitted? Their bid for efficiency, getting rid of the extra forms that annoy their staff, allows others to exploit the system.

In a similar way, someone might assume that a crude or clumsy effort to pervert the course of justice or hinder an investigation is misconduct. They might settle for misconduct or even incompetence because it is not clear who benefits. However, this misses the long term problems. In many cases, the initial act only appears as corrupt in a wider context or several months or years later. When the later benefit appears, it is difficult to trace it back to the initial act. The deeper problem, which was mentioned above, is that if such behaviour is understood as misconduct and not as corrupt, then it is accepted as understandable behaviour. The officer is incompetent or acted incorrectly but they do not appear corrupt as no one appears to benefit personally or directly. Having considered these issues, we need to turn to the various definitions.

**IPCC definition**

The IPCC’s Statutory Guidance 2011 explains corruption as

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25 See for example Istvan Javor and David Jancsics The Role of Power in Organizational Corruption: an Empirical Study Administration and Society 201X Vol XX(X) 1-32 2013 See in particular pages 21-27 for discussion of ways in which senior managers can turn off controls mechanisms that allow senior managers to “sell” corrupt behaviour to external parties. The senior officers do gain eventually but it is difficult to track the corrupt behaviour back to a simple or small decisions, like the removal of an audit control form. Thus, the senior officers can use the appearance that they have acted to improve efficiency and reduce paperwork to cover their corrupt behaviour.
“Any attempt to pervert the course of justice or other conduct likely seriously to harm the administration of justice, in particular the criminal justice system

• Payments or other benefits or favours received in connection with the performance or duties amounting to an offence in relation to which a magistrates’ court would be likely to decline jurisdiction
• Corrupt controller, handler or informer relationships
• Provision of confidential information in return for payment or other benefits or favours where the conduct goes beyond a possible prosecution for an offence under section 55 of the Data Protection Act 1998
• Extraction and supply of seized controlled drugs, firearms or other material
• Attempts or conspiracies to do any of the above.”

The IPCC’s 2011 research explained why it was difficult to define corruption. The legislation focuses on corrupt behaviour such as fraud or bribery which involves an exchange or the promise of an exchange, but does not define corruption.

“However, the word was not defined by these statutes and nor does ‘corruptly’ feature in the new Bribery Act 2010. “

The best place to start, they suggest is the dictionary.

The Oxford Dictionary of English definition of ‘corruption’ is, ‘dishonest or fraudulent conduct by those in power, typically involving bribery ….the action or effect of making someone morally depraved’. The dictionary defines the verb ‘bribe’ as ‘dishonestly to persuade (someone) to act in one’s favour by a gift of money or other inducement’.

The Bribery Act, even with its focus on active bribery (offering) and passive bribery (receiving), contains the idea of “improper performance”. If a person acts in bad faith or in a way that is contrary to what expected in their role, it could be considered improper performance. Such a definition contains a reasonableness test. The improper performance has to assess against what would be reasonably understood to be proper performance in the situation.

The test of what is expected is a test of what a reasonable person in the UK would expect in relation to the performance of the type of function or activity concerned (s.5(1)).

The definition while important remains limited. The definition still relates to bribery and there are many corrupt acts that do not involve a bribe. We would be hard pressed to argue that someone’s improper performance, such as destroying a record to hinder an investigation, acted as a bribe or reflected a bribe, yet such an act would be corrupt.

How other organisations define corruption

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26 The report states that the field work was conducted between 24 October 2011 and 1 November 2011. It is important to note that Leveson Inquiry was commissioned in July 2011, the testimony finished in June 2012 and the final report was published in November 2012.


Other bodies define corruption differently. The IPPC research notes that the Association of Chief Police Officer’s (ACPO) define corruption as

‘the abuse of one’s role or position held in the service for personal gain or gain for others.’

The SOCA / ACCAG’s define it in a similar way:

“any activity carried out by an individual for gain, favour, advancement or reward that is inconsistent with the proper practice of their office, employment or responsibility.”

In the UK, there is guidance on what is considered acceptable behaviour. The Nolan Principles, promulgated in 1997, set the standard for behaviour in public office. The principles can be a standard from which we consider where misconduct has started to blur into corruption. If the public official falls short of the standards then they may be moving from misconduct to corruption. However, the principles can only act as a guide as they do not explore the root of corruption, its cause, and what sets it apart from misconduct or incompetence. To explore corruption’s cause or roots, we turn to the academics who have explored the topic. We begin with Tim Newburn.

**Beyond definitions: the source or cause of police corruption.**

Newburn argues that at its root, corruption is an ethical problem. As an ethical problem he suggests that an ethical analysis would require us to explore what causes corrupt behaviour.

[The ‘causes’ of corruption include: factors that are intrinsic to policing as a job; the nature of police organisations; the nature of ‘police culture’; the opportunities for corruption presented by the ‘political’ and ‘task’ environments; and, the nature and extent of the effort put in to controlling corruption;](p.vi of Newburn 1999 Police Research Series Paper 110 Understanding and preventing police corruption: lessons from the literature Tim Newburn Editor: Barry Webb)

He is concerned that an approach to the ethical issue will attempt to create or apply a universal standard to what is often a particular or individualised problem. He moves beyond the ethical issue to a number of definitions with different strengths and weaknesses. He refers to McMullan’s (1961: 183-4) definition which included such activities as

“a public official is corrupt if he accepts money or money’s worth for doing something he is under a duty to do anyway, that he is under a duty not to do, or to exercise a legitimate discretion for improper reasons.”

He then looked at Punch (1985) which used a wider definition. Corruption occurs

“when an official receives or is promised significant advantage or reward (personal, group or organisational) for doing something that he is under a duty to do anyway, that he is under a duty not to do, for exercising a legitimate discretion for improper reasons, and for employing illegal means to achieve approved goals.”

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28 The seven principles can be found here: [http://www.public-standards.gov.uk/About/The_7_Principles.html](http://www.public-standards.gov.uk/About/The_7_Principles.html)

As Newburn argues, the different definitions mean that one definition to cover all situations is unlikely. Instead, he suggested a focus on the following factors:

- the means,
- ends, and
- intent of any act.

These would help us to understand whether an act was corrupt. For example, there can be acts that would not always be illegal or misconduct as they could be in pursuit of an approved goal. At the same time, a corrupt act could be an abuse of organisational authority even if it is not an abuse of individual authority. What was consistent though was that the act had to be motivated to further a private or organisational advantage.

**Is the nature of policing itself an intrinsically corrupt practice?**

He warns, though, that a search for an ethical definition or a definitive definition would end in frustration.

Two methods of considering corruption have been considered here: to categorise corrupt acts and to search for a definition that will help distinguish corrupt from non-corrupt acts. Neither leads to an entirely satisfactory conclusion. If we accept Kleinig’s argument that corruption is fundamentally an ethical problem, then it is perhaps not surprising that the search for complete clarity should end in frustration.\(^{30}\)

Instead of despair, he suggests that such a view recognises the intrinsically ambiguous nature of police work. Newburn is interested in developing a policy response to corruption so his focus is on the sources and causes of corrupt behaviour.\(^{31}\) Despite the belief that the law is clear and it is to be applied equally, impartially, and everywhere, we find that policing requires complex ethical decisions that may diverge from this belief in the law and its efficacy. An officer has to judge when and how to apply the law and to deal with any exceptions.\(^{32}\) In that judgement, they begin to make a moral decision. It is this moral element which is too often overlooked at the cost of misunderstanding how corruption undermines the person, the organisation, and ultimately the regime. Corruption is not only problematic in the act itself, it is problematic in the way it corrodes the public trust necessary to sustain a decent society. However, this does not mean that we cannot identify acts as corrupt simply because they are complex or ambiguous. We have to look at each act in its particular circumstances within an agreed framework before we consider whether it is corrupt. In other words, we can agree that even if everyone is corrupt some people are less corrupt than others and thereby understand corruption within that context.

**Corruption is as old as politics**

\(^{30}\) Newburn p. 7-8

\(^{31}\) p. 13 There is no straightforward solution to either the question of definition or to the ethical problems outlined. The discussion illustrates the simple but uncomfortable fact that complex ethical problems are an inherent part of policing. Recognising the problems and the complexities involved is an important stage in constructing a coherent administrative policy response to them.

The problem of corruption also raises the issue of the good citizen and good man within a regime. As corruption refers to something being wrong or disordered within a regime or society, it shapes the overall context for citizens. Even in a bad regime a good man can exist although he will be a bad citizen. By contrast, in a bad regime, a good citizen will be a bad man as he would obey the corrupt regime. A good man would be a bad citizen as he would not obey or would resist the commands of the corrupt regime. In a good regime, the good citizen is a good man. These distinctions are important as they remind us that the police officer acts within a wider context beyond the police force or the regime, which shapes and defines their behaviour. The good police officer in a bad regime is not going to be a good person as he will work to impose an unjust or corrupt legal order. In this sense, corruption occurs against a larger context and like policing corruption is not a value neutral concept. \textsuperscript{33} Corruption and policing presuppose a moral outcome that is judged beyond the regime’s laws. Even though the sources and causes of corruption are important, they are a topic for a different article as they do not explain what corruption is but rather presuppose it. \textsuperscript{34} The goal here is to understand police corruption so that we can apply it to the Daniel Morgan murder investigation. To this end, we need to look at what it means to be corrupt at the three levels involved in the case.

**Level One: Individual Corruption**

At the individual level, we look at what it means for an officer to be corrupt. If we understand corrupt behaviour as an abuse of office for gain, then we need to look at the abuse and the gain. How did the officers fail to honour their office or their duties.

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\textsuperscript{33} In his work Carl B. Klockars The Idea of Police in the SAGE series Law and Criminal Justice System Vol 3 1985, which has influenced research on police, focuses on a “value neutral” definition of policing. However, the idea of police and policing cannot be value neutral for the same reason that a person and politics cannot be value neutral. The police in a bad regime are not police; they are political oppressors. The East German police were not police. They were enforcing illegitimate laws for an illegitimate regime that was detrimental to the good life of its citizens. The regime deformed its citizens and made them bad men. Police and policing will always reflect the regime’s ethical nature. We can suspend such analysis to obtain analytical rigour about police and policing, but we cannot avoid them or remove them. To do so is to forget that police and policing exist within a political framework that requires “value judgements” about what is good or bad.

We face a dilemma that is similar to the one that Aristotle pointed out about the **good man and the good citizen**. The good man is one pursuing his telos and living a virtuous life. The challenge is that only in the ideal regime is the good man the same as the good citizen. However, the good citizen will reflect the regime that is in power. The good citizen is one that supports the principles and practices of the regime. Where this becomes problematic is that a good person in a tyranny, for example, would not be a good citizen of that regime. Moreover, a good citizen of a flawed regime, such as a tyranny would not be a good person. In a corporate setting, we can see this happening when an employee has to leave to save their integrity as a good person. They can no longer be a good corporate citizen in a flawed corporate regime. In this case, a good police officer in a corrupt police force in a corrupt regime, will be a bad man.

\textsuperscript{34} We have to be careful to avoid the current focus on the blurring of private and public as a source or cause of corruption. The public and private realms are in constant flux and their relationship did not occur with neo-liberalism nor with a focus on economic benefits. An over-emphasis on the public/private divide and neo-liberalism distorts our understanding of what it means to be corrupt. We are better served by a focus on the relationship between the actual and the ideal to judge behaviour. Further, we need to consider the way in which behaviour, thought, and language can be corrupted without becoming itself corrupt. Often corruption of an individual or an organisation occurs when the language, thought, and behaviour within the community is corrupted in that they no longer serve the community and the ends that sustain it. On this wider issue of corruption, consider the difference between Whyte’s How Corrupt is Britain? with Barcham, Hindess, Larmour eds. Corruption: Expanding the focus.
and display the abuse? How did the officers involved in the case gain? Was the gain monetary or something else? At a basic level, this would be whether they received money or other personal gain in return for hindering or undermining the case. We already know that an officer failed to declare his personal interest in the case, which would have provided an opportunity to hinder the investigation. We know one of the officers interviewed the victim’s family without informing them of his personal interest. To explore this level, we need to look at how the officers benefitted from their act or their failure to act. Even if we look for money or for favours, we have to face the difficult question of intent and competency.

**Do officers portray themselves as incompetent to avoid appearing corrupt?**

The officers could be incompetent and not corrupt. This appears to be the common defence within the MPS and many industries including politicians. From the most senior post to the frontline officers, there is a consistent approach where officers will accept that they are incompetent or lacking in sound judgement but not corrupt. At a basic level, this suggests a lack of moral fibre that seems to be more readily displayed the more senior the officer. They are quite willing to put their men and women into danger yet shirk the responsibility, especially when the moral responsibility becomes apparent for the corrupt behaviour. They accept the sacrifices that are necessary for their success, yet unwilling to accept the responsibility for the corrupt behaviour within their command. To put it directly, we have yet to see a Chief Officer say publicly “I have failed and I take responsibility for the corruption within my force and I will resign”. Such honour and bravery is now a forgotten trait that is no longer encouraged or understood. Instead we often hear the officer admit to a failure in judgement or even accept, to some extent, being incompetent. Therefore we cannot rule out incompetence.

**Incompetence can be used to derail an investigation**

Incompetent officers may have aided and abetted, unwittingly, the corrupt officers. At the same time, senior officers could undermine an investigation when they assign a less competent officer to it. Such a decision would not raise immediate suspicions. It is difficult to differentiate incompetence from fraud, which is a crime closely related to corruption. What is always curious is that police officers, especially senior ones, will claim and portray themselves as competent up until the moment they are accused of being corrupt. At that moment, especially when it is a public event such as a trial or an appearance before Parliament, the officer suddenly accepts that they were lacking in judgement or less competent than required as if their seniority and success was more by luck than skill. They often disclaim that they were terribly naïve.

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35 “As part of the first investigation, it is now known that DS Sid Fillery—a member of the original murder squad—failed to reveal to his superiors that he had very close links with Jonathan Rees when he became part of the inquiry. I am told that Fillery took a statement from Rees, but it did not include details that both he and Rees had met Daniel at the Golden Lion pub the night before the murder, nor did it include details of a robbery of Belmont Car Auctions a year earlier. Had those details emerged at the time, they would have revealed that those incidents brought both men into direct conflict with Daniel.”

http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120229/halltext/120229h0002.htm

36 Sid Fillery “What Fillery had neglected to tell his superintendent was that he was also a close friend of Rees, and had moonlighted with Southern Investigations at the car auctions.”


37 See for example the Valukas report, also known as the Jenner Report, on the Lehman Brothers collapse. http://jenner.com/lehman/
and lacked sound judgement, which begs the question of their astute and successful judgement up to that point. Beyond the default position that the police officers are incompetent, we need to consider misconduct.

**Misconduct is not necessarily corrupt behaviour.**

The officers’ conduct can undermine a case without a corrupt intent. An officer might fail to file their reports, which undermines the case. If their motive was not corrupt, they may not have done this for a gain monetary or otherwise. They may have had another motive such as a dislike for the victim or a desire to discredit a fellow officer. They may have had a personal grudge against the victim or against fellow officers. In these circumstances, it may be difficult to distinguish easily between incompetence, misconduct, and corruption. The only way we can do this is to consider the benefit that the act creates, which creates its own challenges.

**Without a benefit, is an act corrupt?**

Without an apparent benefit or an advantage, then an act is less likely to be seen as corrupt. What we need to consider is that an officer might not have been paid for a misfiled report or from the investigation being weakened, yet still have obtained an indirect benefit. The outcome may not create a benefit yet its occurrence corrodes or corrupts the police ethos by undermining public confidence in their impartiality and duty to ethical behaviour. Moreover, the corruption may require officers to turn the other way or turn their face from it so that they can do their job. They may have done this to protect a fellow officer or as a favour to a senior officer. The officer may have acted in response to loyalty to an outside organisation, such as the Masons or a criminal gang. If the officers involved were members of, or affiliated with, such organisations the acts may have benefitted the organisations. To explore the individual level, we would need to map where and how the officer might have benefitted from the corrupt behaviour. We would then need to analyse whether they benefitted through direct or an indirect benefit. The benefit is more than money or a personal gain as it could help someone who later returns the favour or rewards them for it. There are two approaches for this analysis. We can map the individual corruption by the benefits (follow the money) or we can map it by the relationships (who benefits). Both may overlap, but each track is needed. If they are combined, nuances will be missed as it will not be apparent who benefitted until we can compare how relationships map over a number of years.

**If a relationship is the benefit, how do we know if it is corrupt?**

In some cases, the benefit may have been intangible such as a relationship, a favour, or information. The immediate benefit may not have been the final benefit.

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38 See operation Tiberius and other corruption reports. 
https://en.wikipedia.org/wiki/Operation_Tiberius see also Operation Othona

39 The best example of this is the way Neville Thurlbeck became a police informant (a registered informant for the National Crime Intelligence Service (NCIS)) so that he could trade information with the police and yet claim he was not giving or receiving a payment for his work. The police went along with this relationship and agreed to have a journalist as a registered informant. In that relationship, the core roles of the handler and the informant was corrupted by the benefit of both parties. As we will see in section two, institutional corruption, this is a clear example of institutional corruption. Thurlbeck and the officer’s relationship undermined the core duty of the police and journalist. The police subverted their core responsibility to nurture the relationship. Thurlbeck subverted his core responsibility as a journalist to his readers and his paper to nurture the relationship. Instead of money, Thurlbeck and the officer gained something more important, information and stories. For Thurlbeck
The benefit may have been short, medium, or long term. Alternatively, it may have been done for a benefit over two or more stages. Someone may have murdered Daniel Morgan to protect their interest in the private investigation company. They may have done it to benefit a police colleague. Alternatively, they may have murdered Daniel Morgan to protect a network of corrupt officers. The network could have included relationships into the senior levels that were linked to other crimes, such as the Brinks Mat theft. If the larger network were exposed, the benefits it provided would stop. Even if the network itself was relatively benign, corrupt officers helping each other and not affiliated with a criminal gang, it reveals the problem of a corrupt relationship beyond personal gain. In particular, the network will be known to other officers though not necessarily its scale or reach, but it will be known in that officers are aware of corrupt officers and the need to work with them.

**All networks have a currency police trade in influence, information or money**

All networks have a currency such as information, loyalties, favours, or money. The immediate benefit in a network can be the immediate contact or the network itself. The initial relationship can have a secondary benefit for a wider network of officers who rely on the corrupt front line officers. Someone might not receive a material benefit, such as a job or money, but they may accrue a favour or credit with the network. The favour would lead to a latter promotion or a job. As the Filkin (2012) report explained, many former police officers became private investigators or took jobs in the media even though the media organisations were under investigation. The later relationships help provide a possible insight into the early context of the Daniel Morgan case.

**The Daniel Morgan murder exists within a wider network of corrupt police activity**

The Daniel Morgan case is notable for the wider network of officers and non-police people that are caught up by it. What is certain is that Daniel Morgan wanted to reveal a wider network of corrupt officers. His mistake may have been to trust the

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the information and the stories were more valuable than a paltry pay-out, even a 6 figure pay-out would pale in comparison to his salary he was able to draw but also the status he was able to achieve within the paper and the industry. These benefits were better than gold. They were benefits that made it possible to earn more gold. That a judge can rule such a relationship as legitimate, honest, and entirely proper shows a naïve view of corruption. Sadly, this was not and will not be the last time UK justice is undermined by judicial failure of imagination. See for example, Sid Fillery “What Fillery had neglected to tell his superintendent was that he was also a close friend of Rees, and had moonlighted with Southern Investigations at the car auctions.” http://www.dailymail.co.uk/news/article-2586466/The-Met-corruption-files-A-chilling-investigation-police-links-botched-probe-Stephen-Lawrences-murder-axe-killing-private-eye.html

The speed with which some former police officers take employment within the media is also a cause for concern and this has already been raised as an issue in the Home Affairs Select Committee Report into phone hacking. I share that concern. I am also concerned that former police officers, some of whom have been dismissed, take employment with private investigation firms and continue to obtain information from former colleagues within the MPS. If action is not taken to deal with such problems, they may continue to damage the MPS.” P.33 Filkin Report http://content.met.police.uk/cs/Satellite?blobcol=urldata&blobheadername1=Content-Type&blobheadername2=Content-Disposition&blobheadervalue1=application%2Fpdf&blobheadervalue2=inline%3B+filename%3D%22944%2F933%2FFINAL+REPORT+-+ALL.pdf%22&blobkey=id&blobtable=MungoBlobs&blobwhere=1283540988465&ssbinary=true
wrong people with that information.\textsuperscript{42} It is deeply concerning he is alleged to have been murdered after he spoke to a reporter about the corruption claims.\textsuperscript{43} He may have been unaware of wider relationships where his allegations would have been currency in other networks. Did Neville Thurlbeck ever reveal to his sources that he was also a police informant? What Daniel Morgan said to the reporter may have found its way back to the corrupt officers who needed to silence him. We do not know if the reporter was aware of the wider network. The reporter may have shared the information with colleagues or a network unaware that the information would find its way back to the original network.

**The wicked always use the innocent and honest as a shield.**

The panel must confront the problem of wicked people who use the innocent and honest as a shield. The corrupt officers can use a network of relationships, which is by its nature benign, for a corrupt purpose. Other officers and people linked to the network would be unaware that it was being used for a corrupt purpose as it is normal for the police and journalists to network and share information. In some cases, the journalists were paying the police officer for their information or they may have paid an intermediary, an information broker, to reward the officers. At the time the legality and morality of such acts was unclear both in law and within the police.\textsuperscript{44} Even though these acts corroded the public trust and corrupt the officer’s integrity which supports their commitment to the law. In other cases, ex-police officers were private investigators who would share information or transact business with the officers and the journalists and the question is whether they serve a corrupt purpose.

\textsuperscript{42} “Watson told MPs Morgan had been about to take his story about police corruption to the News of the World and its crime reporter Marunchak at the time he was killed and had been promised £40,000 for the story.” [http://www.theguardian.com/media/2012/feb/29/met-review-daniel-morgan-murder](http://www.theguardian.com/media/2012/feb/29/met-review-daniel-morgan-murder)

\textsuperscript{43} See for example the claims here: [http://www.dailymail.co.uk/news/article-2016574/News-World-hacking-suspect-Neville-Thurlbeck-police-informant.html](http://www.dailymail.co.uk/news/article-2016574/News-World-hacking-suspect-Neville-Thurlbeck-police-informant.html) and [http://www.pressgazette.co.uk/former-news-world-reporter-neville-thurlbeck-reveals-25-years-tabloid-secrets-exclusive-extracts](http://www.pressgazette.co.uk/former-news-world-reporter-neville-thurlbeck-reveals-25-years-tabloid-secrets-exclusive-extracts) In the latter, an extract from his book indicates he was a registered informant with the police. One has to wonder whether he told the people who confided in him that he was a police informant. Further, it raises the question of whether any reporter is safe as they will now be suspect to any criminal as they have the potential to be a police informant. Further questions need to be asked of each newspaper as journalists should be required to declare that they are not police informants given that they seek to rely on the special protection granted to newspapers and immunity given to police informant. At the same time, the police need to be questioned on their use of journalists as police informants and whether that went beyond what was legally allowed especially as journalists are granted legal protection beyond what he police are required. Unlike the police, reporters are not required to obtain warrants for their investigation. Even though this was raised in a BBC Newsnight segment, BBC Newsnight (13/07/11) it seems to have not been followed up. [http://brown-moses-hackgate.blogspot.co.uk/2013/08/met-and-murdoch-covert-deals-and.html](http://brown-moses-hackgate.blogspot.co.uk/2013/08/met-and-murdoch-covert-deals-and.html)

Sadly, the admissions suggest that Thurlbeck was not a very good journalist as he relied upon a system of illegal informants and turned himself into an informant not a journalist. He corrupted himself to gain success in the same way that an athlete corruptions himself with drugs to gain an advantage and win. In a sense, he is the Ben Johnson of journalism his success was due to his ability to corrupt himself.

\textsuperscript{44} Journalists it would appear have no morality and only believe in the public interest that allows them to do whatever they want to whomever they want. As the public interest power provides them great power, without much responsibility, it is difficult for them to consider the ethical burden of any act. We can see this in their eagerness to suborn public officials to betray the public’s trust. At all stages, they have justified their egregiously vicious and corrupt behaviour as being in the public interest, yet they only serve the private interest of their proprietor. The public accept this behaviour as they have been inculcated to believe that a free press ensures democracy and freedom without considering that the press may become a tool by which the oligarchic elements within a society can control that society.
Does a network serve a corrupt purpose?

The network of police officers and journalists was exploited for corrupt purposes. In a network there can be a hierarchy of participants. It may be that the more senior the officers, the less they were aware of, or willing to participate in, corrupt behaviour. However, the distance within the network does not protect them. In particular, senior officers would have benefitted from the network and encouraged it, or protected it, either directly or indirectly. In some ways, they may be beholden to it for their own success or at least owe favours to those within the network. In the same way, the senior officers might be part of a newspaper’s network where they would share information, gleaned from their internal networks, with senior newspaper figures. In this way, the people that connect both networks receive benefits from both without either network knowing about the other. The network map would show us the nodal points where a newspaper figure or a police officer connected the network of private investigators, police officers, and journalists. The networks would have different levels or different networks depending on the relative membership status. The senior newspaper figures would have a motive to protect their sources gained by their reporters as they would operate at different, yet overlapping, layers.45

Corruption always extends beyond the individual.

An exclusive focus on the individual level will not address the problem of corruption as it will explain the individual’s behaviour or motivation without providing an insight into the context that is the organisation. As mentioned above, corruption will also affect other officers like a ripple in a pond stretching outwards with diminishing effect. As corruption always extends beyond an individual officer, we have to consider whether the officers may have benefitted from other corrupt acts or networks. The Brinks Mat robbery intersects with the Daniel Morgan murder as does the Stephen Lawrence murder. The Panel will need to consider the overlaps and how those relationships have developed. An officer may have supported a corrupt network on the Daniel Morgan murder, where they are not involved, to protect their Brinks Mat network. Thus, the overlap at the individual level may not be associated solely or exclusively with the Daniel Morgan murder. However, this moves us away from the issue of how the networks within the police intersect with those outside the police; we need to turn to the next level, the institutional level.

Level 2: The Institutional Level

From the individual level, we turn to the institutional level. When individual officers act corruptly, it reveals problems within the institution. Officers are not corrupt in isolation. Other officers know about the corrupt behaviour either by direct experience or by hearsay. To this extent, no organisation is completely free from corrupt behaviour. Where corrupt behaviour becomes a problem is when the individuals become a network or change the culture. However, corrupt officers are less of a problem if the institution has robust employment vetting, training, and anti-corruption enforcement.46 These systems will make it less likely that corrupt officers will be hired and when they emerge that the culture will be less susceptible to corrupt behaviour.

45 Rebekah Brooks’ name is central to this issue https://www.byline.com/column/2/article/204 and http://www.bbc.co.uk/news/uk-england-london-28314696

46 It is interesting to note that in the wake of the Leveson Inquiry, the police have been reforming all parts of their employment and training systems. See http://www.bbc.co.uk/news/uk-21254322
The corrupt officers dishonour the honest ones.
The police have many honourable, decent officers who serve with great integrity, courage, and commitment. The challenge, though, is for these officers to be promoted so that they can sustain a less corrupt organisation. The reality is that honest officers can serve within an institutional culture that encourages, either explicitly or implicitly, officers to act corruptly. If the corrupt faction is stronger than the honourable faction, then the organisation is in danger of decay and collapse. In a healthy organisation, the officer serves the organisation and the organisation serves the law. In an unhealthy one, the reverse happens. The officer uses the organisation to further personal ends and the organisation uses the law to further its organisational ends. During the Daniel Morgan case, it appears that the MPS was in that position. However, a full analysis of the police culture would require detailed knowledge of operations like Tiberius and Othona, which are beyond the public’s reach.

Institutional Corruption and a corrupt organisational culture.
The Panel will need to look at the MPS’s employment practices to understand the corrupt behaviour in the context of the organisational culture. A corrupt culture does not mean that all officers are corrupt. Instead, the term refers to whether the culture encouraged the corrupt behaviour. Did the MPS have a permissive culture that made it easier to be corrupt? If the senior officers failed to enforce the control systems needed to prevent or pre-empt the corruption, then the culture could be considered corrupt. However, there is a more direct problem than the potential of a corrupt culture. We have to consider the way the presence of a corrupt network reveals a larger issue in which officers subverted their duty for the benefit of a benefactor. We can see this at two levels. The first level is at the tactical or local level where officers benefit from a local relationship. In a crude sense, this is where the police help a powerful drug dealer with favours or a police officer agrees to have a reporter as a registered informant and the reporter agrees to become a registered police informant. At a more sophisticated level, it may be police officers help a local businessman with security or they socialize with a celebrity for good publicity. The second level, which is worse, is at the institutional level. This is where the organisation subverts its own purposes to serve someone else. We have to consider that the MPS became institutionally corrupt during the Daniel Morgan case. Institutionally corrupt refers to a state when an organisation does not serve its original purpose and serves a different purpose or a different patron even under the guise of serving its core purpose.

A corrupt organisation no longer serves its original purpose.
Institutional corruption is not an organisation full of corrupt employees or a culture that is corrupt. These can occur but they are seen at the individual level. At the

47 See fn 24 for an example where the senior officers turned off the control systems so as to allow the corrupt behaviour to occur and they expected it to occur so that they could receive the benefit from it.
48 Consider for example, the role played by Jonathan Rees within such an information network, http://www.nickdavies.net/2011/03/16/jonathan-rees-empire-of-corruption/ He created and exploited an information network that passed information from the police to the media outlets. In addition, his employees captured information on targets that were of interest to his clients. In such an information collection and distribution business, though, one faces the crucial question of whether the company ever targeted criminals and provided their information to the police or to other parties some of whom may have been criminal gangs eager to identify targets or to identify rivals who might not have robust information security systems.
institutional level the problem emerges in two ways. The first is an organisation that requires or encourages staff to act corruptly to get their job done. In this sense it has a corrupt culture, where honest officers have to bend themselves to tolerate corrupt officers or they have to turn a blind eye to the behaviour out of “loyalty”.\textsuperscript{49} The second is the way an institution still delivers its service but it is diverted from its original purpose by a corrupt relationship. By this, I want to suggest two lines of inquiry. One looks at the organisation’s purpose and the way a corrupt relationship with a benefactor can undermine it. The other, secondary issues, is to consider how an organisation can require an individual officer to become corrupt. I believe the larger issue, of institutional corruption, is where future research on police corruption needs to develop. The literature reviews by Newburn 1999 and 2015 do not capture the problem of institutional corruption and the gap in the literature needs to be filled. I would argue, based on Thompson below, that we cannot escape the conclusion, as mentioned at the start, that the MPS was institutionally corrupt.\textsuperscript{50} For a related definition, but critical view of Thompson’s use of institutional corruption, see Miller 2011.\textsuperscript{51} What is central to institutional corruption, though, is the relationship it requires.

**Institutional corruption begins with a relationship.**

An organisation loses its way when it serves someone else’s purpose, like a benefactor, where those purposes conflicts with their own. An example of such behaviour is when a senior officer tells junior officers to reduce charges against a politically powerful person. The senior officer wants to protect the relationship with the powerful person and subverts the police purposes. In such a relationship, between the politicians and the police in general, the police might be asked to raid a newspaper editor’s office and take incriminating evidence about a MP and turn it over to the security services. In these situations, the institution’s purpose, to enforce the law, is not served as it is sacrificed to serve the benefactor. The individual or local level can be moved to the institutional level. When the senior officers develop a relationship with a patron such as a media organisation, the organisation starts to serve a different purpose. The senior police managers want the organisation to have a good reputation and they engage in “political” behaviour with a media patron. Their core purpose becomes supplanted by what they do can serve the relationship with the media. Even though it remains or appears to be an appropriate policing activity, it serves a different purpose.

\textsuperscript{49} This can be known as noble cause corruption when an officer knows a colleague has done something corrupt, such as lie under oath, but rationalizes it for the outcome, a bad person put in jail. At the same time, it can be similar to noble cause corruption in that the officer does not report low level corruption because the police “honour” code does not allow it.

\textsuperscript{50} Institutional corruption is not the same as institutionalized corruption. The latter is where corruption is explained as part of an institutional fault rather than being the way in which the institution, as an institution, has become corrupt for the relationship it has with its benefactors. In this case, the News of the World and more widely News International was undermining the MPS’s democratic accountability. It was a pervasive problem that corrupted the organisation from its core purposes, which can be seen in the clearest sense in its ability or inability to investigate crimes committed by News International. If we replace the Kray Twins with News International the problem comes into its strongest relief. The MPS were no longer serving their organisational purpose, to investigate crimes, as the relationship with News International took a higher priority. So long as that relationship lasted, the MPS was institutionally corrupt and it had been corrupted by News International and News Corp.

An institutionally corrupt organisation no longer serves its original purpose.

Even if the police officer has a good motive for the relationship, the conditions that allow for the improper influences are what corrupt the institution. The influences corrode the organisation’s integrity but crucially it occurs when the conditions appear benign if not apparently beneficial. In the MPS case, the beneficial outcome that a Chief Superintendent wanted was a good public media reputation. The policed believed that they can only be effective as the police if they influence public opinion to shape their public persona. To obtain that good publicity and shape the public opinion, especially after a scandal or when they are under political scrutiny, the police will want to tell their story and promote their issues. To manage their reputation, the police have to work with newspapers and television programmes. The Murdoch papers have the largest circulation as well as having a reputation for articles supporting “law and order”. Even though the tabloids can create bad press for the police or make the media impact from police scandals worse, the police sought their favour because the benefits they believed it would provide. In contrast to the individual level, the price of such a relationship can be very high for the organisation. The MPS’s relationship with News International, the most problematic of the MPS’s media relationships, began at the tactical level and worked upwards. In 2000, 13 years after Daniel Morgan’s murder and in the midst of difficult political and media scrutiny, Lord then Commissioner Stevens sought good press relationships. He encouraged an approach to the media that undermined the MPS as an institution. In time, a former tabloid editor became a media advisor for senior police officers, even while they investigated the former tabloid editor’s newspaper.

Moreover, the police reported that 10 of the 25 staff in the MPS press officer were former employees of News International. The relationship was far reaching and entrenched.

What you always do but for someone else’s benefit.

Denis Thompson describes the concept of institutional corruption in the following way.

Institutional corruption occurs when an institution or its agent receives a benefit that is directly useful to performing an institutional function, and systematically provides a service to the benefactor under conditions that tend to undermine legitimate procedures of the institution. P.9

In the relationship with News International, the MPS’s benefit was good press, which it considered was useful for its institutional function. In return, the police provided a service to the beneficiary, access, information, and influence. The services for the

52 “But in the case of institutional corruption, the fact that an official acts under conditions that tend to create improper influence is sufficient to establish corruption, whatever the official’s motive.”

Thompson

53 Lord Stevens, then Commissioner Stevens, courted the press as a conscious strategy from 2000

See Elizabeth Filkin ‘The ethical issues arising from the relationship between police and media. 2012

p. 11 citing MPS Special Notice 19-00, September 2000: A new policy for relations with the media.

http://content.met.police.uk/cs/Satellite?blobcol=urldata&blobheadename1=Content-Type&blobheadename2=Content-Disposition&blobheadervalue1=application%2Fpdf&blobheadervalue2=inline%3B+filename%3D%22944%2F933%2FFINAL+REPORT+-+ALL.pdf%22&blobkey=id&blobtable=MungoBlobs&blobwhere=1283540988465&ssbinary=true

54 http://www.telegraph.co.uk/news/uknews/phone-hacking/8785470/Phone-hacking-News-International-paid-Neil-Wallis-while-he-was-at-Scotland-Yard.html
benefactor undermined the MPS’s purpose which is to enforce the law without fear or favour. The relationship between the MPS and News International was corrupt. The MPS were institutionally corrupted by the relationship.

The conditions just as content can make the relationship corrupt.

Institutional corruption can be hard to spot as it occurs when legitimate processes are distorted. What is corrupt behaviour can appear useful to the institution and may serve some benefits. The police need to work with the press and the press have an interest in the police work. As Thompson explains, the corruption occurs when the organisation provides a systematic service to their benefactor that subverts the organisation’s core purpose. In this case, the MPS provided a service to The News of the World that undermined the MPS’s purposes. In the Daniel Morgan murder, a senior newspaper editor was able to influence the police investigation. Later, a former editor was able to work for the police and provide intelligence on the police discussions to the company even as it was under investigation by the police. Yet, both of these behaviours, were not visible to the public and would not have appeared corrupt.

The police at a tactical level, and then at an institutional level, had an exclusive relationship with News International that went well beyond its relationship with other media organisations. These helped News International disproportionately and undermined the institution’s role to enforce the law in the public interest.

Institutional corruption occurs when an institution or its agent receives a benefit that is directly useful to performing an institutional function, and systematically provides a service to the benefactor under conditions that tend to undermine legitimate procedures of the institution. P.3, p 9

During the Daniel Morgan case, the Police received the benefit of good press so long as they served the News International’s interests. The police used the good press as part of their institutional function. The additional benefit for the Chief Superintendent is that the good press helps him retain his post. In return, the police provided a service to their benefactor. They provided access, information, and influence over the decisions that would affect News International interests. Even though the relationship benefitted the senior police leadership, it undermined their office and their organisation purpose.

Both sides receive a benefit only one does it at expense of their purpose

Like individual corruption, institutional corruption also means that an office is abused for a benefit at the expense of its public purpose.

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56 Statement in NYT about Neil Wallis supplying information back to the News International while working for the MPS. http://www.nytimes.com/2011/07/17/world/europe/17police.html?_r=0

57 Rupert Murdoch continues to have exclusive meetings with the government. See for example, http://www.huffingtonpost.co.uk/2015/07/30/george-osborne-challenged-over-bbc-cuts-murdoch-meeting_n_7908196.html
Whether it is corrupt depends in part on whether it undermines or promotes the legislative process or the democratic process more generally. P.9

In the MPS case, the benefit was good press and hospitality. When *The News of the World* courted the police, they gained a benefit. The MPS will insist that the exchange was fair. They had better press and access to information they might not otherwise be able to obtain. However, they forget how and why the relationship began and its wider effects. From the small beginnings with Southern Investigations and the corrupt relationship with individual officers such as through the Fake Sheik, the MPS was slowly but surely seduced by the appeal of “good press” and a positive public profile. In time, the senior officers were courted (seduced) by *The News of the World*. The apex of that relationship and the start of the MPS’s decline was when Chief Superintendent Stevens stated in 2000 that good press was an organisational goal. Their behaviour indicated that the relationship was appropriate.\(^{58}\)

When the top officer prioritizes good press, then the frontline officers will follow their lead. If we consider the context, it is not surprising that frontline officer had no problem selling information for £500. They would see that senior officer would get a nice meal or something for a relative from the same media organisation. Both stem from the corrupt relationship. However, the senior officers benefited from the corrupt relationship, but junior officers who are penalized. In the MPS, the senior officers were experienced in internal affairs so they knew how to make corrupt behaviour appear “legitimate”.\(^{59}\) Is a meal at an exclusive restaurant, costing upwards of £300 in London, any different from a £500 payment to a frontline officer? Moreover, how can a senior officer preach against corrupt relationships when they benefit from one?

**A corrupt relationship is a pattern of behaviour and expectations of service.**

Corruption is rarely a single event. Institutional corruption is a pattern of behaviour. The corrupt behaviour becomes systematic. The benefactor expects the institution to respond in the same way each time. The institution responds in the same way to each request. In effect, the corrupt behaviour becomes a habit. In time, an overall culture of influence develops.

The distinguishing feature of institutional corruption with respect to service is that it is systematic in this sense: the service is provided through a persistent pattern of relationships, rather than in episodic or one-time interactions. P.11

... But when the service is provided in a continuing relationship or regular practice, especially when the recipient itself is an institution, habits and

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\(^{58}\) Lord Stevens, then Commissioner Stevens, courted the press as a conscious strategy from 2000. See Elizabeth Filkin ‘The ethical issues arising from the relationship between police and media. 2012 p. 11 citing MPS Special Notice 19-00, September 2000: A new policy for relations with the media. http://content.met.police.uk/cs/Satellite?blobcol=urldata&blobheadername1=Content-Type&blobheadervalue1=application%2Fpdf&blobheadervalue2=inline%3B+filename%3D%22944%2F933%2FFINAL+REPORT+.pdf%22&blobkey=id&blobtable=MungoBlobs&blobwhere=1283540988465&ssbinary=true

\(^{59}\) It is notable that during the phone hacking scandal the senior officers involved had all worked in internal affairs. All the senior officers involved had been previously responsible for internal affairs or anti-corruption commands. Lord Ian Blair was the head of Internal Affairs and Andy Hayman led the anti-corruption and complaints department, while John Yates led various anti-corruption investigations, and Sir Paul Stephenson was named as an anti-corruption expert.
routines are established, expectations generated, and a culture of influence
developed. P.11

The relationship between the MPS and the News of the World fits this definition
during the course of the Daniel Morgan case. The NOTW had developed a
relationship with the MPS and they "expected" to have access and to have influence.
They expected that the police meet with them, take their calls, and provide
favourable treatment. They set up a culture of influence within the police. Moreover,
they arranged for senior officers to be routinely and regularly introduced to the
NOTW through dinners and event. The best example is the way in which Neil Wallis
developed the Police Bravery Awards.60 The awards created a place where such
meeting could happen informally. Neither the police nor the press could be held to
account. Unlike a formal setting where notes might be taken and attendance is
noted, an awards dinner has neither. The Sun, a News International paper, created a
perfect vehicle to influence the police. Jimmy Savile used the same approach with
his Friday Morning Coffee sessions.61 What made it so effective is that it was
designed to honour the police for bravery the press were seen publicly as their
institutional benefactor.

Two counter claims to dismiss institutional corruption

We have to be careful, though, to avoid the common excuse that the system is
corrupt. When people blame the system, they look for the excuse “nothing can be
done”. They will say it is only down to a few “rotten apples”. Thompson calls this
“corruption conversion”. It describes what News Corp was able to achieve when it
defended its reporters from phone hacking charges.

The interaction between individual and institutional corruption gives rise to a
phenomenon that may be called “corruption conversion,” a tendency of agents
to try to turn each type of corruption into the other. Violations of one tend to be
assimilated to the other, and vice versa. In both cases, the conversion leads
to overlooking or obscuring the significance of institutional corruption. This is
clear enough in the first case—the tendency to individualize misconduct. The
charges are brought against the few “bad apples” who misbehaved, even if
the conduct in less egregious form is widespread and cultivated by the
institution. To the extent that the accusers succeed in this individualizing
strategy, the wrongdoing is contained, and the institution and its other officials
are exonerated. P. 16

The goal of such an approach is to downplay any institutional corruption as the result
of individuals. The individuals are corrupt. The organisation is kept pure so long as
the individuals are dismissed or punished. Once they have been removed, the threat

60 “While at The Sun I conceived the idea and brought into existence, in conjunction with the Police
Federation, the still-running and highly respected National Police Bravery Awards. Working together
with The Executive of the Police Federation and with the active assistance of senior ACPO-rank
officers, both around the country and at Scotland Yard, we inaugurated an Awards ceremony which is
still highly acclaimed today.” Neil Wallis Witness Statement Leveson Inquiry
http://webarchive.nationalarchives.gov.uk/20140122145147/http://www.levesoninquiry.org.uk/wp-
content/uploads/2011/12/Witness-Statement-of-Neil-Wallis.pdf page 4 See also
http://leveson.sayit.mysociety.org/speech/14724 Other media organisations have followed this
practice and provide similar or related “awards” ceremonies. One wonders if such sponsorship is ever
reviewed for its appropriateness.
61 https://lawrenceserewicz.wordpress.com/2013/05/10/the-temptation-of-celebrity-power-the-police-
and-jimmy-savile/
of institutional corruption is removed. The strategy has worked for News Corp and the MPS. Both have used this strategy to mitigate the political and legal sanctions and to confuse the ethical context.

**Corruption is endemic so no one is really corrupt, right?**

The second excuse is the opposite extreme. Everyone is slightly corrupt, by the nature of the work or the system, so the actions of a few are not as bad. The corrupt behaviour is tacitly endorsed by colleagues. The organisation does not punish minor transgressions so the corrupt behaviour cannot be considered that bad. If everyone is doing it, then it cannot be that bad.

...[A]ccused officials and their defenders are the ones typically disposed to emphasize the institutional aspects of alleged misconduct. Either they try to excuse the conduct as an institutional fault (it is not so bad because most of their colleagues do it) or they try to justify the conduct as an institutional privilege (it is not wrong at all because their colleagues endorse it). To the extent that the accused officials are successful in their defence, they manage to show not only that their own conduct but also the institutional practices in question are less corrupt than they seemed at first. Both of these tendencies of conversion thus reinforce the belief that institutional corruption is not as serious a wrong as individual corruption. P. 16

The behaviour describes much of what passed within *The News of the World*. Everyone claimed they were aware of phone hacking and it was rife across the industry. Thus, it was not a big problem. Alternatively, the police have justified corruption within the police as the flaws of the system. The common refrain is: “I do not make the rules of the game; I just play by them”. Officers were encouraged to be corrupt by what was accepted within the organisation. If the senior officers were having dinner with *The News of the World*, then junior officers would follow their lead. Is there much difference between a £500 dinner in central London and a £500 payment for a story?

What we must remember that each person is responsible for his or her decisions. The focus on institutions can make it appear that the system is to blame which means everyone is corrupt or no individual is to blame. Instead, as Thompson points out we need to focus on the whole institution. Most importantly, we have to look at the institution within a wider context. The behaviour patterns within the organisation reveal the institution’s behaviour in the wider context.

One of the great advantages of the idea of institutional corruption is that it directs our attention to the whole institution, and to the system in which the institution operates. It tells us to look for patterns and interconnected effects, and therefore to look for reforms that change structures and incentives rather than increase punishments and denunciations of individuals. P. 17

The Panel can use Thompson’s idea of institutional corruption to understand the police and media relationship as it relates to the Daniel Morgan case. Within that analysis we can see that the MPS was institutionally corrupt. News International, through (*The News of the World* and *the Sun*), had corrupted them.\(^62\) The MPS had

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allowed a normal and legitimate relationship between police and the press to become a corrupt relationship. The police lost their organisational way in a desire for “good press”. The MPS received ephemeral “good press” at the price of their organisational soul and institutional integrity. The same news organisation that criticized them and created their “bad press” also controlled their “good press”. Every level was corrupted by the new approach to the press. From frontline officer to the senior management, the corrupt behaviour was evident either in payments for stories or exclusive access to and influence on senior officers. The MPS cannot say they were ignorant of the relationship nor can anyone claim that their behaviour was untainted by the need for better media relationship. Lord Stevens’s desire for “good press” in the wake of the MacPhereson Report made the relationship explicit and embedded it within the MPS. However, the seeds were planted long before Lord Stevens took charge. The police were already being corrupted or were corrupt when Daniel Morgan was murdered.

How an organisation can corrupt its members.

An organisation can corrupt an officer when they require them to act contrary to the law. Usually, though, this occurs when the officer is “encouraged” to serve the organisation before the law. Where this is made explicit is when a senior officer orders a junior officer to act in the organisation’s interests but contrary to the law. We can see this when the powerful use their political influence to escape compromising criminal incidents. The senior officer is encouraged to “explain” to the junior officers how to handle the case. An example of this is an incident involving Peter Morrison and his sexual attacks on boys. The officers arrested him and he was released with a caution. The senior officers used their institutional discretion to avoid enforcing the law to the full or appropriate extent. The MP used their power and privilege to undermine the officer’s commitment to the law and their oath of office. However, the senior officer’s behaviour was learned behaviour; they knew what to do in the situation. Either they feared him or they wanted to use the favour as a basis to obtain influence over him. In the same way, officers can learn from the organisation when honest officers see corrupt officers protected or promoted, it warps the police officer’s innate sense of honour. It degrades their integrity. In that moment, in that decision to allow the powerful to escape justice, they become part of a corrupt organisation. When they look the other way because of the “politics” of the

in particular paragraph 26.
63 http://leveson.sayit.mysociety.org/hearing-13-march-2012/mr-richard-fedorcio#s52522
64 We can see this in a story that Nick Davies reported about Peter Morrison for sexual activity with under age boys.
“Morrison had been caught cottaging in public toilets with underaged boys and had been released with a caution. A less powerful man, the officers complained, would have been charged with gross indecency or an offence against children.
At the time, Chris House confronted Morrison, who used libel laws to block publication of the story. Now, Morrison is dead and cannot sue. Police last week confirmed that he had been picked up twice and never brought to trial. They added that there appeared to be no trace of either incident in any of the official records”
65 What is rarely discussed is whether the police retain this information for their own purposes. One has to wonder if senior officers traffic in such information for political purposes to exert influence over decisions. To be sure the opportunities are limited and the chances are small. However, the point of leverage, as Murdoch demonstrated, is not its immediate effect, it is what it can be used strategically.
organisation, they become the victim as well as the willing enabler of corruption. Whether they want to or not, they are now initiated into the way the organisation works.\footnote{WE can see this in the case of Serpico where the whole of the NYPD was involved in corrupt payments to some extent. Although he did not take a payment and tried to end the corrupt practice, Serpico was initiated into the culture and the organisation.}

\textbf{With discretion comes the potential for corruption.}

A related issue is that an organisation can corrupt an officer by what is required to fulfil their duty. We can see this in several interconnected ways. First, as referred to above, it may encourage them to exercise their discretion beyond what the law can sustain. However, unlike the earlier case, this corruption is when the officer, given great latitude or discretion, abuses it for their own advantage. They decide what laws they want to enforce and what information they will report. Such behaviour returns us to the tension between incompetence and corrupt behaviour. The officer may get results that please their commanders even though they do this through corrupt relationships or simply using illegal means to obtain evidence or confessions.\footnote{The relationship between Thurlbeck and the police is an example of this type of relationship.}

However, the deeper issue is whether the organisation requires the officer to put the organisation before the law.

\textbf{Does an officer obey the law or protect the organisation?}

An organisation may require an officer to protect it. In this scenario, the officer is ordered, or strongly encouraged, to lie or to act in such a way that undermine the law, yet protects the organisations. A recent example is the use of undercover police since 1968 to infiltrate political activist groups that was uncovered in 201?. The organisation required them to lie under oath at a trial. Yet, even as we condemn this activity for what it required of the officers, we have to avoid the other extreme. A junior officer cannot be expected to judge the organisation. There can be times when they may be asked to act in ways that appear corrupt. In this situation, the officer has a right to question an illegal or corrupt order. The ability to question an illegal or inappropriate order appears to be a recent development.\footnote{The police code of ethics now states this possibility. \url{https://www.gov.uk/government/news/code-of-ethics-launched}} When an organisation's senior officers direct or encourage junior officers to disobey the law and testify in the organisation's best interest, the senior officers are corrupt. In such a scenario, we start to see the general organisational corruption that connects the Daniel Morgan murder to Hillsborough, to the Jean Charles de Menezes and the Stephen Lawrence murder.\footnote{In the Duggan case, especially in light of Operation Tiberius, we have to explore or at least accept the possibility, that Mark Duggan might have been killed in part because it furthered a second agenda. The police intercepted Mark Duggan with a hard stop when they could have intercepted at the gun seller's location or they could have intercepted the gun seller. What has not been explored, at least publicly, is how and who made these decisions and whether those who set the tactical and operational decisions had any interests in a wider framework as suggested by Operation Tiberius. \url{https://lawrenceserewicz.wordpress.com/2014/01/22/mark-duggan-a-lawful-death-but-was-it-just/}} In each case, the police protected their organization at the law's expense and the public's expense.

\textbf{One caveat: sometimes police work requires corrupt relationships.}

The deeper problem is that policing often requires relationships that appear corrupt yet exist to serve a higher purpose. The police have informants or undercover operations, which can appear corrupt. The question for the panel is to explore
whether the relationship with the NOTW and News International fell into these categories. Were the police running informants within the NOTW? We have heard how one NOTW journalist (Neville Thurlbeck) claimed to have been a police informant.\textsuperscript{70} The case suggests there are deeper corrupt relationship as the stories became the currency of the relationship rather than money.\textsuperscript{71} We also have to consider the possibility than officer may appear corrupt as part of the effort to go undercover. The officer acts corruptly as a way to ingratiate themselves with the target. No one has suggested that this is the case. However, the panel has to consider within its work especially as the Pitchford Inquiry is now underway. It is something we have to consider to explain corrupt behaviour.

**A need for a new police oversight model.**

When we look at the first two levels, the individual and the institutional level, we see that the police oversight models are flawed and ineffective as they lack the nuance and explanatory power needed to understand institutional corruption. The models focus on individuals or culture, which only captures part of the problem and overlooks institutional corruption. The Filkin Report and the Leveson Inquiry indicated the potential scope of the problem. However, they failed to address it and the vulnerability remains. The problem will not be fixed with greater vigilance or a change in personnel only change in the approach to police oversight and corruption that recognizes the institutional corruption can address it. The NOTW revealed the MPS’s institutional vulnerability. The Daniel Morgan Murder shows their anti-corruption work has been myopic and ineffective as the organisation, and other police forces, appear unaware that relationships can create ethical problems.\textsuperscript{72} In the Daniel Morgan case, the MPS failed to manage the relationships with supergrasses.\textsuperscript{73} As an organisation the MPS seem oblivious to the immorality and unethical nature of some relationships. The relationship with the Fake Sheik is a well-publicised example.\textsuperscript{74}

**Favours can be a corrupt activity without any benefit exchanged**

We can also see there is a problem with how we define corrupt acts. Those who want to flout the rules will always find a way. The goal, therefore, is to make it as

\textsuperscript{70} It is important to note that he was an informant for National Crime Intelligence Service (NCIS) see [http://brown-moses-hackgate.blogspot.co.uk/2013/08/met-and-murdoch-covert-deals-and.html](http://brown-moses-hackgate.blogspot.co.uk/2013/08/met-and-murdoch-covert-deals-and.html) this is drawn from [http://www.standard.co.uk/news/now-hacking-suspect-worked-for-the-police-as-an-informer-6423590.html](http://www.standard.co.uk/news/now-hacking-suspect-worked-for-the-police-as-an-informer-6423590.html) The subsequent discussions of his case suggest that the police have thousands of such informants and the police are constantly working to ensure the relationships are managed correctly and not corruptly.

\textsuperscript{71} See In 28

\textsuperscript{72} They are not alone in this area. The North Yorkshire Police continue to display a fundamental misunderstanding, almost bordering on willful blindness or an intentional act, to avoid recognizing that it was in a corrupt relationship with Jimmy Savile. [http://www.real-whitby.co.uk/savilejaconellicorrigan-paedophile-ring-nyp-cover-up-continues/](http://www.real-whitby.co.uk/savilejaconellicorrigan-paedophile-ring-nyp-cover-up-continues/) Be they corrupt or incompetent, the victims deserved better police than they received and such officers as those who failed to act do not deserve to be called police as the term itself implies, if not expects, some expectation that the person would police which involves enforcing the law.

\textsuperscript{73} See operation Abelard. The panel will need to consider whether the failure to manage a supergrass was itself a corrupt act as the prosecution’s failure would be a desirable outcome for those who might be exposed by it.

difficult as possible for eg:\textsuperscript{75} However, a culture change will not remove the power of a “favour”. The police can help someone with no immediate gain. The favour is not apparent and no exchange occurs. Like a trusted ally who investigates a case, the favour serves their purpose with no immediate gain given or received. If the observers are unaware of the relationship and the participants appear at worst incompetent, the damage is done. In time, the relationship and the favour cloud the issue and no one can disentangle incompetence from intent to pervert the course of justice. A benign example is having a relative receive an internship with the police service or a reciprocal relationship where a police officer’s relative works as an intern for the media company.\textsuperscript{76, 77} We can see this approach in Rupert Murdoch’s Leveson testimony where stories are published or withheld depending on the advantage it provides the proprietor.

**If the police do not enforce the law against themselves who will?**

A related problem and implicit within our analysis at the institutional level is the problem of the failure to enforce the law against the police. What is missing is the awareness reinforced throughout the organisation, that obedience to the law comes first, even at the expense of the organisation. Few, if any, police forces operate on that principle. Few police forces willingly and actively enforce the law against themselves. Even internal affairs are usually hamstrung by a culture of silence. Invariably, the police culture has become one in which the institution puts its own interests before the law even if only implicitly or even sometimes unconsciously. Organisational self-preservation takes precedence and institutional corruption becomes acceptable as it is rationalised as being required to do the job or the cost of doing business. As it occurs, officers ignore minor indiscretions as part of the job without any clear context to assess the potential harm. If the organisation comes before the law, what is the point of the police? How can they claim to enforce the rule of law if they exempt their colleagues or the organisation from it when it suits the organisation’s interests? When we consider these questions, we start to consider the way in which the police as an institution have a role within the regime.

**The Individual and the institution only exist within a regime.**

An institution only exists within a wider political and societal context. The context in which to understand the institution’s behaviour is the regime. The individual can only

\textsuperscript{75}In the US the classic case is the difference between honest and dishonest graft best exemplified in the lessons from Tammany Hall in the 19\textsuperscript{th} century. See for example, William L. Riordan, Plunkitt of Tammany Hall (E.P. Dutton,1963). Thus there is legal and illegal corruption. As both are corrupt, what is of concern is their consequence and effect on the public good and the institutional good where they occur.

\textsuperscript{76}http://www.ipcc.gov.uk/sites/default/files/Documents/investigation_commissioner_reports/inv_report_chamy_media_report_120412.PDF What is noteworthy is that this IPCC report cleared Wallis and Fedorcio yet New York Times reported that Wallis continued to provide information about Wallis and New York Times reported that Wallis continued to provide information about MPS to News International while he worked at MPS. “On Friday, The New York Times learned that the former editor, Neil Wallis, was reporting back to News International while he was working for the police on the hacking case.” http://www.nytimes.com/2011/07/17/world/europe/17police.html?_r=0 On the internship issue see http://www.ipcc.gov.uk/sites/default/files/Documents/investigation_commissioner_reports/inv_report_employment_report_wallis_120412.pdf

\textsuperscript{77}We must note that the internal affairs investigations into these matters found no corruption. That may be true, but one has to ask whether any organisation that is under police investigation should be allowed to have relatives of its employees find work within the police service. The appearance of influence raises questions about the judgement of those involved. Would a Kray be able to get an internship with the police service?
be understood within the context of the institution and the institution can only be understood within the context of the regime. By using the concept of the regime to analyse police corruption, in particular in the Daniel Morgan murder case, this paper proposes an new way of understanding police corruption. Although some research on policing has looked at political culture, the type of state, or the influence of politics on policing, this is the first paper that uses the regime as a level of analysis.\footnote{We turn to regime in the next section.}

**Level three: The Regime.**

Here the problem of police corruption is at its least visible. Few people, even within the regime or the police, will see it. The public and the police may see the effects, if they know where to look, although most will not be aware of why or how it occurred. For many, even though they may see its effect, they will not know its origin unless they are able to investigate it. An example of this type of corruption can be seen in the relationship between Margaret Thatcher the MPS.\footnote{See for example the discussion of police autonomy and the origins of policing by consent at discussed in Michael Brogden’s The Police: Autonomy and Consent (Academic Press 1982). His discussion on class relations and policing offers an analysis that refers to element of the regime without considering the levels of analysis issue that are available.} The corruption at the regime level influences the police by what it requires of them. At this level, the regime requires the police to act contrary to their stated organisational purpose of law enforcement by undertaking a national security role. One is limited by law, the other by what the regime requires to defend the realm. The regime does not know what threats will emerge so a law enforcement approach is difficult to sustain. Moreover, this is fraught with political concerns that move beyond law enforcement as the regime may claim there is “an enemy within” which would create an open ended which relates to the political order and not a legal order. To explore how this corrupts the police, though, we need to understand what a regime means, the difference between a healthy and unhealthy regime, and how the unhealthy, or corrupt elements, magnify the tension the police face.

\footnote{A case in point is the Toxeth Riots. The police chose to increase the use of violence and asked Thatcher, as PM, to authorise more force. Although she stopped short of deploying troops, she ceded much of what the Police wanted. In particular we can see how the Metropolitan Police Commissioner McNee and Willie Whitelaw the Home Secretary combined to achieve their desired result albeit by corrupt methods. McNee in particular used a form of bureaucratic blackmail in which he said he could not promise safety and security unless he was granted extra powers and indicated he had raised it with the Queen thus providing a strategic pincer movement in which Thatcher would be seen to go against the Queen if she failed to deliver on his demands. By contrast, Whitelaw achieved what he wanted by providing public assurances, about the rubber bullets, with a private assurance they would not be used. \url{http://www.theguardian.com/uk/2011/dec/30/thatcher-government-liverpool-riots-1981} Both men, and Thatcher, had used the crisis to their own ends and did nearly nothing to resolve the underlying problem, the police brutality, the economic injustice, and the lack of political engagement and equality for those on the receiving end. A decent person would own up to these issues and look to resolve the underlying causes and not simply seek harsher methods to deal with the symptoms. However, none of these figures care to display such common decency and reached for the baton to do as the “Merseyside chief constable, Kenneth Oxford: "He believed in slapping people down and keeping them down,” says the official record of the meeting. “The police had attacked the very community leaders who had tried to bring the riot to an end. They said the Liverpool police regarded anyone who was black as a criminal and acted accordingly.” \url{http://www.newstatesman.com/blogs/the-staggers/2011/12/thatcher-ireland-police} For the origins of both articles see the National Archives holdings \url{http://discovery.nationalarchives.gov.uk/details/r/C11918934}.}
What is the regime?80

By regime, we mean more than society or the government. Although a government or society, express a regime’s nature, the term regime refers to something deeper that shape the overall behaviour. Regime means:

[T]he order, the form, which gives society its character. Regime is therefore specific manner of life. Regime is the form of life as living together, the manner of living of society and in society….regime means simultaneously the form of life of a society, its style of life, its moral taste, form of society, form state, form of government, spirit of laws.81

The police are an important part of the regime for they enforce the laws that sustain the public order. They help protect the regime, but they do not create the laws they enforce. Instead, they reflect and perpetuate the political status quo. If the political order is based on inequality, they will enforce that inequality. Nominally, their role is to resist political change that is violent. They ensure peace in the domestic realm so that healthy or decent politics can exist. What has happened, though, is that the regime has required the police to relinquish the politically neutral role to become a political agent to enforce the political order. Yet, to understand that role we have to know what a healthy regime looks like. Just as we need to know what we mean by a healthy organisation or correct police behaviour, we need to have an understanding of a healthy regime.

What is a healthy regime?

Aristotle is the source for the idea of a healthy regime as he argued that a healthy regime had several characteristics. First the citizens share in political power in a meaningful way. Second, they can participate in the public life. Even though there might be great inequality within the society, such as wealth, talent, or status, the citizens in a healthy regime would have equal access to participate in a public life. For Aristotle, a citizen who was unable to participate in the public was living a less than full life. Third, the healthy regime was marked by a diversity of views that create and express a common good. The shared common good allows for diverse opinions about the common good to emerge and enhance the political life. Finally, it is the belief in the common good that means that there is not a particular faction that rules but that all factions support the common view. Although Aristotle presents more characteristics, the focus here is on three—equality, public participation in the public life, and a diversity of opinions as these combine in a general sense to describe what creates the moral capacity of citizens to make reasonably disinterested commitments to actions, symbols and institutions which benefit the substantive common welfare.82

The Crown determines the public good that the police enforce

The UK regime’s structure, even though it is modified by Parliament’s sovereignty, shares major characteristics of Thomas Hobbes’s political system as described in The Leviathan. In particular, Hobbes described a political system where a powerful sovereign ruled the commonwealth and maintained the political order. The decisive factor was the sovereign and not the people who had surrendered their natural rights to create the sovereign. The Crown, with Parliament central legislative role, remains

80 For a fuller discussion of what is a regime, see my article on What is a regime? http://thoughtmanagement.org/2015/08/13/what-is-a-regime/

81 p. 34 Leo Strauss, What Is Political Philosophy? pp 9-55 in What is political Philosophy? and other studies Free Press 1959. For more on what is a regime, see my essay “what is a regime?” link http://thoughtmanagement.org/2015/08/13/what-is-a-regime/

82 In this definition, I reverse Dobel’s definition of corruption. The corrupt regime does not foster these so a healthy one would. See Dobel p. 958.
the sovereign and has developed practices that conflict with the Aristotelian ideas of a healthy regime. In the three main characteristics, equality, public participation, and the diversity of opinions the Crown, as sovereign, has required the MPS to act contrary to its core purpose. In the UK, the sovereign retains its legitimacy by its ability to provide safety from external threats and keep public order. Unlike a republic or a liberal democracy, the Crown, not the people is sovereign. In this role, the Crown, through the government, expresses the public order that the police enforce and the media support as the status quo. Peter Euben describes the sovereign ability to shape the public morality or public order.

It is rather that there is no standard of public conduct except how the sovereign does in fact conduct himself. Or to put it more generally, the sovereign defines a morality which is moral because it is sovereign rather than the other way around. Everything is measured against the standard of stability and peace. Even democratic processes and political participation are measured against stability and peace so politically active citizens are discouraged from public participation if it suggests a view different from the status quo. The citizen’s attempt to act as the Crown’s equal appears as a threat. The Crown and the people are not equal participants in the public life for the Crown rules the people in a fundamentally unequal relationship.

The people do not rule. The Queen reigns over the people and is their superior and even though there is a nominal rule of law, the Queen is above the law so the people are not equal to her before the law. Even if the Crown is supposed to act in the public good, the Crown exists for itself first and then for the subject who shares in its benefit only so long as they are obedient and passive. As the Crown is distinct from the people it rules, the inequality means that they do not make the laws in

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83 On the issue of legitimacy consider the various definitions and the role safety or consent consider
http://plato.stanford.edu/entries/legitimacy/#SouPolLeg See also Hobbes Leviathan Book 1 Chapter 18. In the midst of chapter 18, Hobbes lists 12 rights of the sovereign. The central right is Right 6: The sovereign is to judge what is necessary for the peace. From this right, the sovereign can inspect any opinion within the domain for its compatibility with the ultimate goal of peace.

84 One only need to consider the way the UK media, to a paper, attacked Jeremy Corbyn for being elected leader of the Labour party, the main opposition party.

85 Euben p.231

86 See for example “Given the historical development of the Sovereign as the ‘Fount of Justice’, civil and criminal proceedings cannot be taken against the Sovereign as a person under UK law. Acts of Parliament do not apply to The Queen in her personal capacity unless they are expressly stated to do so.” https://www.royal.gov.uk/MonarchUK/Queenandthelaw/HowUKandEULawaffectTheQueen.aspx


54. The claim that the Crown may do anything an individual may do logically involves a claim that Ministers have an unfettered discretion in doing such things. But, as Sir William Wade once pointed out (in a passage subsequently approved by the Appellate Committee106), “The powers of public authorities are…essentially different from those of private persons... a public authority [must act] reasonably and in good faith and upon lawful and relevant grounds of public interest. Unfettered discretion is wholly inappropriate to a public authority, which possesses powers solely in order that it may use them for the public good”.

What is good for the Crown is good for the public. However, what is good for the public is not always good for the Crown, which shows the limits of the relationship.
common or as equals. The Crown rules the people; the people do not rule the Crown. In the UK your ability to participate in a public life is limited by the Crown and media. If a citizen wants to participate in the public domain, they have to share and accept the public morality as decided by the Crown. The public morality is not co-created by the people and the Crown as a shared community or a common good. Instead, “[M]orality is what the sovereign says it is, virtue is the correct reasoning which leads sane man to prefer obedience to dissent and passivity to activity, and corruption is transformed from a standard of judgement to a standard judged in terms of its contribution to stability, peace, and commodious living.”

The regime relies on a situation where a diversity of views is not welcomed and requires the public to be passive. When politically active citizens emerge who expect and want to participate as political equals they are seen as a threat. As a consequence public life is emptied of political activity. To argue for such a political active life where a diversity of views is accepted is to suggest a form of political community that does not exist. What has developed instead is a public order that is prevalent and popular for the safety and apparent prosperity it gives to some. The public order though is not a common good as the people do not share in it equally. What we see in the UK is best described as the following.

“An order built on hierarchy and dependency, privatism and passivity, the absence of public liberty and ambition, the domination of a single person or class, and a preoccupation with material rewards rather than a common good, is corrupt no matter how orderly it may be.”

The public domain is patrolled by the UK media who enforce and protect the status quo. Particular parts of the press can act as the government’s bodyguard. At a regime level, though, the press act as the regime’s bodyguard. They encourage the

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88 A different view of the source of law is a covenant made by citizens as equals. Consider Xenophon’s Memorabilia Book 4 Chapter 4 Section 13. The citizens not Queen in Parliament makes the laws.[13]

“Because I don't see what you mean by lawful or what you mean by just.”
“Does the expression 'laws of a state' convey a meaning to you?”
“It does.”
“And what do you think they are?”
“Covenants made by the citizens whereby they have enacted what ought to be done and what ought to be avoided.”
“Then would not that citizen who acts in accordance with these act lawfully, and he who transgresses them act unlawfully?”
“Yes, certainly.”
“And would not he who obeys them do what is just, and he who disobeys them do what is unjust?”
“Certainly.”
“Then would not he who does what is just be just, and he who does what is unjust be unjust?”
“Of course.”
“Consequently he who acts lawfully is just, and he who acts unlawfully is unjust.”


89 Euben p. 235

90 See for example the work of National Public Order Intelligence Unit (NPOIU)
http://www.theguardian.com/uk/2009/oct/25/police-surveillance-protest-domestic-extremism which was grouped with two other police units before being taken over by the MPS in 2010. See also https://en.wikipedia.org/wiki/National_Domestic_Extremism_Unit and https://en.wikipedia.org/wiki/National_Extremism_Tactical_Co-ordination_Unit

91 Eurben p. 236
populace to a public life that focuses on celebrity, which relies extensively on the media or material rewards of honours and wealth. Moreover, the media reflect their proprietor’s interests and only secondarily their readership’s interests. They are in business to sell copies not to satisfy or help the public. If they can sell more papers by doing the latter they will but only to the point where it does not conflict with other goals. However, the regime also relies on positive incentives such as the honours system to encourage certain types of behaviour. The public incentives are also sustained by less public incentives such as wealth and power. The incentives of wealth and power are expressed in the City of Westminster and the City of London, the UK regime’s twin towers of power and influence, which contain the guilds and inns. These institutions reflect less public power even as they advance the regime’s interests. The courts and the markets channel the ambitious away from a political or public life. Thus, even efforts to change the regime by consent will be stymied or greatly restrained, as the powerful and gifted will be turned to other pursuits and only those who are suitable to the regime are encouraged to success within it. However, the regime’s ability to manage talent for its purposes does not make it corrupt.

**When does a regime become corrupt?**

No regime is perfectly corrupt or perfectly pure. What we have to work from is a relative degree of corruption or specific types of corruption that threaten the regime’s integrity. Following on from what Euben described as the nature of the Hobbesian state, we turn to Paul Dobel’s work on corrupt states.\(^{92}\) He found that ancient political thinkers found five characteristics of a corrupt regime. After exploring these elements, we look at how this has influenced MPS.

**What are the characteristics of a corrupt regime?**

Dobel explains a regime displays corruption to the extent that it no longer encourages the citizen to commit to the common good as the society become unequal, violent, and riven by factions as the common good becomes a private interest to be captured by a faction. The regimes are corrupt to the extent that they can no longer encourage their members to consider something beyond their own, or their faction’s, selfish goals. He defines corruption as the following.

> Corruption is defined as the moral incapacity of citizens to make reasonably disinterested commitments to actions, symbols and institutions which benefit the substantive common welfare.\(^{93}\)

In the UK, the underlying issue is that the common good no longer attracts the citizen’s support or interest as it once might have because the people can see that the common good is defined as the Crown’s private good because they do not have a role in creating the public common good. The citizens do not participate directly in the political life so they are expected to display passive political obedience. Where they do participate in the public domain it is only in an economic sphere and rarely in

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\(^{93}\) Dobel p. 958. We should note that Hobbes was also concerned about corruption and according to Adrian Blau Hobbes on Corruption History of Political Thought Vol XXX no.4 Winter 2009 pp.596-616 Hobbes identified six main types. (p.599) Of particular interest was the idea political corruption that Hobbes identified with “politically subversive conditions or actions, like factional strife or public officials accepting bribes.” (p601) However, Hobbes focused more on the idea of sedition and the path to civil war which would be the death of the commonwealth.
a political active manner that might seek or expect equal standing with the Crown or its agents. A regime will display five elements the more corrupt it becomes.

**The five elements that reveal a corrupt regime.**

In the UK, we can see some of these elements. Some with more or less intensity or severity especially at the time Daniel Morgan was murdered and since the first investigation failed. All regimes will display some of these characteristics so the UK is not unique in this regard, as the characteristics provide a way to understand the corruption and its extent.

- First, the society loses the patterns of moral loyalty and civic virtue needed to maintain a just, equal and stable political order.
- Second, the corrupt state has extensive inequality in wealth, power and status.
- Third, the factions emerge reflect the decline in the citizen’s virtue and the moral quality their life. The inequality accelerates and accentuates the decline. The factions that emerge further encourage radical selfishness both among the rich and the poor.
- Fourth, the political discourse rationalises the violence by factions and within all relationships.
- Fifth, the citizenry no longer support voluntarily the primary structures like education, family life, religion and the military.

Although a separate essay would be needed to explore the characteristics in detail, I will focus on the first, second, third and fourth to provide the context for the regime corruption that influences the MPS and individual officers.

**Can a system based on inherent inequality find stability or justice?**

On the first characteristic, the loyalty to the regime has waxed and waned depending on the political issues and the relative economic prosperity. The Poll Tax riots in the late 1980s revealed widespread civil unrest and protest at the political inequality which revealed lack of justice. Since those events, the pressure has increased and despite various changes to improve the balance between the individual and the state, the inequality remains. At the time of Daniel Morgan’s murder, the UK did not have the Human Rights Act, nor did it have other legislation, such as the FOIA or the DPA, that supported the individual rights against the state’s power. In that era, the state had greater latitude towards suspects and less oversight and thus

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The view on social media, among the UK public, was mainly supportive of the organisers and critical of the media’s defence of the establishment line on the issue. [http://www.mediabistro.com/alltwitter/thatcher-death-social-reaction_b39533](http://www.mediabistro.com/alltwitter/thatcher-death-social-reaction_b39533)

95 Dobel p. 959-960.

96 For a general overview of the issue consider [https://en.wikipedia.org/wiki/Poll_Tax_Riots](https://en.wikipedia.org/wiki/Poll_Tax_Riots)
accountability for their behaviour than they do today. However, a constitutional moment \(^97\) has not arrived so the regime remains founded upon the Crown’s arbitrary sovereign will, which has a direct effect on the MPS and individual officers who swear an oath to the Queen.

**The political system encourages deference to the powerful and privileged.**

The regime encourages a deference to the powerful and privileges that shapes individuals to seek such honours and rewards and therefore not to challenge the privileged and powerful. We may wish to dismiss this as a relic from a bygone past, yet the reality is different as QC's and judges defer to Royal power and prerogative even in a court of law. \(^98\) The Peat example is a mild case in which he refused to answer the court’s questions and neither the QC nor court had any questions once he had shown his unwillingness to answer any questions he did not consider appropriate. In a country that professes to believe in the rule of law, one wonders why such deference and circumspection is given to those who would flout it. Perhaps a cynical person would conclude the system protects the powerful and privileged as they make the law and it law serves them.

**A system of economic and political inequality corrupts the regime and its citizens**


“Countries tend to adopt a constitution when they have reached a constitutional moment, when there is a break in their development, either a revolution or a colony achieving independence. Britain has lacked such a constitutional moment since 1689 when the Bill of Rights instead of providing a constitution, served to emphasise the principle of the sovereignty of parliament. That principle acts as a break upon and has served to inhibit constitutional thinking.

For, if Parliament is sovereign, and there can be no rule superior to that enacted by Parliament, a constitution or fundamental law can have no authority. The British constitution indeed can be summarised in just eight words – ‘Whatever the Queen in Parliament enacts is law.’”

\(^98\) Compare the way Sir Michael Peat, Private Secretary to Prince Charles from 2002 to 2012 responded to questions at the phone hacking trial with the way other witnesses and suspects are treated.

“Justice Saunders tried to placate him: “Your evidence is relevant to this case,” he told Peat. “However much you were nagged by the police, we would be grateful if you would spend a few minutes of your time to answer questions.” But Peat wasn’t having it. He said he’d be the judge of what he would answer: “As long as I feel it is relevant,” he said. [emphasis added]”

It was one of the rare moments the hacking trial judge showed the steel beneath the charm, a flash of the ceremonial sword on the wall, usually obscured by his silk robes. “It is not your decision if it is relevant or not,” Justice Saunders said: “It is not your decision. It is my decision – because I am the judge in this court. Let’s have the jury back in....”

As the jury returned, Justice Saunders explained the reason for the hiatus: “We have done our utmost not to require people to answer questions about their personal life. Sir Michael does not want to answer the question. We will carry on without the question being asked.” He indicated the Crown barrister should continue. Bryant-Heron said flatly: “I have no further questions. Thank you my lord,” and sat down.” (See Peter Jukes Beyond Contempt p101-102).

The judge may have reminded Sir Michael of the law, but it does not appear he was able to make him obey it. Moreover, the QC did not follow up with any questions. One wonders if any other witnesses would be allowed to act as imperiously and contemptuously before the court. Then again, the Judge swears an oath of obedience to the Crown not to the law or to the people. If the Crown’s representative can display such contempt of the rule of law one should not be surprised if other powerful figures would display similar contempt to the rule of law when it does not serve their interests.
On the second characteristic, there has been and continues to be widespread and systemic inequality of wealth, power and status. The persistent structural economic inequality is obvious and yet remains unremarked by citizens and politicians. The UK has the six poorest regions in Northern Europe as it as the wealthiest in all of Europe.\(^99\) The City of London dominates the United Kingdom both politically and economically. The inequality in wealth sustains an inequality of power and status. The inequality pervades the political system despite the claims to have a democracy or democratic institutions. Although the population participates in elections, the UK is not a liberal democracy as the Monarchy expresses the idea of natural and political inequality. The Monarch is superior to anyone and the law. By extension, the Royal Household and all royalty embody the inequality as both an idea and a practice. The inequality shapes the context for police behaviour and the way the police work. In a broad sense, they reflect the Crown’s arbitrary power as they have responsibility for law enforcement and national security. In effect, any challenge to the Crown becomes a national security threat by default.

**The public domain reflects a faction’s good not a common good.**

On the third, the society remains polarized along class lines and socio-economic status, which weakens the regime. Although the Monarchy remains a touchstone that is common to all parties and remains a public symbol of continuity and stability within the regime, it also acts to remind the public of the inequality. The inequality sustains a polarization that is both implicit and explicit within the relationship between the Crown and the people. The Crown is separate and distinct from the people. The Crown is not a government of, by, or for the people. Even at an abstract level, the Parliament, the Monarchy, Judiciary, the Church, and the people all represent different unequal factions. Despite Parliament’s claim to represent the public it remains part of the Crown. Parliamentarians take an oath to the Queen not to the law or to the people.\(^100\) In this arrangement, the Crown represents a faction, perhaps the dominant faction that claims to control and define the public interest. When the Crown, especially the police, do not work in the public interest or for a common good, it further reinforces that divide and contributes to the polarization within society.

**Is the public domain where implicit violence ensures obedience?**

The fourth point, about political discourse, is particularly problematic for the United Kingdom. The public discourse, especially around policing by consent, serves to sustain the inequality and the coercion that is implicit, and often explicit, in the political regime. The myth of policing by consent only masks the illegitimacy of the police and by extension the Crown. Neither the Crown nor the police exist by

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99 On this issue, consider the briefing note on inequality [http://inequalitybriefing.org/brief/briefing-43-the-poorest-regions-of-the-uk-are-the-poorest-in-northern-](http://inequalitybriefing.org/brief/briefing-43-the-poorest-regions-of-the-uk-are-the-poorest-in-northern-). See also, the recent indices of deprivation that show that deprivation is not being reduced so much as the poorest and most deprived are being “crowded out” or “forced out” from areas. [https://theconversation.com/heres-what-we-learned-from-mapping-out-englands-inequalities-48562](https://theconversation.com/heres-what-we-learned-from-mapping-out-englands-inequalities-48562) Thus, the regime remains systemically unequal and that inequality is dispersed from the capital or areas where it could have political influence thus ensuring that it does not change despite the government’s supposed promise to help the common good. When mapped geographically, the story is even starker. [http://www.theguardian.com/news/datablog/2011/mar/31/deprivation-map-indices-multiple](http://www.theguardian.com/news/datablog/2011/mar/31/deprivation-map-indices-multiple) Whole regions are doomed to systemic deprivation and entrenched inequality.

100 On this issue see [https://lawrenceserewicz.wordpress.com/2015/07/07/oaths-that-define-a-political-regime/](https://lawrenceserewicz.wordpress.com/2015/07/07/oaths-that-define-a-political-regime/)
consent. Yet, the public discourse is shaped by this myth and the UK media support it. The UK media has sustained the public discourse of police behaviour and supported the Crown’s orthodoxy. The effect is that it is difficult to reform the police as the public’s are never given a full understanding of the true cost of policing in monetary and human cost. Consider, for example, that since 1969 over 1000 people have died in police custody and during that time not a single officer has been convicted of any death or found culpable for the death in custody. The trend indicates an implicit violence against people in a vulnerable situation, is there anyone more vulnerable than a person in state custody, is considered acceptable within the societal context as the Crown has absolute power over the individual.

The Enemy within and the death of democratic common good

When Thatcher attacked the miners as the “enemy within” the UK, she expressed an idea as old as politics where the basic political decision is to determine friend from enemy. In her language, and her behaviour, she made the miners not just a party political enemy, to be resolve within the political domain through elections and debate, but an enemy of the state so that the full force of the police and intelligence services could be brought to bear against them. She chose to attack the miners in an approach that echoes the language used by the Nazi jurist Carl Schmitt who famously said in the Concept of the Political, the basic political distinction “is that between friend and enemy.” That Thatcher was willing to embrace an idea born of the Nazi tyranny shows the affinity of her thinking for authoritarianism and the regime’s similarity to Nazi Germany. In particular, the similarity can be seen in the reliance on personal loyalty oaths and the unlimited Crown prerogative as the basis for state legitimacy, which Thatcher exploited through the use of police forces against her political opponents. In this she did not act as a statesman, weaving

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101 Deaths in British police custody: no convicted officers since 1969

102 Except for international treaties, the Human Rights Act is the only legislation that refers to a standard beyond Parliament (and the Crown’s) sovereign will. Is it any surprise that those who want to encourage the Crown’s absolute power are keen to repeal it and replace it with a bill of rights derived from the Crown’s sovereign will. [http://www.theguardian.com/politics/2014/oct/03/thatcher-labour-miners-enemy-within-brighton-bomb](http://www.theguardian.com/politics/2014/oct/03/thatcher-labour-miners-enemy-within-brighton-bomb)

103 http://plato.stanford.edu/entries/schmitt/
Seamus Milne describes Thatcher’s efforts to use the police and the intelligence services to undermine the miners and defeat them as a political enemy. She brought the full powers of the state to bear on the people she designated as a public enemy. [http://www.versobooks.com/books/1655-the-enemy-within](http://www.versobooks.com/books/1655-the-enemy-within)

104 [https://en.wikipedia.org/wiki/Battle_of_Orgreave](https://en.wikipedia.org/wiki/Battle_of_Orgreave) “As soon as we surrender the basic rule which says we must persuade our fellow citizens, not coerce them, then we have joined the ranks of the enemies of democracy.” [http://www.margaretthatcher.org/speeches/displaydocument.asp?docid=105799](http://www.margaretthatcher.org/speeches/displaydocument.asp?docid=105799)

105 http://plato.stanford.edu/entries/schmitt/
Thatcher’s approach to politics and the ease with which she used the term enemy within and her willingness to embrace authoritarian style of politics all in the name of freedom is as masterful as Himmler’s ability to portray Hitler as a positive saviour for Germany. Consider this example, during the height of the Miner’s strike as she relied on the intelligence services and heavy, brutal, police tactics, such as at Orgreave. [https://en.wikipedia.org/wiki/Battle_of_Orgreave](https://en.wikipedia.org/wiki/Battle_of_Orgreave)

106 [https://lawrenceserewicz.wordpress.com/2015/07/07/oaths-that-define-a-political-regime/](https://lawrenceserewicz.wordpress.com/2015/07/07/oaths-that-define-a-political-regime/)

107 According to Plato, the statesman finds a moderate middle path by their ability weave together both the aggressive and the peaceful elements within a society. See Plato, *The Statesman*, trans. J.
together a web of the common good, instead she divided the state and reduced politics to a struggle for mastery. The statesman’s art is the ability to mould the consensus to support the common good.\textsuperscript{108} Even in situations where there is a challenge or dissent, the use of force and the intelligence agencies should be at a last resort and mainly when there is a physical threat to the regime not simply to the party in power. It would appear that Thatcher equated her government with the regime and the challenge to her policy was a challenge to the regime’s survival. If we accepted her logic, then any political dissent, even legitimate dissent such as a legally accepted opposition party, becomes a threat to the government’s, and by extension, the regime’s survival. It is worth noting that Thatcher intended to describe the Labour party, the main opposition party, as the “enemy within”, in the speech that was delayed by the Brighton Bombing.\textsuperscript{109} Under Thatcher, the police’s role became less about law enforcement as the laws\textsuperscript{110} were used to criminalize political dissent and more about being the government’s political enforcers. With her goal more to punish political opponents than to protect the common good, the policy looked more like political warfare than politics that weaves together the aggressive and peaceful elements of the society. As political warfare, the police and the laws became weapons, which subverted their core roles. It is this context that needs to be understood to see how it shaped the Daniel Morgan case.

The public discourse is shaped by the media which sustains the status quo.

The police behaviour, in particular, has been justified by public discourse that both encourages and excuses brutality, illegitimate violence, and illegitimate activity. Too often, the ends justify the means and the defence of the Police or the Crown takes

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\textsuperscript{108} In understanding statesmanship, I rely on Wendell John Coats, Jr. \textit{Statesmanship: Six Modern Illustrations of a Modified Ancient Ideal} (Selinsgrove: Susquehanna University Press, 1995). In that work, Coats attempts to develop a theory of statesmanship based upon the ancient understanding of the ideal and find its application for modern examples. In particular, he looks at three skills that a statesman must possess in order to have success: “First is the distinctly statesman like skill, following the ancient Greek view of politics as the master or, architectonic art, of judging when to employ and develop the other “arts” (e. g., diplomatic, financial, military, and so on). [The second set of skills upon which the first relies is] “some substantive knowledge of the subordinate activities and professions involved—legal, commercial, military, parliamentarian, etc. A third distinct area of skills contributing to success in the art of statesmanship concerns those expressly useful in building alliances or bases of support: for example, ability at public and private persuasion, diplomacy, endurance, and a working knowledge of the types of human beings afoot, including what is likely to be persuasive and motivating for each type, under varying circumstance, from normal to extreme” pp. 28-29.

\textsuperscript{109} See for example http://www.theguardian.com/politics/2014/oct/03/thatcher-labour-miners-enemy-within-brighton-bomb

\textsuperscript{110} On the ways in which the laws can be used tyrannical consider fn47 on p.120 of Leo Strauss’s On Tyranny.

Yet, it is not simply ruling without laws that is problematic as legal laws used unwisely can be tyrannical.

As Burke says “(in his “Speech on a motion for leave to bring in a bill to repeal and later certain acts respecting religious opinions”): “… it is not perhaps so much by the assumption of unlawful powers, as by the unwise or unwarrantable use of those which are most legal, that governments oppose their true end and object, for there is a such a thing as tyranny as well as usurpation.”” The complete text of Burke’s quotation is found here http://www.gutenberg.org/files/16292/16292-h/16292-h.htm#A_BILL_TO_REPEAL_AND_ALTER_Certain_ACTS_RESPECTING_RELIGIOUS_OpINIONS}
priority over the truth or justice. The Hillsborough Inquiry shows the way that the police behaviour was rationalized, and defended at the time, as serving to defend the public. The media, in particular The Sun, ensured that the official story immediately exonerated the police behaviour. Their efforts reinforced and reflected the government’s view. Men like Bernard Ingham and Kelvin McKenzie who encouraged and promoted the narrative flourished. Even years later as the story was unravelling, such men refused to reconsider their behaviour, apologise or change their behaviour. In other instances, the press have justified the police behaviour and rationalised their violence as being necessary to sustain the public order. The public order becomes what the police or the Crown want it to be just as it was when the police explained and defended the Jean Charles de Menezes killing.

**The media help the police sustain the public order and reinforce their official story**

In the immediate aftermath of his killing, the police lied to the press and mislead the public to defend the organisation, justify their behaviour, and circumvent the law. What is particularly problematic during the Daniel Morgan case is the way the media have helped to rationalize police behaviour as it suited their interest and the police interests. Instead of holding the powerful to account, the press become an extension of the Crown and the police when they participate in this behaviour who “monster” groups or individuals that challenge those interest. The press, in particular Rupert Murdoch’s papers, have acted as a political bodyguard for the government since Margaret Thatch where they savage political opponents and patrolling the public domain to prevent political active citizens from seeking to participate in it. If the police cannot control them through surveillance and “domestic extremism”, then the press can enforce the public order as they see fit.

**The law masks power, it does not enforce equality.**

To protect their strength the powerful, the Crown, will propose the equality of law so that they can rule without the weak understanding why they, the powerful, are entitled to rule. The law explains who rules yet it masks that the powerful have usurped the right to rule. In this the powerful rule without reason, they are not the most wise simply, and most importantly the failure to rule with reason shows that they rule without explicit consent. Consent, where it exists, only legitimates their rule and does not creates their rule, which is not based on a constitutional moment. The Crown has made the laws and the laws serve it and only in their appearance of equality do the laws serve the weak. The law protects the strong from being challenged as it ensures the status quo and deters change. The police (and the press) exist to enforce the status quo, enforce the law, and to deter change. The police enforce this order and manage the public domain. They have to manage the gap between the appearance of democracy and justice with the reality of the inequality and injustice that stem from the lack of consent for the political system or the police. The police then reflect a regime that relies on hierarchy and obedience over equality and persuasion. They face a constant tension to enforce an order or

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111 See fn. 67 for the way the police used the Brixton riots and the Liverpool riots to lobby for more resources and legitimate their violence and oppression within the community. Even after their behaviour has been shown to be illegal, immoral, and vicious, they make no excuses, offer no apologies knowing that they are protected by a system where might makes right and the strong rule the weak.
enforce the law. The gap between them corrupts the police and that, in turn, corrupts the officers.

What does this have to do with the MPS?
The regime’s corruption is expressed most clearly in the way the police are required to monitor the public domain for potential dissent and describe it as domestic extremists. The police retain a domestic extremism database in which anyone who has participated in a public protest is recorded by the police and their identity is logged.112 What is not clear is what constitutes dissent. If all that we can speak, without being labelled a domestic extremist, is the orthodoxy (what is acceptable to the Crown) what is free speech? In such a regime, the police act as political censors and a secret police to punish the government’s or the regime’s political opponents. On the public level, the UK media patrol the public domain to attack dissent from the Crown’s interest. The Crown’s political opponents are anyone who dissent publicly or seeks to participate publicly as a political equal and especially anyone who might take direct action. Such an approach does not encourage a diversity of opinions even if it claims only to stop violent protest for public safety. The public are only allowed to speak and act in support of the orthodoxy.113

At what point does dissent threaten the regime?

Even though the police nominally protect the status quo from violent change, the reality is that the regime requires them to manage, and potentially suppress, legitimate or lawful political change. The regime has required them to act as a political agent that gathers political intelligence to serve the government. The government expresses the regime intent and because of the type of regime, in that it is not based on a constitution founded in consent114, dissent is a potential threat to

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112 As will see below, the Catt judgement is an important case for the extent to which one is “free” to attend or participate in political events without ending up on a domestic extremism database.
https://netpol.org/2015/03/05/analysis-supreme-court-catt-ruling/  
113 On the issue of whether you have free speech if you are only allowed to speak the orthodoxy, consider https://lawrenceserewicz.wordpress.com/2015/07/28/cant-you-take-a-joke-charlie-hebdo-tolerance-and-why-the-joke-is-on-the-west/  
114 The consent is both in the founding, the constitutional moment that made the UK state, and in the ruler. The Queen in Parliament, the Crown, rules. The people have not consented to the Crown and their consent regarding the laws is to choose who represents them. Xenophon in the Memorabilia. Book I 2.41-46 explains that without persuasion, the law is just force. Persuasion relies on consent as one cannot force someone to be persuaded. If a regime rules without consent it does not rule on persuasion.
http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.01.0208%3Abook%3D1%3Achapter%3D2%3Asection%3D41

[41] “Tell me, Pericles,” he said, “can you teach me what a law is?”
“Certainly,” he replied.
“Then pray teach me. For whenever I hear men praised for keeping the laws, it occurs to me that no one can really deserve that praise who does not know what a law is.”

[42] “Well, Alcibiades, there is no great difficulty about what you desire. You wish to know what a law is. Laws are all the rules approved and enacted by the majority in assembly, whereby they declare what ought and what ought not to be done.”
“Do they suppose it is right to do good or evil?”
“Good, of course, young man, — not evil.”

[43] “But if, as happens under an oligarchy, not the majority, but a minority meet and enact rules of conduct, what are these?”
“Whosoever the sovereign power in the State, after deliberation, enacts and directs to be done is known as a law.”
the regime. In particular, Margaret Thatcher appeared to govern in this belief so that dissent, even legitimate political debate or political activity in the public domain, was monitored by the police as a potential threat. To the extent that their practices, such as surveillance and data retention, inhibit or chill public debate or legitimate dissent, the police have moved beyond their core role of law enforcement. The police are an enforcer of a political order beyond the law. The regime relies on political practices that reflect that founding and even though Parliament is sovereign in its ability to make laws for the common good, the regime relies on the police to enforce the order it cannot sustain through persuasion and debate.\textsuperscript{115} The potential threat from political groups was less a threat to violent disorder than it was as a political threat. When the police go undercover and infiltrate these groups, they become more political agents against the regime's political opponents than law enforcement agents. In that role, they start to lose the urgency to apply the law equally as they taken on a partisan role that where the government's, and by extension, the regime's political goals are promoted and dissent undermined.\textsuperscript{116} In effect, they become a secret police service whose political work corrupts their organisational role.\textsuperscript{117}

“If, then, a despot, being the sovereign power, enacts what the citizens are to do, are his orders also a law?”

“Yes, whatever a despot as ruler enacts is also known as a law.”\textsuperscript{44}

“But force, the negation of law, what is that, Pericles? Is it not the action of the stronger when he constrains the weaker to do whatever he chooses, not by persuasion, but by force?”

“That is my opinion.”

“Then whatever a despot by enactment constrains the citizens to do without persuasion, is the negation of law?”

“I think so: and I withdraw my answer that whatever a despot enacts without persuasion is a law.”\textsuperscript{45}

“And when the minority passes enactments, not by persuading the majority, but through using its power, are we to call that force or not?”

“Everything, I think, that men constrain others to do ‘without persuasion,’ whether by enactment or not, is not law, but force.”

“It follows then, that whatever the assembled majority, through using its power over the owners of property, enacts without persuasion is not law, but force?”\textsuperscript{46}

“Alcibiades,” said Pericles, “at your age, I may tell you, we, too, were very clever at this sort of thing. For the puzzles we thought about and exercised our wits on were just such as you seem to think about now.”

“Ah, Pericles,” cried Alcibiades, “if only I had known you intimately when you were at your cleverest in these things!”

\textsuperscript{115} The illegitimate behaviour can be seen in the way they have dealt with various disturbances such as the Miner’s Strike, the Brixton riots and the Stephen Lawrence Murder investigation. More broadly, the undercover work has shown an organisation lacking a moral compass where the legitimacy of its behaviour would be reviewed or assessed.

\textsuperscript{116} On this issue see the Pitchford Inquiry into Undercover Policing which is officially known as statutory inquiry into undercover policing \url{https://www.gov.uk/government/news/home-secretary-announces-statutory-inquiry-into-undercover-policing}

\textsuperscript{117} Despite claims to distance the Home Office from the more distasteful aspects of the Special Demonstration Squad (SDS), the Home Office supported it from 1968 to 1989. It seems a curious political decision to withdraw the funding yet not require it to disband or to find a firmer political oversight. One would almost conclude that the Home Office was washing its hands officially of a political instrument it had created without considering or worrying about the political consequences of such a political instrument that continued to operate. One would almost think that the Home Office seemed unconcerned with what it would do once it was off its official political leash and whether that suited the government’s interests to have such an organisation it could disavow. \url{https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/411785/2015-01-06_FINAL_Report_on_HO_links_to_SDS_v2.4_REDACTED_FINAL.pdf}
When the police monitor legitimate political dissent, are they a secret police?

The police have been implicated in a series of undercover operations where they monitored and infiltrated political groups deemed to be “domestic extremists”. Although nominally focused on direct violent action that threatened the public, the work focused on monitoring public protests and developed into a reputation management system. In all cases, though, the police used their power to manage political dissent which has a direct effect on the public domain as a place of free speech. In a recent case, an elderly man Mr. Catt attended and participated in peaceful public protests of a group called “Smash EDO”. At these events, his presence was recorded and his personal details were recorded on the Domestic Extremism Database. He challenged this registration to the UK Supreme Court. The Court ruled that the registration was lawful and did not violate his right to privacy under the HRA as the information was retained for policing purposes and was considered proportionate to the policing purposes and intelligence gathering.\(^\text{118}\)

When the police can collect, retain, and use information gathered on peaceful, lawful political protest, it raises questions about the limits of political dissent and the chilling effect on political participation. How can a citizen participate as an equal in the public domain when they are subject to press and police surveillance? The scope of public debate is narrowed if not limited to that which is acceptable to the Crown. In such a system, the established regime is nearly impossible to change even by peaceful democratic methods.

**Law enforcement is limited by the law; national security is not limited by the law.**

In such a system, the police are not acting unlawfully. They express the regime which has made public safety and not justice the highest law.\(^\text{119}\) In extreme situations the conflict between self-preservation and commutative and distributive justice is been resolved towards self-preservation. However, public safety is not the highest law in the normal situation. In the normal situation the highest laws are the rules of justice. It remains for the sovereign to determine when the exception occurs where justice must be set aside to deal with the threat to survival. The UK Crown appears to accept Hobbes’s view so the threat to public safety, rather than justice, determines the normal situation as that provides the maximum power to the Crown and by extension to the Police. A healthy regime relies on public safety as the highest law in exceptional circumstances. The excessive focus on public safety is considered the normal situation and justice is now the exception. In such a regime, the police who enforce public order and ensure public safety are not constrained by justice as the regime’s existence, its survival, now always appears to be in question.

\(^{118}\) [http://www.5rb.com/privacy-2/supreme-court-police-retention-data-lawful/](http://www.5rb.com/privacy-2/supreme-court-police-retention-data-lawful/) The full Supreme Court Judgement can be found here [https://www.supremecourt.uk/decided-cases/docs/UKSC_2013_0112_Judgment.pdf](https://www.supremecourt.uk/decided-cases/docs/UKSC_2013_0112_Judgment.pdf). In a strange understanding of the state’s power, the judgement claims that the state is poor at information gathering and information processing. If anything, the modern nation state has been designed as a bureaucratic machine that thrives on the basis of the personal data it gathers and uses about its citizens. The state has extensive information gathering powers through legislation and illegal methods such as through private investigators and journalists turned informants. It is beyond comprehension that a court that made a judgement about data retention does not understand how the modern state works or gathers information. It is simply a failure of imagination that limits the citizen’s access to justice.

\(^{119}\) In this choice, they follow Hobbes’ Leviathan where the sovereign will provide safety and peace. The regime has met its main responsibility if the people are safe from external enemies and there is peace within the commonwealth.
Necessity is all that sets the limit on public safety and this ethos, the immoderate demand to ensure public safety, warps the police’s core role of law enforcement. Law enforcement is a moderate activity in that it can only apply the law as it exists which is the middle ground between absolutism and anarchy. Yet, the regime’s ethos, its needs to set its survival as the highest good in all situations, corrupts the police’s core role. The police, in effect, become an occupying army to protect the Crown from change as it protects the community from itself as expressed in political dissent.120

What does the public domain look like in such a regime?

The public domain serves and defends the Crown’s interest. As part of the regime, the press manage the public opinion and the police manage the public order to contain any manifest dissent. Parliament can pass legislation to reduce the public’s ability to organise dissent. The courts, supported by the police and Parliament, deliver swift justice on those who challenge the regime especially with violent or direct action. This is justified as being in the public interest rather than the Crown’s interest. The popular media and the government make a great effort to encourage the public to believe they gain from the regime and the order it provides. All regimes tell their citizens that they benefit from the regime, although the UK regime has made more effort to market the idea that the public have more to lose if the Crown loses its privileges and position. The Crown serves the public by serving itself. Over time, the people and regions that might benefit from the reduced inequality are conditioned to accept the inequality. They do not expect that such change can or will occur. Once conditioned to the inequality, explained by “market forces”, they find it difficult to become enthusiastic for proposed changes or to overcome the entrenched ideology that sustains that economic view of politics. In this way, the UK regime is designed to protect and promote the powerful and privileged as the status quo where the law protects their advantages and privileges. Taken together, the law and the political system deter those who might change it even by non-violent means. Even when economic or political reform manages to be passed, it falls short of what is needed to reduce the inequality. Once delivered, the reform becomes a barrier to further reforms as the popular mood is encouraged by the media to believe that so much has already been done for these areas that any more change or talk of economic redistribution becomes unnecessary or unseemly.

Where does this leave us?

The individual police officers were involved in corrupt activity that influenced the Daniel Morgan murder investigations. During and after the investigations, they accepted employment and did favours at the expense of their public duty. When their behaviour was investigated, it showed a problem with the MPS as an institution. They worked within an institution that was corrupted during this time by the entrenched culture that accepted political and media favours for patrons which revealed institutional corruption. The institutional racism, revealed by the Stephen Lawrence murder, highlighted the lack of integrity and innate decency, a callousness bordering on viciousness that made it susceptible to the institutional corruption. The police, as an institution, worked within a regime which extolled a public inequality.

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120 See Mike Brogden The Emergence of the Police—the colonial dimension British Journal of Criminology Vol 27 No. 1 Winter 1987. For a wider context that considers Brogden’s argument with more recent research see Chris A Williams How Insular Was Britain’s new Police Draft Paper Open University [insert web reference]
and suppressed dissent. The regime, especially since the Thatcher era, has required the MPS to take on a political role such as undercover operations that served the government, and by extension the Crown's interests, but not the law or the public. In time, institutional corruption, the media and political favours, became explicit when the MPS sought “good press” in the aftermath of the various scandals including the Daniel Morgan murder, the Stephen Lawrence murder and other events that revealed its corrupt, brutal, racist behaviour. To benefit their patrons, in particular News International, the MPS subverted their core purpose, to uphold the law. The regime expected the police, as an instrument of the Crown to enforce the public order and serve their political masters. The undercover officer infiltrated political groups to serve a political purpose and MPs were placed under surveillance. In time, even that illegitimate role was debased as the police undercover work became a way to manage the MPS reputation. They and other police forces spied on victims of police brutality and claimed it was in the public interest to defend their reputation.

**Violence, enforcing inequality and loss of legitimacy.**

When we consider the police against these three levels, individual, organisational, and regime, we see corruption is a constant theme and threat. We see the persistent threat of a corrupt culture and corrupt relationships where legitimacy is no longer intrinsic and is only apparent in police behaviour and practice. In the course of the Daniel Morgan murder case, we see that the relationship with the *News of the World* and News International, more generally, became institutionally corrupt. The police put the interests of the NOTW before their duty. Despite the Filkin Report and the Leveson Inquiry, the police do not yet appear to have learned the deeper lessons beyond the immediate relationship between press and police.

**Can the MPS resolve the underlying relationships that create conditions for corruption?**

The MPS struggle to revise the underlying relationship with politicians, the press, and the public. Although the regime provides the context and regime analysis is beyond the Panel’s remit, it has to consider that the regime, especially since Thatcher time in office, has created a context for police behaviour at the individual and institutional level. The regime especially the context within which Thatcher encouraged the police in their approach to maintain public order, explains their behaviour at the institutional level. If the panel situates the police within the regime, their analysis will capture the nature of the corruption for the individuals as well as the institution. The Daniel Morgan murder occurred before the HRA, the FOIA, and equalities legislation, or the Hillsborough Inquiry and within the context of a police encouraged to act beyond the law. Although these would not have stopped the murder or would have made a successful prosecution more likely, their existence has supported the Daniel Morgan’s family’s efforts to challenge police corruption and institutional corruption. The regime helps to explain why the Crown has consistently resisted the Daniel Morgan’s family requests to investigate his murder properly and independently. Despite some reforms that brought in the HRA, the FOIA, and Equalities, the regime continues to resist efforts to hold it to account or to reform its nature.

**The panel faces a difficult task to discover where corruption ends.**

The paper has explored corruption at three interrelated levels, the individual, the institution, and the regime. Even though it has been a relatively cursory examination,
give the issues scale and scope, the findings are clear. How corruption is defined will
determine what the panel finds. The literature on police corruption lacks an adequate
analysis of institutional corruption. Most importantly, though, corruption occurs within
a wider political context that is necessary to situation the institutional and individual
corruption. Even though the DMIP cannot analyse the regime or its health, they must
recognize that the regime placed demands on the police as an institution that
created the context for some corruption. Future research would need to explore this
level to understand. The issue though is not this paper or future research. The main
issue is justice for Daniel Morgan. His murder and the failure to bring his killers to
justice shows a fundamental problem for the police at all three levels. When we
focus on the victim, the problems become clear. At each stage, the individual, the
institution, and the regime have resisted if not hindered efforts to deliver justice.

The regime has resisted efforts and reforms that have sought to improve the
changes of individuals obtaining justice at the Crown’s expense. The continuing
challenge is whether the regime can deliver justice for Daniel Morgan or for
anyone. From this case, and others, the public are left with a problematic and
unpalatable choice. If the regime cannot deliver justice, the public will be forced to
accept that the regime’s willingness to attempt to deliver such justice is itself a
positive sign. The corruption of the individual level, the institutional level, and the
regime level is the failure to give Daniel Morgan justice. It shows the extent to which
the regime, and its servants, is protected against justice or is unable to deliver justice
within the community. Without justice, what is the regime, or a community, but a
gang of robbers? Although, we can remain critical and disheartened, we must focus
on the possibility of justice and the potential for the community to reform itself and
reduce corruption.

The recent reforms in police training, police recruitment, and police accountability
might change the underlying ethos. However, any experienced observer will be
inured to such hopeful beliefs. The fundamental reforms, the reform of the regime,
will be the only way to ensure the police are reformed and with them individual
corruption is reduced and justice is possible. The push to reform will not disappear
so we need to remain vigilant to ensure the police and politicians fulfil their promise
Until we find such reform, we will never find justice for Daniel Morgan, which is the
deeper lesson of corruption that the panel has to confront. Whether the DMIP can
deliver it is their task. The task for the politicians is to deliver on what the DMIP finds.
The community must lend their voice for the call to reform and scrutinize the
promises and the performance of the reform.

121 If the Crown cannot deliver justice for Daniel Morgan, who can get justice?