

Assault under Color of Authority: Police Corruption as Norm in the LAPD Rampart Scandal and in Popular Film*

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Abstract *This article argues that the frequency and intensity of police corruption scandals indicate that they are not “corruptions” but are the norm. Police believe that they must break the law in order to enforce it. I connect this to Austin Sarat’s notions about the relationship between law and violence. I also situate the discussion in terms of theories of “new institutionalism.” The article uses details of the LAPD Rampart scandal as an illustration. Finally, I argue that portrayals of corruption, brutality and scandal in film tend to reinforce the institutionalization of certain kinds of corruption as normative in urban police departments in the US.*

Policemen see themselves as fighting a two-front war—against criminals in the street and against “liberal” rules of law in court. All’s fair in this war, including the use of perjury to subvert “liberal” rules of law that might free those who “ought” to be jailed. (*People v. McMurty*, 1971)

If we’re going to catch these guys, fuck the Constitution, fuck the Bill of Rights, fuck them, fuck you, fuck everybody. The only one I care about is my partner. (Mollen Commission Report, NYC, 1991)

ram·part (rmpärt, -prt) n. 1.A fortification consisting of an embankment, often with a parapet built on top. 2.A means of protection or defense; a bulwark. See Synonyms at bulwark. v. tr. ram·part·ed, ram·part·ing, ram·parts. To defend with a rampart. [French rempart, from Old French from remparer, to fortify: re-, re- + emparer, to fortify, take possession of (from Old Provençal amparar) (from Vulgar Latin ante parre, to prepare) (Latin ante-, ante- + Latin parre, to prepare); see per-1 in Indo-European Roots.] (*The American Heritage Dictionary of the English Language*, 3rd edn, 1996)

Introduction

In fiction, naming a police scandal “Rampart” would be no more than heavy-handed irony. In real life, the only irony is that this police scandal takes its name, a word that means “defense,” from one of Los Angeles’ most notorious police precincts. It is the same one that was charged with keeping the

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Rampart District safe. In the late 1990s the LAPD's Rampart division was rocked by a scandal that has once again raised some deeply troubling questions about our criminal justice system. Social scientists and legal theorists have chronicled similar police misdeeds since at least the 1960s.¹ Since the Rampart scandal occurred in Los Angeles, it provides an interesting occasion to reflect not only on the scandal itself, but also on the portrayal of police corruption in movies.

I have two goals in this article. First, I want to explore the Rampart scandal as an example of police corruption in the United States. Looming in the background of this article are my ruminations about the structure of policing in America. I agree with noted criminal justice scholar Jerome Skolnick who has said that, "Police brutality is like police corruption. There may be some rotten apples, but usually the whole barrel is rotten. Two cops can go berserk. But 20 cops embody a culture of policing."² What conclusions are suggested by the frequency of police corruption scandals? To paraphrase Skolnick, there may be a few corrupt departments, but 20 scandals may say something about policing in America.

Since police corruption is so common it might be useful to discuss it as indicative of something about the very structure of police power. Incidents of corruption may be more than a series of anomalies. Perhaps the problem is not just a few "rotten apple" cops, but something more like a structural tension between force and law that further results in a tendency for police to repeatedly use power inappropriately. Perhaps the problem lies in the very institutionalization of this kind of police power.

Recently, Austin Sarat has reinvigorated the argument that law is dependant on violence. Sarat observes that this "association of law and violence is visible in the discrete acts of law's agents—the gun fired by the police, the sentence pronounced by the judge, the execution carried out behind prison walls."³ Sarat's point about the inherent link between law and violence is provocative because the two are customarily figured as opposites. To the extent that law's violence is evident even in the course of normal policing it is usually assumed to be the kind of legitimate violence legal theorists have talked about as being distinguishable from that of a street thug.⁴ As part of law's legitimate violence, we could expect police power to be the kind that follows norms and procedures set down by the rule of law. What we see instead in police scandals such as Rampart is that these formal norms and procedures break down into criminality that is then usually ascribed to the deviant behavior of a few individuals. It is disturbing to realize then that the persistence and almost common occurrence of certain kinds of police scandals may signal something more insidious. At the risk of extending Sarat's point too far, I would say that the violence on which legitimate policing depends always threatens the law that police are supposed to

¹ For examples, see: Jerome H. Skolnick, *Justice Without Trial: Law Enforcement in Democratic Society* (New York City: Macmillan, 1994); and Skolnick, *Above the Law: Police and the Excessive Use of Force* (New York City: Free Press, 1994).

² Quoted in Regina Lawrence, *The Politics of Force: Media and the Construction of Police Brutality* (Berkeley and Los Angeles: University of California Press, 2000), p. 153.

³ Austin Sarat and Thomas Kearns (eds), *Law's Violence* (Ann Arbor: University of Michigan Press), 1992, p. 6. It should be noted that Sarat is not talking primarily about police, but about legal interpretation and the whole range of legal practices.

⁴ See, for instance, H. L. A. Hart, *The Concept of Law* (Gloucestershire: Clarendon, 1997).

uphold.⁵ That is, what has heretofore been termed “scandalous” behavior may in fact be part and parcel of the very structure of police practices in America.

A second goal of this article is to examine the received ideology of police corruption as it comes to us through the medium of popular film. What does Hollywood tell us about bad policing, and how might that inhibit our ability as citizens (and as cops) to respond to actual police corruption?

Towards a Theory of the Institutional Nature of Police Scandals

Police corruption scandals are common.⁶ It is well known that police, as a group, lie on the witness stand, plant evidence, and are given to ignoring procedural rules. It has been suggested in any number of reports done in the wake of police corruption scandals that street cops could not engage in such activities if there was not some manner of collusion on the parts of district attorneys, judges, and top law-enforcement officials. This collusion might simply take the form of non-enforcement of already existing rules governing police activity. This is to say that tensions between force, on the one hand, and laws on the other, may not merely be related to the behavioral misdeeds of a few rogue officers, but may be part of the institutional structure of policing at least in large cities. Just as law relies on violence, law enforcement in its current manifestation might rely on the fact that cops routinely break rules. The norm that police officers are there to “protect and serve” might be only one dimension of a more complicated institution of policing that *includes* a perceived necessity to break the rule of law.

For support in this approach we can turn to “new institutionalist” theories that contend that structures of power will tend to reproduce themselves by inscribing themselves onto new members who then re-enact those structures of power. In that sense, people come to “be” the positions they inhabit and to behave accordingly. New institutionalist theorists March and Olsen have described this kind of structure as “a collection of institutions, rules of behavior, norms, roles, physical arrangements, buildings, and archives that are relatively invariant in the face of turnover of individuals and relatively resilient to the idiosyncratic preferences and expectations of individuals.”⁷ This would explain why changes in police chiefs, mayors or districts attorney have not particularly impacted police behavior in Los Angeles. Seen in this way, structures and institutions are “themselves created by past human political decisions that were

⁵ I am paraphrasing Sarat: “The violence on which law depends always threatens the values for which law stands.” Austin Sarat (ed.), *Law, Violence and the Possibility of Justice* (Princeton and Oxford: Princeton University Press, 2001), p. 3.

⁶ See Paul Chevigny, *Police Power: Police Abuses in New York City* (New York: Random House, 1969). Chevigny’s fascinating account concludes that “the anatomy of street-corner abuse is unchanging” and that there is a category of abuses “that are chronic because they are systematically encouraged by the Department” (pp. 276–277). For a discussion of cases of corruption including physical abuse, planting of evidence, excessive force violations, lying on the witness stand and graft in New York, Philadelphia, London and Amsterdam providing data back to 1895, see Maurice Punch, *Conduct Unbecoming* (London and New York: Tavistock, 1985), pp. 22–57. See also Ron Daniels, “The Crisis of Police Brutality and Misconduct in America,” in Jill Nelson (ed.), *Police Brutality* (New York and London: Norton, 2000), pp. 244–255.

⁷ James G. March and Johan P. Olsen, “The New Institutionalism: Organizational Factors in Political Life,” *American Political Science Review* 78:3 (1984), p. 741.

in some measure discretionary, and to some degree they are alterable by future ones." But "they also have a kind of life of their own."⁸

A rookie cop with clear notions of moral responsibility learned in the police academy can become "bad" simply by behaving according to the new rules and norms he learns once he is on the force, or put another way, by capitulating to new norms. An example is provided by the case of Rafael Perez, the main snitch in the Rampart scandal. Perez admitted to hundreds of incidences of perjury in order to attain false convictions, false arrest and fabrications of evidence. Yet, as a youth he was nicknamed "The Preacher" because he was so reluctant to break rules. Perez has said in interviews given to the press that he wanted to be a police officer his whole life. He spent his childhood watching police shows on television like *Starsky and Hutch* and *T.J. Hooker*. Ironically, one of his favorite programs, *Adam 12*, actually used the Rampart station every week as its opening shot.⁹ He wanted to protect good people and to lock up bad guys. Yet, he became one of LA's most notorious corrupt cops. How?¹⁰

One possibility is that he was operating according to a new set of rules. These new rules, like the ones inside the most corrupt sectors of the LAPD, provide cops with a structure that supports the belief system they come to hold true. They come to believe that they occupy the same space as the criminal, a space above the law where, paradoxically, the law could be enforced through violence.

The findings of New York City's 1991 Mollen Commission Report corroborate this view, as do the findings of virtually every major study about police corruption in the US. In particular, the Mollen Report and its attendant studies found NYPD police officers did not believe they were acting wrongly when they lied to convict criminals. Indeed, 29% of the respondents in the Commission's Orfield Study did not equate falsification of testimony at a suppression hearing with the crime of perjury.¹¹

⁸ Rogers Smith, "Political Jurisprudence, the 'New Institutionalism' and the Future of Public Law," *The American Political Science Review* 82:1 (1988), p. 95. It may be observed that this "new institutionalist" theory bears a striking resemblance to structuralism. Rogers Smith admits as much. See the aforementioned essay, pp. 96–98. See also Dorothy Ross, "The Many Lives of Institutionalism in American Social Science," *Polity* XXVIII:1 (1995), pp. 119–120.

⁹ Terry McDermott, "Perez's Bitter Saga of Lies, Regrets and Harm," *Los Angeles Times*, December 31, 2000.

¹⁰ One NYPD police officer writes, "the first real lesson I learned was that the police department has both a formal and an informal leadership structure ... One rule I learned was that any suspect who assaulted a police officer in any way was never supposed to be able to walk into the station house on his own. He was supposed to be beaten so badly that he couldn't walk." Lieutenant Arthur Doyle, "From the Inside Looking Out," in Nelson, p. 173.

¹¹ Andrew McClurg, "Good Cop, Bad Cop: Using Cognitive Dissonance Theory to Reduce Police Lying," *UC Davis Law Review*, 32 (1999), p. 12. One exception to this is the first of the Rampart Reports, *The LAPD Board of Inquiry into the Rampart Area Corruption Incident*. Commissioned by police chief Bernard Parks in 1999 and released in March of 2000, the report concluded that Rampart was the result of the actions of a few individuals. The other two major reports looked to structure. Chemerinsky's, *An Independent Analysis of the Los Angeles Police Department's Board of Inquiry Report on the Rampart Scandal*, and the November of 2000 *Report of the Rampart Independent Review Panel*, commissioned by the Police Commission and composed of community members both spoke of major longstanding issues related to a code of silence in the police department. Moreover, the US Department of Justice has been monitoring the LAPD since 1996 for excessive force violations. The

Police are socialized into a structure with new rules, rules that only they fully comprehend, and rules that are clearly outside of those explicitly established by the voting public and its elected officials (whether the public in fact agrees with cops will be discussed below). I am interested in the widespread and common occurrence of police corruption. As a secondary point, however, I am intrigued by the ideologies surrounding the police apparatus itself. What is it that enables the voting public to “forget” that police operate in this alternate legal universe even though we are reminded of the fact every few years in every major city in America? Undoubtedly, this is a complex question with many answers, but it can hardly be denied that one contributing factor must be the ideology that surrounds and supports the police apparatus of the state. Put simply, portrayals of police in popular culture contribute to public understandings of police.

Narratives about law and cops are extraordinarily popular in the US. Even a passing familiarity with cop movies tells us that the corrupt cop is a staple in popular culture. Far from allowing the public to forget about police corruption, this at first suggests the public is continually reminded of its presence. We must look then not at the prevalence of the bad cop in popular culture, but to what is communicated about policing by certain recurrent narratives. Such films usually relate a story about one bad officer, or a small cadre of them. That is, the problem is not portrayed as systemic but is individualized. This corroborates findings made by Regina Lawrence about news reporting about police corruption and brutality. She writes that news sources “‘individualize’ police use of force, focusing public attention ... on the ‘rogue cops’ who lose control and cross the line between acceptable and unacceptable force.”¹² I would agree with her when she says that “For it to be problematized, excessive force must be understood as something caused by systems, not merely by individuals.”¹³

Surprisingly, the so-called liberal Hollywood establishment takes the position advanced in the first of the three major Rampart reports; that corruption is the result of a few bad apples. That heavily criticized report, the *LAPD Board of Inquiry into the Rampart Area Corruption Incident* released in March 2000, concluded that Rampart was the result of the actions of a few individuals. It is considered the most conservative of the three major reports, and is the only one that does not point to ongoing structural problems in the LAPD. Thus, Hollywood films tend to reinforce the view that problems in police departments are the result of the anomalous behavior of a few rogue individuals.

In such films, the offending officer is usually discovered due to the actions of one or more good cops who function to mitigate against the notion of a structural pattern of police corruption. Indeed, the structural aspects of police corruption are rarely if ever addressed in film. I grant that this is partly due to the structure of narrative in which we follow the exploits of one person across

(Footnote continued)

Consent Decree adopted by the LA City council in September of 2000 and signed by then Mayor Richard Riordan in November 2000 stipulates that the US Department of Justice be allowed to monitor LAPD reforms for a period of five years. In November of 2001, Gil Garcetti’s successor District Attorney Steve Cooley officially closed the Rampart investigation.

¹² Regina Lawrence, *The Politics of Force: Media and the Construction of Police Brutality* (Berkeley and Los Angeles: University of California Press, 2000), p. 34.

¹³ *Ibid.*, p. 36.

a dramatic arc. Still, the dramatic success of the exceptions belies this as an explanation. For instance, *Serpico* tells the story of Frank Serpico and the 1971 New York City Police Department corruption scandal and points to structural factors such as the collusion of the district attorney, Internal Affairs and the police chief. Likewise, *Chinatown* and *LA Confidential* both relate marvelous stories in the *film noir* tradition and are able to speak to the idea of a more or less normalized web of depravity that enables or even requires police corruption. Still, even *Chinatown* and *LA Confidential* speak more to questions of conspiracy than they do to self-reinforcing institutional norms.

In *Chinatown*, Jack Nicholson's character, an honest cop, faces the cynical notion that in Chinatown a smart cop does "as little as possible." He famously learns that corruption is ignored because "It's Chinatown." The most successful at telling an institutional tale is the complicated plot of the film *LA Confidential*. In that film, good cops ferret out bad ones. In the end, one of them uses that information for his own promotion rather than to stop the system of corruption itself. Ed Exley, played by actor Guy Pierce, may be fanatical about his responsibility to execute justice, but even he succumbs to the structure in which rules are broken to save the law. In the end, his promotion in the face of all he knows to be true about the police force places him in a category of moral ambiguity and possible complicity. One can read this, however, as his successful socialization into the institutional and structural norms of urban policing.

For the most part even films that may at first appear to be highly critical of law enforcement tend in fact to tell a "one bad apple" tale. Thus the cop apologist point of view is retold in most police films. The idea that cops need to break "bothersome" procedural rules in order to get bad guys is reinforced again and again in Hollywood films and television shows.¹⁴ A Hollywood bad cop is one who is portrayed as breaking *criminal* law.¹⁵ Finally, it is significant that no film of which I am aware has depicted a scenario that comes anywhere near the ones that actually happened on a fairly routine basis at the Rampart Division of the LAPD. This includes the 1991 film *Bad Lieutenant*, whose amazing performance by Harvey Keitel in the title role was widely reviewed as an over-the-top character study largely unrelated to real-life cops. A *Washington Post* reviewer wrote that director Ferrara's "deadly serious statements about society are dramatically undermined by Keitel's schematic characterization. Keitel is so, well, bad, he turns into a coke-snorting, prince-of-darkness abstraction." He wrote further that, "It doesn't take five minutes for us to understand the depth

¹⁴ I have discussed this phenomenon in television portrayals of good cops elsewhere. See Judith Grant, "Prime Time Crime: Television Portrayals of the Law," *Journal of American Culture*, January (1992).

¹⁵ Even that is less true since Rampart. See, for instance, the FX television series *The Shield*, which features a Rampart-style cop as the hero. Its original teaser proclaimed, "The road to justice is twisted." On the show's elaborate website FX described him as, "an effective cop who operates under his own rules" (<www.fxnetworks.com>). In the period just before the show's premier the show was remarkably actually called *Rampart*. The title was ultimately changed because of complaints from the LAPD (!). See Bernard Weinraub, "In FX's Hit 'The Shield,' Means Justify Ends," *New York Times*, April 3, 2002. For further discussion of this television show and its history, see "The Shield," *Picturing Justice*, May, 2002; available online at: <http://www.usfca.edu/pj/shield_grant.htm>.

of his immorality. But the movie proceeds to outline his badness. Despite a glut of luridness, the story line feels essentially flat ..."¹⁶

Rampart: Bad Cop, No Donut

The Rampart precinct has jurisdiction over a 7.9 square mile section of LA City. According to 1998 data, it is a section of the city that is overwhelmingly poor, with 37% of its population reporting an income under \$15,000 a year. The most densely populated area of Los Angeles, 40% of its 189,716 inhabitants reported having zero to eight years of education, and only 17% reported having had "some high school." Seventy nine percent of its inhabitants self-identify as Latino.

The inhabitants of Rampart exemplify the plight of the urban dispossessed. Like so many centers of urban poverty, the Rampart district is a city within a city. It has always had one of LA's highest crime rates, and by the mid-1980s, it had developed a severe gang problem. Frankly, it is a neighborhood where complaints against the police are not likely to have been heard or responded to at all unless they were corroborated by the police force itself, or by some other agency or group of people who lived beyond its gritty, *Blade Runner*-esque borders. The historical reality more than bears out this point.

The police forces in places like Rampart see their missions in military terms of securing borders. The goal is to stop the criminal element from spilling into the mostly middle-class and largely white communities that surround them. In Los Angeles these areas are the ones that most often get to play LA in the movies, though they are often separate towns: Santa Monica, Beverly Hills, Venice, Century City and the communities collectively referred to as "The Valley." In film, Rampart, Pico-Union, Downtown, and South Central are more often cast as New York City, Chicago or New Jersey because those neighborhoods are less like the sunny image of Southern California, and more like the gritty landscape of any other city in America.

In film as in life, poverty is often conflated with criminality. The police in Rampart appear to have believed they were acting on some implicit mandate, as they came to view all inhabitants as potential criminals to be contained by any means necessary. As the *Rampart Independent Review Panel's Report to the Los Angeles Police Commission* puts it, "Rampart CRASH¹⁷ officers developed an independent subculture that embodied a war on gangs mentality where ends justified the means."¹⁸ CRASH did exemplify extreme versions of the kinds of rationalizations that are familiar to anyone studying police behavior. In fact, the case can be made that the unit had a relatively large measure of autonomy. The now disbanded CRASH unit was composed of some 12–20 tightly bonded men. They were housed in a separate building, worked out a lot, and had a self-designed logo. The logo "aces and eights" was the so-called "dead man's hand."

¹⁶ Desson Howe, "Review, 'Bad Lieutenant,'" *Washington Post*, January 29, 1993; available online at: <http://www.washingtonpost.com/wp-srv/style/longterm/movies/videos/badlieutenantnc17howe_a0af64.htm'Bad Lieutenant' > .

¹⁷ The acronym stands for *Community Resource Against Street Hoodlums*. All precincts in LA had a CRASH unit. The one that came under question in this particular scandal was the Rampart District CRASH.

¹⁸ *Report of the Rampart Independent Review Panel*, 1999, Executive Summary, p. 1

Corruption was so common in the CRASH unit that they had standard procedures to cover-up if something went awry. A code was sent out over a private frequency, and sentries would guard the door while unit members met to discuss strategy.¹⁹

However, that same report supports the notion that corruption is part of the overall culture of LAPD. Noting that the LAPD did give its special anti-gang unit CRASH wide latitude to enforce street justice, the report also points to more systemic problems. Overall, the LAPD had weak civilian oversight, officers were distrustful of management, had low morale, engaged in racial profiling, and did not see their communities as partners in crime solving, but rather as adversaries. The same report observed that both the McCone Commission report done after the 1965 Watts Riots, and the Christopher Commission report after the 1992 Rodney King beatings, had reached similar conclusions.²⁰ All of those reports had suggested a series of major, remedial reforms including a move to "community policing." In community policing, cops would be forced to develop a culture of "openness, problem solving, and community engagement," rather than thinking of themselves as an occupying army put in place to maintain control over an unwieldy population.²¹

While the police department's own internal review tended to take the view that CRASH and Rampart were anomalies in an otherwise upstanding and respect-worthy police force, two later reports took the more structuralist view that the problems of Rampart were not isolated incidents, but rather were part of a pattern of criminal injustice.²²

In one of these, USC law professor Erwin Chemerinsky wrote that the Police Department's Board of Inquiry report "minimizes the problem, by calling it the 'Rampart Incident,' saying that the problem was a result of a 'few' officers, and declaring that corruption is not a problem throughout the Department. These conclusions are at odds with everything we have learned in preparing this report, and with the Justice Department's investigation which concluded that abuses occur on a 'regular basis.'"²³

These abuses, Chemerinsky argued, pointed to structural problems with criminal justice practices that go beyond the activities of Officers Rafael Perez and his cohorts at LAPD. Both the Justice Department and the Chemerinsky report stressed the military-style culture of silence. There existed an insular mentality in which police believe only other cops can truly understand them, and a distrust of Internal Affairs (even though, ironically, IA itself was largely ineffectual in the Rampart incident).²⁴

¹⁹ McDermott, "Perez's Bitter Saga of Lies, Regrets and Harm," *Los Angeles Times*, December 31, 2000.

²⁰ *Report of Rampart Independent Review Panel*, p. 5.

²¹ Erwin Chemerinsky, *An Independent Analysis of the LAPD Board of Inquiry Report on the Rampart Scandal*, September, 2000, p. 4.

²² See *Report of the Rampart Independent Review Panel*, 1999, and *An Independent Analysis of the Los Angeles Police Department's Board of Inquiry on the Rampart Scandal*.

²³ *An Independent Analysis of the Los Angeles Police Department's Board of Inquiry on the Rampart Scandal*, Executive Summary, by Erwin Chemerinsky, p. 2.

²⁴ Chemerinsky writes that "We heard many officers express great distrust of Internal Affairs. We learned of instances of Internal Affairs failing to pursue serious allegations of wrongdoing within the Rampart Division. There are many serious problems concerning the Internal Affairs division. Assignments to Internal Affairs are for limited time periods,

In fact, whistle-blowing officers were not rewarded, but punished. This same problem was noted in New York City in the 1970s and then again in the 1990s. Testifying in 1971 at hearings held by the Knapp Commission to investigate police corruption in the New York City Police Department, Officer Frank Serpico enjoined, "We must create an atmosphere where the crooked cop fears the honest cop, not the other way around."

Yet in 1997, Serpico repeated the charge on the occasion of an extraordinarily similar case. In 1997, \$27 million was paid out in police brutality cases. Decrying a "blue wall of silence," Milton Mollen whose 1993 Commission had also linked police corruption to brutality noted again in 1997 that police are "superb at fighting crime, except among themselves."²⁵ Similarly, the reports on Rampart noted a culture of machismo in which police, often having backgrounds in the armed services, labored under a military-style hierarchy where obedience and silence were adhered to and valued. A relatively small police department, the LAPD has been explicitly designed to compensate for its small size with aggressiveness. For much of its recent history, it has only been able to deploy about 15 officers per square mile. By way of contrast, it should be noted that the New York City Police Department deploys about 129 officers per square mile. Despite its size, the LAPD SWAT team is so effective that its members were asked to train US troops in how to abduct Manuel Noriega from Panama.²⁶

Reports on Rampart also sited an unwillingness as well as an inability to track problem officers who, consequently, were often rewarded with raises, promotions and other accolades. The Chemerinsky report was alone in noting the collusion of courts, district attorneys, city attorneys and public defenders in allowing police to lie systematically about evidence and use of force, not only in their own internal paperwork, but also under oath in courts of law.

Dropsey Cases and Forward

If through a series of accidents, former Officer Rafael Perez had not been lead to confess his own misdeeds and to provide information about those of his former colleagues, the link between LAPD corruption and brutality might never have been known outside of a small circle of impoverished people in Los Angeles. Police are believed. Citizens accused of crimes are not. Unfortunately, residents of poor neighborhoods are treated as though they are all potential criminals.

Just as the misdeeds of LAPD have been known and allowed to proceed at least since 1965, so has the *de facto* collusion between courts and police discussed

(Footnote continued)

usually no more than two or three years for most individuals, some for far shorter time periods. This turnover in personnel in Internal Affairs often results in significant turnover in handling a single case. More insidiously, it means that officers from Internal Affairs soon will be returning to work with the same officers that they were disciplining. The board of inquiry relies heavily on greater responsibility and authority for Internal Affairs as a solution to the Department's problems. But as presently constituted and operating Internal Affairs is not a remedy to the crisis within LAPD; it is a significant part of the problem." Chemerinsky, p. 15.

²⁵ CNN, "Serpico Resurrects His Decades Old Criticisms of NYPD," September 23, 1997; available online at: < www.cnn.org > .

²⁶ Peter J. Boyer, "Bad Cops," *The New Yorker*, May 21, 2001; available online at: < http://www.newyorker.com/fact/content/?010521fa_FACT > .

by Chemerinsky and others have been widely known by those who study police behavior. This knowledge has been largely ignored.²⁷ A series of suspicious and high profile police actions occurred in the 1960s. These included the 1965 Watts Riots, the police riot at the 1968 Democratic National Convention in Chicago, and the NYPD corruption scandal made famous by the film about the testimony of Officer Frank Serpico. Social scientists began to entertain the possibility that police lie as a matter of routine. When they investigated, they found that it was true.

In New York City in the late 1960s a series of cases began to flood the criminal courts wherein police rather suspiciously told the same story of having found narcotics when it had been “dropped” by a fleeing suspect. This so-called “dropsey” testimony was used to avoid the limitations on illegally gathered evidence pursuant to the then recent *Mapp v. Ohio* (1961).²⁸ *Mapp*, of course, prohibited police from searching suspects without “probable cause,” and declared that evidence gathered in violation of this rule was “tainted.” As such, it could not be used in a criminal prosecution. *Mapp* has since been significantly narrowed by subsequent High Court rulings; however, in the 1960s it was more or less fully in force.

Dropsey testimony became so prevalent during this period that a local New York district attorney asked the court to *assume* that cops were lying whenever they claimed to have seen a suspect drop something leading to arrest.²⁹ In the dropsey related case of *People v. McMurty*, the court was lead to conclude that “Policemen see themselves as fighting a two-front war—against criminals in the street and against ‘liberal’ rules of law in court. All’s fair in this war, including the use of perjury to subvert ‘liberal’ rules of law that might free those who ‘ought’ to be jailed ... It is a peculiarity of our legal system that the police have unique opportunities (and unique temptations) to give false testimony.”³⁰

The dropsey cases are part of a discourse about police lying that has continued in legal circles amidst stunning controversy. Appearing on the television show *Good Morning America*, Alan Dershowitz commented that “not only do police departments tell their detectives it’s ok to lie, they learn it in the Academy. They have a word for it, it’s called ‘testifying.’”³¹ Andrew McClurg has noted that the Dershowitz comments became especially relevant during the trial of O. J. Simpson. As Andrew McClurg correctly observes, the problem of police lying under oath is “accentuated by the fact that police officers become experienced witnesses who are comfortable in court and practiced at handling

²⁷ See also Jason Whitehead, “Beyond ‘Scandal’: The Rampart Corruption Incident as ‘Business-as-Usual’ in Los Angeles”; available online at: < www.e-venthorizon.net/power_authority/rampart_scandal.html >.

²⁸ *Mapp v. Ohio*, 367 U.S. 643 (1961).

²⁹ See *People v. Brown*, 250 N.E. 2d 62 (NY, 1969), *People v. Anderson*, 246 N.E. 2d 508 (NY, 1969), *People v. Berrios*, 270 N.E. 2d 709 (NY, 1971), *People v. McMurty*, 314 N.Y.S. 2d 194 (NY Crim. Ct., 1970), and *Bush v. U.S.*, 375 F. 2d 602 (D.C. Cir., 1967). Thanks to Jason Whitehead for research help gathering legal citations for this section of the paper, and for Milton Heumann for making me aware of the Dropsey/Doorsey testimony way back in graduate school. See also Younger, “The Perjury Routine,” *The Nation*, May 8, 1967, p. 596, and Barlow, “Patterns of Arrests for Misdemeanor Narcotics Possession: Manhattan Police Practices 1960–1962,” 4 *Criminal Law Bulletin* 549 (1968).

³⁰ *People v. McMurty*, 314 N.Y.S. 2d 194 (NY Crim. Ct., 1970).

³¹ Alan Dershowitz, *Reasonable Doubts* (Simon and Schuster, New York), 1996, p. 60.

hostile cross examination. One need only recollect ... the testimony in the Simpson case for an example of this phenomenon ... despite concerns about their credibility, police officers carry an aura of respectability because of their position."³²

What breeds this tolerance to falsification is a deep rooted perception among many officers of all ranks within the department that nothing is really wrong with compromising facts to fight crime in the real world. Simply put, despite the devastating consequences of police falsifications, there is a persistent belief among many officers that it is necessary and justified, even if unlawful ... This attitude is so entrenched, especially in high-crime precincts, that when investigators confronted one recently arrested officer with evidence of perjury, he asked in disbelief, "what's wrong with that? They're guilty." By elevating the importance of factual guilt in an individual case above their moral and ethical responsibilities to themselves and to the public they serve, many police officers have become conditioned to believe they are not acting wrongly when they lie to convict criminals.³³

The logic of police lying to gain convictions was taken to an extreme in Rampart. Not only did the officers in question follow the apparently long-standing police practice of gathering evidence illegally and then lying about it on the stand, they decided, in fact, to dispense with evidence altogether. Framing suspects, or even the framing of wholly innocent people, became almost common. At one point Rafael Perez estimated that half of the reports he did between 1994 and 1998 were utter fabrications.³⁴ The officers appear to have had complete disregard for rules about use of force, and concentrated their efforts on busily covering their tracks when the force resulted in injury or even death.

There is a continuum between the breaking of criminal rules of procedure such as lying under oath or planting evidence, and the actual breaking of criminal law itself. While the latter is undoubtedly more serious as the boundary between officer and criminal is fully elided, tolerance for the former teaches officers that their street level judgments about guilt and innocence are valid. The practice of racial profiling makes this even more insidious as officers will tend to find crime where they look for it, and they look for it hardest among people of color.³⁵ Indeed, at the largely under-reported protests outside of the 2000 Democratic National Convention in Los Angeles, protestors held up placards

³² McClurg, p. 15.

³³ Findings of Mollen Commission Report on New York City Corruption, 1991, quoted in McClurg, p. 12.

³⁴ Terry McDermitt, *LA Times*, December 31, 2000.

³⁵ "Genesis of a Scandal: Timeline," *Los Angeles Times*, 25 April 2000; available online at: <<http://www.streetgangs.com/topics/rampart/042500gen.html>>. See Ruth Wilson Gilmore's excellent article, "Globalism and US Prison Growth: From Military Keynesianism to Post-Keynesian Militarism," *Race and Class*, 40:2/3 (1998/1999). She cites the extraordinary statistic that while 70% of those arrested are white, 70% of those imprisoned are people of color (p. 174). Moreover, "The greatest number of prisoners come from Los Angeles County where they have been convicted in nearly two out of three cases of property or drug possession offences ... fully 25% of African American men who moved out of Los Angeles County were involuntary migrants in the prison system as were 10 per cent of the Black men who moved into the county ... annually more than half the state's 110,000 parolees go back into cages without being convicted of new crimes." They are returned for parole violations (p. 185).

reading "It's not just Rampart."³⁶ We can easily see the truth of this as we review the details of Rampart. It should be noted that both the FBI and the Immigration and Naturalization Service (INS) were implicated in the so-called Rampart scandal, a fact that has received very little attention.

Rampart is just one police scandal among dozens. Since Rampart there have been similar scandals in New York City, Miami, New Orleans, Cincinnati and again in Los Angeles in the 77th Street, Central and Southeast Divisions of the LAPD. This does not even count the large numbers of urban police scandals that have plagued the US since the 1800s. In 1979, for instance, the federal prosecutor indicted the *entire police department* in the city of Philadelphia.³⁷ This nation-wide pattern of police corruption strongly suggests that police "corruption" may not be the exception. It may be the rule.

The precipitating event of what has become known as the Rampart scandal was the discovery in March of 1998 of six to eight pounds of cocaine missing from the evidence room of the Rampart Division of the Los Angeles Police Department. Later it was discovered that Officer Rafael Perez had stolen and re-sold it and then replaced the bags with *Bisquick*. In August 1998, Perez was arrested in the missing cocaine case, and by September 1999 had implicated himself and at least one other officer (Nino Durden) in the shooting of an unarmed man. This was the beginning of what we know, though not the beginning of police corruption or even of the Rampart scandal itself. Eventually, Perez's actions were linked to an entirely separate incident.

That bizarre incident in March 1997 involved what appeared to be a road rage shooting. Undercover LAPD Officer Frank Lyga shot and killed off-duty cop Kevin Gaines, neither of them realizing the other was a cop. Gaines, mistaken by Lyga for a gang member, shouted something at Lyga while the two were at a stoplight. Since Lyga was undercover, he was not recognizable as a police officer. In the ensuing altercation, Lyga shot Gaines, ostensibly an unarmed civilian, and killed him. In the ensuing investigation it was discovered that Gaines, in addition to being a police officer, was, in fact, a probable gang member who was working on-staff as security for the rap label "Death Row Records."³⁸ In related connections to that troubled rap label, another officer, David Mack, would later be investigated for his possible role in the 1997 killing of the rap artist Biggie Smalls.³⁹ This investigation would come at the same time

³⁶ These protests themselves received very little attention. Often the *Los Angeles Times* seemed to bend over backwards to compliment the LAPD, which, stinging from Rampart, was given high praise for averting a Rodney-King-style riot by both LA City Mayor Riordan and some writers at the newspaper. See for example, Jim Newton, "LAPD Gets High Marks for Handling of Protests," *Los Angeles Times*, August 18, 2000. A more truthful account was published in the *LA Weekly*: "Thousands of marchers protesting police brutality came to a stand-off with police outside Staples Center, half an hour before the start of Joe Lieberman's speech Wednesday night. As protesters chanted 'The whole world is watching,' police shoved many aside with batons and fired rubber bullets into the crowd. At times, tensions threatened to flare into a full-scale battle." See Ben Ehrenreich, "LAPD Takes On Protesters in Prime Time," *LA Weekly*, August 17, 2000. Not only was the whole world not watching, almost no one was.

³⁷ Punch, p. 23.

³⁸ <<http://www.pbs.org/wgbh/pages/frontline/shows/lapd/scandal/cron.html>>.

³⁹ Boyer, *The New Yorker*.

as revelations that he had committed armed robbery (for which he subsequently served prison time).

By April 2000, criminal charges had been filed against three other LAPD officers for their roles in the arrest of a gang member they had framed. After having gone through one trial ending in a hung jury in December 1998, Perez plead guilty in September 1999 to the theft of cocaine from the LAPD evidence room in exchange for his testimony regarding what was now suspected to be widespread corruption in the LAPD. He was released from prison on parole in July 2001 after serving three years of a five-year sentence. Because of safety concerns, he has been allowed to serve out the remainder of his parole outside the state of California. Still pending is his trial on federal charges related to the shooting (and permanent paralysis) of Javier Ovando.

On September 13, 1999 ex-LAPD Officer David A. Mack, a former partner and friend of Perez, was sentenced to 14 years in federal prison for a November 6, 1997, bank robbery in which he and two accomplices escaped with about \$722,000 from a Bank of America adjacent to the University of Southern California campus. Two days after the heist, Perez and Mack spent thousands of dollars in Las Vegas. This explains why Perez when arrested remarkably asked, "Is this about the bank robbery?"⁴⁰ Mack has refused to disclose the whereabouts of the money, and has reportedly come out as a member of the street gang the "Bloods" while in prison.

Two days after the sentencing of Mack, LAPD police chief Bernard Parks revealed that Perez had implicated himself and his partner, Nino Durden, in the shooting of Francisco Ovando. Ovando, who was unarmed at the time, must have been dismayed to find out when he awoke that he was accused of assaulting two officers with a deadly weapon. Perez and Mack gave false testimony to this effect at Ovando's trial, where the man, paralyzed from the shooting, was given a 23-year sentence. Ovando was subsequently freed from prison after having served three years, and was ultimately given the largest police misconduct settlement in city history, \$15 million. All told, Los Angeles was faced with more than 140 civil suits totaling an estimated settlement cost of about \$125 million.

Revelations about Perez and other Rampart officers came fast and furious. They resulted in the release of a number of convicts now believed to have been framed. In November 1999, a judge overturned the criminal convictions against four men and dismissed a case against a fifth after Perez said that the defendants were framed. In the same month, Ruben Rojas was released from state prison after Perez admitted framing him on a drug charge. By the end of November, four more criminal convictions had been overturned, each because they had been framed by Perez. By December, detectives reopened the investigation of the 1998 shooting death of Carlos Perez Vertiz, a man with no criminal record who was shot 10 times and killed in the basement laundry room of the apartment building where he lived, after he allegedly pulled a shotgun on Officers Galindo and Ruben Palomares.

By January 2000, a total of 20 officers had been relieved of duty, suspended without pay, fired, or resigned in connection with Rampart related events. A total of 23 convictions had been overturned because officers admitted to framing

⁴⁰ <<http://www.pbs.org/wgbh/pages/frontline/shows/lapd/scandal/cron.html>> .

the people in question. Los Angeles district attorney Gil Garcetti filed criminal charges in connection with Rampart against Officers Nino Durden, Brian Hewitt and Michael Buchanan, all suspected of crimes ranging from "assault under color of authority" to perjury. Prosecutors were subsequently lead to move to overturn several convictions involving nine officers other than Rafael Perez. By December 2001, of the approximately 70 officers implicated by Rafael Perez, 12 had received suspensions, ranging from seven to 30 days. Seven had resigned and five had been terminated.

In February 2000, the *Los Angeles Times* reported transcripts of Perez's interview with investigators in which Perez elaborated on the kinds of police behavior that would surely have created a culture in which cops were feared for all the wrong reasons. In one incident reported by Perez, a 21-year-old man shot by police was left for dead in the hallway of his apartment building because officers intentionally delayed calling an ambulance to allow them time to plant a gun near his bleeding body.

According to the transcripts, Perez also told investigators that fellow Officer Durden used a drug-addicted homeless woman as one of their regular informants, regularly giving her crack cocaine as payment. In this way, they used drug dealers not for the purposes of arresting them, but in order to steal their money, which they would then keep, and drugs, which they would then sell. Giving personal knowledge about upwards of nine wrongful shooting cover-ups, Perez related a particularly creative incident in which a rookie officer overreacted and shot an unarmed man hiding in a closet. Fortunately for him, a quick thinking supervisor doctored the crime scene with ketchup, which he then used as evidence to support the story that the rookie thought it was blood and that he was in danger of being shot.

Perez told of a secret fraternity within the LAPD consisting of more than 30 anti-gang officers (the CRASH unit) wherein supervisors awarded plaques to officers for wounding or killing people. Later allegations surfaced about the LAPD having worked with the Immigration and Naturalization Services in violation of city policy. In this way they were able to deport at least 160 Latino immigrants (many from the 18th Street Gang) and deny others citizenship even though they were unable to prosecute them for crimes.⁴¹

By February of 2000, many more such stories of police brutality and the culture of fear on which they thrived would surface. Having been eclipsed early on by cases involving shooting, these later cases would involve the relatively more mundane offenses of assault, lying and cruelty. In one instance, a man was used as "a human battering ram, his head repeatedly thrust into a target drawn on a wall because he refused to disclose information about a gun officers were seeking." In another case, records show that attempts were made to cover up the cause of a badly beaten man's injuries by claiming he had tried to jump from a third-story window. On at least one occasion, officers in the CRASH unit are

⁴¹ Revelations included possible involvement by the FBI as well. According to an FBI report on the 18th Street gang, the INS suggested deporting gang members when criminal allegations could not be made. Allegations were also made that the LAPD would falsely arrest people and bring them to the FBI for questioning. In one instance, the FBI questioned a man at the INS offices, asking the adult former gang member with a family to resume his gang activity and become an FBI informant or face deportation. See "INS Suggested Rampart Deportations," *Los Angeles Times*, March 2, 2000.

alleged to have formed a posse and trolled the neighborhood indiscriminately beating people up in retaliation for the fact that someone had slashed the tires of a unit member's car. During the rampage, the officers threw one young man from his wheelchair into the street. Beatings in retaliation for complaints against the conduct of CRASH unit officers were also reported to investigators as being "common."⁴² In June 2000, the *Los Angeles Times* reported that "70–80%" of Perez's allegations had been corroborated.⁴³

By March 2000, the police corruption probe had spread to other divisions, including Central, 77th Street and Southeast. In April, a federal grand jury indicted Officers Edward Patrick Ruiz and former Officer Jon Paul Taylor, from the 77th Street Division, alleging they framed Victor Tyson, a man who had no previous criminal record, by falsely claiming he had a concealed weapon.⁴⁴

Film, Ideology and the Institutionalization of Police Misbehavior

Though the events of Rampart are exceptionally bad, police corruption is a relatively common urban phenomenon. Moreover, the link between corruption and police brutality appears to have been well-established. Finally, the link between the violation of procedural rules such as the enforcement of *Mapp* and *Miranda* requirements is suggestive. In sum, the police culture of violating rules appears to be on a continuum that includes (1) violation of procedural rules, (2) police brutality, and (3) active violation of criminal law. Most cops engage in the first point as a matter of institutional norm. Rampart exemplified all three.

A second dimension of this paper deals with the ideological function of Hollywood films about corrupt police. While they do tend to show some connection between the violation of rules of procedure and criminality, they are less likely to show a structural pattern of corruption across the board in law enforcement. They are more likely to suggest that cops are able to police themselves effectively but for a few bad apples.

In the film *Cop Land*, for instance, Sylvester Stallone gives what might be his best performance as a small town sheriff who has always wanted to be a "real" cop. Being in charge of a town that is mostly a home to retired police officers (reminiscent of the Simi Valley location where the officers who beat Rodney King were acquitted), Stallone's character's life is a fairly pathetic one. He gets his big chance to be a hero, however, when he is asked to aid in a police corruption investigation. Here is the classic Hollywood scenario in which a few bad cops are balanced with a good one who upholds the "true" meaning of being a law enforcement officer.

Likewise, in the *Negotiator*, Samuel L. Jackson plays Danny Roman, a hostage negotiator who takes an Internal Affairs officer hostage. At first appearing to be the villain himself, Jackson is able to prove widespread corruption with the aid of an FBI negotiator, Chris Sabian, played by Kevin Spacey. While this scandal is seen to reach into I.A. itself, Officer Danny Roman and Special Agent Chris Sabian represent the ideal of the good cop. They may break laws in order to

⁴² Scott Glover and Matt Lait, "Beatings Alleged to be Routine at Rampart," *LA Times*, February 14, 2000.

⁴³ "Most of Perez's Allegations Are Confirmed, Panel Told," *LA Times*, June 20, 2000.

⁴⁴ See "Genesis of a Scandal: Timeline," *LA Times*.

gather evidence and get bad guys, as they do in cracking this case, but they are all about justice. In this instance, the bad guys are other cops. The bad cops have stolen from the disability fund and are committing insurance fraud by making false claims. They are, in short, white collar criminals, and in the world of kinds of crime, they are relatively sophisticated compared to the Rampart officers.

In *Robocop*, a 1980s film about a future LAPD in which law enforcement is privatized, the bad guys are corporate managers and machine cops. These are subverted in the end by a “real” cop. The cyborg, Murphy, was made from the spare parts of a good cop who died in the line of duty. In the end, he recalls who he is and foils corruption relying on his own traditional police skills. The film is progressive in its critiques of corporate greed and the prison-industrial complex, but it remains naïve about the police apparatus as such. The message: old police apparatus, good; new corporate version, bad—does not match what we know to be true about how police work. In life, the tension between force and the rule of law finds its dramatic climax in scandal after scandal where brutality, corruption and criminality are repeatedly linked to the twin problems of police lack of accountability, and the criminal justice structure that supports it.

The 1987 film *The Big Easy* stars Dennis Quaid and Ellen Barkin in a classy film about police corruption and the Mafia in New Orleans. Quaid, playing the charming, boyish cop “Remy,” whose entire family appears to be on the force, eventually comes to the aid of the district attorney Ann Osborn (Barkin). In one key scene, the connection between relatively innocent graft, police brutality and corruption is made explicit. Remy has taken the attractive DA to eat at his favorite restaurant. Chef Paul Proudron guests playing himself.

Remy: You bust cops for a living.

Ann: I’m not embarrassed to put bad cops behind bars.

Chef Paul: (coming over to their table) How’s everything going? You like that Gumbo?

Remy (winking at Chef Paul): I just want the check, Paul.

Paul: You lost your mind? You know your money’s no good here (laughing).

Remy: Have you met Ann Osborn of the District Attorney’s Office?

Paul: Oh really?! You lookin’ for that check, Remy? It was here all the time!

Back in the car, Ann admonishes Remy reminding him that this graft is illegal. The restaurant will expect extra protection, she tells him, they will expect him to overlook code violations. Does he get an envelope from Chef Paul every week, she asks? Remy tells her that people in New Orleans have a “certain way of doing things,” and they “like to show their appreciation.” The camera focuses on a close up of Remy running a red light. “I’ve never seen one person break so many laws in one night,” Ann remarks. “Forget about the laws,” Remy tells her. “It’s very simple when you’re out in the streets. There’s good guys and there’s bad guys ... and we’re all that stands between you and them, sugar.”

Ann asks to be dropped off at a local corner store saying she will walk home from there. Remy, worried about her walking home alone at night, lingers around long enough to see a woman emerging from the store along with Ann get mugged by a black man. He comes to the rescue. The woman thanks Remy for saving her, but refuses to wait around for the uniformed officer to take her statement, pointedly saying that she doesn’t want to be involved with “no po-lice!” Holding the man down on the ground, Remy handcuffs him to his own

car. "A patrol car is gonna come by in a little while. If you do anything to my car ... they are gonna beat the ever lovin' shit out of you," he whispers in the man's ear. Then standing and speaking loudly enough for Ann to hear he continues, "Do you fully understand each and everyone of these rights as I've explained them to you?"

The scene has several functions. It shows that Ann's view is incorrect. In fact, Remy is a good cop. He is effective and brave. Citizens resent the police and refuse to cooperate even when their own safety is at stake, as evidenced by the bystander who will not stay around to give a statement. Remy's view, that police need to break a few rules and deserve the small perks they get from people like Chef Paul, is vindicated. Ann's, that police ought not to substitute their instincts for the rule of law, is called into question. Remy and Ann end up getting married at the end of the movie, by the way.

A far more ominous character is presented in *Internal Affairs*, starring Richard Gere and Andy Garcia. Gere plays the ring leader of a band of corrupt police. The police in *Internal Affairs* are engaged in a much more systematic and ominous form of crime than those in the *Big Easy*. More reminiscent of *Rampart*, Gere plays a cop who is not only on the take, but involved in drugs, murder for hire, planting evidence and framing innocent people. The hero, Andy Garcia, and his partner, played by Laurie Metcalf (not incidentally, scripted as a lesbian), are *Internal Affairs* officers. Thus, this film shows the effectiveness of *Internal Affairs* and calls into question the need for civilian review boards. Cops, the film lets us know, can wash their own dirty laundry. This film ultimately deteriorates into a struggle between Garcia and Gere as to who is more manly. It begins, however, as a study of police corruption. In the opening scene of the film, a man is being arrested in the middle of the night right from his bed. A rookie cop waits outside. Seeing a young man running past, the cop yells, "Stop, Police," but rather than firing a warning shot, he shoots the young man dead. Dennis (Gere) rushes to his side. The nameless cop, nervous, tells him, "He made a move! I thought he was going for something." "There's no weapon, man," Dennis replies. "Oh, man," the other cop repeats over and over. At this point, Dennis kneels beside the dead man, reaches into his own sock and removes a switchblade. Methodically, he wipes it clean and places it in the dead man's hand. "What are you doing?" the cop asks, alarmed. "It's your call, man," Dennis replies. "It's happened to all of us. You're not alone."

Here we see the police viewpoint. It is understandable that cops make mistakes in the line of duty. They should not be penalized for rash judgments. In this film, Dennis is able to use such incidents to basically blackmail his precinct mates into covering for his far more illegal activities. He helps them to supplement their incomes and teaches them to cover their mistakes. But Dennis is portrayed as a rogue cop, and the others as more sympathetic. They appear to have been drawn into his sphere of influence through a series of mishaps. Garcia, in turn, is incorruptible, and triumphs as the hero who brings Dennis to justice.

Certain scenes from *Bad Lieutenant* appear almost as dramatizations of scenes from *Rampart*. When we see Keitel selling cocaine he has stolen from the evidence room, it is hard not to think with a chill that "this is what it must have looked like." This film was drawn somewhat as a meditation on redemption. Keitel, a drug-addicted compulsive gambler, works alone. He sells cocaine,

scores crack, gambles tens of thousands of dollars on baseball, steals money from Korean grocery stores, and molests women. He appears to have no remorse until he is involved in the investigation of the rape of a nun. The nun knows who her rapists were but refuses to tell Keitel. A lapsed Catholic himself, he begs the nun to tell him their names so that he can, as he tells her, make sure they get what they deserve. Knowing what he means, she refuses. So inspired is he that he seeks redemption from God, and, we assume, gets it. The film devolves into dream-like unreality at its religious climax, and ceases to be a film about police. It is a film about evil that uses a cop gone bad as its vehicle. It is this exceptionally violent film that most closely approaches the real events of *Rampart*. Since it is only about one officer, however, and since that officer repents and turns to God, it is remarkable to consider that what it shows is in no way as bad as the actual *Rampart* events. Again, the film shows one officer gone badly awry, and even implies that the story is more metaphorical than real.

In one scene, Keitel's character rushes into a tenement to sell coke and smoke a little crack. As Keitel lights up, the young drug dealer warns, "That shit's gonna kill you, man." "What the fuck are you, a drug counselor?" Keitel responds. A woman attempting to go in to her apartment begins the ascent up the stairs to the landing where they stand. "Get back," Keitel yells down in a deliciously ironic moment. "Police activity!"

Later, Keitel wanders into a grocery store where a uniform cop is in the process of breaking up a robbery in progress. The uniform tells him that the Korean owner has alleged that the two young black men present have stolen cash from the register. "Shut the fuck up," says Keitel, directing the uniform to take the grocery store owner "downtown to fill out a report." When the officer is gone, Keitel directs his attention to the two youths. "Give me the fuckin' money now," he says. They hand over the \$500. "Now get the fuck out of here," he says. They run off. He walks slowly through the store stealing here a beer, and there a bag of chips, as the store's owner looks on.

One of the few films to deal with the widespread nature of corruption is the 1973 film *Serpico*. In this classic, Al Pacino stars as real-life cop Frank Serpico whose testimony sparked a large investigation of NYPD in 1971. In one scene in which Serpico is at a practice shooting range, his partner asks, "What are you gonna tell the grand jury, Frankie?" Unhappy with Frank's reply that "it depends on what they ask," the other cop cautions that he could get hurt. "There's a lot of ways. Nobody has to take a shot at you ... they can just send you in first enough times so that one day you walk into the wrong door." "Thanks for the information," Serpico retorts. "Fuck you, Frank," the other cop concludes.

In the next scene Serpico faces the grand jury. A member asks why he has not come forward sooner given that these things he is alleging have been going on for nearly two years. Serpico tries to answer and to tell them that he *has* come forward and that several layers of politicians and police "brass" have heard his story and ignored it. But the DA will not let him answer. In chambers with the DA after, Serpico storms at him. He wants to tell about "the bosses, the brass, how corruption like this could exist without anyone knowing about it ... a few flunky cops in the Bronx? That's it? Nothing about Queens, Brooklyn, Manhattan." "While you're at it, why don't you mention Kansas City?" the DA intones sarcastically.

Promising that Serpico will receive “a gold shield” (a promotion to detective) in payment for his testimony (i.e. the *LA Confidential* scenario), Serpico scoffs, “I’m a marked man in this department and for what?” “I’ve already arranged a transfer for you,” the DA replies. Frank asks, “To where? China?”

The real Frank Serpico left the NYPD after being shot on duty. The shooting was largely suspected of being a retaliatory hit for his testimony. Serpico ultimately left the police force and now resides in Europe. Frank Serpico’s story is unique in film and in life. He is a real-life example of the Hollywood film police officers shown in stories from *Chinatown* to *LA Confidential*. He was a good cop who blew the whistle. The Serpico story relates the kind of widespread corruption across all of New York City, and the conspiracy of silence in the legal community that enables it to continue to the present. It also shows the difficulties faced by good police officers that may want to come forward, but who risk isolating themselves if they do. It also shows that it is not enough for a cop to come forward, officers to be arrested, commissions to be convened. Corruption appears to be systemic, and when the “rotten apples” are arrested, others take their place.

Though aspects of Rampart and other police scandals are reflected in some of the films I have mentioned, none show the combination of corruption, brutality, widespread collusion and lack of remorse that was present in Rampart. The anti-gang unit, CRASH, appears to have itself had ties to gangs. In closing then, I am reminded of a scene from Stanley Kubrick’s *A Clockwork Orange*. The film, set in some future England, tells the story of a gang member, Alex. Together with his fellow “droogs” (the film’s slang for gang members), Alex goes on a remorseless rampage of crime that includes rape, murder, and theft. Ultimately caught, he becomes the subject of a behavior modification experiment in which he is conditioned to become violently ill if he attempts to engage in any criminal activity. Upon being released from the institution where this conditioning has taken place, Alex happens upon an old man. It is a man he and his friends once robbed and beat without mercy. Now the man has his revenge, and calls his old hobo friends to retaliate against Alex by beating and kicking him. Alex is unable to defend himself lest he experience the horrible sickness. Two officers come on the scene to break up the fight. To Alex’s amazement, the two policemen are, in fact, two of his old droogs with whom he has parted on less than ideal circumstances. “Well, well, well, well. If it isn’t little Alex. Long time no vidy, droog,” says Dim in a heavy cockney accent. “No! It can’t be!” screams Alex. But it is. His old gangbanging friends are now cops. Kubrick slyly shows the very thin line that can exist between the gang mentality and the police force. “A job for two who are of job age,” says the other droog. “The police!” They take Alex away and beat him savagely. The clip, though violent, is milder than the clip it most resembles—the Rodney King video.

Conclusion: Is Corruption the Norm?

Rampart is an excellent example of a fairly typical urban police scandal. In this article I have reviewed many of the details of the scandal to show the extent of police misbehavior at the LAPD and to suggest something about the structure of policing in America. I have talked about this structure both in terms of Austin

Sarat's conceptualization of "law's violence" and the "new institutionalist" organizational theories now popular in public law.

I have argued that the frequency of and similarities among urban police corruption scandals suggests something about the institution of law enforcement. Members of urban police forces appear to operate under a set of norms and procedures that diverges from the formal mandate "to protect and to serve." In practice it might be more accurate to point to a relationship between the ways in which enforcing law is dependant on the ability to violate it. What I have mapped out here is a hypothesis and a set of theoretical probabilities that would need to be tested in a larger empirical or historical analysis. Moreover, I have limited the scope of my claims to urban police forces only because rural police forces have been studied so rarely that even anecdotal data is largely unavailable. It is possible that this notion of law enforcement's institutionalized dependence on law's violation is far more universal than I have allowed. There is also a great deal of evidence that law enforcement at the federal level and in other countries operates under similar assumptions.

None of this is to say that I think law enforcement must always rest on its own conflation with criminality. At this point I am simply saying that the current institution of law enforcement in America does appear to reproduce itself according counter-legal norms, and that attempts to counteract this reproduction via the training one receives in police academies, the imposition of citizen review boards, departments of Internal Affairs, etc. do not appear to mitigate against this structural continuity between law enforcement and crime.⁴⁵ Specifically the continuity between the breaking of procedural rules as a matter of routine and the kind of large scale criminal corruption we saw in Rampart bears further investigation. Again, I see this as a largely empirical project and view this foray as an attempt to provide a theoretical framework, some research questions and hypotheses.

The second dimension of this article has argued that both the entertainment media and the public function as agents of the structural reproduction of scandal in several ways. By taking a close look at several Hollywood films, I have been able to show that they repeatedly and accurately depict police as routinely breaking procedural rules (e.g. failing to Mirandize, engaging in illegal searches and seizures, etc.). Corruption tends to be figured in individualized terms and is rarely dealt with as a feature of the institution of policing. Finally, in Hollywood terms "bad" cops are those who break *criminal* rules for their own personal benefit. It is not clear how much this distinction between the breaking of procedural versus criminal laws is operative in the mind of the real-life average police officer. However, it is clear that what the public calls "corruption" or "scandal" does tend to mirror this filmic view. The public appears to be scandalized only by certain kinds of police misconduct.

Regina Lawrence has argued that the news media has a large role to play in whether corruption comes to light at all and whether it is conceptualized as a

⁴⁵ See, for example, Punch's discussion of NYPD scandals. After the scandal made famous by Serpico, a member of the Knapp Commission was indicted on corruption charges. "A number of New York policemen told me that whenever there is a scandal the focus is on the police, 'because cops give you headlines'; but then, mysteriously, the funding for commissions and special investigations always seems to run out just when the investigation starts to shift towards DA's, lawyers, judges and politicians." Punch, p. 26.

problem at all. She reports on a *Los Angeles Times* poll taken days after the Rodney King video aired showing that two-thirds of Angelinos thought police brutality was “common” in Los Angeles. Contrast that, she goes on, with one taken the year before the Rodney King incident, which found most Angelinos reporting they were “generally satisfied” with police performance.⁴⁶ The more cops look like actual street thugs, the more likely they are to be thought of as corrupt. Scandals like *Rampart* illustrate this nicely as do incidents like the beating of Rodney King and a large number of similar high profile excessive force cases in cities around the nation.

A whole host of research questions comes to mind from the observations I have made in this article. Is it the case that the norm of breaking procedure and then covering it up leads to police behavior like that seen in *Rampart*? Do police come to view themselves as above the law in ways that enable them to engage in greater degrees of criminal behavior without really experiencing themselves as having crossed a meaningful line as some anecdotal evidence suggests? Is the nature of police scandals similar across jurisdictions? Are public responses to them the same? Is this a purely urban phenomenon? Is police misbehavior a norm that only comes to light when cops get caught and the media reconceptualizes those events as “scandalous”? What can we learn by characterizing the tension between law and its violation as an institutionalized feature of law enforcement? What is the role of supporting symbolic structures like cop films in assisting in maintenance of police misbehavior?

For example, many studies have been done regarding the impact of persistent images of people of color in film. What is needed is a discussion of the other side of that equation. This is, what is the public impact of persistent images of police violating civil liberties when those police are then held up as heroic figures in filmic narratives? What is the ideological function or result of a steady diet of police corruption figured as entertainment? The notion of police corruption as a norm and the relationship between it and the symbolic representation of it in film can provide a rich area for research about criminal justice, law, violence and the possibility of a true rule of law.

⁴⁶ Lawrence, p. 144.

