Applying Australia's Experience to Russia's Anti-Corruption Policies in the Police: An Event Structure Analysis of an Australian Corrupt Network[1]

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There is a commonly held belief that police corruption in Russia is rampant. While many scholars have proposed policies on how Russian police can modernize, extant research has been static or linear. Studying the history of the developed nation-states which have successfully tackled corruption and experienced similar social organizations of shadow practices is a better approach to designing an anti-corruption policy for Russia, rather than simply borrowing foreign practices with little reference to their socio-political development. Drawing upon the Australian experience of police corruption and reform in the 1950s, we suggest anti-corruption policies for the contemporary Russian police force. To do this, we apply an event structure analysis (ESA) to identify the key organizational and institutional factors which contributed to the formation and subsequent dissolution of the First Joke, a corrupt police network which operated in the Queensland Police Force from 1950s–1980s. We design our policy recommendations taking into consideration the particularities of the Russian police and our ESA of the First Joke. Our analysis suggests that curtailing cumbersome state

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regulations and the over-reliance on police performance evaluation, establishing democratic oversight, improving the current recruitment and selection system, developing community policing alongside further market liberalization and democratization could be effective policies for Russia.

Keywords: corruption, police reform, event structure analysis, covert networks, Australia, Russia

Introduction

There is a commonly held academic view that corruption is widespread in the Russian political system, public administration, and in the police in particular[2]. Scholars and policy-makers of the Post-Soviet space have argued that there is a huge discrepancy between the magnitude and frequency of corruption in contemporary Russia and in modern developed democracies. They have suggested policies on how Russia can catch up with the developed world and establish effective corruption control mechanisms. However, extant anti-corruption research has been static, limiting its analysis to the comparison of corruption levels and the available anti-corruption measures in developing, transitioning, and developed nation-states [e.g., *Wilson et al.* 2001; *Ivkovic* 2005; *Punch* 2009; *Lauchs et al.* 2011; *Pynam et al.* 2012]. Each developed nation-state has experienced a unique path to establishing effective institutions and combating corruption. Studying the history of the successes, backlashes, and failures of police reform is a more effective strategy to design effective anti-corruption policies rather than to simply borrow practices which are not appropriate to the Russian economy, politics and society.

We adopt some elements of the 'contrasting cases' methodology, which is largely used in comparative criminal-justice [e.g., *Daflem* 2014] and policing research in particular [e.g., *Bayley* 1985; *Mawby* 1990, 1999; *Copes, Miller* 2015, p. 71]. We do not fully apply this method, but considered a 'contrast' country which has successfully tackled police corruption. One of the main challenges of this methodology is the problem of selection. We used four main criteria when choosing a suitable nation-state for analysis. First, it should be part of a country cluster of low corruption levels and have an internationally recognized criminal justice system with efficient rule of law. Second, the country should have a long, well-documented history of police corruption not previously compared with Russia. Third, the corruption cases are not only illustrated by the media or the film industry, but come from official governmental and/or judicial reports. Fourth, the social organization of corruption should be similar to that in contemporary Russia.

Australia corresponds exceptionally well to all these criteria. First, according to the 2014 Transparency International Corruption Perception Index, Australia belongs to the 10% least corrupt nation-states [*Transparency International* 2014]. Additionally,

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[2]   For instance, according to Cheloukhine and Haberfeld [2011] Russian corruption is widespread in all institutions and has became a norm; Sergevnin and Kovalyov [2013, p. 209] argue: 'It is widely accepted that the Russian police is inefficient, outdated, corrupt, and lacking basic systems of accountability at every level.' Beck and Robertson [2005, p. 256] further noted that 'without some form of external oversight, it is difficult to see how the Russian police can break out of the cycle of corruption in which it appears to be caught.' According to surveys by the Levada Center [*Ovakimian, Zorkava* 2015, p. 9] and other Russian polling companies [*Semukhina, Reynolds,* 2013, p. 203], the public rated the police among the most corrupt institutions in Russia.

Australia is among the best performing countries in the Rule of Law Index (ranked 10th; score of 0.8 out of 1) [*World Justice Project Rule of Law Index* 2015]. Second, there is a classic case of organized police corruption in the Queensland Police Force (QPF)—The First Joke—which ran from 1950s–1980s. This case is well documented, was widely covered by media, and has attracted considerable international attention. However, the First Joke has not been studied in relation to other nation-states.

The First Joke took bribes from real estate, prostitution, and gambling businesses in exchange for protection. Police officers carried out raids on bookmakers who did not pay for protection. The bookmakers paying for protection were warned of impending raids by a complicated secret process involving lists of telephone numbers of bookmakers. There was an Organizer who held a list of all those paying for protection. The lists were held by whichever member of the First Joke happened to be on duty. Lower-ranking police officers paid a commission of their illegal income to their superiors in exchange for political protection. The First Joke made political alliances with the Police Union and the Premier to shield itself from anti-corruption investigations and reform [*Fitzgerald* 1989; *Lauchs et al.* 2011, 2012].

The social organization of the Australian police corruption in the 1950s is very similar to that in modern Russia [e.g., *Wilson et al.* 2001; *Gudkov, Dubin* 2006; *Kosals, Dubova* 2012], which also has bribes travelling from the bottom to the top levels of the public administration. Additionally, Russian police corruption is incentivized by the formal evaluation system [*polochnaya systema*] [e.g., *Paneyakh* 2014]. Low-ranking officers collect bribes and pay reward money to senior supervisors in exchange for political protection.

Modern Russia does not greatly resemble western developed democracies in the 1900s. It is difficult to read the future of developing societies or propose policy recommendations from the past of the developed countries [*Tilly* 1999]. Nevertheless, investigating the organizational and institutional factors which contributed to the formation and subsequent disruption of Australian organized police corruption in the 1950s, may allow us to design more effective anti-corruption policies for Russia. Furthermore, our analysis helps to eliminate faulty comparisons between past examples of western democracies and contemporary developing and transitioning states, and to rethink police reform.

The proclivity of police officers toward corruption, coloured by the way they perceive the ratio of costs and benefits of corruption, is a function of organizational factors such as the administration's failure to deal with corruption, insufficient resources, weak supervision, low recruitment and selection standards, inadequate training in ethics, the presence of a strong code of silence and a culture tolerant of corruption, and a failure to engage in proactive investigations of corrupt behaviour, as well as society-wide factors such as attitudes tolerant of corruption and abundant opportunities for corruption [*Knapp Commission* 1972; *Pennsylvania Crime Commission* 1974; *Ivković* 2005].

It is less clear, however, which organizational and institutional factors were decisive for the First Joke's formation and resilience. Therefore, this study asks: *'Why and how did the First Joke organize, endure and dissolve in the face of pressures for institutional change?'*, *'What factors are most critical for explaining the First Joke's evolution?'* and *'How can the lessons learned from the Australian experience be applied to anti-corruption policy in the modern Russian police?'* We formally test these questions using documentary and archival evidence in a theoretically guided application of event structure analysis (ESA) [*Griffin* 1993; *Heise* 1989], linking the structure to the broader national socio-political changes. Then, we illustrate how the Australian experience of police reform can be applied to contemporary Russia.

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To our knowledge, we are the first to apply ESA to corruption studies. Scholars studying historical corruption depict change as composed of discrete phases which are connected in a single linear sequence. By simplifying the sequences of events and ignoring variations in the network change processes, a considerable part of the explanatory power of the model is lost [*Stevenson, Greenberg* 1998]. ESA is particularly suitable to study the dynamic explanations of the change processes occurring both inside a corrupt alliance and in its external environment because it relies on a narrative approach assuming that change comprises a complex, interwoven sequence of episodes. Thus, ESA illuminates the (un)successful combinations and timing of anti-corruption policies, and the possible pathways to reform.

Police corruption has deleterious consequences for socioeconomic development [*Ivković* 2005], political stability [*Johnston* 2005] and (inter)national-security [*Gerber, Mendelson* 2008]. Tackling police corruption is more difficult than other kinds of corruption since the police themselves and society, and know how to circumvent investigative methods.

Organizational and Institutional Antecedents of Police Corruption

This section discusses the organizational (internal) and institutional (external) factors which contribute to police corruption. We argue that no law enforcement agency is completely immune from the influences of the larger social, political and economic environment. Nevertheless, the police force itself has the main influence on the level of corruption within the organization. Its responsibility starts with the recruitment and selection processes and continues with socialization, training and supervision, rule establishment, communication and enforcement which stimulate, allow, or prevent policemen from turning their propensity toward corruption into actual corrupt behaviour [*Ivković* 2005, p. 68]. We begin with these organizational factors.

The organizational philosophy and practice of recruitment, selection and promotion determines the quality and integrity of human capital in modern organizations. Law enforcement agencies characterized by rampant corruption and other organizational problems are more likely to fail in the recruitment and selection process by hiring and promoting officers not on merit, but on the basis of public pressures, officers' political or criminal connections, and bribery. This may result in hiring a higher portion of potentially problematic police officers [*Ivković* 2005, p. 77].

Despite the powers of police chiefs being either explicitly or implicitly limited—by the mayor, politicians, public, media, civil service rules, police unions, existing laws and court cases—police directors and the administration determine 'the rules of the game' within the police. They exert a substantial influence on recruitment standards, training in ethics, leadership and management style, supervisory accountability and standards, internal control mechanisms, discipline, rewards, peer attitudes, and culture. The approach of the leadership towards corruption and their zeal for the enforcement of corruption control play major roles in the creation of an organization and an environment intolerant of corruption. The directors' own behaviour may serve as an example for others in the organization. Police executives who 'talk the talk but don't walk the walk, in addition to decreasing their own credibility, send the message that they are not sincere and that the efforts put into corruption control are hypocritical' [*Ivković* 2005, pp. 70–72].

A police officer's sense of isolation, enhanced by their embrace of the 'us versus them' mentality, creates the perception that nobody understands them, that few people can relate to their experience [*Sparrow et al.* 1990, p. 144], that they cannot trust people outside their organization, and that the only people they feel comfortable around are other officers [*Skolnick, Fyfe* 1993, p. 82]. As a result, an intense sense of solidarity, loyalty, and mutual trust develops among police officers [*McNamara* 1967, p. 246]. The combination of solidarity, loyalty, and mutual trust in the police bureaucracy, characterized by extensive rules and an emphasis on readily quantifiable performance measures, invariably culminates in the 'blue veil' of silence. The wall of silence, which defines the boundaries of the behaviour with which the police are pressured to comply, affects the socialization of novices, and limits officers' willingness to report misconduct by fellow officers. Over time this leads police officers to view corruption reporting as an offence and a dangerous exercise rather than a criminal act. Rookies are socialized through the transmission of the norms of the existing peer subculture, which in highly corrupt departments may pass on patterns of corruption [*Mollen Commission* 1994; p. 57*; Ivković* 2005, pp. 80–82].

A formal system of internal control is crucial for the successful detection, measurement, and control of corrupt behaviour. Law enforcement agencies experiencing widespread, organized corruption have often failed to implement an efficient formal system of internal control [e.g., *Knapp Commission* 1972; *Pennsylvania Crime Commission* 1974; *Sherman* 1978, p. 244]. These failures are the result of a non-wilful omission by the police administrators, supervisors, and internal affairs units in dealing with corruption and a consequence of wilful attempts to make corruption detection, investigation and control more difficult [*Ivković* 2005, p. 87].

Adequate training and education in police integrity play a crucial role in reinforcing or changing police officers' ethical values, preparing them for the ethical dilemmas they face in their work, and sending a message about expected behaviour and the consequences of deviating from it. Failure to provide adequate anti-corruption training may have severe consequences for recruits' views of the administration, the commitment toward corruption control, the likelihood of successful control, the supervision of novices, and the propensity to succumb to peer pressure [*Knapp Commission* 1972, pp. 239–241; *Mollen Commission* 1994, pp. 10, 56, 108, 119–120; *Pennsylvania Crime Commission* 1974, pp. 396–398; *Ivković* 2005, pp. 77–78].

Among the institutional factors, we argue that laws and regulations, police unions, public opinion about corruption, and last but not least, external control mechanisms are some of the most important factors in police corruption.

State bureaucracy constraints heterogeneity by prescribing uniform resource standards, competencies, and ways of deploying resources across industries and by defining what resources are socially acceptable or permissible as inputs [*DiMaggio, Powell* 1983] by 'coercion or threat of legal sanctions' [*Scott* 1995]. Licenses, permits, certificates, minimum capital requirements and authorizations of various types are necessary to engage in many legal activities. The existence of these regulations grants a monopoly to public servants to authorize or inspect the activities, increasing the temptations and opportunities for corruption. Public officials may refuse to authorize these of their own volition, or may simply delay a decision. They may use their authority to exhort bribes in exchange for authorization or permits [*Tanzi* 1998]. An over-regulated business environment is one of the most important drivers for police corruption in many nation-states. Both institutional and organizational economists have found that regulatory burdens facilitate corruption [*Knack, Keefer* 1995; *Langben, Knack* 2010].

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In particular, Clarke [2014, p. 1] shows that increasing the time managers spent dealing with regulations significantly rises the likelihood that the average firm will pay bribes.

Police unions (in the countries where they are functioning) experience a conflict of interest. While they represent police officers who are subjects of investigations and disciplinary proceedings, they also represent the police who are victims or witnesses of corrupt practices. In order to protect the accused officers, they may advise other police officers to uphold the code of silence. Thus, police unions have often been a shelter for corrupt police officers rather than a guardian of the interests of the vast majority of their membership who are honest officers [*Mollen Commission* 1994, p. 67]. When police unions adopt a strategy which involves attacking a public official or a community, degrading the police agency's own efforts to tackle corruption, failing to admit that the police engage in corruption, or vigorously defending corrupt officers, they contribute toward the development of a wall of silence and a police culture tolerant of corruption [*Ivković* 2005, p. 83].

Although the legal system may enact laws prohibiting certain behaviours, the public does not always disapprove of those behaviours, and thereby may itself generate demand for corruption [*Ivković* 2005, p. 90]. Effective anti-corruption reforms depend on the reaction of civil society and successful punitive scandals. The absence of civil protests may encourage police officers to view corrupt behaviour as acceptable, and further consolidate corruption [*Sherman* 1978, pp. 69, 33; *Beyley, Perito* 2011].

External mechanisms of control include a heterogeneous set of institutions, from prosecutors and courts to the media and the public at large. When external oversight mechanisms operate efficiently, they signal to the police that the risks of engaging in corruption are high and that if they engage in it, there is a high risk of being caught and punished. In societies where corruption is deeply embedded in the institutional logic, external oversight of the police agency is likely to be absent or weak. For instance, in the early 1970s, the US criminal justice system protected corrupt police officers; police criminality and corruption were tolerated; and the risk of detection and punishment was very low [*Knapp Commission* 1972, pp. 252–253; *Pennsylvania Crime Commission* 1974, pp. 445, 785].

Data and Methods

Event Structure Analysis

ESA applies insights from cognitive anthropology and rational choice theory, enabling the development of causal, interpretative based explanations of narratives. Relying on narrative interpretation, ESA can develop an analysis that preserves the complex description of institutional change as a sequential, temporally unfolding whole. Since ESA uses formal mathematical logic, it can develop a dynamic, causal interpretation of the original narrative that can be replicated and generalized. Therefore, ESA is both explanatory and interpretative and is a form of formal qualitative analysis [*Griffin, Ragin* 1994].

We used the ETHNO computer program to conduct ESA on the First Joke in Australia from 1933–1974. We begin the analysis by developing a chronology of the events constituting a particular change sequence which was entered into ETHNO in their chronological order. To construct the chronological sequence, we used the exact dates

of events as indicated in the official court documents. When information on timing was unavailable, we placed the events in their logical chronological order. As we entered new events, ETHNO posed a series of yes/no questions whether a previously entered event is required for the occurrence of this new event. ETHNO prompts the analyst to be precise and in his/her judgements about the relationship between particular events and the causality behind these events rather than just their chronology [*Griffin* 1993]. Through this process, we constructed a running chronology of the narrative and reconstructed it with causal connections using our 'expert knowledge' [*Griffin* 1993]. *Figure 2* illustrates our interpretation of the causal relationships, the path dependences, and the critical points in the change process. Each event is identified by an abbreviation.

By locating an event in a particular sequence and by linking it to prior events, we are able to identify what previous event is most likely to have caused a subsequent event to occur [*Griffin* 1993]. These causal links between events are identified based on the system 'if-then rules of action' that underlie the logic of ESA and ETHNO [*Heise* 1989]. If a configuration of prerequisite events arises, then a certain event occurs. A single event may have multiple prerequisites, and each event may be a prerequisite for multiple ensuing events. Should two events be connected by this if-then logic, then the prerequisite event is seen as being causally linked to the subsequent event. ESA is particularly useful in making the causal relationships between particular events explicit. ESA diagrams can clarify seemingly discordant actions, help determine key turning points in multiple sequences of events, show the convergence of key events and diagrammatically clarify what leads to a turning point in an event sequence. Nevertheless, ETHNO does not necessary discover causality. The software does not possess built in algorithms or the inherent logic to determine causal relationships between episodes. Analysts, not the software possess the knowledge to structure and interpret the narrative episodes [*Griffin* 1993].

Data

The data for this analysis comprise one narrative outlining the historical development of the First Joke in Australia from 1933–1974. Decisions about which episodes to include in the analysis are based on our interpretation of 'their causal sign in the concrete structure and their general theoretical and empirical relevance' [*Griffen* 1993, p. 1119]. Historians consider that the First Joke started in 1959. However, we take into consideration events prior to 1959 when they directly contributed to corruption. To account for the influence of exogenous factors, we linked the structure to broader national socio-political developments. We constructed the narrative using mainly the 1989 Fitzgerald report and transcripts. The Fitzgerald inquiry provides 'a broad idea of the pattern of events, rather than an exhaustive description of the activities of individuals.' Most names have been redacted, but this does not alter significantly the sense of the narrative [*Fitzgerald* 1989, p. 30]. Witnesses testified under oath and were subject to severe penalties for perjury, and testimony was obtained from interrogation by multiple participants. Nevertheless, police officers, judges, prosecutors, witnesses, and victims of corruption are unlikely to provide accurate information due to the risks of retribution [*Ivković* 2005]. Hence available covert network data are often incomplete and imprecise [*Sparrow* 1991]. Initially, we defined 79 events that comprise the core of this event sequence. To make a clearer diagram, we generalize these events into 34 episodes. *Table 1* presents the generalized episodes with an abbreviation, date, and short description.

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Historical Background

Despite continued growth in police expenditure and personnel, and despite the fact that the Australian economy and trade were blooming, the police failed to contain the rising crime rate between 1970 and 1988 (*Figure 1*). As wealth became available, and the party colluded with the police, corruption swiftly spread. In 1940s and 1950s, those who later became senior Queensland police officers and senior officials in the Queensland Police Unions, joined the police. Influenced by the environment and the attitudes they encountered, they became exposed to the prevailing corrupt practices which some of them joined. Those most skilled at corruption rose to power and set the culture and prominence for the law enforcement agency [*Fitzgerald* 1989, p. 31].

Francis Erich Bischof, a Mason, swiftly became the Inspector in Charge in the Criminal Investigation Branch. On 30 January 1958, the new Conservative Government appointed him Commissioner of Police. The new government closed brothels, and made various ambiguous amendments to the liquor licensing laws. Nevertheless, the criminalized industries continued operating through bribery. Under Bischof, corruption acquired a quasi-legitimacy. Certain officers became his 'bag-men' in return for patronage. Bischof's corrupt network gradually grew as an elite faction in the police force and called itself 'the First Joke' [*Fitzgerald* 1989, pp. 31–32].

The First Joke, 1959–1974

By the 1950s, when Jack Herbert and other participants joined the Licensing Branch (LB) as junior officers, misconduct and corruption were widespread and taken for granted. When drinking with colleagues, Herbert became acquainted with the illegal bookmaker protection scheme. Soon he had been accepted into the First Joke. In 1964, Herbert became the Organizer of the First Joke and in charge of recruiting new members.

On 29 October 1963, David Young, a hotel employee, informed the Leader of the Opposition of corrupt police activities and a call girl racket operating from the National Hotel. Consequently, from 1963–1964, a Royal Commission was held into the alleged police activities. Murphy asked the prostitute Shirley Brifman to obtain information to discredit David Young and coached her in giving false evidence. The police denied the allegations. As a consequence, the Royal Commission decided not to act on Young's evidence [*Fitzgerald* 1989, pp. 32–33].

In August 1968, Johannes Bjelke-Peterson became the Premier. However, the Premier and other politicians swiftly become embroiled in controversial business affairs [*Lunn* 1987][3].

When Bischof retired in February 1969, Nonvin William Bauer was appointed as a caretaker Commissioner. On 28 May 1969, Allen Maxwell Hodges became Minister for Police. Hodges asked the Commissioner of the South Australian Police Force, John Gillbert McKinna to undertake a study of the QPF and make recommendations for training and administration. McKinna prepared the report and recommended Ray Whitrod,

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[3]   Bejlke-Peterson and Bischof did not collude and their terms only overlap by a few months. Bejlke-Peterson and the public were unaware of the police corruption.
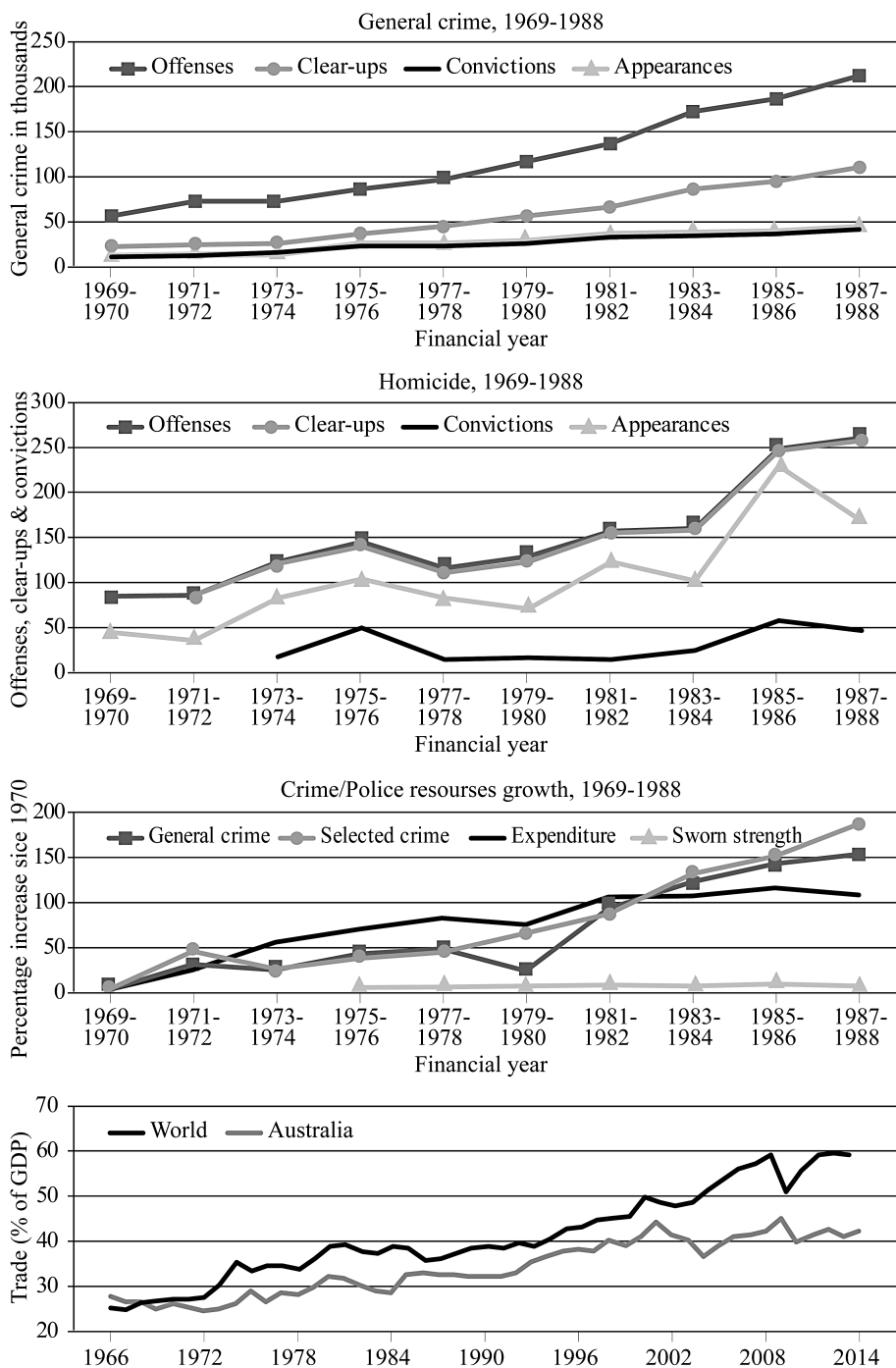
Figure 1. **Economy and Crime, Australia, 1966–2014**
Source: [*Fitzgerald* 1989; World Bank 2016].

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an outlander and honest cop, for Police Commissioner. In April 1970, Hodges sent Bauer overseas and used that occasion to persuade the Cabinet to appoint Whitrod initially as Deputy Commissioner. In September 1970, Whitrod assumed the office of the Police Commissioner of Queensland. Hodges asked Whitrod to implement the reforms suggested by McKinna's report. Whitrod demonstrated a firm stand to clean-up and modernize the QPF. The Police Union vehemently objected to Whitrod's reform plan and complained to Bjelke-Peterson who endorsed the Union's stand [*Fitzgerald* 1989, pp. 34–35].

In 1971, Whitrod sought support from the Police Union to tackle the First Joke. However, Edington, the Police Union Executive, threatened that the Union would defend the officers. Whitrod was also opposed to introducing a corruption investigation system, regular police transfer, closer supervisions of the regions and districts, and the introduction of a Police arts and science course.

Meanwhile, the police pressed charges against Brifman for introducing her daughter to prostitution. Shirley bribed Murphy and his colleagues to avoid prosecution. Nevertheless, her charges failed to disappear. In June 1971, Brifman, furious that her attempt to escape prosecution failed, appeared on the Sydney Australian Broadcasting programme, where she admitted that she was a prostitute and that she had committed perjury before the Royal Commission back in 1964. Following her appearance, Queensland police Norman Gulbransen and Basil Hicks started interviewing her[4]. Using Brifman's allegations, Gulbransen charged the then Inspector Murphy with perjury. Brifman became the main witness in his trial.

By September 1971, Whitrod transferred Murphy from the LB to the Juvenile Aid Bureau. Whitrod had come to trust a small group of officers with whom he established the Crime Intelligence Unit (CIU). He appointed Gulbransen as the Head of the unit. The CIU discovered that the First Joke was an organized, large scale operation. Thereafter, public perceptions of corruption in the LB changed.

The Police Union advised members not to answer questions and promised legal support to those under investigation[5]. In March 1972, Brifman mysteriously died from a drug overdose. A number of other informants also died at this time. Nevertheless, there was no evidence to suggest that Murphy, or any other police officer, was involved in these deaths. The Crown decided there was insufficient evidence to proceed against Murphy, Bischof and Hallahan, and dismissed the cases.

On 12 November 1972, Gulbransen, was appointed Assistant Commissioner, from where he maintained a close watch on the LB. In about April 1974, it emerged that large scale criminal businesses were being conducted with immunity because of collusion with the LB. In July 1974, Herbert and others were transferred out of the LB. On 11 July 1974, Inspector Arthur Victor Pitts took over as officer in charge of the LB. The CIU warned Pitts about corruption and told him to immediately report it. Under Pitts, the LB created havoc in the betting industry. Police protection for criminals ceased. Within a few months, Pitts arrested and charged seventeen officers. Many operators left Queensland. Others retired or dispersed. These events marked the end of the First Joke [*Fitzgerald* 1989, pp. 34–38].

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[4]   There is no evidence that Shirley Brifman's claims were true.

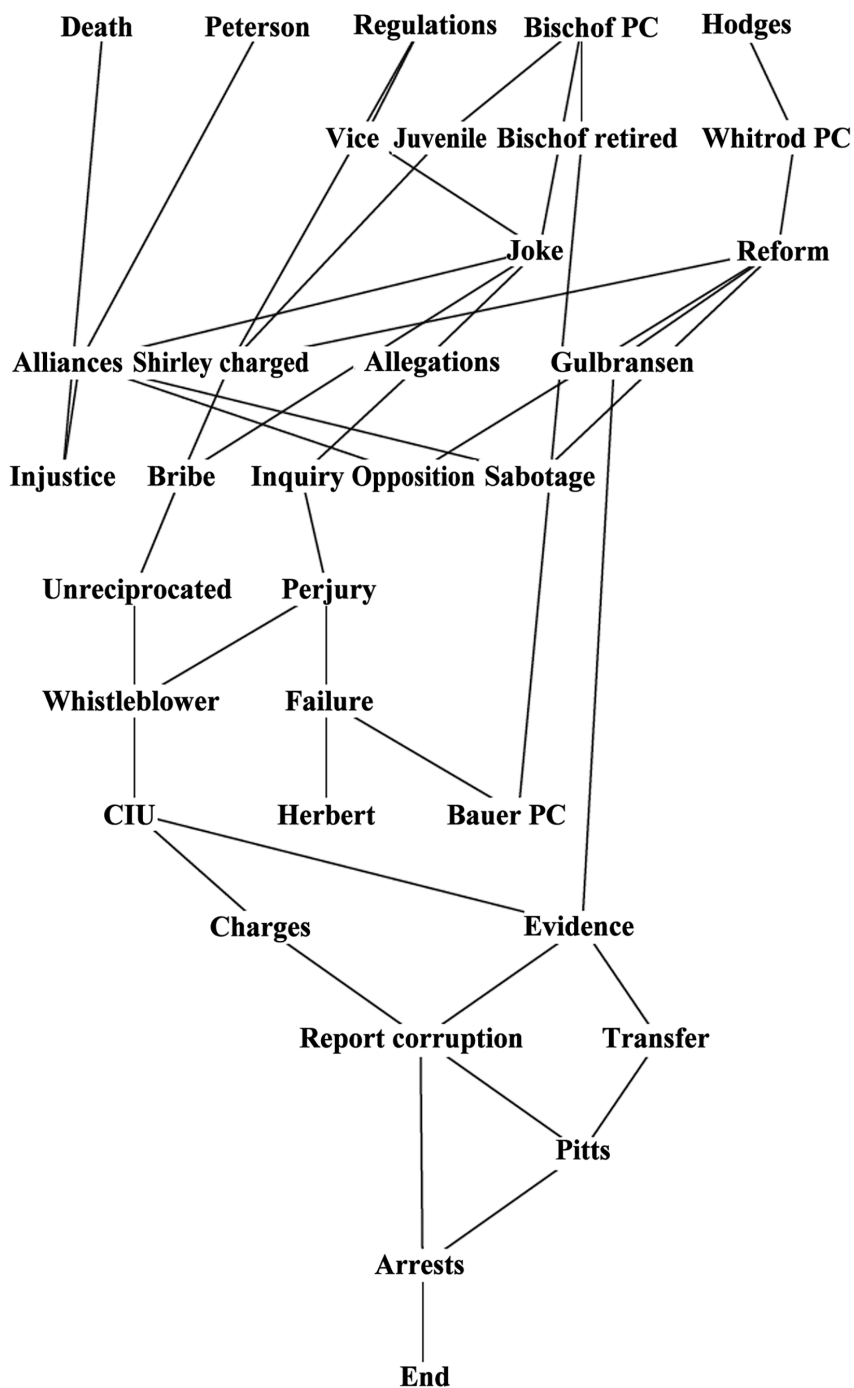[5]   There is no proof of anything beyond political partisanship by the Police Union.

Figure 2. **Generalized Event Structure of the First Joke, 1933–1974**

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ETHNO code	Description of Action
Regulations:	New regulations (1957)
Vice:	Vice continued (1957)
Bischof PC:	Bischof Police Commissioner (January 1958)
Joke:	The First Joke started (1959)
Juvenile:	Establishment of the Juvenile Aid Bureau (1963)
Allegations:	Corruption allegations against Joke members (November 1963)
Inquiry:	National Hotel Inquiry (1963)
Perjury:	Shirley Brifman and others denied allegations (1963)
Failure:	The Royal Commission failed (1963)
Herbert:	Herbert became the Organizer (1964)
Peterson:	Peterson became the Premier of Queensland (August 1968)
Bischof retired:	Bischof retired (1968)
Bauer PC:	Bauer appointed Police Commissioner (February 1969)
Alliances:	First Joke's political alliances (1969)
Hodges:	Hodges Minister of Police (May 1969)
Whitrod PC:	Whitrod Police Commissioner (September 1970)
Reform:	Whitrod initiated reforms (1970s)
Sabotage:	The Police Union blocked anticorruption investigations and policies (1970s)
Opposition	The Premier opposed change (1970)
Shirley charged:	Shirley charged (1970)
Bribe:	Shirley bribed corrupt police (1970)
Unreciprocated:	Shirley's charges failed to disappear (1970)
Whistleblower:	Shirley blew the whistle (June, 1971)
CIU:	The Crime Intelligence Unit was created (September 1971)
Charges:	First Joke members charged (1971)
Death:	Key witnesses died (1972)
Injustice:	The Crown failed to prosecute (1972)
Gulbransen:	Gulbransen Assistant Commissioner (Crime) (November 1973)
Evidence:	Corruption evidence found in the Licensing Branch (April 1974)
Transfer:	Key First Joke members were transferred (July 1974)
Pitts:	Pitts in charge of the Licensing Branch (July 1974)
Report corruption:	Obligation to report corruption was introduced (July 1974)
Arrests:	Criminals and corrupt police arrested (1974)
End:	Illegal protection ceased (1974)

Table 1. **Generalized Events**

ESA of the First Joke, 1933–1974

Figure 2 outlines a generalized model of the First Joke. The most important event in the formation of the corrupt network is the introduction of cumbersome and socially unaccepted regulations of the prostitution, gambling and alcohol industries [Regulations]. An over-regulated environment granted greater power to public servants to authorize and inspect, increasing the opportunities and temptations for corruption [*Tanzi* 1998]. This created a stable supply and demand for corruption [Vice].

Secondly, a series of controversial political appointments provided the leadership for the corruption movement [Bischof PC; Bauer PC]. Although Bischof had suitable experience for the post, he was a Mason[6]. Also, Bauer's application for Police Commissioner [Bauer PC] was inappropriate given his corruption allegations [Allegations] and close relations with Bischof. It was this very recruitment and selection system which sought officials skilled in corruption to maintain the First Joke. If the National Party had appointed an honest Police Commissioner, the First Joke may never have developed. Although Herbert had not been associated with corruption in his early career, he was employed in the gambling industry [*Herbert, Grilling* 2004]. Herbert's vast social capital in the legitimate and the criminal world allowed him to acquire a criminal reputation, attract trust, and build a successful criminal career, sustaining the First Joke [*Lauchs, Stains* 2012].

Nevertheless, under Bischof there were two positive developments: the establishment of the Juvenile Aid Bureau [Juvenile], and the introduction of gender equity in the police force. If child protection services were not in place, Brifman would not have faced charges for introducing her daughter into prostitution [Shirley Charged].

The creation of the First Joke [Joke] led to the subsequent institutionalization of corruption within the LB. The Fitzgerald Report does not provide evidence that the First Joke members had criminal records prior to joining the QFP. By the time they joined, the First Joke was fully operational. It was through the transmission of the norms of the existing peer subculture that the initially honest became notoriously corrupt.

As the First Joke's clientele grew, external demands became increasingly divergent and difficult to reciprocate. To continue to operate efficiently, the corrupt alliance had to cancel some of its external obligations. Clients at the National Hotel were dissatisfied. Brifman was charged despite bribing police officials [Unreciprocated]. This failure in the reciprocity of corruption created whistleblowers [Allegations; Whistleblower], causing the wall of silence to fall, the uncovering of the First Joke membership and activities, and the subsequent investigations. If the First Joke had kept a lower profile, it could have remained undetected longer.

Nevertheless, a strong wall of silence [Perjury] and political alliances [Joke Alliances] shielded the corrupt network from most anticorruption investigations [Inquiry; CIU] and reforms [Reform]. Corrupt police officers aptly collected, fabricated [Perjury] or destroyed [Sabotage] evidence to protect themselves against prosecution. Had there been an efficient witness protection system and whistleblower legislation, the informants would have survived to testify, and the Royal Commission would have prosecuted the First Joke members earlier.

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[6] There is a long history of the conflict in the police between the Masons and the Irish Catholics. It played almost no role in the First Joke though may have been relevant to the Rat Pack.

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The pivotal event for disruption of the First Joke is the appointment of an honest Police Minister, Hodges [Hodges]. He initiated police reform, and appointed an honest and capable Police Commissioner [Whitrod PC], who in turn replaced corrupt police chiefs with honest ones [CIU; Gulbransen; Pitts]. A change in the police leadership culture contributed to profound organizational changes. Withrod created internal control mechanisms [CIU], brought women into all fields of policing, introduced the obligation to report corruption [Report corruption] and made possible the transfer [Transfer], charges [Charges], arrests [Arrests], and prosecution of the First Joke members.

Discussion and Conclusion

ESA of the historical development of the First Joke from 1933–1974 reveals that the most important event which contributed to the formation of organized police corruption was the implementation of ill-defined laws without social consensus which provided numerous temptations and opportunities for corruption. Similar developments can be observed in other nation-states. America, in the early 20th century, illustrates how cumbersome and ambiguous regulations in the alcohol, prostitution and restaurant businesses were a large source of police corruption [*Ivković* 2005]. Empirical studies have also found a positive association between corrupt practices and a stricter regulatory environment [*Tanzi* 1998]. Although scholars have studied the relationship between regulations and police corruption [e.g., *Benson* 1988; *Ivković* 2005, pp. 63–97; *Fried, Lagunes, Venkataramani* 2010; *Karstedt* 2010], our knowledge about this link is still limited. There is not enough evidence about the impact of bureaucratic over-regulation on police corruption.

Equally important were controversial political appointments. Institutions tend to recruit similarly minded individuals able to serve and support them; the First Joke grew with this preferential attachment. Corrupt public officials appointed loyal like-minded individuals who created a culture of corruption, and institutionalized the First Joke as an elite society. It became viewed not a vice, but as a privilege and a law-maker in itself. Corrupt recruitment and promotion systems were also a common problem in early American and British policing histories and in modern developing and transitioning societies. Law enforcement agencies hire and promote officers based on public pressures, political and criminal connections or bribery [e.g., *Ivković* 2005; *Dimitrov* 2009; *Wilson* et al. 2008].

Why are corrupt police networks so resilient despite anti-corruption reforms? We show that the most important factor for corruption's resilience is the wall of silence. Having a soldier-like mentality [*Ivković* 2005], police officers were incredibly organized and loyal to one another. No betrayal came from within the police. Secondly, the First Joke members collected, fabricated or destroyed evidence to shield themselves from prosecution. Honest officers were discredited and removed. Of secondary importance was the First Joke's embeddedness in the wider socio-political environment. The network's political alliances effectively blocked the initial anti-corruption investigations and reforms.

Although the corrupt network was a financially successful enterprise, it collapsed. The pivotal event which led to the destabilization of the First Joke was the appointment of honest and capable police officers. The Police Minister appointed an honest Police

Commissioner, who placed honest officers in key posts and transferred, charged and fired corrupt ones. The presence of an honest police management led to a gradual change in organizational culture, and the establishment of institutions of corruption control, the initiation of women in all fields of policing, improved investigations and evidence-based policing. Without the protection of top officials, the secret society could no longer operate efficiently.

Policy Implications for Russia

We focus our policy recommendations for Russia around the factors which were most decisive for the creation of the Australian organized police corruption from the 1950s, namely: cumbersome regulations, corrupt leadership and administration, and the absence of external control mechanisms.

There are two main mechanisms through which the government can create favourable conditions for corruption (1) through placing excessive bureaucratic pressure on public servants and (2) through creating an over-regulated business environment. The Russian government intervenes excessively in the economy and the political process. By exercising an extensive bureaucratic pressure upon private entrepreneurs [*Yakovlev* 2014], the government creates numerous temptations and opportunities for corruption and contributes to the widening of the informal economy. Following the end of the USSR, many police officers have transformed themselves from legal guardians to violent entrepreneurs [*Volkov* 2002; *Kosals, Dubova* 2012] selling protection as a commodity to selected elites, who are willing and able to pay [*Kosals, Dubova* 2012]. Holding a monopoly over violence and coercion, corrupt police officers enjoy competitive advantages over any other protection providers, not because they provide cheaper or higher quality services but because they operate hidden under the franchise of the police brand.

Secondly, the over-reliance on police performance indicators [*Paneyakh* 2014], incentivizes the police to produce red-tape instead of actual results [*Paneyakh* 2014]. Directors often use formal evaluating mechanisms to pressure officers to exhort money from citizens [*Gerber, Mendelson* 2004]. This is a result of the absence of an effective democratic oversight and the excessive reliance on government inspectors for the evaluation of officer performance. To overcome these institutional distortions, Russia needs to enhance its market liberalization, democratization and community policing. The Russian Federal Law on Police, itself encourages the development of community policing stating that 'the police should monitor public opinion and regularly report to the citizens' [Federal Law on Police, article 9, 2011]. Nevertheless, there is no evidence that this law has been implemented in practice [*Zueva, Vasileva* 2014].

Most experts have acknowledged that the appointment of the current Russian Interior Minister was based on professional and political favouritism [*Kozlov, Ulianova, Savina* 2012]. It is practically impossible to avoid controversial political appointments within the current Russian political system which is strongly influenced by neo-patrimonial [*Lynch* 2005; *van Zon* 2008], clan [*Kosals* 2007], and personal characteristics [*Krasnov* 2006; *Smith* 2014]. Nevertheless, it is possible to reduce these harms by establishing a system of selection and recruitment based on meritocracy and professional motivation [*Nisnevich* 2014].

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Many experts have recommended the creation of external oversight as an effective strategy to reduce and control corruption [*Barley, Perito* 2011]. In 2011, the Russian President issued a special decree in view of establishing external oversight over the police. This decree allowed the establishment of councils within the structures of the police headquarters and stations at both federal and municipal levels. The role of these councils is to:
- provide expertise on legal implementation,
- inform the public about general police activities,
- inform senior police officials of public opinion,
- provide public control over the police.

Unfortunately, at the initial stage of their establishment, the public bodies were infiltrated by the police or were informally affiliated with the police. The police won the overwhelming majority of seats, and human rights advocates and activists were denied access [*Nazarov* 2012]. Consequently, most of the councils failed to establish an effective police-public dialogue. To overcome the current problems, the state authorities should change the system of recruitment and selection and allow NGOs to be the major stakeholders in the oversight bodies.

Another effective mechanism would be an independent citizen's complaints service such as those in the European Union, North America, and Asia. Especially effective has been the Independent Police Complaints Council in Hong Kong, a civilian governmental body tasked with the monitoring citizens' complaints. Another example is the Ontario Office of the Independent Police Review Director in Canada, which investigates citizens' complaints. An effective complaints system possesses three main features:
- a specialized independent body responsible for complaint monitoring,
- a well-designed [paper and online] complaint system,
- transparent reports to the government and the general public.

These measures would be effective should they be implemented alongside a wider reform program based on professionalism, integrity and public-police cooperation.

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Применение австралийского опыта к российской антикоррупционной политике в полиции: структурный анализ событий в коррупционных сетях Австралии[7]

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Применение австралийского опыта к российской антикоррупционной политике в полиции: структурный анализ событий в коррупционных сетях Австралии, стр. 98–122

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Ключевые слова: коррупция, полицейская реформа, структурный анализ событий, скрытые сети, Австралия, Россия

Мнение о чрезвычайно высоком уровне полицейской коррупции в России является общепринятым. Хотя эмпирические исследования на эту тему, как правило, носят статический и одномерный характер или ограничиваются отдельными кейсами, они служат основой для предложений по модернизации политики в России, которые выдвигаются рядом исследователей. Однако изучение истории и опыта стран, которые также имели масштабный теневой сектор, но успешно справились с коррупцией, представляется более удачным способом разработки предложений по антикоррупционной политике, чем простое заимствование зарубежных практик вне учета реальных особенностей российского социально-политического развития. Опираясь на австралийский опыт анализа полицейской коррупции и соответствующих реформ 1950-х гг., мы предлагаем некоторые меры антикоррупционной политики в современной российской полиции. Мы провели структурное исследование событий и выделили на этой основе ключевые организационные и институциональные факторы, которые привели к возникновению и последующему крушению так называемого *First Joke*, коррупционной полицейской сети в штате Квинслэнд, действовавшей в 1950-е гг. Мы разработали наши рекомендации с учетом особенностей современной российской полиции и результатов анализа австралийских данных.

Самым важным событием, которое явилось причиной формирования коррупционной полицейской сети *First Joke* в штате Квинслэнд, стало введение громоздких процедур административного контроля над проституцией, азартными играми и производством алкоголя. Эти процедуры были чреваты серьезными социальными издержками и привели к радикальному росту власти государственных служащих в сфере разрешения и инспектирования этих сфер деятельности, что в свою очередь увеличило возможности и соблазны коррупции. Вследствие этого возник устойчивый спрос и предложение коррупции. Подобные эффекты влияния избыточного бюрократического регулирования можно найти и в других странах, например, в США в начале XX в. (производство и торговля алкоголем, ресторанный бизнес и некоторые другие).

Еще одним условием формирования коррупционной сети стал ряд спорных политических назначений: некоторые руководители, вовлеченные в коррупцию, заняли посты начальников полиции в штате Квинслэнд. В начале своей карьеры эти главы полицейских подразделений не были вовлечены в коррупцию, но, поскольку они вышли из индустрии азартных игр и имели связи среди организованной преступности, в последующем это способствовало формированию и поддержанию коррупционной полицейской сети.

Все же следует согласиться с тем фактом, что высшие коррумпированные полицейские чины реализовывали и полезные инновации, часть из которых способствовала последующему краху преступной сети. Например, к числу таких новшеств относились создание Бюро помощи несовершеннолетним и введение гендерного равенства в полиции. Если бы такое Бюро не создали, то было бы намного сложнее обвинить одну из участниц коррупционной сети в вовлечении своей дочери в проституцию, а именно этот факт послужил толчком к раскрытию коррупционной сети и последующей ее ликвидации.

Возникновение сети *First Joke* фактически привело к последующей институционализации коррупции. Данные о том, что до ее появления полицейские – участники сети систематически занимались какой-либо преступной деятельностью, отсутствуют; они были вовлечены позже, когда эта организация уже активно функционировала, и заработал механизм передачи коррупционных норм от ветеранов к новичкам. Коррумпированные руководители назначали на нижестоящие посты только тех подчиненных, которые способствовали распространению преступных норм. Возникала замкнутая система отбора и продвижения кадров, когда участие в коррупции являлось не девиацией, а привилегией, которую получали члены сообщества, разделявшие коррупционные нормы, что давало им возможность делать карьеру и продвигаться по служебной лестнице. Подобные системы отбора и продвижения в полиции были характерны для раннего этапа развития в США и Британии, а также достаточно часто встречаются в развивающихся и трансформирующихся странах в настоящее время.

По мере роста клиентелы *First Joke* ей все труднее становилось взаимодействовать с окружающей средой и удовлетворять растущий спрос на услуги, сохраняя теневой характер своего функционирования. В результате, чтобы продолжать эффективную работу, этой организации пришлось отказаться от некоторых внешних обязательств, что вызвало недовольство старых клиентов. Тогда же было предъявлено обвинение в вовлечении дочери в проституцию одной из активных участниц коррупционной сети. Все это стимулировало появление информаторов, ранее молчавших участников *First Joke*, согласившихся давать показания, в результате чего «стена молчания» начала рушиться, что позволило провести серию расследований. Тем не менее процесс проходил с огромными трудностями: «стена молчания» и политическая «крыша» по-прежнему защищали *First Joke* от следствия. Коррумпированные полицейские умело фабриковали фальшивые и уничтожали реальные улики, убирали свидетелей.

Устойчивость коррупционных сетей в полиции объясняется, прежде всего, «стеной молчания». Обладая квазивоенным сознанием, полицейские являются высокоорганизованным и внутренне сплоченным сообществом, способным умело защищаться и убирая неугодных. Включенность *First Joke* в более широкие социально-политические институты имело даже меньшее значение для формирования устойчивой коррупционной сети, чем эти внутренние свойства полицейского сообщества.

Ключевым событием для ликвидации *First Joke* стало назначение министра полиции Аллана Максвелла Ходжеса, инициировавшего реформу полиции и назначившего нового комиссара полиции, который в свою очередь заменил коррумпированных начальников полицейских подразделений на добросовестных офицеров. Изменение руководства полиции привело к глубоким организационным переменам: были созданы эффективные механизмы внутреннего контроля, установлено обязательство сообщать о фактах коррупции, что в совокупности сделало возможным обвинения, арест и преследование участников коррупционной организации.

Наши рекомендации по реформе полиции в России построены вокруг факторов, которые были выявлены в ходе анализа механизма краха австралийской организованной коррупции 1950-х гг., а именно: чрезмерного бюрократического регулирования, коррумпированного руководства и отсутствие механизмов внешнего контроля.

Власть создает многочисленные соблазны и возможности для коррупции и способствует разрастанию теневой экономики. Существуют два основных механизма, с помощью которых правительство создает благоприятные условия для

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коррупции: 1) чрезмерный бюрократический прессинг на государственных служащих и 2) бюрократическое давление на бизнес.

После распада коммунистической системы многие полицейские превратились в силовых предпринимателей, обеспечивая безопасность тех, кто мог и был в состоянии оплачивать подобные услуги. Опираясь на монополию на насилие, коррумпированные полицейские используют свои преимущества по сравнению с любыми другими участниками рынка защиты не потому, что они работают лучше и дешевле, а потому, что они обладают конкурентным перевесом.

Кроме того, палочная система оценки и зависимость от показателей вынуждают полицейских в *б*ольшей степени заниматься отчетами, нежели работать на реальный результат. Полицейские начальники иногда используют формальные оценочные механизмы для давления на подчиненных, чтобы последние обеспечивали поток наличных, полученных от бизнесменов и граждан. Это является результатом отсутствия эффективного демократического контроля над полицией и превалирования ведомственной оценки результатов работы полиции. Чтобы это преодолеть, нужны экономическая и политическая либерализация, а также развитие механизмов кооперации полиции и населения (аналогичных так называемому *community policing*). В российском Законе о полиции (Статья 9) предусмотрено, что опора на общественное мнение и регулярная отчетность полиции перед населением – это одна из норм работы полиции, однако на практике это не работает.

Многие эксперты считают, что назначение нынешнего министра внутренних дел РФ В.А. Колокольцева – это результат профессионального и политического фаворитизма. Однако в рамках современной российской политической системы, имеющей черты неопатримониальных, клановых и персоналистских отношений, избежать противоречивых кадровых назначений практически невозможно. Тем не менее и в настоящее время возможно уменьшить вред противоречивых политических назначений за счет создания системы отбора и найма на основе меритократии и профессиональной мотивации.

Полезным представляется формирование внешнего (общественного) контроля над полицией, что может способствовать сокращению коррупции. В 2011 г. президент России издал специальный указ об учреждении общественных советов при органах управления полицией на федеральном и более низких уровнях, задача которых:

- обеспечить экспертизу правоприменения,
- информировать общественность о деятельности полиции,
- информировать руководителей полиции об общественном мнении,
- обеспечить общественный контроль над полицией.

К сожалению, на начальном этапе эти советы попали под неформальный контроль отставных полицейских и экпертов, связанных с полицией, тогда как адвокаты и правозащитники были отодвинуты на второй план. В результате большинству советов не удалось установить эффективный диалог полиции и общества. Для решения возникших проблем следует изменить систему отбора в общественные советы и вывести их из-под неформального контроля полиции, дать возможность НКО стать основными посредниками в диалоге полиции и общества.

Другим эффективным механизмом могло бы стать создание системы жалоб на действия полиции, которая существует во многих странах Северной Америки, Европы и Азии. Эта система включает, по крайней мере, три элемента:

- специализированный независимый орган, ответственный за прием и работу с жалобами населения на работу полиции,

- хорошо продуманную систему подачи жалоб населением в бумажной форме или онлайн,
- прозрачные отчеты правительству и широкой общественности.

Безусловно, предложенные меры не являются исчерпывающими и достаточными для радикального улучшения работы российской полиции, они должны быть дополнены широким набором мер по реформированию полиции на основе принципов профессионализма, прозрачности и развития демократического контроля над полицией одновременно с рыночной либерализацией и демократизацией политической системы.

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