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**Document Title: Police Perjury: A Factorial Survey**

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**Document No.: 181241**

**Date Received: 04/14/2000**

**Award Number: 98-IJ-CX-0032**

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181241

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Police Perjury: A Factorial Survey

by

Michael Oliver Foley

A dissertation submitted to the Graduate Faculty in Criminal Justice in partial fulfillment of the requirements for the degree of Doctor of Philosophy.  
The City University of New York.

2000

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This manuscript has been read and accepted for the Graduate Faculty in Criminal Justice in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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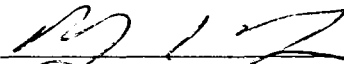
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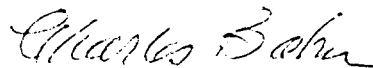
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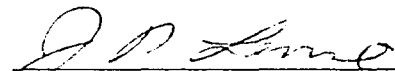
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## Abstract

## Police Perjury: A Factorial Survey

by

Michael O. Foley

Advisor: Professor Barry Spunt

Lying is a common feature of modern life and is as common or more common than honesty (Douglas, 1976). The question we must ask ourselves, since lying is so common place, is whether lying is deviant or a socially acceptable norm. In either case there appears to be a tolerance level beyond which lying is not acceptable.

The use of lying and deception by police in their daily activities has been acknowledged, justified and approved by the Courts, police departments and society. The distinction between tolerated lying and reprehensible perjury in New York State is described in the Penal Law. Despite this clear definition of perjury, the Mollen Commission Report (1994) on corruption in the New York City Police Department rarely used the term "perjury". It did recognize that police practices of falsification were so common that it

Abstract  
(Continued)

spawned its own word "testilying". Testilying and falsifications are simply euphemisms for perjury.

This study, of five hundred eight (508) New York City police officers, utilizes the factorial survey method to determine the underlying conditions and circumstances that an officer would take into account in making a decision to commit perjury. More than one hundred police officers were interviewed and a subsequent focus group of six officers was conducted to identify nine dimensions and fifty levels as reasonable categories for the factorial survey. Respondents were given questionnaires containing twenty-four unique vignettes and asked to make a judgment on each one. Each vignette depicted a typical arrest situation that a police officer might encounter on a daily basis.

In anticipation that some officers would not have variability in their responses two additional instruments were included as an evaluation method; a neutralization scale (Sykes and Matza, 1957) and a short form of the Crowne-Marlowe Social Desirability (Lie) Scale (Reynolds, 1982).

## Acknowledgments

The road leading to the research described in this dissertation has been long, circuitous and rife with detours. Its' completion would not have been possible without the tireless support and encouragement from numerous individuals in my life.

I am grateful to the National Institute of Justice and Director Jeremy Travis for funding this research under grant #98IJCX0032. The New York City Police Department, particularly Commissioner Howard Safir, Deputy Commissioner Michael Farrell and D.I. Joseph Lovelock for granting permission to conduct this study and members of the New York City Police Department for their candor and participation. To Debbie Baskin Sommers for her direction in helping me map the road for this research; Susan Crimmins, Quint Thurman and Michael Shively for their continuous support, understanding and encouragement. I am indebted to my committee, Charles Bahn, James Levine and particularly my mentor Barry Spunt for their tolerance, guidance, understanding and critical questioning. To my mother, Joan, and my children Tara, Siobhan and Michael Jr. who are my life source and make all things worth while.

Finally, I dedicate this research to the memory of my father Detective 1st Grade, Oliver P. Foley, New York City Housing Police, 1953 - 1973, an honest man and in the police vernacular "a true gentleman."

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What kind of liar are you?

People lie because they don't remember clear what they saw.

People lie because they can't help making a story better than it was the way the way it  
happened

People tell "white lies" so as to be decent to others.

People lie in a pinch, hating to do it, but lying on because it might be worse.

And people lie just to be liars for a crooked personal gain.

What sort of liar are you?

Which of these liars are you?

Carl Sandberg, *The People, Yes*.

## **Chapter I: Introduction to the Study of Police Perjury**

### **Introduction**

Lying is a characteristic of modern life as common as or more common than honesty and integrity (Douglas, 1976). "Lying has been, still is, and always will be for man an important form of behavior which permits him to adapt to society, the world of nature, and, most important of all, to himself" (Ludwig, 1965; p. 217). Nevertheless, "man's sense of morality considers the lie as something evil and the truth as good. Regardless of this moral conspiracy against lying, the reality of life is that everyone lies" (Ludwig, 1965; p. vii). A question that one might ask since lying is so common place, is whether lying is deviant or a socially acceptable norm? In either case, there appears to be a tolerance level beyond which lying is not acceptable.

Lying is breaking the trust of a relationship. It follows that the severity of the lie depends on the nature of the relationship and the understanding that forms this trust (Solomon, 1993; Saarni and Lewis, 1993). It is understandable then that society's tolerance of lying by those individuals who have been granted a public trust is even more restrictive. The recent scandal and subsequent impeachment proceedings involving President Clinton was a prime example. At issue was not whether he had an illicit affair with a woman, but whether he lied to the American people, committed perjury or suborned perjury. The court-martial of United States Air Force pilot Lieutenant Kelly

Finn, in 1997, centered on the issue of adultery and disobedience charges. However, Air Force Chief of Staff General Ronald Fogleman stated the real issue was whether an officer entrusted to fly nuclear weapons had disobeyed an order and lied. The maximum penalty in the military for an adultery conviction is one year in prison while the maximum penalty for lying (perjury) carries a five-year prison sentence.

The perjured testimony of Detective Mark Furman in the O. J. Simpson murder case raised many disturbing questions. Did a guilty killer go free as a result of tainted testimony, or did an innocent man have to endure more than a year in jail and spend millions of dollars needlessly on his defense? This case highlighted the issue of police perjury and raised more generic questions such as: Do all police perjure themselves? If they do, how often and under what circumstances?

The 1997 arrest, prosecution and conviction of two New York State Troopers for fabricating evidence and perjuring themselves at trial reinforces the belief that perjury by the police is widespread. Similarly, the arrest and conviction of New York City Police Officer Michael Dowd and five of his fellow officers for "flaking" (planting evidence on an individual to justify an arrest or adding evidence to satisfy a felony charge) defendants and for perjury give credibility to stereotyping police officers as perjurers (Mollen Commission, 1994). The arrests of two Sergeants and thirty-one police officers in the 30th precinct in Manhattan, New York in 1994 for robbing drug dealers,

“flaking” drug dealers and committing perjury in arrest reports, court affidavits and testimony, are all tangible proof that some police officers perjure themselves. As a result of the perjuries committed by these officers, thirteen defendants have been released from jail and one hundred and twenty-five sentences have been set aside (Jacobs, 1996). In addition, successful lawsuits against the City of New York for the resulting unlawful imprisonment have resulted in awards of \$1.3 million. It is estimated that the cost to the taxpayers of New York City, from this one investigation, will be as much as \$10 million (Kocieniewski, 1997). Four men who each served eighteen years in prison for a double murder they did not commit in Cook County, Illinois settled in March 1999 for \$36 million because the Sheriff’s office fabricated evidence.

“If lying is endemic to police operations, it is not an isolated commentary on either the moral status of policemen as individuals or even the police organization. It is a commentary on the society in which the activity is rooted” (Manning, 1978; p. 301).

The current study focuses upon lying by police officers that is defined in the New York State Penal Code as perjury. Specifically, the circumstances and factors contributing to the use of perjury by members of the New York City Police Department are examined. This study will examine the following questions: does the likelihood of perjury vary by job assignment and demographic factors/variables such as gender and seniority? What are police officers' rationales, motivations or justifications for committing perjury and does the crime or the individual offender affect the likelihood of perjury? The issues of whether perjury is a matter of deviant self interest or learned

behavior in a deviant subculture and whether there are more utilitarian reasons for committing perjury such as: organizational concerns, operating within the legal system or some sense of social justification are also explored.

### Scope of the Problem

Anecdotal accounts of police perjury provide us with the largest body of information. In 1972, Officer Waverly Jones told the Knapp Commission he "flaked" a suspect. He was taken aside by a senior detective and told how to write up the complaint report so that the case would prevail and he would get a conviction on the arrest. Officer Edward Droge told the same commission that smart drug dealers would carry only enough narcotics for a misdemeanor arrest. Consequently, officers would add a few bags of narcotics from their own supply to make enough quantity for a felony charge. Felony arrests were worth more toward promotion and recognition than misdemeanor arrests. In 1991, two New York City Police Department Narcotic Detectives were indicted for testifying falsely in a narcotics case. The detectives swore in writing and in testimony that they had found the narcotics in plain view. In reality, the detectives had illegally seized the narcotics from a locked safe (Levine, 1992). The U.S. Attorney's office in Washington, D.C. discovered that two city vice officers used oral and written perjury in hundreds of search warrant affidavits (Walsh, 1987). In Vermont, Officer Paul Lawrence went to prison for testifying falsely in hundreds of narcotics cases. He swore he had



purchased narcotics from individuals whom he had never seen. Lawrence was motivated by a desire for notoriety (Harrison, 1976). The twelve member Minneapolis Street Crime Unit was accused of justifying twelve hundred arrests with false testimony (McAuliffe, 1986). Allen Thrower was convicted in 1978 of killing an Ohio police officer based on the testimony of two officers who later admitted they lied (Yant, 1991). Detective Marc Furman of the Los Angeles Police Department pled guilty to committing perjury during the O. J. Simpson trial. In exchange for his guilty plea he was given no jail time. A federal indictment was handed down in 1997 on Boston police officer Kenneth M. Cole for obstruction of justice and perjury for testifying that he did not witness the assault of an on duty plainclothes officer by uniformed officers at the scene of a pursuit (O'Neill, Lehr and Zuckoff, 1997). Sergeant Thomas DeGovanni, officers Steven Brown and Joseph Baird of Philadelphia's 39th police district were arrested and sentenced to prison for up to ten years for theft, corruption, fabricating evidence and committing perjury in 1996. At their trial the officers said perjury and fabricating evidence was part of a system used by the police everywhere (Fazollah, 1996). Rolando Cruz was sentenced to death for a murder committed in the town of Aurora, Illinois (a suburb of Chicago) in 1984. Eleven years later he was released when a Sheriff's officer admitted he perjured himself during the trial. As a result, four Sheriff's officers and three prosecutors have been indicted for perjury and fabricating and suppressing evidence to frame Rolando Cruz. Los Angeles Police Detective Andrew Teague took the witness stand in May 1995 and testified that two men on trial for murder had signed statements claiming that the chief

witness against them, Racion Floyd, was the real killer. In reality, Detective Teague had prepared and signed the statements himself. A police review board said the detective made a "mistake of the mind, not a mistake of the heart". More recently, two New York City plainclothes officers Rolando Aleman and Francisco Rosario were indicted on federal charges that they lied (perjury) to federal authorities investigating the torture of Abner Louima in the bathroom of a Brooklyn police station.

In appellate court cases; *People v. McMurty* (64 Misc 2d 63, New York City Criminal Court, 1970 and *Veney v. United States* (344 F. 2d. 542, D.C. Cir., 1965) the Court found that patterned police testimony appeared so regularly that it suggested perjury. In a survey of fifty-five London barristers, a majority reported police perjury discernible in three out of every ten trials (Wolchover, 1986). Prosecutors, defense attorneys, judges, and appellate courts know that police systematically lie under oath and tolerate it (Dershowitz, 1982; Kittel, 1986; Oaks, 1970; Skolnick, 1982; Orfield, 1989; Younger, 1967; Cohen, 1970; Kuh, 1962).

J. McNamara, a thirty five year veteran of the New York City Police Department, believes hundreds of thousands of law enforcement officers commit perjury every year. "These are not the corrupt officers who take bribes or commit crimes, they are law abiding and dedicated." They don't feel lying in a sworn statement or testifying falsely is wrong because politicians and society tell them, that in the case of drugs, they are

fighting a holy war against evil (McNamara, 1996). The police believe and are told that the ends justify the means. Perjury then is not an evil act, merely a morally questionable one.

In analyzing the effects of *Mapp v Ohio* (367 U.S. 643, 1961) on police search and seizure practices, Columbia University Law School students observed that, "Police behavior seldom exceeds the limits of community approved standards. When a community protests, claiming that police patrol practices exceeded acceptable limits, it is not necessarily demanding strict compliance with constitutionally mandated procedures. Instead, the community may only be asking that the police be more selective in deciding whom to line against the wall" (\_\_\_\_, 1968; p. 100).

Despite these implied dictates by the community, perjury directly violates the legal rights of individuals and demonstrates a lack of respect for the officers legal obligations. Additionally, this behavior contributes to the conditions of secrecy and police isolation that foster corruption and deviance (Cohen, 1987).

In the case of the *United States v. Carluin Sanchez*, Dkt. No. 91-1723 (2d Cir. 7/20/92), the District Court Judge declared that three New York City police officers had perjured themselves in their testimony about the facts and circumstances in the narcotics arrest of Sanchez regarding; operating a heroin mill. Notwithstanding the police perjury,

Sanchez was sent to jail. On appeal the court said "no manifest injustice" took place. At worst all these police did was to cut corners. The message this appears to send to the police is that they can perjure themselves without fear of reprisal and even when their perjury is discovered the convictions will stand.

During a Harvard Trial Advocacy Workshop Irving Younger said that every lawyer who practices criminal law knows police perjury is commonplace. However, an offending officer is "as likely to be indicted by his co-worker, the prosecutor, as he is to be struck by thunderbolts from an avenging heaven" (Freedman, 1992; p. 18). The implication is that some prosecutors condone these perjured statements by police in order to obtain convictions. Testilying (lies under oath by police or falsification of material facts and evidence during arrests, sworn statements and testimony) has been an open secret among prosecutors, defense lawyers and judges yet many tolerate it because they think most victims of perjury are guilty of the crimes for which they are charged (Cloud, 1994; Dershowitz, 1994).

New York City defense counsel Martin Garbus states: "In thirteen years of practice I have handled one hundred and fifty drug cases. I cannot recall a single case -- not one -- where I was not convinced that to a greater or lesser degree the police witness shaped his testimony" (Cohen, 1972; pp. 344-365).

Chief Judge Robert A. Mulligan of the Superior Court, Boston, Massachusetts, established a reporting system in 1997 in which cases of apparent perjury by Boston police officers would be referred to him for prosecution or disciplinary action (Zuckoff and O'Neill, 1997). The process has yet to be proven effective in reducing police perjury due to the timeliness of referrals and the hesitancy of prosecutors and judges to make allegations.

Deviance exists only when there is actual, concrete, real life condemnation of the activity (Kitsuse, 1980; Pollner, 1974). A reality of police perjury is that it is rarely condemned by officers, police organizations, courts, judges, prosecutors or defense attorneys. Police perjury appears to be acknowledged, tolerated, accepted and even expected unless a case becomes a media event or is an ancillary issue in a case of police corruption or brutality. Even during the height of the Knapp Commission investigation, then Police Commissioner Patrick Murphy criticized the small number of criminal convictions in the courts. The implication was that the justice system was not working, therefore, they (police) would have to "make sure" that the system worked and convictions resulted (Cohen, 1972).

Despite these suspected and known incidents of police perjury across the nation, and, in light of the questions they raise, little empirical research has been conducted in this area due in part to the code of police silence and the closed nature of police

organizations (Punch, 1989; Skolnick, 1987; Manning, 1977). A significant amount of anecdotal evidence however, suggests police perjury is pervasive and an integral part of police work (Cloud, 1994; Uviller, 1988; Skolnick, 1982; Orfield, 1987; Punch, 1985; Manning, 1978; Cohen, 1972). The problem appears to be so common place and pervasive that the police have coined their own terminology for it. In New York City the police call it "testilying" and in Scotland it is called "Pious perjury."

"Lies, deception and falsification may simply become part of the job and perceived as normal and legitimate, even essential, to the maintenance of public order. The pressure for results, ambiguous legislation, vulnerability to legal sanctions and precarious bargaining with criminals, informants and lawyers can lead to short cut methods, lies, covering up, falsification of evidence and intimidation of suspects" (Anleu, 1995, p. 119). "Moreover, anyone who really understands what it is like to be a police officer will not find the officer's response objectional" (Punch, 1985; p. 128).

Society and our judicial system appear to be extremely tolerant of lying (perjury). Legal experts agree that in ordinary civil suits and criminal cases, lying is rampant and prosecution for lying (perjury) is extremely rare (Mansnerus, 1998; Dershowitz, 1994).

### Method of Studying Police Perjury

Despite many academics and practitioners belief that police perjury is pervasive it has proven to be a difficult subject to study (McNamara, 1996; Dershowitz, 1994; Punch, 1989; Orfield, 1989; Skolnick, 1987; Manning, 1977; Westley, 1970). Difficulties in researching this issue range from police distrust of outsiders, the "blue wall of silence," to getting the police to admit to committing a crime (perjury).

Given the nature of police perjury it is virtually impossible to study the links between judgments and actions in situations. Consequently, an experimental vignette methodology (factorial survey) was utilized to determine how police officers combine complex information to form judgments and make decisions on committing perjury.

In the factorial method, respondents are provided a scenario (vignette) and are asked to make judgments based upon the information presented. The advantage of this method is the ability to independently and simultaneously manipulate many pieces of information within a manageable questionnaire. For example, Rossi et al. (1985) presented vignette descriptions of crime situations in which characteristics of the criminal, the victim, the type of crime and other factors were varied. Respondents were then asked to rate the appropriateness of the sentence. With this method each component of the vignette can be independently manipulated, making it possible to assess the

independent contributions of each of the components on the respondent's judgments.

In factorial surveys, each variable, referred to as a dimension (such as "crime", see Appendix A, dimension F), is composed of several levels (i.e., burglary, robbery, sale of narcotics etc.) which are identified *a priori* as relevant to the judgments being studied. "Once the levels are identified, a computer program constructs each vignette by randomly selecting one level from each dimension until all of the dimensions are represented by one of their respective levels. The resulting survey design has many of the properties of a fully crossed factorial experiment (simultaneous conclusions about two or more factors or variables), such as orthogonality (statistical independence) among the independent variables. This orthogonality allows unbiased estimates of the contributions to the dependent variable (judgment) of each of the independent variables (vignette characteristics) (Shively, 1995; p. 16)."

### **Significance**

Chapter IV details the development of the hypotheses for this research. If the developed hypotheses that: A, police officers commit perjury at all stages of the investigative, arrest and testimonial process; B, the likelihood of perjury varies according to an officer's job assignment, C, officers with more service time will be less likely to commit perjury, D, male officers are more likely to utilize perjury than female officers



and E, the likelihood of police perjury will vary depending upon the characteristics of the offender and the crime are proven true, several benefits might accrue:

First, police departments will have a better understanding of which police officers perjure themselves, what factors influence their decisions to commit perjury and in which assignment is the likelihood of perjury the greatest. Training for police officers and investigations into police perjury can be target specific based upon the findings of this research.

Second, courts, judges and prosecutors will be made aware of the scope of police perjury and the circumstances in which it occurs. The "dirty little secret" of the criminal justice system will be out of the closet and change will be mandated (Cloud, 1994).

Third, the integrity of the police will be preserved and the Constitutional rights of our citizens will not be violated. American citizens Fourth Amendment right to be secure against illegal searches and seizures will be preserved (*Weeks v. United States*, 232 U.S. 383, 1914). Our judicial system has been founded on the principle that a social order in which every citizen is secure in his/her person is desirable even though some offenders go free (it is better that a hundred guilty men go free than one innocent man be convicted). The release of thirteen defendants from jail and the setting aside of one hundred and twenty five sentences as a result of police perjury in New York's 30th

precinct is a testimony to this principle.

Fourth, police evaluations, discretionary promotions and retentions can be based upon actual performance. The number of arrests and convictions can be more realistically evaluated without the distortion of inflated statistics due to the use of police perjury.

Fifth, organizational behavior and deviant practices within the police organization can be evaluated and modified based upon the research findings. Internal practices which lead to, or are conducive to environments in which police officers will perjure themselves can be eliminated.

Sixth, civil lawsuits for the violation of individuals rights and unlawful imprisonment can be minimized. The awards to individuals resulting from the 1994 investigation against police officers in New York's 30th precinct are estimated to be approximately ten million dollars (Kocieniewski, 1997). In March 1999, four men in Cook County, Illinois settled their case against the Sheriff's office for thirty six million dollars.

Chapter 2 discusses lying and deception from philosophical, psychological and sociological viewpoints. Each of these disciplines has a unique perspective which may color our understanding of police perjury and the role of the police in society. In

addition, deception and lying in other professions that have a code of ethics are discussed to provide a frame of reference in discussing police as a profession and their use of perjury.

Chapter 3 examines the forms of police perjury as well as police jargon for the acts which often lead officers to commit perjury. A review of prior research on the topic completes the chapter.

Chapter 4 identifies difficulties in researching sensitive issues with the police and explains why the factorial survey design method is well suited to this type of research. The factorial survey design method is explained as well as the process of developing the instrument for this research. The method of data collection and the characteristics of the sample are included.

Chapter 5 depicts the findings from the analysis of the data by utilizing tables which reflect ordinary least squares (OLS) regression and t-tests.

Chapter 6 reports the findings and conclusions of this research as well as making recommendations for further research in this area. Consistent with the findings of this research areas of policy implication are discussed.

## Chapter II: Lying and Deception

### Philosophy of Lying

A discussion of perjury would not be complete without examining the philosophical issues of deception and lying. After all, perjury is a lie, but a lie that is specifically prohibited by statute. Traditionally, most discussions of lying and deception are based on ethical theory, specifically consequentialism and deontology, although in recent years "virtue ethics" has increasingly been included as a basis for discussion. Consequentialist arguments focus on the effects of lying. They discuss how deception undermines human relationships and trust, "the qualities that give human life its peculiar worth and dignity" (Kleinig, 1987; p. 2). Truthfulness among members of a society is essential to its' survival. If all statements or assertions can be equally true or false, words and gestures can never be trusted and genuine communication cannot occur. Cooperation, trust and social life in general would be impossible.

Deceptions are an assumption of power. Individuals who are deceived or lied to, are reduced in stature. These individuals are symbolically nullified while the deceiver or liar assumes a position of at least temporary power over them. Can it be that perjury is the assertion of police power over citizens, police organizations, prosecutors, judges and the Constitution (Klein, 1955)?

Deontological theories hold that deception, by its nature, denies others the respect due them as rational human beings. Deception is the more generic notion and may consist of statements the speaker believes to be true but that are nonetheless misleading. It may be actions that convey a false impression, the deliberate withholding of information or inducing someone to act on the basis of defective information. A lie, however, can only be a statement that the speaker makes believing it to be false. Both deceptions and lies may mislead someone into drawing false conclusions. Morality condemns both; however, non lying deception is a lesser wrong than lying (Ellin, 1982). Lying is a form of manipulation and is, therefore, an affront to human dignity. Like violence, lying causes people to do things against their will (McMahon, 1991; Bok, 1978). The liar, like the coercer, bends others to his will, getting them to do or believe what he wants. The coercer operates by means of physical threats, while the liar exploits and undermines a person's rational processes (Bok, 1978; Betz, 1985). Lies upset the balance of power; deceivers gain and are temporarily powerful, while those deceived lose and are symbolically nullified. Essentially, the violation of a deontological constraint is unfairness; the violator treats the victim unfairly (McMahon, 1991).

St. Augustine, Kant, Socrates, Epictetus, Jean Paul Sartre and others have argued that the duty of veracity is unconditional. Veracity is expected in all circumstances. There can be no exceptions, not even the death of a family member (Solomon, 1993; Bok, 1978). Even those lies that harm no specific individual, harm people in general and are

forbidden by God and/or violate the Natural Law (Bok, 1978). Most philosophers, however, do not accept the premise that God or the Natural Law prohibits all lying. Many believe that a total condemnation of lying is neither practical nor justifiable. Common sense dictates that some falsehoods must be allowed (i.e., when a lie can avoid or ameliorate harm) (Bok, 1978).

The duty of veracity, as a condition of social membership, is imposed on all members of a community. We are obligated to communicate only that which we believe to be true. Others can then be certain of the truthfulness of our communications, trust them and rely on their contents (McMahon, 1991; Bok, 1978). The police have been held to a higher standard of truthfulness because they have the power to take away a person's Constitutional right to freedom.

Consequentialists believe that lies are neutral and their justifiability depends on the outcomes they produce. Lies that produce good consequences (i.e., avoid harm or increase happiness) are at least justified and possibly even commendable. Lies that cause harm or decrease happiness are not justified (Solomon, 1993; Bok, 1978).

Within this structure lies can also be assessed in terms of their seriousness. Some lies are more or less serious than others, depending on the benefits produced compared to the harm done. The greater the benefits of the lie, the less serious and the more

justifiable it becomes. "White lies," for example, are considered to do little harm and may produce substantial benefits to whom the person lies (Solomon, 1993; Bok 1978). Research with police officers indicate that there is a sense that a greater good to society occurs when police officers perjure themselves to arrest "bad people" (Punch, 1985; Skolnick, 1987).

Although the Consequentialist approach acknowledges the prohibition against all lying to be unrealistic, it fails to hold up to the more complex questions of truthfulness (Bok, 1978). Neat and systematic comparisons of the consequences of lies become more difficult as the problems and the number of persons involved grow, and the liar is the one who subjectively decides whether his/her lie is justified (Bok, 1978).

In recent years, a theory originally promulgated by Aristotle called "virtue ethics" has increasingly been included in the discussions of lying. This theory rejects the rigidity and centrality of moral rules and principles which govern our actions, as well as the emphasis on utilitarian consequences. Instead, it emphasizes the character of the individual who performs the actions. What is significant is not the principles by which the individual acts or the consequences of the act, but rather the individual's virtues. An individual does not lie simply because it is wrong to lie. Not lying is built into an individual's character. Aristotle believed that truthfulness must be cultivated, habitual and second nature. It is not a battle between conscience and temptation (Solomon, 1993).

These theoretical expectations of the truth are not easily realized or sustained in our daily lives. Some lies, like those that comfort the dying or protect victims, provide obvious benefits. Should we condemn these lies as well? For example, should we condemn those officers who perjured themselves when arresting drug dealers in the 30th precinct in New York City? When these drug dealers were interviewed, over 71% acknowledged that they were engaged in criminal activity at the time of their arrest (Kocieniewski, 1997).

These philosophical discussions with their emphasis on principles, consequences and individual character de-emphasize or ignore social relations and relationships between people (Solomon, 1993). Lying is wrong because it constitutes a breach of trust which is not a principle but a particular and personal relationship between people (Thomas, 1989).

If we are to allow some lies then it should be decided by society, at public forums, (i.e., court proceedings), which lies are permissible (Bok, 1978). This is impractical in daily living due to the number of lies, people's willingness to serve on the public forums, availability of court rooms etc.. The legal system, however, has strictly interpreted when the police are permitted to lie. The police are never permitted to lie in a sworn written statement or oral testimony. This would constitute the crime of perjury. They are, however, permitted to lie during interviews, investigations and interrogations



of witnesses and suspected criminals (Skolnick, 1989; Tursky et al., 1996). This is a control that society has placed on the police, and it can enforce this through criminal sanctions if it desires.

The police are asked to resolve the problem of crime and preserve moral and political order while police organizations, courts, the judicial system and society restrict their actions. This typically results in police being isolated from the community because they experience feelings of alienation and persecution. As a consequence, police often resort to perjury to justify their official behavior (McNamara, 1996; Punch, 1989; Skolnick, 1987).

### Psychology of Lying

There is a significant body of literature on the psychology of lying (i.e., ego, self-esteem, self protection) and the sociological aspects of lying (i.e., differential association, learning theory and neutralization theory) (Sykes and Matza, 1957; Sutherland and Cressey, 1978; Lewis and Saarni 1993). Although this does not represent the theoretical foundation for this research, it is germane to the discussion of police perjury.

The literature on the psychology of lying and deception suggests people need

illusions to feel good about themselves and to maintain a sense of self-continuity.

Therefore, people lie to others to:

- comfort and help them;
- protect their emotional well being;
- mislead them as to our own motives or actions;
- deceive;
- obtain a sense of power;
- resolve role conflict;
- manipulate behavior;
- create a sense of identity;
- avoid punishment or rejection;
- protect ourselves, our emotions and self esteem;
- reduce our fear;
- protect others and their feelings;
- enhance our ego;
- further our self interest;

(Ford, 1996; Lewis and Saarni, 1993; Solomon, 1993; Bok, 1978)

The ability to lie or deceive is a skill that is learned early in life. It has been estimated this skill is developed prior to three years old (Ford, 1996). Further, this skill of deception increases over the first six years of life (Lewis and Saarni, 1993). This occurs through indirect socialization where children learn by observing others and subsequently imitating their behavior (Lewis and Saarni, 1993). From a moral perspective, we should not conclude that lying is an acceptable behavior. However, it may mean that lying should be considered a natural action which enables an individual to adapt and survive in an ever changing environment (Lewis and Saarni, 1993). "When we alter an external expression of our feelings, we often are attempting to bring expressive behavior into accord with our beliefs about what is socially desirable under certain circumstances" (Lewis & Saarni, 1993; p. 107). "We deceive one another

and ourselves to protect our emotions and our emotional attachments” (Solomon.1993; p. 51).

If lying is a learned skill at an early age and perfected throughout life as a means of survival, real or perceived, should we be surprised when it carries over into our professional lives?

### Sociology of Lying

There are numerous sociological theories which attempt to explain deviance in policing (e.g. social learning, differential reinforcement, neutralization and differential association). One theory utilizes the precepts of differential association put forward by Edwin H. Sutherland to explain police deviance. The principles of Sutherland’s theory of differential association are:

- crime is imitative, we learn crime the same way we learn other behavior;
- criminal behavior is learned through interaction with others in a process of communication;
- people’s contacts with their most intimate social companions (family, friends, peers) have the most significant influence on their learning of deviant behavior and attitudes;
- when definitions of right and wrong are varied people experience “culture conflict.” The attitudes of the important people in an individual’s life toward crime, influence the attitudes that he or she develops;

- individuals become law violators when they are in contact with persons, groups, or events that produce an excess of definitions favorable toward criminality and are isolated from counteracting forces;
- whether a person learns to obey the law or disregard it is influenced by the quality of social interactions. Those interactions which are long lasting have the greatest influence (Sutherland and Cressey, 1976).

A police officer's typical day may involve dealing with the common criminal, con artists, issuing traffic summons to citizens who attempt to talk their way out of the ticket, drug dealers, drug users and prostitutes who all feel they are being singled out by the police and believe they are really not doing anything wrong. In addition, officers must deal with the courts and having criminal cases dismissed because of some minor technicality, and the public who believes the law should be selectively enforced against everyone but them and the vices they crave. If we combine these everyday experiences with low pay and a sense that police work is not really valued it is understandable how police officers might develop a jaded attitude toward the double standards of the civilization they are sworn to protect. Such a jaded attitude may entice officers into deviance and corruption (Schmallegger, 1991).

The moral and political conflict the police encounter in their day to day activities may cause the police to band together for utilitarian reasons and learn the behaviors, sometimes deviant, necessary to fight crime, deal with organizational bureaucracies and the judicial system. "Moral behavior must be indicated in non verbal ways, by role

modeling, by example, by situational rewards and punishments" (Bahn, 1974).

Studies of the relationships between police attitudes and police misconduct have found that attitudinal reinforcement of behavior by peers and supervisors is a double-edged sword that can result in acceptance of inappropriate behavior by police personnel as well as serving as an effective means of inhibiting such behavior (Hunter, 1999; Crank, et al., 1993). The negative aspects of police officers developing inappropriate mental images of their roles have resulted in the perpetuation of misconduct as well as isolation from non police communities (Hunter and Rush, 1994; Klockers, 1995).

#### **Deception in Other Professions**

Lying and deception in a professional context where truthfulness is expected and mandated are not unique to policing. Other professions; lawyers, doctors, and nurses etc., have ethical standards which mandate truthfulness. Despite these ethical standards, lying and deception have become common practice in their daily activities.

The Code of Professional Responsibility commands truthfulness from the lawyer. Despite this requirement, the profession's reputation has been diminished by attorneys' disregard for honesty. This breach of ethics is manifested in three areas: the lawyers' relationship with clients, with each other, and with the public at large (Uviller, 1994). In

relations with clients it is not unusual for an attorney to exaggerate the legal risks, even expressing false uncertainty of consequences to dissuade the client from taking ill advised action. It is suspected that many lawyers misrepresent their knowledge and experience to gain a client's confidence, to exaggerate the complexity of work or the demands of skills. With regard to peer relations, it is widely accepted that lawyers never trust an adversary's representation, particularly in civil practice. Lawyers tend to think that "trust, even of one's peers, is for suckers" (Uviller, 1994, p.103). Finally, a lawyer's duty to the public is often compromised by public declarations of false statements and ill founded opinions, i.e., "my client is the victim of a political vendetta; the evidence will totally vindicate my client" (Uviller, 1994, p. 104). Subsequently, the defense enters a guilty plea or negotiates a settlement. In the Oklahoma City court house bombing, the attorneys for Timothy McVeigh leaked information to the press stating McVeigh wanted a daytime bombing to ensure a high body count. Subsequently, the defense attorneys admitted the statement was a hoax (lie) to trap witnesses into talking (Schram, 1997).

In a similar vein, physicians adhere to the Hippocratic Oath and a code of ethics prescribed by the American Medical Association. As a profession, physicians are expected to render the necessary help for the sick, not do anything to make their condition worse, to be truthful and maintain the confidentiality of discussions between patients and themselves. In practice, it is not unusual for physicians to omit, avoid, distort and misrepresent troublesome information solely to avoid alarm, stress, emotional

trauma or unpleasant troublesome realities. Unfortunately, omissions, misleading statements and partial truths by physicians have led to emotional and physical injuries and even death in some cases (i.e. terminally ill patients who are told they have a disease but are not told they are terminal). "No Reported Cases" is terminology used to suggest that the event has not or will not happen. Such was the case in explaining the likelihood of contacting AIDS in a dentist's office despite the fact that it was known that five persons had become infected with the AIDS virus in a dentist's office while there were "no reported cases" (Pazin, 1992). Deception is utilized and practiced routinely by physicians in the name of altruism or social good.

Research reported in the Journal of the American Medical Association investigated hypothetical circumstances under which a physician would deceive a patient or a patient's family (Novack et al, 1989). Seventy percent indicated they would deceive an insurance company to obtain payment for diagnostic or screening tests for a woman of limited financial means. Eighty seven percent of the physicians indicated that deception to a patient is justified under some circumstances. Interestingly, most of the reporting physicians in this research saw themselves as infrequently deceptive but judged other physicians to be more deceptive than themselves!

There is some research which suggests that physicians, as a group, may not be particularly honest. Competitive pressures in the field of medicine often lead students to

cheat in college, medical school and residency training (Petersdorf, 1989).

Professional ethics are generally of little interest and concern to the average individual because they are moral rules which govern the specific functions of that profession, not activities performed by everyone. Most individuals outside the profession do not have a sense of what these functions are, ought to be, or of what special relations should exist between the individuals concerned with applying them. "All this escapes public opinion in a greater or lesser degree or is at least partly outside its immediate sphere of action. This is why public sentiment is only mildly shocked by transgressions of this kind. This sentiment is stirred only by transgressions so grave that they are likely to have wide general repercussions" (Durkheim, 1958; p. 6). This appears to be particularly true in the field of politics where the public generally believes politicians lie routinely. Some people are concerned that deceit by politicians may actually be increasing and that the moral standards of our leaders may be reaching new lows (McLoughlin et al., 1987).



## Chapter III: Police Perjury Research

### Forms of Police Perjury

According to the literature on policing there are numerous euphemisms for perjury: lying, fluffing, planting, fitting up, flaking, verbals, testilying, padding, altering documents, falsifying evidence, firming up, stretching, tidying up and shaping (Mollen Commission, 1994; Barker, 1990; Punch, 1985; Uviller, 1988; Skolnick, 1982; Rubenstein, 1973; Cohen, 1972; Knapp Commission, 1972). Each of these euphemisms for perjury is defined primarily by the circumstance in which it is used. The definition of these terms are:

altering documents - changing incident/arrest reports to conform to the criminal statute;

falsifying evidence - placing drugs, weapons etc. on an individual to justify an arrest;

firming up - replacing fake heroin (drugs) with real heroin to get a conviction (Punch, 1985);

fitting up - changing the circumstances of an incident on an arrest report to ensure it comports with the requirements of a criminal statute (Punch, 1985);

flaking - planting evidence to justify an arrest, writing a complaint/arrest report with fabricated information to ensure a case will stick, or adding evidence to satisfy a felony charge (Mollen Commission, 1994; Knapp Commission, 1972).

fluffing - adding or making up evidence to ensure a misdemeanor becomes a felony (Barker & Carter, 1990).

padding - adding information or evidence to an incident which would raise the criminal act from a misdemeanor to a felony;

planting - placing evidence on or stating a defendant had evidence on them to justify an arrest (Knapp Commission, 1972);

shaping - creative writing or articulation of the circumstances of an incident to ensure it satisfies the requirements of a criminal statute;

stretching - making a misdemeanor a felony by changing the circumstances of an incident or adding evidence;

testilying - (1) falsification of material facts and evidence during arrests, sworn statements and testimony (Mollen Commission, 1994);

- (2) lies under oath by police (Mollen Commission, 1994; Zuckoff, O'Neill, 1997);

tidying up - utilizing "boiler plate" language to describe the circumstances of an incident to ensure the incident comports to the requirements of the criminal statutes;

verbals or verballing- (1) "recording of unsworn verbal confessions which allow opportunities for fabricating and tampering with evidence or intimidating alleged offenders (Anleu, 1995, p. 120);"

- (2) attributing words to defendants or witnesses;

noble cause corruption - Scottish term for securing convictions on evidence which has been "improved" by the police.

All perjury is lying; however, not all lying is perjury. The distinction between lying and perjury in New York State is outlined clearly in the New York State Penal Law, Article 210. Perjury is defined as: falsely swearing in either a written instrument

or testimony, for which an oath is required (NYS Penal Law, Article 210).

The use of perjury by the police exceeds the limits and guidelines established by the courts and the law, undermines their effectiveness in performing their assigned duties and has damaged their relations with the citizens they serve (Hunter, 1999; Skolnick, 1982). Innocent people being arrested is unconscionable and cannot be tolerated under any circumstances in our society. Similarly, when guilty persons are arrested on trumped up charges or lies, the moral contract between society and the criminal justice system to preserve the inalienable constitutional rights of humanity is undermined. Perjury makes a mockery of our system of judicial review, violates the constitutional right of due process and, when unchecked, can lead to anarchy.

"...nor shall any State deprive any person of life,  
liberty, or property, without due process of law..."  
(Constitution of the United States, Fourteenth Amendment)

Gary Paul Morin was released from prison nine years, nine months and one day after his sentencing when the Ontario Court of Appeal exonerated him of the crimes of rape and murder of a child. The court cited: planted evidence, fake police notebooks and police perjury as the contributing factors in their decision to exonerate (LaFramboise, 1995). How does society return almost ten years on an individual's life? Seventy-nine individuals have been released from death row since 1973 in the United States! Thirty six states have no legal provisions to compensate individuals who have been wrongfully

incarcerated unless some type of wrongdoing by the police, prosecutors or judge can be proved!

The Fourth Amendment of the Constitution of the United States was adopted to protect individuals from some abuses of government power while the Fourteenth Amendment guarantees due process. These are two of the mechanisms by which our society controls the power of the states when compared to the lack of resources on the part of most criminal defendants. It redresses the imbalance of power and forces government to overcome obstacles for conviction. Without these obstacles, state power would be absolute, convictions guaranteed and individual protection lost (Curtin, 1996).

Perjury can occur prior to police activity involving a defendant as in the case of lying in an affidavit for an arrest warrant (Orfield, 1989; Walsh, 1987; Cohen, 1972). It can also occur during the arrest process including completion of required paper work, or it can occur in testimony at the grand jury or trial (Yant, 1991; Harris, 1989; Leving, 1988; Orfield, 1987; Harrison, 1976). Each stage of the arrest process is related to a set of increasingly stringent normative constraints (Skolnick, 1982). When an officer reaches the testimony stage, he/she is under oath and is supposed to provide the truth, the whole truth and nothing but the truth. At each of the intermediary stages following an arrest, which consists predominantly of written reports, the police officer must swear to their accuracy and truthfulness. If the officer swears falsely to this information he/she

is committing perjury. Regardless of when an officer has perjured him/herself, once the perjury has been proffered, the perjury becomes the reality (Skolnick, 1982). The perjury then must be repeated at every subsequent stage of the prosecution: affidavits, grand jury, pre-trial and trial testimony.

The reality of policing is that officers testify in Court in an extremely small number of cases when compared to the number of arrests they make. Most arrests by police never go to trial. Police lie (commit perjury) in their arrest reports, affidavits and testimony. This is particularly evident when they believe judicial interpretations of constitutional limits on police practices are wrong or interfere with their ability to do their job (Skolnick, 1982; Knapp Commission, 1972; Mollen Commission, 1994). When the police enforce the criminal law they know in their head or in their hearts the guilt or innocence of the person they have arrested (Punch, 1989; Skolnick, 1982). The final decision on guilt or innocence, however, is a complicated interaction between judges, juries, prosecutors and defense attorneys. Conspicuous by their absence from this group are the police. Not surprisingly, the police often feel powerless in determining the final outcome of cases which leads to a steady source of internal and external conflict. "Officers want more than civility, they want deference" (Reiss, 1971; p. 181). "Due to the low status of their role, police officers may attempt to overcompensate for feelings of inferiority and low self esteem (a poor negative ego identity) by assuming an attitude of superiority and by taking on the behaviors which cement this perception" (Crimmins,

1987; p. 9). One resolution of this conflict for the police is to "construct" the strongest case for conviction. Often this manifests itself by the police "fitting" the circumstances to correspond with the law. The prevalence of this behavior is noted in the universal use of "boiler plate" language in observation reports (i.e. suspect was acting in a furtive manner), warrants (a reliable informant stated), arrest reports and testimony (to the best of my recollection) (Mollen Commission, 1994; Punch, 1989; Skolnick, 1982; Manning, 1979; Knapp Commission, 1972).

The police are often frustrated by what they perceive to be unrealistic rules of law and their inability to stop crime through legal means. When this occurs the police take the law into their own hand and falsification (perjury) is often the result (Mollen Commission, 1994). Lying and deception by police in their official activities has been acknowledged and in some instances even accepted by the courts, police departments and society. The practice of deception through the use of informants, sting operations, undercover officers and surveillance to apprehend criminals is well documented and regulated by case law to control for abuse (Skolnick, 1984). Police are also allowed to use deception during interrogations in pursuit of the truth. The police may lie, play false roles, use ruses or deceive suspects about the circumstances of a case within limits and guidelines established by the courts and the law (Skolnick, 1982). In defending this practice, Los Angeles Deputy District Attorney Brenda Burns told a judge, the state of the law is very clear about what police officers and detectives can and cannot do. They

can lie, they can make up evidence and they can say a lot of leading and suggestive things to defendants (Tursky, et al., 1996).

Society has condoned these lies and deceptions by police because the positive result of the criminal's capture and conviction justifies the negative means of lying. The question this raises is whether a culture that encourages such lies and deceptions out of court is able to leave them at the courtroom door and/or out of sworn written statements (Skolnick, 1987)? "The practice of lying often brings about a callousness toward the truth, a loss of qualm about lying" (Solomon, 1993; p. 48). Paul Ekman (1990) in his studies of children lying found that children are hesitant, even reluctant, to tell a first lie. However, after the first lie they lose their ability to consider it.

### Summary of Previous Research

Lying, perjury, undue violence, planting evidence, fitting up, verbals, testilying, puffing, padding, flaking, altering documents, manipulation of suspects and informants, falsifying evidence, intimidation and other more serious tactics may be resorted to by some police officers in certain situations as legitimate techniques in getting their work done (Punch, 1985; Mollen Commission, 1994; Barker and Carter, 1990; Knapp Commission, 1972). A police officer's sense of self victimization allows him/her to justify the liberties that he/she takes with the law (Scheingold, 1984). It was on this

latter ground that police sought to justify the corrupt practices uncovered by the Knapp Commission. When police commit these acts and swear to their accuracy either in writing (arrest affidavits) or verbally (testimony) they are committing perjury (New York State Penal Law, Article 210).

Chief Justice Warren Berger in the dissenting opinion in *Bivens v. Six Unknown Agents* (403 U.S. 388) states that "...thousands of criminals are set free because of minor technicalities that make it difficult if not impossible for the police to fight crime" (p. 424). Is this a statement of fact or is it tacit approval for the police to circumvent these "minor technicalities" when processing cases through the judicial system? More recently we see justification for fabrication of evidence and the subsequent perjury it entails being referred to as "testilying" by the Mollen Commission. (1994).

Many of the deviant acts by the police such as fluffing, puffing, flaking, padding, fitting up, falsifications, and planting of evidence become perjury when the police swear to its truthfulness. Perjury in the first and second degree in New York State is a felony and punishable by a sentence of up to seven years in prison (New York State Penal Law, Sec. 70).

It is well documented that the police operate in a closed society with a strict code of secrecy and silence (Brown, 1981; Punch, 1985; Skolnick, 1989; Westley, 1970).



Police have been extremely successful in shielding their activities from outside scrutiny. This practice is not unique to the police as a professional group. Other professions have traditionally guarded their inner activities from scrutiny. For example, many physicians believe that they should close ranks and defend another physician who has been accused of wrongdoing (Goode, 1997).

Deviance, misconduct and corruption are some of the most carefully guarded secrets of the police (Virj, 1978; Criminal Justice Newsletter, 1985; Van Maanen, 1978). "Judges and prosecutors will discuss the existence of police perjury candidly in relatively private settings, but rarely in public forum" (Cloud, 1994, p. 1314). "There are even some sociologists who believe certain topics should not be studied at all, that some forms of deviant behavior are too reprehensible to study" (Goode, 1997; p. 42) (Gouldner, 1968; Liazos, 1972). Is it any wonder then that there is so little information on the police use of perjury?

After completing his first ethnographic study of the Amsterdam Police in 1976, Maurice Punch was informed by a retired officer of dubious practices including fabricating statements, forging signatures on crime reports and of one incident in which the officer replaced a drug dealer's fake heroin with real heroin. The officer then testified to taking the "real" heroin off the dealer and was able to get a conviction. The officer explained he only did it after he was one thousand percent certain the person was a drug

dealer (Punch, 1989). Unfortunately, there is no indication why the officer tampered with the evidence in this case. Did the officer substitute real narcotics for some sense of social good? Was his rationale driven by self interest or organizational pressure disguised as some performance evaluation tool? The officer tampered with evidence and then perjured himself in his affidavits and testimony. It was only after the officer had left police service and Punch had completed his study that the officer felt secure enough to admit to this crime of perjury.

The United States Supreme Court in *Mapp v. Ohio* (367 U.S. 643, 1961) held that evidence obtained from an illegal search and seizure could not be used in a state criminal proceeding. The *Mapp* case stated that federal exclusionary rules regarding search and seizure cases were now binding upon the states. In 1968, Columbia University law students analyzed the effect of *Mapp v. Ohio* on police practices in New York City. They analyzed the evidentiary grounds for arrest and disposition of misdemeanor narcotics cases prior to and after the *Mapp* decision. Their conclusion was that:

.....uniform police have been fabricating grounds of arrest in narcotic cases in order to circumvent the requirements of *Mapp*. Without knowledge of the results of this study, the two Criminal Court Judges and the two Assistant District Attorneys interviewed doubted that a substantial reform of police practices had occurred since *Mapp*. Rather, they believe that police officers are fabricating evidence to avoid *Mapp*. (Columbia Journal of Law and Social Problems, 4, p. 95-96, 1968).

The Columbia University law students, two criminal court judges and two

assistant district attorneys believe that despite a Supreme Court ruling the police were fabricating evidence (committing perjury) as a way to circumvent the judicial process as prescribed in *Mapp*. The judges and assistant district attorneys' impressions regarding police practices were subsequently supported by the data from the research. This might lead one to believe that the police are unsophisticated in their perjury and that prosecutors and judges knowingly tolerate the police use of perjury. The question that remains is why police may believe it is necessary to commit perjury to circumvent the judicial process?

There are several other issues from the above mentioned analysis that influence the current research of police perjury. First, the Columbia University law students study divided police into three groups: uniformed, narcotics, and plainclothes officers. This proved to be an important distinction as police officers' behavior proved to be correlated to their assignments. Second, all of the groups showed a significant increase in "dropped narcotics" after the *Mapp* decision (between forty-five and eighty percent increases). Third, and of particular interest, the narcotic officers showed the smallest percentage increase of "dropped narcotics," with plainclothes officers second and uniformed officers having the greatest increase. Although all the officers showed an increase in "dropped narcotics" there was no analysis to determine why officers in different assignments differed in their responses to *Mapp*, nor was there any analysis of differences that may have been based upon gender or ethnicity. Were the differences identified related to

training, organizational pressure, ability to cope with the judicial system, some sense of social justice or another variable? Fourth, the study concluded that "...police conduct is molded in the field. An officer will only conform to a procedure or rule of conduct if, in the context of his/her official environment, it is a reasonable means to obtain the objective he has been ordered to pursue" (Columbia Journal of Law and Social Problems, 1968, p. 102). Constitutional rights often take a back seat to practicality when an officer is responsible for controlling a large number of drug dealers per block and the community is pressuring the police to rid the area of them (Niederhoffer, 1967).

The current research addresses the significance of job assignment as well as the demographic factors of the officers' gender and ethnicity. The Columbia study did not evaluate the factors of gender and ethnicity. However, female and minority officers were disproportionately represented in policing in 1968. Since then, there has been significant increases in the representation of women and minorities in police departments throughout the country. Studies of female police officers have been equivocal at best when compared to male officers with respect to; number of arrests, number of citizen contacts, deviance and the use of force (Block and Anderson, 1974; David, 1984). A study conducted for the Police Foundation compared and evaluated equivalent groups of male and female recruits during their first year on patrol in Washington, D.C.. Of particular note was the finding that female officers were less likely to be charged with improper conduct (Block & Anderson, 1974). Similar studies of minority officers, particularly black officers,

indicate they are tougher and more assertive with African American citizens, make more citizen contacts and more arrests than white officers (Alex, 1969; Leinen, 1984; Buzawa, 1981). The apparent differences in approach, activity and style of policing due to gender and ethnicity warrant the study of their significance in the use of perjury.

Another analysis similar to the Columbia study was presented in the Georgetown Law Journal in 1971 titled "Police Perjury in Dropsy Cases: A New Credibility Gap." Like the Columbia study, it examined the effect of the *Mapp* decision on police practices by examining cases prior to and post judicial ruling on a constitutional matter. The finding in "Police Perjury in Dropsy Cases," however, goes further than the Columbia study and states that police officers as witnesses give self-serving or biased testimony. This review further suggests that the courts should treat all police testimony with a jaundiced eye.

The analysis in this study, however, failed to explain what is meant by "self-serving and biased testimony," and whether this constituted perjury. It appears that even researchers are reluctant to say the police perjure themselves and repeatedly ignore the officers' motivations for committing these acts.

Since there has been no recent Supreme Court decision concerning police perjury and little empirical research conducted on this topic, the method used in the Columbia

studies, pre/post Supreme Court decision, cannot be used in this study. The findings of these studies, however, are useful. It is significant to note that police officers' have modified their behavior subsequent to Supreme Court decisions and that officers' behaviors vary by their assignment.

An empirical study to determine whether the Fourth Amendment exclusionary rule deters unlawful police practices was conducted by Myron Orfield (1987). He utilized a standardized social science questionnaire administered to twenty-six of one hundred Chicago narcotic officers. Orfield's most significant findings for the proposed research were identifying an institutional response to the exclusionary rule and a perfunctory look at the effect of police perjury on the operation and effectiveness of the exclusionary rule. The institutional response is the manner by which the criminal justice system as a whole (i.e., police, prosecutors and courts) responds to the loss of evidence by designing programs and procedures to ensure compliance with the Fourth Amendment. This appears to imply that perjury is used, certainly tolerated and possibly expected in the daily operations of the criminal justice system.

Orfield's questionnaire was administered only to plainclothes narcotic officers. Considering the 1968 study at Columbia that showed narcotic officers as having the smallest increase in "dropped narcotics" cases as compared to officers' in other assignments, it would have been helpful if Orfield had included officers from other

assignments and distinguished any differences due to gender and/or ethnicity . Limiting the study to only narcotics officers and the relatively small sample of twenty-six officers limits the generalizability of Orfield's findings.

As a follow up to his study and to learn more about police perjury at suppression hearings, Orfield conducted a second study in 1989. He randomly selected fourteen of the forty-one felony trial courts in the criminal division of the Circuit Court of Cook County, Illinois. Orfield interviewed fourteen public defenders, thirteen judges and eleven prosecutors. The response rate to the questions regarding police perjury was significantly low (between fifty and seventy-five percent).

Some of the findings and opinions that are pertinent to the current research are:

1. Police perjury is a more significant problem than initially reported and it significantly affects the operation of the exclusionary rule in practice. "There is a pattern of pervasive police perjury intended to avoid the requirements of the Fourth Amendment" (Orfield, 1992; pp. 82-83).
2. Police care about winning cases and they experience adverse personal reactions when evidence is suppressed.
3. "The majority of judges and public defenders, and almost half of the state's attorneys, believe that the police lie in court more frequently than they are disbelieved" (Orfield, 1992; p. 107).
4. At least half the time prosecutors know or have reason to know that police fabricate evidence at suppression hearings.
5. In big cases officers are more likely to comply with the Fourth Amendment.

6. In small cases, if evidence is lost and the suspect goes free the officer is satisfied the offender has lost his seized contraband.
7. Detectives are rated formally and informally on the number of convictions.
8. Uniform officers operate under a system of incentives that emphasize arrests. (Orfield, 1989).
9. "Dishonesty occurs in both the investigative process and the courtroom. The respondents report systematic fabrication in case reports and affidavits for warrants, creating artificial probable cause which forms the basis of later testimony" (Orfield, 1992; pp. 82-83).

Orfield differentiates between "big" versus "small" cases and officers being evaluated by the number of arrests as compared to the number of convictions. Although his study did not analyze these criteria, he has formulated several opinions based upon his interviews. He believes officers who investigate "big" cases are evaluated based on the number of convictions they obtain and consequently are more inclined to comply with the Fourth Amendment. Whether this means strict adherence to the Fourth Amendment or "making sure" the story conforms is another question to address in the current study. In "small" cases and for uniformed officers the number of arrests, as opposed to convictions, appears to be more important for evaluations and promotion. Does this mean officers manufacture probable cause or evidence to make arrests? Do officers "fluff" up evidence to assure a misdemeanor becomes a felony to comply with organizational requirements for promotion or simply to "cover their ass" (Barker and Carter, 1990). If the police care about winning cases and take it personally when



evidence is suppressed and prosecutors know the police are fabricating evidence in at least half of the cases, it appears the legal process and not just the police are manipulating the system to ensure convictions, jail time or some other purpose (Orfield, 1989).

A 1970 survey of seventy four police officers by Westly found that eleven of sixteen officers questioned would not be willing to report a partner's misconduct in the use of force. Further, ten of these officers said they would be willing to perjure themselves in court to protect their partner. This would appear to be a product not only of isolation, but an ability to rely on other officers when needed and a protective armor shielding the "force" as a whole from public knowledge of infractions (Chan, 1996).

Peter K. Manning conducted ethnographic studies over a two year period in London, England. He states the police live in a secret society and utilize "white lies" with each other, supervisors, the public and courts. Within this framework police as a group lie to the public and to wrongdoers to achieve what the public/society wants. Manning cites one of his observations where a sergeant and a police constable negotiated an individual criminal charge by deciding what to reveal and what to conceal before preparing a sworn statement (perjury). The arrest affidavit is the American equivalent of a the sworn statement. The purpose of this conspiracy was to ensure a conviction on the charges. What is unclear are the constable's motivation to commit perjury. Was there some type of organizational pressure or some well intentioned belief that they were

performing a social benefit? The fact that a sergeant and a constable would openly conspire to "adjust" the information in their report indicates at least tacit organizational approval for these acts as well as learned deviant behavior (Sutherland and Cressey, 1978). It is only by winning the confidence of the police that Manning was able to glimpse their inner workings.

Manning believes police lying (perjury) is common-place. He excuses the police for lying and places the blame for it on society. He states, "if lying is endemic to police operations, it is not an isolated commentary on either the moral status of police officers as individuals or even the police organization; it is a commentary on the society in which the activity is rooted" (Manning, 1979, p. 301).

Although this may be true, it highlights the potential problem of becoming biased toward the study group with whom you have developed a confidence and dependency for information. The bond and trust between the researcher and the group can influence an observation (Van Maaen, 1978).

As previously discussed, ethnographic studies conducted by Maurice Punch in Amsterdam during the period 1974 through 1980 reinforce the necessity of becoming part of the group to get accurate and sensitive information. Punch stated: "...infiltration constitutes the key technique of participant observation" (Punch, 1989, p. 178).

Upon reflection of his seven years participant observation with the police in Amsterdam, Punch realized several facts: one, that he was never totally accepted; two, when he left uniformed police and detectives after five years of research to study the supervisors he was labeled as a spy and turncoat and finally, he learned there was some work-related deviance that was so incriminating the police would not discuss it with anyone. However, Punch also was told by officers that they fabricated statements on arrest reports and that they replaced fake heroin with real heroin on a drug dealer to get a conviction. Typically, the police would indicate someone else had committed the deviant act. They would never say they did it, even when Punch knew they had. This appears to be a common response found throughout the literature by police, judges, prosecutors and researchers (Punch, 1985; Uviller, 1988; Rubenstein, 1973; Skolnick, 1982; Manning, 1974).

In attempting to explain these behaviors Punch stated, "police occupational and organizational deviance is generated and sustained by the nature of the work which may be seen as impossible without short cuts and rule bending; by an occupational culture that condones illicit practices and that legitimizes techniques of subterfuge and deception which undermine control; by an organization that implicitly stimulates deviancy as a solution to getting results while proving incapable of controlling and monitoring behavior; and by a social environment that demands that police tackle crime, that expresses moral indignation at moments of lapse, but that remains fundamentally

ambivalent about the ends and means of law enforcement” (Punch, 1985; p. 208).

Richard Uviller, a fourteen year prosecutor in New York City, spent an eight month sabbatical observing the operations of a New York City police precinct. He believed the police were natural and forthcoming in his presence however; the officers refused to share any first hand experiences on the topic of perjury (Uviller, 1988). Uviller concluded that “most police officers” view police perjury as “natural and inevitable,” and he speaks casually of the prevalence of this phenomenon (Dripps, 1996).

After describing a case in which the police, lacking a warrant, induced the suspect to leave his mother’s apartment by simply ringing the bell and standing wordlessly at the doorway, he writes:

I have no data to illustrate it, but my suspicion is that out of just such circumstances is born the most common form of police perjury: the *instrumental adjustment*. A slight alteration in the facts to accommodate an unwieldy constitutional constraint and obtain a just result. How easy it would be to go into the flat, grab the suspect, and later say you busted him as he was leaving his mother’s apartment to get a six-pack at the corner bodega. Same difference. Who will believe this stickup guy if he takes the stand and testifies, in his own interest, to the contrary? And ironically, the perjured version is, on its face, probably more credible than the actual events .....

By the same logic, cops may insert a little invention to fortify the probable cause upon which a fruitful search was based. Add a small but deft stroke to the facts -- say, a visible bulge at the waistband of a person carrying a pistol. Just enough to put some flesh on the hunch that actually induced the officer to give the man a toss; it might make all the difference. Or a police officer, understandably eager to have the jury hear the bad guy’s full and free confession, might advance slightly the moment at which the *Miranda* warnings were recited to satisfy the

courts' insistence that they precede the very first question in a course of interrogation. That sort of thing. Although no one admitted it to me in so many words, I think most police officers regard such alterations of events as the natural and inevitable outgrowth of artificial and unrealistic *post facto* judgments that release criminals. The prevalence of this sort of perjury leads some cynics to suggest that the principal effect of the Supreme Court's carefully crafted interpretations of the Constitution on the behavior of those to whom their words are directed is to teach the police what they should say on the witness stand rather than what they should do in the streets. (Uviller, 1988; 115-116).

The use of perjury by police shatters public confidence and violates the civil rights of individuals. The term "perjury" was rarely used during the Mollen Commission Report (1994) on corruption in the New York City Police Department despite the fact that it stated that perjury is the most widespread form of police wrongdoing. Was this a reluctance of investigators to stigmatize and label some police as perjurers? During the Mollen Commission investigation, police officers said that the practice of police falsification of material facts and evidence during arrests was so common that it had spawned its own word: "testilying" (Mollen Commission, 1994). If the practice of testilying is as widespread as the Mollen Commission suggests, is it a result of associating with organizations and individuals which teach lying and deception. Do, as some authors suggest, the officers learn through these interaction that this behavior is appropriate (Gaylord and Gallagher, 1988; Sutherland and Cressey, 1978)? Defense attorney Alan M. Dershowitz, during the O.J. Simpson case, charged that the Los Angeles police are taught to lie at the birth of their careers, at the Police Academy (McNamara, 1996). Testilying and falsification are simply euphemisms for perjury. The use of euphemisms

to avoid any connection with the concept of perjury is further evidence that police officers either do not understand what constitutes perjury or are deliberately avoiding any admission to a crime or wrongdoing. This is not surprising since the words "lying and perjury" have powerful negative connotations. "In an attempt to avoid using the word 'lie' we often substitute terms such as: deception, dissembling or masking" (Lewis and Saarni, 1993; pp. 13 - 14). Recent cases involving police perjury and the public outrage that has followed cry out for an empirical study to examine this issue and to answer some of the questions raised.

## Chapter IV: Method

### Problems in Researching Police Perjury

There are several problems that make the study of police perjury difficult: the police code of silence, the traditionally closed nature of police organizations and the lack of empirical data. The latter is probably a result of the former difficulties.

The nature of police work and its organizational behavior has historically been recognized as a hindrance to research. It is characterized by a clannish suspicion of outsiders, an intense loyalty to peers and an isolation from society. The code of silence or "blue wall" is an integral part of the police culture. It compels the police to shield most aspects of their work including deviant or corrupt behavior, work avoidance, illicit practices, etc., from internal supervision and outside examination (Katz, 1990; Punch, 1989; Brown, 1981; Manning, 1979; Skolnick, 1975; Westley, 1970; McNamara, 1967). This tradition of silence remains despite recent widespread changes in traditional police organizations which have been caused by diversification of the police work force, improved public accountability and advances in the training and education levels of officers (Katz, 1990).

The brutal beating of on-duty police officer Michael A. Cox in 1994 by uniformed

officers typifies this tradition of the "code of silence." During a police pursuit, Officer Cox was mistaken for a felon and beat repeatedly about the head by other police officers. Officer Cox was unable to identify his assailant/assailants. Four uniformed officers as well as his plainclothes partner were on the scene. Twenty other officers were in the vicinity of the pursuit. All of the officers deny any wrongdoing and deny any knowledge of the incident. Three years later, in 1997, Police Officer Conley was federally indicted for obstruction of justice and perjury regarding this incident and continued to maintain the "code of silence." Other officers organized a standing room only fund raiser for the officer who was charged with lying under oath about the beating of another officer (Zuckoff and O'Neill, 1997). The "code of silence" continues to stand strong against internal and external investigations even when the victim is one of their own. When the "code of silence" is pierced it usually occurs when a corrupt officer has been caught and agrees to testify against other officers to escape or minimize his/her own punishment.

There are unique methodological problems associated with the study of illegal, immoral or unethical conduct. The controversial and highly charged nature of police perjury requires using a method that encourages an open, uninhibited exchange of information. There can be no concern about department oversight, department disciplinary action or legal action. It is because of these issues that the factorial survey approach will be utilized in the proposed research. A factorial survey design preserves anonymity. It captures the complexity of real life and the conditions of human choices



and judgments while providing the ability to identify clearly the separate influences of the multitude of factors that go into such judgments and choices (Rossi and Nock, 1982).

“Factorial surveys combine ideas from balanced multivariate experimental designs with sample survey procedures. The constituent parts of the factorial survey technique are not new; factorial experiments have been used for almost a century and sample surveys for at least half that time. The unique feature of the method is its’ application to the study of human evaluation processes” (Rossi and Anderson, p. 15; 1982).

The social sciences have often utilized factorial surveys to research the evaluation processes of individuals on many sensitive issues (e.g. child abuse, sexual aggression, drinking and driving). The findings indicate there is a consistency in the judgments made by individuals. There is *prima facie* evidence that human evaluations are in part socially determined (i.e., shared with others) and in part governed by individuality. The mix of these evaluations vary from issue to issue. In other words, human judgments in most areas are structured and the critical question for social scientists is how best to uncover the structures that underlie such judgments (Thurman, 1987; Rossi and Nock, 1982).

The consequences of most decisions and judgments have little impact on future events. Each decision or judgment involves making implicit or explicit evaluations about appropriate alternatives and the estimated consequences. More often than not, these

decisions are made without conscious thought or evaluation.

Conversely, judgments and decisions that are made as a result of deliberate weighing and evaluation of alternatives and consequences tend to have more important future significance. Often, the judgment process appears as an intuitive decision as opposed to a process of deliberation. Whether a judgment is the result of an intuitive process or a deliberate process is not significant for the purpose of this study; all that is necessary is that choices are made in a situation in which there exists alternate courses of action (Rossi and Anderson, 1982). The issue then is to determine what criteria or information is used in making these judgments

Conventional surveys generally ask only a small number of questions for each topic. As a result, most topics are only covered in a superficial manner. For example, opinions as to whether abortions should be legal are extremely complex. Many people may disapprove of abortions under certain circumstances and approve under other circumstances. These are not nuances of opinion but are reflective of conflicting attitudes or changing views. A person's responses to survey items may be reflecting a generalized predisposition to respond in a certain way, but the manifestation of that predisposition is conditional on the specific circumstances involved (Weber, et al., 1988).

The use of a factorial survey increases the ability to explore the complexity of

conditions that affect the expression of attitudes, opinions or judgments on an issue. It is especially useful for issues in which there are inconsistencies or contradictory strains, i.e. issues in which the sentiments involved may contradict each other. A factorial survey can show how respondents balance conflicting values (Weber, et al., 1988).

### Factorial Survey Design

The factorial survey design uses vignettes, which are generated randomly from a list of possible vignette characteristics. Respondents then read the vignettes and make a judgment. The variables are developed from criteria the researcher believes are relevant to the decision making process and are represented in the list by a set of mutually exclusive and exhaustive levels or categories. A computer program randomly selects one level from each dimension. The selected levels then are inserted into a skeleton that has been arranged to display the vignette characteristics in a form that can be read easily by respondents (Thurman, 1987). (See Appendix A, B and C for illustration).

A number of vignettes are then administered to a respondent with each individual vignette representing a case. The factorial survey design has been used in the past to study how subjects combine complex information to form judgments on many sensitive issues, including; child abuse, sexual harassment, decisions to drink and drive, crime seriousness, fear of victimization, pregnancy, stress responses and nurses reporting child

abuse (Rossi and Nock, 1982; Thurman, 1986; Hunter and McClelland, 1991; Miller, 1991; Thurman, 1993; O'Toole, 1994). The factorial survey approach has also been used successfully to model factors that contribute to decisions to engage in a variety of economic crimes (Anderson et al., 1983).

“Experimentally manipulated vignettes are well suited for studying decision making. First, the effects of several independent variables on a subject's judgment can be estimated simultaneously, controlling for the effects of all other independent variables. Second, since levels of the dimensions are randomly selected to appear in each vignette, dimensions are orthogonal (independent) to one another. Accordingly, such orthogonality facilitates multiple regression analysis. Third, the virtually infinite number of unique vignettes that are obtained by randomly selecting levels of dimensions makes it possible to administer several vignette stories to a single subject with little or no chance that any vignette in the schedule will resemble another (Thurman, 1987; p. 72).” The benefit of this approach is that researchers can gather a large number of responses from each subject which increases the sample size and the reliability of each subject's judgments (Thurman, 1987; Rossi and Nock, 1982). Consequently, the factorial survey approach offers a method to investigate police perjury that has many advantages over other conventional collection strategies.

Research which relies upon future-oriented measures of deviance has been

plagued by criticisms that there is no proof that respondents who say they will commit an act (perjury) will actually do so in the future. Similarly, there is no guarantee that factorial survey respondents when asked to estimate their chances of committing perjury given a specific hypothetical vignette will be consistent in their judgment making process should those circumstances ever become real (Thurman, 1987). Fishbein and Ajzen (1975) have suggested that research on "behavior intentions" closely approximate real life actions. They have argued that behavior intentions depict actual behavior before the effects of other, uncontrolled factors are allowed to intervene. Respondent's estimates of future involvement in deviance is an appropriate measure of the dependent variable in research on the determinants of deviance (Tittle, 1977). "There is no reason to believe that people are unable to extrapolate from hypothetical situations to real life" (Shively, 1995: p. 23). In validating pencil and pen integrity tests it has been determined that individuals who respond in a given direction (stealing or other dishonesty) are more likely to behave accordingly than other respondents.

### **Factorial Survey Design Assumptions**

The vignette method originally was developed to explore the structure of social judgments and to measure norms (Rossi and Berk, 1997; Rossi and Nock, 1982). Consequently, early research using factorial surveys asked respondents to make judgments about some vignette object based on their perceptions and beliefs about the

object's component parts (Thurman, 1987). In this research study, the technique is applied in an attempt to model behavior that might result from changes in organizational behavior, officers' attitudes, crimes and social dimensions. The focus then shifts away from what police officers think about some event to what police officers might do if events were altered in pre-planned ways.

As previously discussed, vignettes are scenarios of the relevant information used by individuals to make judgments. In this study there is a presumption that any particular judgment made by a police officer is a response to numerous stimuli. Unlike real life situations where distinct situational variables are often related, in factorial survey vignettes all dimensions of information are unrelated and can be independently manipulated.

Additionally, there are two assumptions that are made when using factorial surveys. One assumption is that an evaluation of hypothetical objects can simulate the judgment making process people use in real life situations. Second, judgments in real life are made, at least in part, by fixed preference schedules that inform and restrict individual's judgments and choices (Rossi and Anderson, 1982). For example, people have preferences for clothing, hairstyles, foods and automobiles which are fairly consistent. Although judgments of factorial vignettes are of hypothetical scenarios, the respondent's prior preference structures are assumed to affect their response to the

distinct stimuli contained in the hypothetical scenario (Miller, 1984; Rossi and Nock, 1982).

Finally, any summary judgment of an object or scenario is the product of integrating diverse pieces of information about it. This assumption has been empirically supported by numerous factorial vignette studies (Miller et al., 1986; Rossi and Simpson, 1985; Thurman et al., 1993) and is supported by Anderson's (1974) information integration theory, which was independently developed and empirically examined using full factorial experiments (see, Rossi and Nock, 1982, for a discussion about the relationship between information integration theory and the factorial survey method).

#### Dimensions, Levels and Vignette Design

In using the factorial survey approach to study police perjury, the critical first step in constructing the corresponding vignettes is to decide upon the dimensions and levels that are to be the building elements of the vignettes. A vignette, in effect, is a description built out of a set of elements, each being an element drawn out of the lists of dimensions.

The development of the major dimensions of why a police officer commits perjury, that is, the conditions and circumstances that an officer would take into account

in making that decision, was accomplished through a review of the literature and informal interviews with over one hundred police officers who were assigned to enforcement or administrative duties. An analysis of this information led to the development of six general dimensions which were identified as relevant to a police officer's decision to commit perjury. Subsequently, a focus group consisting of six police officers (non supervisory) who were currently assigned to enforcement (patrol) duties was conducted. The officers volunteered their time with the conditions of anonymity and the agreement to discuss this study in a location that was not a department facility. The officers in the focus group represented three boroughs of New York City and ranged in seniority from six years to nineteen years. These officers reviewed and discussed the conditions and circumstances for police perjury that had previously been developed as dimensions. As a result of the focus group, three additional dimensions gender, race and temporal (time) were identified as being significant in a police officer's decision to commit perjury. As a result of these preliminary explorations nine dimensions consisting of fifty levels emerged as reasonable categories for the factorial survey (see, Appendix A).

The distinctive feature of the factorial survey approach is its use of vignettes, short descriptions of hypothetical circumstances about which respondents are asked to make a judgment. Each vignette is a complex, multidimensional description of an event (Rossi and Berk, 1997). The elements that make up a vignette are drawn from the dimensions built into the design surrounded by connecting sentence fragments, which



when combined, make a readable vignette (see, Appendix C). In this study the vignette skeleton depicts a typical arrest situation that a police officer might encounter and satisfies each of the dimensions and levels in the study (see, Appendix B). "When respondents provide evaluations of each vignette, the contrasts between these evaluations provide empirical clues to the weighting given by respondents to each vignette feature" (Rossi and Berk, 1997; p. 36).

Questionnaires (booklets), for the pre-test, containing thirty vignettes were prepared by the Social and Demographic Research Institute at the University of Massachusetts utilizing a vignette generating program which randomly selects levels of provided dimensions and incorporates them into the developed vignette skeleton. Past research had determined the average respondent can read approximately thirty vignettes in twenty minutes (Weber, et al., 1988). This was consistent with my experience in administering the pre-test. Additionally, the questionnaires contained fifteen items to identify demographic characteristics and nine questions representing a neutralization scale.

The New York City Police Department granted permission to use members of its organization for the collection of the data (see, Appendix D). The pre-test questionnaires were administered on November 11, 1997 and consisted of forty-eight questionnaires, each containing thirty separate and unique vignettes, which were distributed to police

officers at the New York City Police Department Pistol Range at Rodman's Neck, Bronx, New York. The purpose of the pre-test was to determine the time necessary to complete the questionnaire, whether it was readable and to identify form and substance errors. As a result of the pre-test minor modifications to the questionnaires were made. It was apparent that a number of police officers had no variability in their responses to the individual vignettes (officers put the same response for all vignettes, usually a 1). Consequently, a short form of the Marlowe-Crowne social desirability lie scale was included in an attempt to explain the judgments of those respondents with no variability in their responses. To enable the respondents to complete the questionnaires in the allotted time frame the number of vignettes in the sample was reduced to from thirty to twenty-four.

### Neutralization

The distinction between delinquent youths and non-delinquent youths has been explained by Sykes and Matza (1957) through neutralization theory. This theory presupposes that: (1) delinquents maintain moral commitment to conventional norms, and (2) the ability to neutralize moral commitment allows them to partake in morally offensive behavior. Subsequent research has shown that the interaction between moral commitment and neutralization significantly explains expected involvement in future deviance (Thurman, 1984). "Although originally proposed as a theory of delinquent

behavior, there is no *a priori* reason to assume that a factor which may encourage deviance among adolescents might not operate similarly for minor forms of deviance among adults (Thurman, 1984; p. 292). It was anticipated that some respondents would not answer the questions or that they would respond with the same judgment to all the vignettes. The addition of the neutralization scale was an attempt to measure the differences between those respondents who answered the vignettes with variability in their responses and those who had no variability in their responses.

Sykes and Matza believed there was a basic commitment to societal norms which an individual must neutralize prior to committing a deviant act. Through their research they developed five excuses which are commonly utilized by delinquents to justify their deviant behavior: denial of responsibility, denial of injury, denial of the victim, condemnation of the condemners and an appeal to higher loyalties (Sykes and Matza, 1957). Two additional neutralization techniques were included: metaphor of the ledger and defense of necessity, in an attempt to distinguish differences among individuals and their belief in common value systems (Minor, 1981). The final two neutralization techniques which were included, measure moral commitment and the threat of guilt feelings (Thurman, 1984).

### Crowne-Marlowe Social Desirability (Lie) Scale

The results of the pre-test indicated a significant number of respondents had no variability in their judgments. This may have been the result of the questionnaires being administered during an extremely hot and humid period of time in a building that was not air conditioned. It may be possible these respondents truly believe a police officer would not perjure him/herself in any of the scenarios presented. The respondents may not have wanted to participate and simply put a single response to all the vignettes or the respondents may have been lying in their judgments. The "Blue Wall of Silence" is still a formidable obstacle despite a few recent cracks.

Lie scales are used to indicate whether a personality questionnaire was answered honestly and sincerely. The Minnesota Multiphasic Personality Inventory (MMPI), for example, incorporates three validity scales within its' framework; F, L and K, with the L standing for lie scale.

The Crowne-Marlowe Social Desirability Scale examines social desirability response tendencies and is considered the primary social desirability measure in use at this time (Reynolds, 1982). Edwards, Diers and Walker (1962) believe the Crowne-Marlowe scale is better conceived as a measure of lying.

William Reynolds (1982) developed three short forms of the Crowne-Marlowe Social Desirability Scale with each short form having 11, 12 and 13 items respectively. The 13 item short form has the highest reliability rate of 76 percent and is recommended as a viable short form for social science researchers. Consequently, this research incorporated this 13 item short form of the Crowne-Marlowe Social Desirability (Lie) Scale in the questionnaires to help interpret the judgments of those respondents with no variability in their responses. The comparison of respondents with variability in their responses and those without variability as measured by the lie scale is shown in Table 13.

#### **Sample/data collection**

Data gathering with a self-administered questionnaire was conducted on July 15, 20, 21, 22, and 23, 1998 at the New York City Police Department's Outdoor Range at Rodman's Neck. The questionnaires consisted of four parts; fifteen individual demographic questions, twenty-four vignettes, a nine question neutralization scale and a thirteen question lie scale. All of the respondents completed the questionnaire within forty-five minutes.

Each vignette that was administered to a respondent represented a case in a factorial survey. Six hundred ten (610) questionnaires were distributed with five hundred eight (508) respondents satisfying the evaluation criteria (See page 67). Since twenty-

four different (unique) vignettes were distributed to five hundred eight police officers meeting the evaluation criteria in this survey, the sample size was twenty-four times five hundred eight or twelve thousand one hundred ninety-two (12,192) points of analysis.

There are more than thirty six thousand police officers in the New York City Police Department. Each of these officers, regardless of rank, is assigned to one of more than three hundred commands, which include titles such as: precincts, divisions, squads, sections and units etc. The Department mandates that each officer attend the outdoor range each year. In order to ensure compliance, the commanding officer of the Firearms and Tactics Section prepares a list of the twenty-seven overhead or primary commands and determines the allocation of personnel to attend the range each day from that unit and each of its subordinate commands or subunits (see, Appendix E). The allocation is determined by the number of personnel in a particular command divided by the number of days the outdoor range is in operation. After the outdoor shooting cycle has been completed, a computer generated listing of all personnel who did not attend the range is prepared and sent to the respective commands for explanation (i.e., long-term sick, retirement) and or disciplinary action.

Randomness of the respondents is assured since the Department has predetermined the number of personnel from each overhead and subordinate commands that must attend each day. Selection of the individuals to attend is determined by the

individual command based upon their required allocation and the personnel scheduled to work on any particular day. This ensures a bias-free sample which crosses rank, assignment, gender and racial boundaries. Anonymity in this informal setting is fostered by officers attending the range in civilian clothes with no indication of their assignment or rank.

All officers attending the range were asked to complete a self-administered factorial survey questionnaire. The questionnaires were distributed on five work days. A total of six hundred and ten (610) questionnaires were distributed. Of this number, six hundred two (602) responses were gathered for a response rate of 98.69%. Since this study examines the use of perjury by police officers only those officers involved in investigations, arrests, court appearances and testimony were included in the analysis (patrol officers, plainclothes officers and detectives). Officers who were involved in clerical or administrative duties as well as ranking officers who are not engaged in activities where the use of perjury is likely, were excluded from the sample by manually reviewing the responses to demographic questions number five and six (see, Appendix F) and removing them. Similarly, those officers with less than two years on the job were excluded from the study since they are on probation and spend six months in the Police Academy in training. The resulting analysis is based upon five hundred and eight (508) police officers and detectives that met the criteria.

Police officer respondents were asked to answer thirty-seven conventional survey items designed to measure demographic attributes, ability to rationalize/neutralize and a lie scale. These thirty-seven items appear in Appendices F, G, and H. Additionally, respondents were asked to read and make judgments for each of twenty-four vignettes that described typical arrest situations that a police officer might encounter.

Items 1 through 15 of each questionnaire were designed to gather demographic information. The officers were asked to indicate their age, gender, race/ethnicity, attained educational level, marital status, current type of assignment, other family members in law enforcement, prior military service, area of residence, whether they were actively practicing a religion, moonlighting, length of time as a police officer, and time in current assignment.

Items 16 through 24 included eight measures of the respondent's ability to rationalize (neutralize) law violation. This was based upon the criteria developed by Sykes and Matza (1957) which states that an ability to neutralize moral commitment allows to partake in morally offensive behavior. Items 25 through 37 are a short form of the Crowne-Marlowe Social Desirability Scale (lie scale).



### Additional Data

The New York City Police Department's internal disciplinary system is comprised of two independent processes: Command Discipline and Charges and Specifications. Command Discipline is an informal disciplinary process which is adjudicated by the Commanding Officer of the unit to which an individual is assigned. The Commanding Officer can discipline for minor offenses, listed in the New York City Police Department Patrol Guide under Schedule A and Schedule B, and impose penalties ranging from oral reprimands up to and including five days loss of time. Perjury by police officers' would not be a violation amenable to the Command Discipline process.

Charges and Specifications is the formal disciplinary process in the New York City Police Department. It is an adversarial process with hearings conducted before an Administrative Judge pursuant to Section 434 of the Administrative Code of New York City. The Administrative Judge makes a determination as to guilt or innocence and makes a recommendation for penalty to the Police Commissioner for his final approval. The recommendations of penalty by the Administrative Judge can run the gamut from warned and admonished, to thirty days suspension, to dismissal from the Department. Allegations of perjury by police officers would ordinarily be adjudicated in this forum.

Attempts to gather any data on internal disciplinary action initiated for police

perjury were problematic. The New York City Police Department has two classifications of infractions which may constitute the crime of perjury; false statements and perjury. The distinction between these classifications and their definitions are nebulous and unclear. Furthermore, disciplinary cases are categorized and final dispositions are filed based upon the most serious infraction. False statements and perjury are, more often than not, lesser included offenses in each disciplinary case. The Department was reluctant to permit a review of individual case folders and this researcher did not have the time or funding necessary to conduct this research.

#### **Individual Rating Mean**

An individual level variable used in some of the analyses was each individual's rating mean. This is a measure of the individual respondents response patterns. For each rating, individual's means were computed by adding their rating scores across their set of vignettes and dividing by the total number of vignettes to which they responded (average score). Individual's means were computed for the ratings and interpreted as indicators of each person's baseline disposition toward the likelihood of committing perjury based upon the factors described in the vignettes.

### Analysis Model

The objective of this research is to observe how judgments are affected by the vignette information. Each vignette functions as the equivalent of a survey item. The vignettes vary within a booklet and across booklets unlike a conventional survey where there is generally no variation across respondents. It is this cross respondent variation that make it possible to use vignettes as the basic units of analysis. The dependent variable consists of the respondent's rating of the likelihood of an officer to commit perjury in a given situation and the independent variables are the vignette dimensions.

Like most factorial surveys, the large number of combinations of information relative to the number of respondents make it likely that no two vignettes are identical. Each respondent was given twenty-four vignettes, therefore the five hundred eight respondents rated twelve thousand one hundred ninety-two vignettes randomly selected. The probability of duplicates occurring in this sample is negligible.

In the vignette based analysis, the elements that vary from vignette to vignette are the independent variables or dimensions. The elements within each dimension are the values of the independent variables called levels. The levels within each dimension are compared to determine statistical significance for that dimension (effect coding). These are the individual values of the independent variable (dimensions). The second process

in the analysis is a statistical comparison across dimensions to determine the relative significance of each dimension (Rossi and Nock, 1982).

There are two inter-related sets of records that result from a factorial survey. The first, vignette records, is a file in which each record consists of the codes for each of the dimensions used in the design and its corresponding rating. The purpose of this file is to analyze how ratings are affected by the levels of the dimensions included. The resulting analysis concerns the structure of the domain in question. Second, the respondent records, is a file in which there is a record for each respondent containing summaries of the ratings given by the respondent and any other relevant data collected from the respondent. This file is to be used in looking at inter-respondent differences in ratings (Weber, et al., 1988).

The analytic model used in factorial surveys has been a single linear additive equation estimated using Ordinary Least Square Regression (OLS) (Weber, et al., 1988; Rossi and Nock, 1982). The current research utilizes OLS to analyze the judgments made by the subjects concerning the likelihood that perjury will be committed. These judgments will be regressed on the nine vignette dimensions in Appendix A. Each judgment is a quantitative result of a set of qualitative and quantitative characteristics (levels). The characteristics are fixed and measured (or produced) without error. Order is random within the individual and across individuals.

The effects of the vignette characteristics on each judgment are estimated using a single linear equation OLS multiple regression model:

$$J_i = b_0 + b_1c_1 + b_2c_2 + \dots b_jc_j + e$$

where  $J_i$  is the rating for the vignette  $I$ ,  $b_0$  is the intercept;  $b_1$ ,  $b_2$  and  $b_j$  are partial regression coefficients for the vignette characteristics  $c_1$ ,  $c_2$ , ...  $c_j$ . The error or deviation of the actual  $J$  value is represented by  $e$  (Anderson, Sweeney and Williams, 1993; Rossi and Nock, 1982).

### Research Questions

Because there is little empirical data on this topic, this research will address the following questions which have not been answered:

- Does police perjury vary by job assignment?
- Does police perjury vary by the officers gender and time on the department?
- What are the motivations, rationales or justifications for the perjury?
- Does the crime and offender affect the likelihood of police to commit perjury?

### Hypotheses

This research will test the following hypotheses:

1. New York City police officers commit perjury in all stages of the investigative,

arrest and testimonial processes.

Perjury can occur prior to police activity involving a defendant as in the case of lying in an affidavit for an arrest warrant (Orfield, 1989; Walsh, 1987; Cohen, 1972). It can also occur during the arrest process including completion of required paper work, or it can occur in testimony at the grand jury or trial (Yant, 1991; Harris, 1989; Leving, 1988; Orfield, 1987; Harrison, 1976). Each stage of the arrest process is related to a set of increasingly stringent normative constraints (Skolnick, 1982). Regardless of when an officer has perjured him/herself, once the perjury has been proffered, the perjury becomes the reality (Skolnick, 1982). The perjury then must be repeated at every subsequent stage of the prosecution: affidavits, grand jury, pre-trial and trial testimony.

2. The likelihood of perjury will vary according to:

- A. the police officer's job assignment. Uniformed officers will be more likely to utilize perjury than plainclothes officers or detectives.

As discussed in chapter three, Columbia law students, in 1968, examined the effect of *Mapp v. Ohio*, supra, police practices in New York City. They examined the impact of the federal exclusionary rules by analyzing the evidentiary grounds for arrest and disposition of narcotics cases before and after the *Mapp* decision. They divided the police into three groups; uniformed, narcotics and plainclothes. Each of the groups

showed a significant increase in "dropped narcotics" after the *Mapp* decision (between forty-five and eighty percent increases). The narcotic officers showed the smallest percentage increase of "dropped narcotics" with plain clothes officers next and uniformed officers having the greatest increase.

B. length of time in the department. Officers with more service time will be less likely to utilize perjury.

Arthur Niederhoffer studied the correlation of cynicism among police officers with the time they were on the job. He discovered that cynicism rose until an officer had eight years on the job and then dropped off rapidly. After the eighth year officers appear to accept the job, have attained promotion, decent salary and benefits, and are settled in their job (Niederhoffer, 1967). Other research has shown that officers with more time on the job make fewer arrests but have a higher conviction rates. They have fewer contacts with civilians and get fewer civilian complaints. Additionally, they get charged with brutality less than officers with less time on the job (Peak, 1993; Senna and Siegel, 1993).

C. gender. Male officers will be more likely to utilize perjury than female officers

Early studies comparing the activity levels of male and female officers indicate that male officers are more aggressive, make more arrests, get more convictions and make more citizen contacts than female officers. Since the late 1960's, female officers have had a greater representation in policing. More recent studies comparing female and male officers have been equivocal at best (Block and Anderson, 1974; David, 1984). The apparent differences in approach, activity and style of policing due to gender warrant the study of their significance in the use of perjury.

3. Police officers' motivation, rationale or justification to commit perjury will fall into three broad categories: organizational, social, and jurisprudence.

Lying by the police is not an indictment of the police but a commentary on the society in which the activity is rooted (Manning, 1978). Felony arrests are worth more than misdemeanors toward promotion and recognition (Knapp Commission, 1972). Several police officers have stated to researchers that a senior officer told them how to write up the complaint report so the arrest would stick (Knapp Commission, 1972; Punch, 1989). Lying in a sworn statement is not wrong because the police are fighting a "holy war" particularly in narcotics enforcement (McNamara, 1996). The police systematically lie under oath and prosecutors, defense attorneys, judges and appellate courts tolerate it (Dershowitz, 1982; Kittel, 1986; Oaks, 1970; Younger, 1967; Cohen, 1970; Kuh, 1962). The police are taught to lie and perjure themselves from their very



first day in the police academy (Dershowitz, 1982; Sutherland and Cressey, 1976). These comments regarding the rationale and motivation for police perjury can be categorized into three operational areas: organizational, social and jurisprudential.

4. The likelihood of police perjury will vary depending upon the offender and the crime (i.e., perjury will be utilized more often with minority offenders and crimes involving narcotics).

Minority offenders who have few resources, past criminal records and little credibility are often the victims of unscrupulous officers (Knapp Commission, 1972; Mollen Commission, 1994). Narcotics dealers have been considered a scourge to society and police have taken advantage of them and, in some cases, been given tacit approval by society and the courts for their actions (Knapp Commission, 1972; Mollen Commission, 1994; Punch, 1996, *U.S. v. Sanchez*, 1992).

### Sample Characteristics

Univariate descriptive statistics for the demographic characteristics of the sample are reported in Table 1. Note that missing data occur for the education, rank, family members in law enforcement, military service, residence in or out of the five boroughs of New York City, actively practicing a religion, currently moonlighting and department

assigned prior to merger of the New York City Police Department with the New York City Housing Police Department and the New York City Transit Police department.

**Table 1. Frequency Distribution of Sample for the Demographic Items  
Items (N = 508)**

Gender			
		<u>N</u>	<u>Pct</u>
	Male	450	88.6
	Female	<u>58</u>	<u>11.4</u>
	Total	508	100.0
-----			
Race/Ethnicity			
		<u>N</u>	<u>Pct</u>
	White	296	58.3
	Hispanic	127	25.0
	Black	68	13.4
	Asian	14	2.8
	Other	<u>3</u>	<u>.6</u>
	Total	508	100.1
-----			
Educational level			
		<u>N</u>	<u>Pct</u>
	GED	16	3.1
	High School	108	21.3
	0-64 College credits	230	45.3
	College degree	137	27.0
	Graduate, Post Graduate	16	3.1
	Missing data	<u>1</u>	<u>.2</u>
	Total	508	100.0
-----			

(Table 1, continued on the next page)

(Table 1, continued)

## Marital status

	<u>N</u>	<u>Pct</u>
Never married	223	43.9
Married/Common Law	223	43.9
Divorced	45	8.9
Separated	15	3.0
Widowed	<u>2</u>	<u>4</u>
Total	508	100.1

---

## Rank

	<u>N</u>	<u>Pct</u>
Police officer	456	89.8
Detective	51	10.0
Missing data	<u>1</u>	<u>2</u>
Total	508	100.0

---

## Assignment

	<u>N</u>	<u>Pct</u>
Uniform patrol	376	74.0
Plainclothes	82	16.1
Detective investigator	49	9.6
Missing data	<u>1</u>	<u>2</u>
Total	508	99.9

---

## Family members in law enforcement

	<u>N</u>	<u>Pct</u>
None	270	53.1
Parent	45	8.9
Brother/Sister	74	14.6
Other relative	117	23.0
Missing data	<u>2</u>	<u>4</u>
Total	508	100.0

---

(Table 1, continued on the next page)

(Table 1, continued)  
Military service

	<u>N</u>	<u>Pct</u>
Yes	96	18.9
No	411	80.9
Missing data	<u>1</u>	<u>.2</u>
Total	508	100.0

---

Residence

	<u>N</u>	<u>Pct</u>
Within the five boroughs	319	62.8
Outside the five boroughs	187	36.8
Missing data	<u>2</u>	<u>.4</u>
Total	508	100.0

---

Actively practicing a religion

	<u>N</u>	<u>Pct</u>
Yes	277	54.5
No	226	44.5
Missing data	<u>5</u>	<u>1.0</u>
Total	508	100.0

---

Moonlighting

	<u>N</u>	<u>Pct</u>
Yes	109	21.5
No	394	77.6
Missing data	<u>5</u>	<u>1.0</u>
Total	508	100.1

---

Department prior to merger

	<u>N</u>	<u>Pct</u>
NYPD	374	73.6
Transit	63	12.4
Housing	52	10.2
Missing data	<u>19</u>	<u>3.7</u>
Total	508	99.9

---

(Table 1, continued on the next page)

(Table 1, continued)

Length of time as a police officer

<u>N</u>	<u>Median yrs.</u>	<u>Mean yrs.</u>
508	5.0	6.49

Years in current assignment

<u>N</u>	<u>Median yrs.</u>	<u>Mean yrs.</u>
508	3.0	3.69

Age

<u>N</u>	<u>Median yrs.</u>	<u>Mean yrs.</u>
508	30	31.05

**Percentages may not equal 100 due to rounding**

Table 1 shows the sample's gender composition. Four hundred fifty or 88.6 percent were male and 58 or 11.4 percent were female. The New York City Police Department's gender composition is 84.4 percent male and 15.2 percent female. Z-tests indicated that the proportions of female and male respondents were not statistically different from the NYPD composition.

With respect to the race/ethnicity item, 296 or 58.3 percent described themselves as White, 127 or 25 percent as Hispanic, 68 or 13.4 percent as Black and 14 or 2.8 percent as Asian. Three others fell into the other category (i.e. American Indian, Mixed). The sample's race/ethnic breakdown differed from the New York City Police Department's predominantly in the category of Hispanic and Whites. The sample was over represented with Hispanics representing 25 percent while their representation in the

NYPD is 17.2 percent. Whites, on the other hand were under represented in the sample, 58.3 percent, while they represent 67.7 percent of the NYPD. All other race/ethnic groups were within a 1.3 percent representation of their respective groups. Educational levels ranged from 16 respondents having a high school equivalency diploma to 16 having a graduate or post-graduate degree. One hundred fifty-three or 30.2 percent of the sample had a college or advanced degree.

Following is the distribution of the 508 respondents on the demographic category of marital status: 223 (43.9%) stated they were never married, 223 (43.9%) they were married and 2 (.4%) stated they were widowed. Forty five (8.9%) categorized themselves as divorced and 15 reported being separated.

Four hundred fifty six (89.8%) respondents reported their rank as police officers and 51 (10%) stated they were detectives. Their current type of assignment was reported as: 376 (74%) uniformed patrol, 82 (16.1%) plainclothes (enforcement or investigation) and 49 (9.6%) detective investigators.

The item of other family members in law enforcement indicates 270 (53.1%) respondents have no other family members involved in law enforcement. Of the remaining respondents 45 (8.9%) have a parent, 74 (14.6%) a brother or sister, and 117 (23%) have another relative involved in law enforcement.

Ninety-six (18.9%) respondents indicated they had military service and 411 (80.9%) stated they had no military service. While 319 (62.8%) reported living within the five boroughs of New York City and 187 (36.8%) stated they lived outside the five boroughs.

Table 1 also presents the distribution of cases for religion, moonlighting and the department prior to the merger items. Two hundred seventy-seven (54.5%) respondents stated they were actively practicing a religion while 226 (44.5%) stated they were not actively practicing a religion. One hundred nine (21.5%) officers stated they are currently moonlighting and 394 (77.6%) stated they are not currently moonlighting. The largest number of the sample, 374, (73.6%) reported they were members of the New York City Police Department prior to the merger while 63 (12.4%) were members of the Transit Authority Police Department and 52 (10.2%) were members of the Housing Authority Police Department. Nineteen respondents (3.7%) failed to answer this question. It is possible that these nineteen respondents were hired after the merger of the of the three departments.

Data for the moonlighting and actively practicing a religion items showed the fewest number of completed responses out of the twelve demographic attributes. In each of these categories five respondents failed to respond.

The final three items depicted in Table 1 are length of time as a police officer, length of time in current assignment and age. Unlike the other twelve demographic questions, where the respondents were required to circle the number of an appropriate category, the respondents were asked to write the number representing the years for each of these items. The mean for each of these items is length of time as a police officer: 6.49 years; length of time in current assignment: 3.69 years; and current age: 31.05 years



## Chapter V Findings From Vignette Data Analysis

### Multiple Regression of Vignette Ratings

As discussed in Chapter I, the purpose of this study is to examine the relative importance of social and individual influences on judgments affecting the likelihood of perjury being committed in various scenarios. In this analysis each judgment by a respondent concerning the likelihood that they would perjure themselves under the conditions specified in each of the twenty four vignettes serves as a dependent variable. The levels of the vignette dimensions serve as independent variables, with each vignette (not the respondent) being the unit of analysis. If people similarly select and combine the information provided in the vignettes in making judgments, a good deal of the variance in the pooled judgments is explained by the vignette variables (Shivley, 1995; Thurman, 1987).

Six hundred ten self administered questionnaires were distributed with six hundred two questionnaires being completed and returned. Of this number, 508 met the criteria for the study and complied with the rating task by recording a judgment for each of the twenty four vignettes having to do with the likelihood of committing perjury. Fifty nine vignettes were not scored by the respondents which resulted in 12,133 vignettes being rated.

Ordinary Least Squares regression (OLS) is used to model the relationships between the variables manipulated in the vignettes and the judgment of the respondent. Individual levels were then added to the equations to assess their independent effects.

Multiple regressions with the vignette rating serving as the dependent variable were performed in order to separate the effects of the levels from the nine dimensions that were used to construct the vignettes. In the first step of the analysis ratings were regressed on dummy variables representing the vignettes dimensions' levels. Dummy variables were created by assigning a zero to one level within each dimension and ones to each of the remaining categories (Kerlinger & Pedhazur, 1973; Rossi & Nock, 1982; Thurman, 1985; Shivley, 1995). The choice of omitted levels is arbitrary, therefore the first category (level) in each dimension was omitted. Forty one dummy variables were created, or  $k-1$  dummies, for each dimension's set of levels per dimension. Table 2 presents the results of the dummy variable analysis for the 12,133 ratings.

"The coefficients on the dummy variables may be interpreted as expressing how a rating was affected by the presence of a particular level in the vignette. The effect of the independent variable on the rating is assessed in reference to the omitted level and the net of the effect of the other levels" (Shively, 1995; p. 58). For example, the first regression coefficient in Table 2 indicates that when the person identified as being the one who committed the crime was a male, in the hypothetical scenarios, the rated

likelihood that an officer would perjure himself/herself was higher by .023846 compared to a reference vignette which is a conjunction of all the omitted levels. This indicates that regardless of other events described in the vignette, the respondents consider it more likely (but in this situation not to the point of statistical significance) that when the person committing the crime is a male, as opposed to a female, there is a greater likelihood the officers would perjure themselves.

It is common in factorial surveys for the  $r^2$  of the regression equations to be fairly low, often no more than .20. Since the equations examine the effects of vignette characteristics on the ratings. The ratings are studied in relation to the vignettes they follow rather than to the individual supplying the rating. Since the analysis does not take into account individual variations in response tendency (based on individual values, perceptions, past experiences, etc.), it would be surprising to find a great deal of the variance explained by the vignettes alone. Relatively high levels of variance explained by the vignettes indicate high levels of social agreement, whereas low levels indicate that judgments are more heavily influenced by individual idiosyncrasies (Rossi and Berk, 1997; Shively, 1995; Thurman, 1987; Rossi and Nock, 1982).

“The relative influence of social and individual factors can be assessed by adding individual level variables to the regression equations. The coefficient for each individual level variable can then be interpreted as expressing the impact of that characteristic on

judgments, not of the effects of the vignette variables and of other individual variables”  
(Shivley, 1995; p. 59).

**Table 2**  
**Dummy Variable Regression of Vignette Ratings**  
**(N = 12,133)**

<u>Dimension and Levels</u>	<u>b</u>	<u>SE B</u>
Dimension A: Gender		
Male	.023846	.043338
Omitted: Female		
Dimension B: Race		
Omitted: black		
white	.072325	.056588
hispanic	.089255	.056575
asian	.029141	.056925
Dimension C: Method of Knowing		
Omitted: observes		
suspects	.013526	.063344
is told by an informant	-.004721	.063777
is told by the dispatcher	-.034885	.063481
is told by a concerned citizen	-.033368	.063909
Dimension D: Temporal		
Omitted: may be committing		
is committing	-.035046	.049003
has committed	.030025	.049299

(Table 2, continued on the next page)

(Table 2, continued)

Dimension and Levels

	<u>b</u>	<u>SE B</u>
Dimension E: Offender		
Omitted: drug dealer		
robber	-.090496	.070063
burglar	-.081723	.070272
sex offender	-.026112	.070673
prostitute	-.022243	.070450
petty thief	-5.32774E-04	.069908
Dimension F: Crime		
Omitted: burglary		
robbery	.015742	.074876
sale of narcotics	.143313	.075177
larceny	-.091435	.075406
rape	.171688*	.078162
assault	.056495	.074239
prostitution	.033998	.074648
Dimension G: Organizational		
Omitted: told to increase the number of arrests		
told to increase the number of convictions	.089255	.080052
needs more arrests to get a detail	.070142	.079893
needs more arrests to keep a detail	.064246	.079683
told performance appraisals are coming up	-.081390	.080511
told the media is interested in the crime of _____	-.069188	.079962
told not to lie or embellish on arrests and reports	-.317047***	.080115
told to clean up a location by a supervisor	.024047	.079820

(Table 2, continued on the next page)

(Table 2, continued)

<u>Dimension and Levels</u>	<u>b</u>	<u>SE B</u>
Dimension H.: Social		
Omitted: sees him/herself as a crime fighter		
is loyal to his/her fellow officers	-.059906	.085700
is just putting in his/her time	-.218405**	.085544
is looking for a promotion	.201252*	.084339
sees him/herself as a problem solver	.091993	.085585
has a personal need for overtime	.541868***	.085929
is very concerned about civil liability	-.342108***	.085070
has been known to lie or embellish on arrests and arrest reports	1.612453***	.084331
is a good cop	-.190156*	.084319
Dimension I: Jurisprudence		
Omitted: not enough evidence for the arrest		
not enough evidence for a felony arrest	.038921	.069642
not enough evidence to convict	-.025236	.069352
not enough evidence to get jail time	.025247	.069002
little chance this arrest will be prosecuted	.072637	.070038
case looks good	-.289952***	.069155

R square = .071

Sig. F = .0000

\* p ≤ .05

\*\* p ≤ .01

\*\*\* p ≤ .001

Examination of the unstandardized regression coefficients in Table 2 allows the effects of individual levels to be considered separately. For each level's unstandardized regression coefficient, the coefficient can be interpreted as the net effect on judgments when that level appears in the vignette compared to the omitted level from the same

dimension. This controls for the effects of all other dummy variables included in the model.

This regression analysis addresses two of the research questions initially posed; what are the motivations, rationales or justifications for perjury and does the crime affect the likelihood of police perjury. Additionally the hypothesis that an officers motivation, rationale and justification to commit perjury will fall into the three broad categories of organizational, social and jurisprudence appears to be supported.

Nine levels produced regression coefficients that are statistically significant at the  $\leq .05$  probability level compared to the effect on judgments of the level from their respective dimensions that were omitted in the model. Six of these come from the social dimension indicating that if an officer is just putting in their time, looking for a promotion, needs overtime, is concerned about civil liability, has been known to lie (perjure) on arrests and arrest reports or is a good cop significantly increases the likelihood of perjury compared to when the officer sees himself/herself as a crime fighter. Three of these levels: the officer is just putting in their time, is concerned about civil liability and is a good cop, had negative coefficients indicating that when these levels appeared there was little likelihood the officer would commit perjury.

The level "is a good cop" is a rather amorphous concept. Police officers,

however, can accurately assess their peers talents and appear to be very clear in their ability to understand what this characteristic means despite their inability to define it. Subsequent research has taken these identifications and empirically documented differences between “a good cop, or a cops cop” and other police officers (Toch et al., 1975; Manning, 1977; Bayley and Garofalo, 1989). It would appear “that street cops know more than anybody what is good policing and who are the cops cop” (Fyfe, 1997; p. 210).

Three other dimensions produced one level each with significant regression coefficients. One level from the crime dimension, rape, differed significantly from the omitted category of burglary and supported, in part, the hypothesis that the likelihood of perjury will vary according to the crime. Officers are more likely to commit perjury when the crime is rape than when the crime is burglary. Interestingly, the level, sale of narcotics, did not show a statistical significance in this analysis.

For the level in the organizational dimension, when an officer has been previously told not to lie or embellish on arrests and reports, the findings indicate officers are significantly less likely to commit perjury than when they are told to increase the number of their arrests. In the jurisprudence dimension, the level of the case looks good, officers are significantly less likely to commit perjury than when they believe there is not enough evidence for the arrest.



The dummy variable model included the responses of all 508 respondents who met the evaluation criteria. Of this number, 117 (23.03%) respondents had no variability in their responses, meaning they recorded the same judgment (value) for each vignette. In most cases this response was a 1, indicating it was highly unlikely that an officer in any of the scenarios presented would commit perjury. There are several possible explanations for this phenomena: the respondents truly believe that officers would not commit perjury in any of the scenarios presented, the respondents took the “party” line and maintained the “blue wall of silence” by indicating officers would never commit perjury, the respondents could not be bothered with reading the vignettes and for convenience sake put the same response for all vignettes, or finally the respondents were lying.

#### Subsample Vignette Analysis

This section presents the results of analysis of the subset of respondents who adjusted their ratings according to the information appearing in the experimentally designed vignettes.

It would appear that those respondents who showed variability in their responses were willing to participate honestly in reading the scenario’s and paying attention to changing conditions in the vignettes when making their judgments (Thurman, 1987). Three hundred ninety one officers, 76.96 percent of the full sample, believe that some

officers would perjure themselves based on the scenarios presented in the vignettes. Consequently, analyzing these respondents may provide policy makers with more useful information for reducing the likelihood of perjury among officers. It is this group of respondents that allows us to explore the changing characteristics that influence police judgments when committing perjury.

Results of the full sample presented in Chapter V reflected 12,133 judgments which were regressed upon the values representing the nine vignette dimensions. The number of ratings used in the Ordinary Least Squares (OLS) subsample regression analysis is limited to 9,325 after eliminating the ratings of the 117 respondents who recorded a single value (usually a 1, meaning it was unlikely the officer would commit perjury) for each of the vignettes that they rated.

Table 3 represents the frequency distribution of the 391 respondents who had variability in their responses.

---

**Table 3. Frequency Distribution of Sample for the Demographic Items  
Items (N = 391)**

---

Gender

	<u>N</u>	<u>Pct</u>
Male	343	87.7
Female	<u>48</u>	<u>12.3</u>
Total	391	100.0

---

(Table 3, continued)

## Race

	<u>N</u>	<u>Pct</u>
Asian	10	2.6
Black	59	15.1
Hispanic	102	26.1
White	217	55.5
Other	<u>3</u>	<u>.8</u>
Total	391	100.1

---

## Educational level

	<u>N</u>	<u>Pct</u>
GED	12	3.1
High School	85	21.7
0-64 College credits	177	45.3
College degree	104	26.6
Graduate, Post Graduate	12	3.1
Missing data	<u>1</u>	<u>.3</u>
Total	391	100.1

---

## Marital status

	<u>N</u>	<u>Pct</u>
Never married	175	44.8
Married/Common Law	165	42.2
Separated	13	3.3
Divorced	36	9.2
Widowed	<u>2</u>	<u>.5</u>
Total	391	100.0

---

## Rank

	<u>N</u>	<u>Pct</u>
Police officer	348	89.0
Detective	<u>43</u>	<u>11.0</u>
Total	391	100.0

---

(Table 3, continued on the next page)

(Table 3, continued)

## Assignment

	<u>N</u>	<u>Pct</u>
Uniform patrol	288	73.7
Plainclothes	61	15.6
Detective investigator	<u>42</u>	<u>10.7</u>
Total	391	100.0

---

## Family members in law enforcement

	<u>N</u>	<u>Pct</u>
None	214	54.7
Parent	34	8.7
Brother/sister	52	13.3
Other relative	90	23.0
Missing data	<u>1</u>	<u>.3</u>
Total	391	100.0

---

## Military service

	<u>N</u>	<u>Pct</u>
Yes	75	19.2
No	<u>316</u>	<u>80.8</u>
Total	391	100.0

---

## Residence

	<u>N</u>	<u>Pct</u>
Within the five boroughs	251	64.2
Outside the five boroughs	<u>140</u>	<u>35.8</u>
Total	391	100.0

---

## Actively practicing a religion

	<u>N</u>	<u>Pct</u>
Yes	212	54.2
No	177	45.3
Missing data	<u>2</u>	<u>.5</u>
Total	391	100.0

---

(Table 3, continued on the next page)

(Table 3, continued)  
Moonlighting

	<u>N</u>	<u>Pct</u>
Yes	85	21.7
No	304	77.7
Missing data	<u>2</u>	<u>.5</u>
Total	391	99.9

Department prior to merger

	<u>N</u>	<u>Pct</u>
NYPD	288	73.7
Housing	44	11.3
Transit	45	11.5
Missing data	<u>14</u>	<u>3.6</u>
Total	391	100.1

Length of time as a police officer

<u>N</u>	<u>Median yrs.</u>	<u>Mean yrs.</u>
391	5.71	6.417

Years in current assignment

<u>N</u>	<u>Median yrs.</u>	<u>Mean yrs.</u>
391	3.0	3.701

Age

<u>N</u>	<u>Median yrs.</u>	<u>Mean yrs.</u>
391	30	31.130

Percentages may not equal 100 due to rounding

The frequency distributions of the full sample (Table 1) and the subsample (Table 3) are virtually mirror images with no level varying by more than one and one half percent, with the exception of the race dimension. Although not statistically significant,

white police officers were represented by 55.5 percent or 2.8 percent less than the full sample. Conversely, blacks and Hispanics had a slightly greater representation, 1.7 percent and 1.1 percent, respectively.

Multiple regression of the subsample with the vignette rating serving as the dependent variable was performed to separate the effects of the levels from the nine dimensions that were used to construct the vignettes. In the first step of the analysis, ratings were regressed on 41 dummy variables representing the vignette levels. Table 4 depicts the results of the dummy variable analysis for the 391 respondents who had variability in their judgments.

---

**Table 4**

**Dummy Variable Regression of Vignette Ratings of Subsample**

---

<u>Dimension and Levels</u>	<u>b</u>	<u>SE B</u>
Dimension A: Gender		
Omitted: Male		
Female	.004474	.050977
Dimension B: Race		
Omitted: black		
white	.099773	.066421
hispanic	.094059	.066274
asian	.063081	.067201

(Table 4, continued on the next page)

(Table 4, continued)

<u>Dimension and Levels</u>	<u>b</u>	<u>SE B</u>
Dimension C: Method of Knowing		
Omitted: observes suspects	-.013639	.074340
is told by an informant	-.030165	.074913
is told by the dispatcher	-.049243	.074594
is told by a concerned citizen	-.068177	.074941
Dimension D: Temporal		
Omitted: may be committing is committing	-.032681	.057687
has committed	.036748	.057951
Dimension E: Offender		
Omitted: drug dealer robber	-.085458	.082548
burglar	-.080080	.082536
sex offender	-.051733	.082910
prostitute	-.021456	.082910
petty thief	-.033764	.082118
Dimension F: Crime		
Omitted: burglary robbery	.051970	.088044
sale of narcotics	.178320*	.087697
larceny	-.041016	.088616
rape	.176024	.091741
assault	.095560	.087015
prostitution	.109652	.088023

(Table 4, continued on the next page)

(Table 4, continued)  
Dimension and Levels

	<u>b</u>	<u>SE B</u>
Dimension G: Organizational		
Omitted: told to increase the number of arrests		
told to increase the number of convictions	.155867	.093630
needs more arrests to get a detail	.158282	.093805
needs more arrests to keep a detail	.181654	.093629
told performance appraisals are coming up	-.113374	.094354
told the media is interested in the crime of _____	-.090053	.093826
told not to lie or embellish on arrests and reports	-.356160***	.094318
told to clean up a location by a supervisor	.064488	.093142
Dimension H.: Social		
Omitted: sees him/herself as a crime fighter		
is loyal to his/her fellow officers	-.080247	.100582
is just putting in his/her time	-.274908**	.100719
is looking for a promotion	.305471**	.099252
sees him/herself as a problem solver	-.084590	.101051
has a personal need for overtime	.740225***	.101206
is very concerned about civil liability	-.388475***	.100037
has been known to lie or embellish on arrests and arrest reports	2.028692***	.098703
is a good cop	-.291999**	.099389
Dimension I: Jurisprudence		
Omitted: not enough evidence for the arrest		
not enough evidence for a felony arrest	.016309	.081919
not enough evidence to convict	-.063575	.081388
not enough evidence to get jail time	-.002113	.081363
little chance this arrest will be prosecuted	.064324	.082364
case looks good	-.418547***	.081202

R square = .10492

N = 9325

Sig. F = .0000

---



- \*  $p \leq .05$
- \*\*  $p \leq .01$
- \*\*\*  $p \leq .001$

Similar to the results in the full sample, the motivation, rationale and justification for police perjury were identified in nine levels which were in the dimensions of organization, social and jurisprudence. The regression coefficients in Table 4 indicate nine levels are statistically significant at the  $\leq .05$  probability level compared to the effect on judgment of the level from their respective dimensions that were omitted in the model. Six of these levels are from the social dimension. Similar to the full sample, if an officer has been known to lie or embellish on arrests and arrest reports there was a significant likelihood, at the  $\leq .001$  level, that the officer would perjure himself/herself. Likewise, if the officer was identified as: a good cop, just putting in his/her time or concerned about civil liability, it was unlikely the officer would commit perjury. Finally, if the officer was looking for a promotion there was a statistical likelihood, at the  $\leq .01$  level, the officer would commit perjury.

Three other dimensions produced one level each with significant regression coefficients. One level from the crime dimension, sale of narcotics, differed significantly from the omitted category of burglary. The respondents in the sub-sample believe officers are more likely to commit perjury when the crime is sale of narcotics than when the crime is burglary. This is consistent with the belief expressed in much of the literature that the

use of perjury by the police in narcotics cases is prevalent and supports the hypothesis that the crime affects the likelihood of police perjury (Knapp and Armstrong, 1972; Dershowitz, 1994; Mollen and Armao, 1994; McNamara, 1996). It appears the full sample, which includes those officers with no variability in their judgments, impacted this dimension of crime.

The level for the organizational dimension of when an officer has been previously told not to lie or embellish on arrests and reports was significant at the  $\leq .001$  level and had a negative coefficient. In the jurisprudence dimension, the level of the case looks good was significant at the  $\leq .001$  level and also had a negative coefficient. When these levels appear it is unlikely the officer will commit perjury.

### **Individual Influences on Vignette Ratings**

Table 5 examines the impact of individual level variables on the explained vignette variance. Each individual level variance was added separately to each of the initial regression equations of the OLS model. The first variable added to the equation was the individual rating mean which explained a great deal of additional variance (47.8 percent). When first added to the equation, the individual rating mean explained approximately forty eight percent of the variance in each rating. This was not surprising since this variable, in part, measures something within itself. When pooled together for

the vignette level analysis each individual's twenty-four ratings are included as values of the dependent variable, and the mean of their twenty-four ratings is included as a value of the independent variable. The impact of individual response tendency provides an indication that people's stable views may play a larger role in judgments than variations within situations.

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**Table 5**

**Variance Explained by Vignette and Individual Variables**  
**(N=391)**

---

**Likelihood of perjury (percentage)**

Vignette variables	10.49 %
Variance explained when adding the following variables individually:	
Individual rating mean	47.81
Gender	11.60
Age	10.58
Years as a police officer	10.92
Assignment	10.50
Race	11.15
Marital status	12.11

(Table 5, continued on the next page)

(Table 5, continued)

Years in assignment	10.66
Family members	10.86
Residence	10.57
Military	10.55

---

Table 5 shows the variance explained by the vignettes and the additional variance when individual level variables were added to the OLS model. Variance ratings were greater in all of the individual variables than by the set of situational variables comprising the vignettes. Ten and one half percent of the variance was explained by all of the information in the vignettes. On the other hand, respondents rating means explained forty eight percent of the variance. The individual level variables of gender (11.60 percent), race (11.15 percent) and marital status (12.11 percent) showed the greatest additional variance. None of the ten individual level variables explained more than 1.6 percent additional variance. Table 6 further analyzes the individual level variables.

Multiple regressions were performed using the individual level variables to determine which dimension's levels had statistical significance. Table 6 depicts the dimension levels with statistical significance for each individual level variable. The dimension of crime had two levels that reached statistical significance: sale of narcotics, and rape. Sale of narcotics had statistical significance in nine of the ten individual level

variables indicating there is a high likelihood of officers committing perjury when the crime is sale of narcotics.

The organizational dimension had three levels that reached statistical significance: told he/she needs more arrests to keep a detail, told the media is interested in the crime of “\_\_\_\_,” and has been told not to lie or embellish on arrests. The level, “needs more arrests to keep a detail” was statistically significant in only three of the ten individual level variables, however, the statistical significance appeared in the variables of race, marital status and residence. Further analysis however, did not find this level to be statistically significant on the individual levels in the dimensions of race, location of residence or marital status. The findings concerning the dimension of race appear to disprove the hypothesis that the offender affects the likelihood of police perjury. The level of having been told not to lie or embellish on arrests was statistically significant at the  $\leq .001$  level across all individual level variables and the vignette variable with a negative coefficient. This would appear to indicate that police officers who have been previously warned not to lie or embellish on arrests are unlikely to commit perjury.

The social dimension had six levels which reached statistical significance across all ten individual level variables; just putting in his/her time, looking for a promotion, personal need for overtime, overly concerned about civil liability, known to lie or embellish on arrests and is a good cop. Three of these six levels: just putting in his/her

time, very concerned about civil liability and is a good cop had negative coefficients. Police officers who are marginal employees or near retirement would appear to be less likely to commit perjury. Likewise, those officers who are very concerned about civil liability are unlikely to commit perjury. An officer who has been identified as a good cop is highly unlikely to commit perjury.

Only one level, "the case looks good", in the jurisprudence dimension reached statistical significance across all ten individual level variables. If the case looks good to the officers there is little likelihood of an officer committing perjury.

Table 6

Regression of Significant Individual Level Variables

	<u>391</u>	<u>Ratemean</u>	<u>Age</u>	<u>Gender</u>	<u>Race</u>	<u>Military</u>	<u>Time as PO</u>
sale of narcotics	*	----	*	*	*	*	*
rape	----	*	----	*	----	----	----
needs more arrests to keep detail	----	**	----	----	*	----	----
told media is interested	----	*	----	----	----	----	----
told not to lie or embellish on arrests	***	***	***	***	***	***	***
just putting in his/her time	**	***	**	*	**	**	**
looking for a promotion	**	***	**	**	**	**	**
personal need for overtime	***	***	***	***	***	***	***
very concerned about civil liability	***	***	***	***	***	***	***
known to lie and embellish on arrests	***	***	***	***	***	***	***
is a good cop	**	***	**	**	**	**	**
case looks good	***	***	***	***	***	***	***

\* ≤ .05

\*\* ≤ .01

\*\*\* ≤ .001

(Table 6, continued on the next page)

(Table 6, continued)

**Table 6**

**Regression of Significant Individual Level Variables**

---

	Yrs. In Assign.	Marital Status	Assignment	Family	Residence
sale of narcotics	*	----	*	*	*
rape	----	*	----	*	----
needs more arrests to keep detail	----	*	----	----	*
told media is interested	----	----	----	----	----
told not to lie or embellish on arrests	***	***	***	***	***
just putting in his/her time	**	**	**	**	**
looking for a promotion	**	**	**	**	**
personal need for overtime	***	***	***	***	***
very concerned about civil liability	***	***	***	***	***
known to lie and embellish on arrests	***	***	***	***	***
is a good cop	**	**	**	**	**
case looks good	***	***	***	***	***

\* ≤ .05

\*\* ≤ .01

\*\*\* ≤ .001



Tables 7 to 11 analyze the individual variables in greater detail to determine idiosyncratic differences. Table 7 and 8 show the multiple regression analysis for the gender variable of male and female and answer the question of whether an officers gender affects the likelihood of police perjury.

**Table 7**  
**Regression of Vignette Ratings of Individual Gender Variable**  
**(Males)**

<u>Dimension and Levels</u>	<u>b</u>	<u>SE B</u>
Dimension A: Gender		
Omitted: Male		
Female	7.08176E-04	.052600
Dimension B: Race		
Omitted: black		
white	.054345	.068439
Hispanic	.032783	.068345
Asian	.055044	.069340
Dimension C: Method of Knowing		
Omitted: observes		
suspects	.039226	.076614
is told by an informant	-.057179	.077323
is told by the dispatcher	-.064693	.076990
is told by a concerned citizen	-.052915	.077161
Dimension D: Temporal		
Omitted: may be committing		
is committing	-.006063	.059477
has committed	.017859	.059808

(Table 7, continued on the next page)

(Table 7, continued)

Dimension and LevelsbSE B

## Dimension E: Offender

Omitted: drug dealer

robber	-.077989	.085202
burglar	-.034798	.085019
sex offender	-.018805	.085788
prostitute	9.50020E-04	.085632
petty thief	-.007355	.084924

## Dimension F: Crime

Omitted: burglary

robbery	.101242	.090692
sale of narcotics	.221085*	.090934
larceny	.013784	.091620
rape	.236244*	.094568
assault	.181277*	.090039
prostitution	.117121	.090666

## Dimension G: Organizational

Omitted: told to increase the number of arrests

told to increase the number of convictions	.245840*	.096268
needs more arrests to get a detail	.203388*	.097163
needs more arrests to keep a detail	.291047**	.097104
told performance appraisals are coming up	.015985	.097696
told the media is interested in the crime of _____	.015377	.096940
told not to lie or embellish on arrests and reports	-.240484*	.097202
told to clean up a location by a supervisor	.073651	.096145

## Dimension H.: Social

Omitted: sees him/herself as a crime fighter

is loyal to his/her fellow officers	-.055763	.104172
is just putting in his/her time	-.232788*	.103936
is looking for a promotion	.226536*	.102812
sees him/herself as a problem solver	-.057339	.104580

(Table 7, continued on the next page)

(Table 7, continued)

<u>Dimension and Levels</u>	<u>b</u>	<u>SE B</u>
has a personal need for overtime	.715928***	.104252
is very concerned about civil liability	-.269854**	.103235
has been known to lie or embellish on arrests and arrest reports	1.966068***	.102704
is a good cop	-.216579*	.102822

Dimension I: Jurisprudence

Omitted: not enough evidence for the arrest		
not enough evidence for a felony arrest	.029656	.084472
not enough evidence to convict	-.074990	.083726
not enough evidence to get jail time	-.011101	.083694
little chance this arrest will be prosecuted	.034910	.084899
case looks good	-.370326***	.083683

R square = .09941

N = 8175

Sig. F = .0000

\* p ≤ .05

\*\* p ≤ .01

\*\*\* p ≤ .001

**Table 8**  
**Regression of Vignette Ratings of Individual Gender Variable**  
**(Females)**

<u>Dimension and Levels</u>	<u>b</u>	<u>SE B</u>
Dimension A: Gender		
Omitted: Male		
Female	.106457	.171079

(Table 8, continued on the next page)

(Table 8, continued)

<u>Dimension and Levels</u>	<u>b</u>	<u>SE B</u>
Dimension B: Race		
Omitted: black		
white	.477512*	.223256
Hispanic	.540292*	.221155
Asian	.155454	.223642
Dimension C: Method of Knowing		
Omitted: observes		
suspects	-.406321	.248399
is told by an informant	.248212	.249226
is told by the dispatcher	.012315	.248283
is told by a concerned citizen	-.075749	.252521
Dimension D: Temporal		
Omitted: may be committing		
is committing	-.174540	.192021
has committed	.109378	.193790
Dimension E: Offender		
Omitted: drug dealer		
robber	-.061033	.273442
burglar	-.197362	.277670
sex offender	-.095425	.272152
prostitute	-.008703	.272984
petty thief	-.072569	.268261
Dimension F: Crime		
Omitted: burglary		
robbery	-.105871	.297857
sale of narcotics	-.082593	.281902
larceny	-.255172	.291053
rape	-.064753	.307470
assault	-.402017	.284021
prostitution	.221577	.297312

(Table 8, continued)

<u>Dimension and Levels</u>	<u>b</u>	<u>SE B</u>
Dimension G: Organizational		
Omitted: told to increase the number of arrests		
told to increase the number of convictions	-.272573	.320302
needs more arrests to get a detail	-.129590	.304470
needs more arrests to keep a detail	-.569762	.302025
told performance appraisals are coming up	-.930818**	.306074
told the media is interested in the crime of _____	-.750393*	.309546
told not to lie or embellish on arrests and reports	-1.110556***	.316102
told to clean up a location by a supervisor	.185523	.308955
Dimension H.: Social		
Omitted: sees him/herself as a crime fighter		
is loyal to his/her fellow officers	-.147465	.325362
is just putting in his/her time	-.354864	.335642
is looking for a promotion	.848894**	.320946
sees him/herself as a problem solver	-.191168	.328978
has a personal need for overtime	1.294122***	.343196
is very concerned about civil liability	-1.185488***	.332878
has been known to lie or embellish on arrests and arrest reports	2.457817***	.308961
is a good cop	-.777369*	.323694
Dimension I: Jurisprudence		
Omitted: not enough evidence for the arrest		
not enough evidence for a felony arrest	-.200107	.273579
not enough evidence to convict	-.014037	.276063
not enough evidence to get jail time	.030560	.275588
little chance this arrest will be prosecuted	.255309	.275613
case looks good	-.789990**	.272705

R square = .19325

N = 1108

Sig. F = .0000

- \*  $p \leq .05$
  - \*\*  $p \leq .01$
  - \*\*\*  $p \leq .001$
- 

As Table 7 and 8 indicate there are several noteworthy differences in the judgments between male and female respondents and supports the hypothesis that the crime and offender affect the likelihood of police perjury. Male officers are more likely to utilize perjury as evidenced by their identifying fourteen levels as being statistically significant in their judgments. On the other hand female officers identified eleven levels as being statistically significant.

Male respondents did not judge any level in the dimension of race to be significant, while female respondents judged the levels of white and Hispanic to be significant at the  $\leq .05$  level when compared to the dummy variable of black. Female respondents did not judge any level in the crime dimension to be significant, while male respondents judged three levels to be significant: sale of narcotics, rape and assault, in a police officers decision to commit perjury.

In the organizational dimension male respondents judged three levels to be significant: told to increase his/her convictions, needs more arrests to get a detail and needs more arrests to keep a detail. Female respondents judged the levels of: told performance appraisals are coming up and the media is interested in the crime of “\_\_\_”

to be significant with negative coefficients. Both male and female respondents judged the level, "has been told not to lie or embellish on arrests and reports," as being significant with a negative coefficient.

Male and female respondents had similar judgments in identifying five levels of the social dimension as being statistically significant: is looking for a promotion, has a personal need for overtime, is very concerned about civil liability, has been known to lie and embellish on arrests and arrest reports and is a good cop. Two of these levels had negative coefficients: is overly concerned about civil liability and is a good cop. Additionally, male respondents judged the level, "just putting in his/her time," to be statistically significant at the  $\leq .05$  level with a negative coefficient.

One level in the jurisprudence dimension was judged to be statistically significant by both male and female respondents: the case looks good. This level had a negative coefficient and indicates police officers would be unlikely to commit perjury when they believe the case looks good.

Tables 9-11 examine the regressions of the vignette ratings of the individual variable of assignment: uniform police officers, plainclothes officers and detectives and addresses the research question of whether job assignment affects police perjury. Prior research (Columbia Law School students, 1968; Georgetown Law School students,

1971) indicates police officers in different assignments, as identified by title, have different responses to changes in the law (*Mapp v. Ohio*) and perjure themselves at different rates. Although this research does not address the incident rate of perjury, it does identify those variables which police officers in different assignments believe are significant in affecting their decision to commit perjury.

**Table 9**  
**Regression of Vignette Ratings of Individual Assignment Variable**  
**(Uniformed Police Officers)**

<u>Dimension and Levels</u>	<u>b</u>	<u>SE B</u>
Dimension A: Gender		
Omitted: Male		
Female	.032359	.057859
Dimension B: Race		
Omitted: black		
white	.101179	.075588
Hispanic	.110280	.075303
Asian	.100395	.076086
Dimension C: Method of Knowing		
Omitted: observes		
suspects	-.009460	.084205
is told by an informant	5.10017E-04	.085374
is told by the dispatcher	-.098006	.084733
is told by a concerned citizen	-.054239	.085730

(Table 9, continued on the next page)



(Table 9, continued)

<u>Dimension and Levels</u>	<u>b</u>	<u>SE B</u>
Dimension D: Temporal		
Omitted: may be committing		
is committing	-.046372	.065787
has committed	-.008243	.065824
Dimension E: Offender		
Omitted: drug dealer		
robber	-.118253	.093893
burglar	-.087656	.094798
sex offender	-.008213	.094159
prostitute	-.012081	.094354
petty thief	-.025033	.093849
Dimension F: Crime		
Omitted: burglary		
robbery	.141711	.100037
sale of narcotics	.237394*	.100178
larceny	.066227	.100262
rape	.264836*	.104457
assault	.108300	.098249
prostitution	.198260*	.099681
Dimension G: Organizational		
Omitted: told to increase the number of arrests		
told to increase the number of convictions	.102302	.106442
needs more arrests to get a detail	.033309	.107002
needs more arrests to keep a detail	.177252	.106746
told performance appraisals are coming up	-.164078	.106999
told the media is interested in the crime of _____	-.089088	.106078
told not to lie or embellish on arrests and reports	-.298245**	.107402
told to clean up a location by a supervisor	-.029251	.106538

(Table 9, continued on the next page)

(Table 9, continued)

<u>Dimension and Levels</u>	<u>b</u>	<u>SE B</u>
Dimension H.: Social		
Omitted: sees him/herself as a crime fighter		
is loyal to his/her fellow officers	-.035832	.113433
is just putting in his/her time	-.255376*	.113275
is looking for a promotion	.303679**	.113111
sees him/herself as a problem solver	-.050184	.113907
has a personal need for overtime	.756945***	.113404
is very concerned about civil liability	-.412424***	.112943
has been known to lie or embellish on arrests and arrest reports	1.871310***	.110987
is a good cop	-.355907**	.112768
Dimension I: Jurisprudence		
Omitted: not enough evidence for the arrest		
not enough evidence for a felony arrest	.032523	.092407
not enough evidence to convict	-.086601	.092558
not enough evidence to get jail time	-.025119	.092490
little chance this arrest will be prosecuted	.120972	.093842
case looks good	-.383538***	.092658

R square = .10011

N = 6853

Sig. F = .0000

\* p ≤ .05

\*\* p ≤ .01

\*\*\* p ≤ .001

**Table 10**  
**Regression of Vignette Ratings of Individual Assignment Variable**  
**(Plainclothes Officers)**

<u>Dimension and Levels</u>	<u>b</u>	<u>SE B</u>
Dimension A: Gender		
Omitted: Male		
Female	-.086614	.137040
Dimension B: Race		
Omitted: black		
white	.171949	.177574
Hispanic	.054734	.179876
Asian	-.101606	.182327
Dimension C: Method of Knowing		
Omitted: observes		
suspects	-.039886	.201565
is told by an informant	-.427341*	.198202
is told by the dispatcher	-.034356	.200019
is told by a concerned citizen	-.105233	.194021
Dimension D: Temporal		
Omitted: may be committing		
is committing	.119509	.152637
has committed	.016769	.154072
Dimension E: Offender		
Omitted: drug dealer		
robber	.025406	.220489
burglar	-.222418	.213799
sex offender	-.065823	.222390
prostitute	-.098573	.214593
petty thief	-.389391	.214036

(Table 10, continued)

Dimension and Levels

## Dimension F: Crime

	<u>b</u>	<u>SE B</u>
Omitted: burglary		
robbery	-.087733	.232357
sale of narcotics	.145590	.233798
larceny	-.289517	.238031
rape	.147745	.245233
assault	.147077	.237720
prostitution	-.006591	.241658

## Dimension G: Organizational

Omitted: told to increase the number of arrests		
told to increase the number of convictions	.307781	.238217
needs more arrests to get a detail	.137813	.250290
needs more arrests to keep a detail	.259818	.239659
told performance appraisals are coming up	-.170306	.248643
told the media is interested in the crime of _____	-.062812	.250912
told not to lie or embellish on arrests and reports	-.451833	.254359
told to clean up a location by a supervisor	.009833	.239201

## Dimension H.: Social

Omitted: sees him/herself as a crime fighter		
is loyal to his/her fellow officers	-.026725	.274337
is just putting in his/her time	-.051277	.274960
is looking for a promotion	.497527	.263554
sees him/herself as a problem solver	-.123821	.271895
has a personal need for overtime	.508896	.279696
is very concerned about civil liability	-.252715	.271590
has been known to lie or embellish on arrests and arrest reports	2.815499***	.267966
is a good cop	.138552	.266244

(Table 10, continued on the next page)

(Table 10, continued)

<u>Dimension and Levels</u>	<u>b</u>	<u>SE B</u>
Dimension I: Jurisprudence		
Omitted: not enough evidence for the arrest		
not enough evidence for a felony arrest	.046561	.223163
not enough evidence to convict	-.244011	.218834
not enough evidence to get jail time	-.115241	.220690
little chance this arrest will be prosecuted	-.187365	.219055
case looks good	-.582966**	.214939

R square = .15352

N = 1422

Sig. F = .0000

\* p ≤ .05

\*\* p ≤ .01

\*\*\* p ≤ .001

**Table 11**  
**Regression of Vignette Ratings of Individual Assignment Variable**  
**(Detectives)**

<u>Dimension and Levels</u>	<u>b</u>	<u>SE B</u>
Dimension A: Gender		
Omitted: Male		
Female	-.035405	.175826
Dimension B: Race		
Omitted: black		
white	-.090671	.222254
Hispanic	.037663	.220231
Asian	.088016	.228729

(Table 11, continued on the next page)

(Table 11, continued)  
Dimension and Levels

	<u>b</u>	<u>SE B</u>
Dimension C: Method of Knowing		
Omitted: observes		
suspects	-.008933	.248657
is told by an informant	.168979	.251693
is told by the dispatcher	.170146	.249224
is told by a concerned citizen	-.195928	.251320
Dimension D: Temporal		
Omitted: may be committing		
is committing	-.174024	.191941
has committed	.370739	.197073
Dimension E: Offender		
Omitted: drug dealer		
robber	-.085955	.279616
burglar	.080306	.272986
sex offender	-.337543	.279208
prostitute	-.065525	.291565
petty thief	.422278	.274497
Dimension F: Crime		
Omitted: burglary		
robbery	-.367549	.304816
sale of narcotics	-.133172	.286668
larceny	-.411750	.305560
rape	-.486254	.304831
assault	.022579	.297628
prostitution	-.434590	.292384

(Table 11, continued on the next page)

(Table 11, continued)

<u>Dimension and Levels</u>	<u>b</u>	<u>SE B</u>
Dimension G: Organizational		
Omitted: told to increase the number of arrests		
told to increase the number of convictions	.204210	.336342
needs more arrests to get a detail	.892365**	.311314
needs more arrests to keep a detail	.191669	.326903
told performance appraisals are coming up	.290933	.327257
told the media is interested in the crime of _____	-.094562	.328138
told not to lie or embellish on arrests and reports	-.562806	.313116
told to clean up a location by a supervisor	.772682*	.317834
Dimension H.: Social		
Omitted: sees him/herself as a crime fighter		
is loyal to his/her fellow officers	-.482566	.345840
is just putting in his/her time	-.768600*	.352295
is looking for a promotion	.105043	.336039
sees him/herself as a problem solver	-.217489	.354207
has a personal need for overtime	.829246*	.357851
is very concerned about civil liability	-.549358	.345193
has been known to lie or embellish on arrests and arrest reports	2.053979***	.346902
is a good cop	-.544712	.338067
Dimension I: Jurisprudence		
Omitted: not enough evidence for the arrest		
not enough evidence for a felony arrest	-.116145	.281238
not enough evidence to convict	.369589	.268392
not enough evidence to get jail time	.247815	.266762
little chance this arrest will be prosecuted	.027522	.272942
case looks good	-.454382	.270451

R square = .15919

N = 966

Sig. F = .0000

\* p ≤ .05

\*\* p ≤ .01

\*\*\*  $p \leq .001$

---

The research by Columbia Law School students (1968) indicated police officers were more prone to committing perjury subsequent to the passing of *Mapp v. Ohio*. This behavior was influenced by their assignment with uniformed police having the greatest increase, plainclothes officers next and narcotics officers the smallest increase. Tables 9 to 11 suggest that assignment has an impact on the variables which police officers judged to be significant in their decision to perjure themselves and supports the hypothesis that uniformed police officers are more likely to utilize perjury. Uniformed police officers judged eleven levels to be significant at the  $\leq .05$  level. Three of the levels were from the crime dimension: sale of narcotics, rape and prostitution. It is important to note that a number of uniformed police officers from the Midtown South Precinct had been suspended without pay five weeks prior to the administration of this research instrument for soliciting and protecting prostitutes. One level was from the organizational dimension: has been previously told not to lie or embellish on arrests and reports. This level had a negative coefficient and has consistently been identified as being significant. When a police officer has previously been told not to lie or embellish on arrests and reports it is unlikely he/she will commit perjury. Six levels of the social dimension were identified as being significant: just putting in his/her time, is looking for a promotion, has a personal need for overtime, is very concerned about civil liability, has been known to lie on arrests and arrest reports and is a good cop. Three of the levels, is just putting in



his/her time, is very concerned about civil liability and is a good cop, had negative coefficients indicating it is unlikely police officers would commit perjury when these variables occur. The final level reaching statistical significance was from the jurisprudence dimension and had a negative coefficient: the case looks good.

Plainclothes officers judged only three levels as being statistically significant in affecting their decision to commit perjury. One level from the dimension method of knowing (is told by an informant) was significant. This suggests plainclothes officers are likely to perjure themselves when they are told by an informant about a crime. Although no empirical research has been conducted on this issue anecdotal information indicates there are a number of judges, prosecutors and defense attorneys who believe the terminology "told by a reliable informant" is "boiler plate" language officers use to obtain warrants and make arrests. One level from the social dimension was statistically significant at the  $\leq .001$  level: has been known to lie or embellish on arrests and arrest reports. The final variable plainclothes officers found significant was from the jurisprudence dimension: the case looks good, which had a negative coefficient.

Detectives judged five levels to be statistically significant in affecting their decision to commit perjury. Two of the levels were from the organizational dimension: needs more arrests to get a detail, is told to clean up a location by a supervisor, and three of the levels were from the social dimension: is just putting in his/her time, has a personal

need for overtime and has been known to lie or embellish on arrests and arrest reports. The level "just putting in his/her time" had a negative coefficient.

Table 12 shows the results of t-tests reflecting the variability on the neutralization scale of those respondents with variability in their responses as compared to those respondents who had no variability in their responses.

**Table 12**  
**t-tests for Neutralization Scales Variability**  
**Respondents with variability compared to no variability**

<u>Variable</u>	<u>Number of Cases</u>	<u>Mean</u>	<u>SD</u>	<u>SE of Mean</u>
No variability	117	5.7445	.857	.079
Variability	391	5.4442	.944	.048

Mean Difference = .3003

Levene's Test for Equality of Variances:  $F = 3.848$ ,  $P = .050$

**t-test for equality of Means**

<u>Variances</u>	<u>t-value</u>	<u>df</u>	<u>2-Tail sig</u>	<u>SE of Diff</u>	<u>95% - CI for Diff</u>
Equal	3.08	506	.002	.098	(.109, .492)
Unequal	3.24	207.39	.001	.093	(.118, .483)

As indicated in Table 12, respondents with no variability in their responses had

significantly higher neutralization scale scores. This would appear to indicate a greater ability to justify deviant acts such as lying and perjury. It may also indicate a greater ability to justify putting a single response to the vignettes. In their mind they responded to the vignettes. It was a non-issue to them whether they responded honestly or not. After one session of administering the questionnaires one police officer told me, "I saw what you were trying to do so I put a "1" for all the stories. I wasn't going to get myself or another cop in trouble. We could lose our job for something like this."

Table 13 shows the results of t-tests for the Marlowe-Crowne lie scale comparing respondents with variability in their judgments with those respondents who had no variability in their judgments.

---

**Table 13**

**t-tests for Marlowe-Crowne Lie Scale**  
**Respondents with variability compared to no variability**

<u>Variable</u>	<u>Number of Cases</u>	<u>Mean</u>	<u>SD</u>	<u>SE of Mean</u>
No variability	117	1.6329	.142	.013
Variability	389	1.5971	.159	.008

---

Mean Difference = .0358

Levene's Test for Equality of Variances:  $F = 5.694$ ,  $P = .017$

t-test for equality of Means

<u>Variances</u>	<u>t-value</u>	<u>df</u>	<u>2-Tail sig</u>	<u>SE of Diff</u>	<u>95% - CI for Diff</u>
Equal	2.18	504	.030	.016	(.004, .068)
Unequal	2.31	210.83	.022	.015	(.005, .066)

As indicated in Table 13, respondents who had no variability in their responses had lie scale scores that were statistically significant than those respondents who had variability in their responses. This would indicate that those respondents without variability in their responses are more likely to lie. This would suggest that they had a greater likelihood of lying in their judgments of the vignettes.

Respondents with no variability in their responses had significantly higher scores on both the t-tests of the neutralization and lie scales. It would appear that these respondents were more likely to be lying in their judgments of the vignettes rather than believing police officers would not commit perjury in any of the scenarios presented.

Table 14 shows the results of t-tests for gender comparisons on the lie scale.

**Table 14****t-tests for Gender Comparisons on the Marlowe-Crowne Lie Scale**

<u>Variable</u>	<u>Number of Cases</u>	<u>Mean</u>	<u>SD</u>	<u>SE of Mean</u>
Male	341	1.5969	.156	.008
Female	48	1.5986	.186	.027

Mean Difference = -.0017

Levene's Test for Equality of Variances:  $F = 2.838$ ,  $P = .093$

**t-test for equality of Means**

<u>Variances</u>	<u>t-value</u>	<u>df</u>	<u>2-Tail sig</u>	<u>SE of Diff</u>	<u>95% - CI for Diff</u>
Equal	-.07	387	.944	.025	(-.050, .047)
Unequal	-.06	56.69	.951	.028	(-.058, .055)

As table 14 indicates gender had no significant impact on the lie scale. This was somewhat surprising since prior research has indicated that lying is more problematic for woman than for men (De Paulo et al., 1983).

Table 15 reflects the results of t-tests for gender comparisons on the neutralization scale.

**Table 15**  
**t-tests for Gender Comparisons on the Neutralization Scale**

Variable	Number of Cases	Mean	SD	SE of Mean
Male	343	5.4079	.963	.052
Female	48	5.7039	.759	.110

Mean Difference = -.2960

Levene's Test for Equality of Variances:  $F = 6.238$ ,  $P = .013$

**t-test for equality of Means**

Variances	t-value	df	2-Tail sig	SE of Diff	95% - CI for Diff
Equal	-2.04	389	.042	.145	(-.581, -.011)
Unequal	-2.44	70.04	.017	.121	(-.538, -.054)

As table 15 indicates gender had a significant impact on the neutralization scale. Males were much better at rationalizing their behavior than females. This may account for the research findings that female police officers are more likely to report having observed unethical behavior among their colleagues than male police officers (Hunter, 1999). Female police officers appear to have less ability to justify wrongful behavior.

## **Chapter VI: Conclusions**

### **Summary**

This research addressed the questions posed at its outset and resulted in the following findings. First, police perjury does vary with job assignment. This finding is consistent with the literature and identified uniformed officers as more likely to perjure themselves than plainclothes officers or detectives. Second, female officers appear less likely to commit perjury than male officers, while seniority had no significant impact. Third, the motivations, rationale and justification for committing perjury were: looking for a promotion, need for overtime, needs more arrests to keep a detail and is known to lie or embellish on arrests. Equally important were the findings of the motivations, rationale or judgments which deterred or caused police officers not to commit perjury such as; just putting in his/her time, having been told not to lie or embellish on arrests, concerned about civil liability, is a good cop and the case looks good. Finally the crimes of rape, assault and narcotics affect the likelihood of perjury, while the ethnicity of the offender was significant only to female officers.

### **Conclusions**

This research was conducted to explore the extremely sensitive subject of police perjury. The research, in addition to being topically sensitive, necessitated police officers

admitting they committed the crime of perjury. Perjury as it applies to use by the police would be a felony. If a police officer were to be convicted of perjury they would be terminated from their position as a matter of law. Although there has been considerable research on deviant behavior by the police there have been few empirical studies of police perjury. This may be due, in part, to fear on the part of police officers to discuss the topic. Several times during the course of this research police officers threatened me with physical violence, asked if I was sure I really wanted to open "this can of worms", told that nothing good could come from this (research) and stated I was going to get cops fired from their jobs. The issue of police perjury places the police in a no win situation between the political process, judicial system and organizational bureaucracy. The factorial survey design was chosen because it has been used successfully in the past to gather sensitive information and it offers a powerful technique for isolating the effects of variables that enter into the decision making process.

Seventy seven percent of the officers in the study indicated perjury would likely be committed in some of the vignettes presented. Perjury is a problem. Although this research was not designed to measure the prevalence of perjury it does suggest that perjury occurs often. Twenty three percent (117) of the responding officers had no variability in their judgments. It is possible that some of these respondents truly believe that no officer would not commit perjury in any of the scenarios presented, therefore there would be no variability in their judgments. Perhaps the hot humid weather and no



air conditioning during the administration of the questionnaires made some of the officers go through the motions without reading the vignettes and consequently they responded the same judgment throughout the vignettes. This appears to be unlikely however, since the demographic questions at the beginning of the questionnaires and the neutralization and lie scales at the end of the questionnaires were answered with variability in their responses. We are left with the possibility these officers are hiding behind the "blue wall of silence". Several police officers stated, "I saw what you were trying to do and put the same number down for all the stories." (Usually the judgment was a 1, indicating the officer would be highly unlikely to commit perjury). The analysis of these officers with no variability in their judgments indicate they had a greater ability to neutralize and had higher lie scales. It appears they were lying.

Police officers appear to be more willing to cooperate with researchers even when the topic is sensitive as long as they believe their anonymity will be preserved. They are fearful of repercussions from their peers and organizations. During this research the officers were assured I did not have any idea who was in the room, there was no way of identifying them and connecting them with a particular questionnaire and they were informed that each questionnaire had different questions. Finally, the questionnaires were deposited in a large box at the rear of the room as they were completed. This helped to diminish or eliminate the fear that I might somehow be able to trace questionnaires back to individual seats and the officers.

Three crimes were identified as being statistically significant in affecting officers decision to commit perjury. The "sale of narcotics" was not surprising and is consistent with prior research. The crimes of rape and assault however, were unexpected and requires further research to determine if this was unique to gender issues alone. It is possible there is an emotional component when the police deal with victims of these crimes which may affect their decision to commit perjury. Other crimes that may elicit similar responses should be explored such as child abuse or neglect. The Courts, District Attorney's and police supervisors must be made aware of this proclivity

It had been suggested that the ethnicity of the offender would be significant in affecting an officers decision to commit perjury. However, only female officers identified the offenders race as being significant in affecting their decision. Perhaps it is not the race of the offender that is significant but the socio-economic status of the offender. This distinction deserves to be explored further as a variable affecting police perjury.

There is a significant deterrent effect when officers have been previously warned not to perjure themselves by lying or embellishing on arrests and reports and when they are concerned about civil liability. Police organizations can impact these levels through training, supervision and dissemination of decisions (criminal and civil) regarding police liability (organization and individual).

Officers who are looking for a promotion are likely to commit perjury. This appears to be inconsistent with the levels of the organizational dimension: told to increase the number of arrests, told to increase the number of convictions, needs more arrests to get a detail and needs more arrests to keep a detail, which did not reach statistical significance. One possible explanation for this apparent inconsistency is a definition of the variables. The variable "looking for a promotion" may be more personal ambition than an organizational pressure.

Officers who have a personal need for overtime are highly likely to commit perjury. Financial necessity and greed have often been at the root of police corruption. Police agencies must train their supervisors to identify and be aware of those officers who may fall into either of these categories. Additionally, police agencies should implement an employee assistance program which helps officers with basic financial planning, budgeting, debt management etc. Salary structures should be evaluated.

Those officers who have been known to lie or embellish on arrests and reports are highly likely to commit perjury. It appears past behavior is predictive when it comes to perjury. Close supervision of these officers and their arrests as well as warning them will have a deterrent effect on their decision to commit perjury.

Consistently in this research, when an officer has been identified as a good cop

they are highly unlikely to commit perjury. Police officers appear able to identify these "good cops" even if they are unable to articulate their characteristics. Further research should be conducted to identify these characteristics and then officers should be trained to develop them.

This research supports the literature that an officer's assignment affects his/her decision to commit perjury. Uniformed officers judged eleven variables to be statistically significant in affecting their decision to commit perjury while detectives judged five variables to be significant and plainclothes officers two.

There are several distinctions between male and female police officers. As previously indicated, female officers judged the race of the offender to be significant in affecting their decision to commit perjury while male officers did not judge the race of the offender to be significant. Female officers did not judge the crime to be significant while male officers judged three crime variables to be significant: rape, assault and sale of narcotics. Male officers had significantly higher neutralization scores than females. This would indicate male officers are better at justifying or rationalizing deviant acts and explain why female officers are more likely than males to report misconduct (Hunter, 1999).

Chapter II discussed ethical theory as it impacts lying. It is important for the

police to make the transition from theoretical constructs to the practical application of ethics (Kleinig, 1996). Ethics is a critical concern in policing today since it addresses the issues of discretion, fairness, morality, rationality and dedication to public service (Souryal, 1998). Despite Peter Manning's (1978) contention that policing is an "impossible mandate", police agencies are mandated by society to have the highest ethical standards. "The quality of life in institutionalized societies depends in large measure on the ethics and vision of police leaders in bringing about wisdom in chaotic situations and proper judgments to questions of right and wrong" (Souryal, 1998; pg. 316). It is of particular import that a set of ethical values are built into policing and into the values of the subculture of police. Officers must be taught ethics at every stage of their professional development and ethical judgments of officers should be reviewed continuously by immediate supervisors.

There are several policy implications which can be gleaned from this research. First, it appears that the use of perjury is widespread in policing. Consequently, police departments must make the elimination of police perjury one of its' highest priorities. Second, continuous education in ethics should be made a priority. It will help develop a moral structure within the organization and in the individual police officers. This research shows that officers who had previously been told not to lie on arrests and arrest reports were highly unlikely to commit perjury. Whether this was solely the result of some deterrent effect or the combination of deterrence and ethical training at the time

could not be determined by this research. Third, the criteria for promotion should be evaluated since the current criteria lends itself to the use of perjury. Fourth, the need for overtime is significant in an officers judgment to commit perjury. The police department should evaluate salary structures, how overtime is paid and develop procedures to change the process.

This research provides a focus point and initial data for further empirical research of the phenomena police perjury. The logical next steps would be to compare the results of this research to other large police departments to determine whether the results of this study are generalizable. Second, research comparing the judgments of police officers in large departments to small departments and municipal police departments to state police agencies should be conducted. Third, it is important to compare the judgments of police officers to the judgments of other criminal justice professionals. Fourth, police officer's judgments should be compared to the judgments of private citizens to determine whether the police are a reflection of the community and whether the community gets the type of police they want. Finally, additional focus groups should be developed to explore the possibility that other variables, such as the economic status of the offender, may be significant in a police officers decision to commit perjury.

## APPENDIX A

### Dimensions and Levels Defining Vignettes

#### Dimension A: Gender

##### Levels

1. Male
2. Female

#### Dimension B: Race

##### Levels

1. black
2. white
3. Hispanic
4. Asian

#### Dimension C: Method of Knowing

##### Levels

1. observes that
2. suspects that
3. is told by an informant
4. is told by the dispatcher
5. is told by a concerned citizen

#### Dimension D: Temporal

##### Levels

1. may be committing
2. is committing
3. has committed

#### Dimension E: Offender

##### Levels

1. drug dealer
2. robber
3. burglar
4. sex offender
5. prostitute
6. petty thief

**APPENDIX A**  
**(Continued)**

**Dimensions and Levels Defining Vignettes**

**Dimension F: Crime**

Levels

1. burglary
2. robbery
3. sale of narcotics
4. larceny
5. rape (\*) This can only be used with the gender dimension of Male
6. assault
7. prostitution

**Dimension G: Organizational**

Levels

1. is told to increase the number of his/her arrests
2. is told to increase the number of his/her convictions
3. needs more arrests to get a detail
4. needs more arrests to keep a detail
5. is told performance appraisals are coming up
6. is told the media is interested in the crime of \_\_\_\_\_ (\*)
7. has been told not to lie or embellish on arrests and reports
8. is told to clean up a location by a supervisor

(\*) this will correspond to the crime dimension

**Dimension H: Social**

Levels

1. sees him/herself as a crime fighter
2. is loyal to his/her fellow officers
3. is just putting in his/her time
4. is looking for a promotion
5. sees him/herself as a problem solver
6. has a personal need for overtime
7. is very concerned about civil liability
8. has been known to lie or embellish on arrests and arrest reports
9. is a good cop



APPENDIX A  
(Continued)

Dimensions and Levels Defining Vignettes

Dimension I: Jurisprudence

Levels

1. there is not enough evidence for the arrest
2. there is not enough evidence for a felony arrest
3. there is not enough evidence to convict
4. there is not enough evidence to get jail time
5. there is little chance this arrest will be prosecuted
6. the case looks good

APPENDIX B

Sample Vignette Skeleton

Police Officer Smith who \_\_\_\_\_ (Social Dimension) \_\_\_\_\_, \_\_\_\_\_ (Organizational Dimension) \_\_\_\_\_. During the next tour of duty Officer Smith \_\_\_\_\_ (Method of Knowing Dimension) \_\_\_\_\_ (Race and Gender Dimension) \_\_\_\_\_ (Offender Dimension) \_\_\_\_\_ (Temporal Dimension) \_\_\_\_\_ the crime of \_\_\_\_\_ (Crime Dimension) \_\_\_\_\_ and arrests (gender). Officer Smith believes there is \_\_\_\_\_ (Jurisprudence Dimension) \_\_\_\_\_.

Question

How likely is it that Police Officer Smith will add, delete or alter information in his/her arrest reports and testimony to guarantee that the arrest and evidence are sufficient?

Unlikely

Very Likely

1.....2.....3.....4.....5.....6.....7.....8.....9.....10

APPENDIX CSample Vignette

Police Officer Smith who has been known to lie or embellish on arrests and arrest reports, is told to increase the number of convictions. During the next tour of duty Officer Smith is told by an informant a female black, drug dealer has committed the crime of sale of narcotics and arrests her. Officer Smith believes there is not enough evidence to convict.

APPENDIX DNew York City Police Department Letter of Authorization

POLICE DEPARTMENT  
NEW YORK, N.Y. 10038

Office of Management Analysis  
and Planning  
One Police Plaza, Room 1403

September 23, 1996

Professor Michael O. Foley  
Division of Justice and Law Administration  
Western Connecticut State University  
181 White Street  
Danbury, Connecticut 06810

Dear Professor Foley:

Your proposal to conduct research for a PhD dissertation on police attitudes toward testifying inaccurately or to conform with the technical requirements of the law has been reviewed. I am happy to inform you that the Police Department is very interested and supports the objectives of your research. Captain John Breslin, Commanding Officer of the Firearms and Tactics Section was contacted and agreed to provide access to the Outdoor Range.

As you know, the Police Department is very concerned about maintaining the highest standards of integrity. We have recently made a number of changes including the establishment of a major Integrity Strategy, revitalization of the Internal Affairs Bureau, revisions to Police Academy and in-service training, creation of Legal Bureau videotapes, and establishment of a new policy directive for Turnover Arrests. The department is interested in assessing the extent to which these changes have affected the attitudes and work practices of police officers. We look forward to the completion of your research with great anticipation.

Please be informed that the department's endorsement of your research is for voluntary participation on an anonymous basis. Officers who choose to participate may do so at their own discretion. The department will neither encourage nor discourage them from participating. As a former member of the department I am sure you can appreciate the necessity for these restrictions.

Please keep us informed on the progress of your research. We would like to receive a copy of your dissertation upon completion.

Sincerely,

A handwritten signature in cursive script that reads 'Michael J. Farrell'.

Michael J. Farrell  
DEPUTY COMMISSIONER  
POLICY AND PLANNING

PRIDE • COMMITMENT • RESPECT

APPENDIX EPersonnel quotas for daily attendance at the Department RangeNYPD Operations Order #2, 1-3-97

<u>Command</u>	<u>Quota</u>
Office of Police Commissioner	1
Office of First Deputy Commissioner	3
Office of Chief of Department	1
Office of Deputy Commissioner - Operations	1
Office of Deputy Commissioner - Management and Budget	1
Office of Deputy Commissioner - Trials	1
Office of Deputy Commissioner - Public Information	1
Office of Deputy Commissioner - Legal Matters	1
Office of Deputy Commissioner - Community Affairs	1
Office of Deputy Commissioner - Technological Development	2
Office of Internal Affairs Bureau	3
Detective Bureau	16
Organized Crime Control Bureau	14
Patrol Services Bureau	1
Personnel Bureau	5
Support Services Bureau	1
Housing Bureau	14
Transit Bureau	22
Traffic Control Bureau	9
Patrol Bureau Bronx	21
Patrol Bureau Queens North	12
Patrol Bureau Queens South	11
Patrol Bureau Brooklyn North	17
Patrol Bureau Brooklyn South	18
Patrol Bureau Staten Island	7
Patrol Bureau Manhattan North	17
Patrol Bureau Manhattan South	17
Special Operations Division	7

**APPENDIX F****Demographic Questions**

1. Gender
  1. Male
  2. Female
  
2. Race/ethnicity
  1. Asian
  2. black
  3. Hispanic
  4. white
  5. Other (please specify) \_\_\_\_\_
  
3. Highest educational level attained
  1. GED
  2. High School Diploma
  3. 0-64 college credits
  4. College degree
  5. Graduate, Post Graduate degree
  
4. Marital status
  1. Never married
  2. Married/Common Law
  3. Separated
  4. Divorced
  5. Widowed
  
5. Current rank
  1. Police officer
  2. Detective
  3. Sergeant
  4. Lieutenant
  5. Captain
  6. Deputy Inspector/Inspector
  7. Deputy Chief/Assistant Chief

APPENDIX F  
(Continued)

Demographic Questions

6. Current type of assignment
  1. Clerical or administrative
  2. Uniform patrol
  3. Plain clothes (enforcement or investigation)
  4. Detective investigator
  5. Ranking supervisory officer
  
7. Other family members in law enforcement
  1. None
  2. Parent
  3. Brother/sister
  4. Other relative
  
8. Military service
  1. Yes
  2. No
  
9. Residence
  1. Within the five boroughs
  2. Outside the five boroughs
  
10. Actively practicing a religion
  1. Yes
  2. No
  
11. Currently moonlighting
  1. Yes
  2. No
  
12. Which Department were you a member of prior to the merger
  1. NYPD
  2. Housing
  3. Transit

**APPENDIX F**  
**(Continued)**

**Demographic Questions**

13. Length of time as a police officer  
\_\_\_\_\_ Years
14. Length of time in current assignment  
\_\_\_\_\_ Years
15. Current age  
\_\_\_\_\_ Years old





APPENDIX G  
(Continued)

Neutralization Scale

22. It is alright to break the law under circumstances where it seems like you have little other choice

Strongly agree							Strongly disagree
1	2	3	4	5	6	7	

23. It is more acceptable for an honest and law-abiding citizen to break the law than it would be for a frequently dishonest person to do so

Strongly agree							Strongly disagree
1	2	3	4	5	6	7	

24. It is not as wrong to break laws which seem unfair and unjust to you

Strongly agree							Strongly disagree
1	2	3	4	5	6	7	

APPENDIX HCrowne-Marlowe Lie Scale

25. It is sometimes hard for me to go on with my work if I am not encouraged
- True            False
26. I sometimes feel resentful when I don't get my way
- True            False
27. On a few occasions, I have given up doing something because I thought too little of my own ability
- True            False
28. There have been times when I felt like rebelling against people in authority even though I knew they were right
- True            False
29. No matter who I am talking to, I'm always a good listener
- True            False
30. There have been occasions when I took advantage of someone
- True            False
31. I'm always willing to admit it when I make a mistake
- True            False
32. I sometimes try to get even rather than forgive and forget
- True            False

APPENDIX H  
(Continued)

Crowne-Marlowe Lie Scale

33. I am always courteous, even to people who are disagreeable  
True            False
34. I have never been irked when people expressed ideas very different from my own  
True            False
35. There have been times when I was quite jealous of the good fortune of others  
True            False
36. I am sometimes irritated by people who ask favors of me  
True            False
37. I have never deliberately said something that hurt someone's feelings  
True            False

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