



*Review Article*

## **Serpico and the Future of the Blue Code of Silence**

**Martin Alan Greenberg**

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**Abstract:** This article reviews several of the moral messages found in the film *Serpico* (1973, 129 min.) with emphasis upon understanding the meaning of the phrase "the blue wall of silence" as well as current efforts to limit its occurrences and harmful effects. The article includes details about the life of Frank Serpico, picking up where the classic Hollywood film left off. Policing in the 1960s and the current nature and the future of policing reforms are considered. Serpico's present-day opinions about police corruption and violence are also discussed. In addition, the newest private effort to use technology to bring transparency and accountability to law enforcement—the Law Enforcement Work Inquiry System (LEWIS) registry—is described and recommended for national implementation.

**Keywords:** whistleblower; police corruption; blue wall of silence; Municipal Police Training Council; George Floyd Justice in Policing Act of 2021; National Police Misconduct Registry; LEWIS Registry



## Introduction

According to the entertainment website Ranker.com, where visitors have the opportunity to vote on their favorites in a variety of categories, “the best '70s cop films always involved a few key elements: action, adventure, and maybe even a little bit of that good cop/bad cop routine.”<sup>1</sup> However, unlike most of the other cop films of the 1970s, which often featured high speed chases (think *White Lightning*), rough-and-tumble shoot outs (think *Dirty Harry*), and vigilantism (think *Death Wish*), the film *Serpico* is based on a true story with only a couple of foot chase scenes.

Many police scholars refer to Francesco (Frank) Vincent Serpico (born 14 April 1936) as the first police officer in the history of the New York City Police Department (NYPD) to step forward and testify about widespread corruption. Newspaper reports and other media have kept his name prominent ever since his testimony was given before the Knapp Commission in the early 1970s. His fame grew with the distribution of *Serpico*. The role of Serpico was played by Al Pacino and Serpico served as a special advisor to the director and producers of the film.

The methodology used to prepare the current article involved a close examination of the contents of the film *Serpico*, a two-hour conversation with Frank Serpico that took place on January 28, 2022, and an examination of available academic and popular literature and podcasts regarding police whistleblowing and Serpico’s background. For example, a 42-minute podcast interview conducted by Doug Poppa with Frank Serpico on 11 February 2022, regarding the media and the award of Serpico’s NYPD Medal of Honor after a 50 year wait, was enlightening.<sup>2</sup>

## Discussion

### *Serpico’s Education and Police Work in the 1960s*

Frank Serpico grew up in Brooklyn, the youngest son of Italian immigrants—Vincenzo and Maria Giovanna Serpico. “Vincenzo was a prisoner of war in World War I, and Serpico remembers his stories of picking lice off his clothes to eat.”<sup>3</sup> His father was a shoemaker, and his mother worked at a fur factory and wrapped candy in their apartment. Serpico survived a burst appendix when he was five years old.<sup>4</sup> He had a deep admiration of his neighborhood’s police officers and enjoyed listening to radio dramas involving crime solving detectives. At the age of 17, he enlisted in the US Army and served in South Korea. During and after his two-year enlistment, he visited several countries, including to the nation of his parents’ birth. When he returned, he enrolled in Brooklyn College and worked as a youth counselor and other jobs before becoming a member of the NYPD.<sup>5</sup> He entered the New York City Police Academy in 1959.

Today, the police academy is located in a state-of-the-art training facility situated on a 32-acre campus in College Point, Queens. It opened in 2014, consolidating its former Police Academy Building (opened in 1964) at East 20th Street in the Gramercy Park area of Manhattan and other existing training facilities throughout the city into one central location. The new police

academy cost \$950 million to construct and consists of a complex of three buildings including several simulated settings, such as a mock subway station.<sup>6</sup> While the NYPD has had a robust course of study for new police recruits since the 1920s era, the first formal training came into existence in 1853. It was during this year that full uniforms were adopted. "Police Captains instructed officers in the 'school of soldier' and drill instructors were appointed to train and discipline officers in crowd and riot control."<sup>7</sup>

By 1924, a revised course of comprehensive training was introduced, and the police academy was officially designated the "Police College" on Broome Street in Manhattan. At this facility, police recruits underwent three months of training in preparation for their new careers.<sup>8</sup> However, it was only in 1959, that New York State, by virtue of Chapter 446 of the Laws of 1959, became the first state in the nation to establish mandatory basic training for newly appointed police officers. This was accomplished by creating the state's Municipal Police Training Council (MPTC), which is now housed in state government within the Division of Criminal Justice Services.

The new law charged the MPTC with making recommendations for the minimum requirements for conducting the "Basic Course for Police Officers." In addition, the MPTC was also given responsibility of making recommendations regarding police training schools, instructor qualifications, and various categories of in-service training. Currently, regulations stipulate that an MPTC approved Basic Course must consist of at least 639 hours of instruction in specified areas.<sup>9</sup> It should also be noted that a training council in California was also established in 1959, known as the Commission on Peace Officer Standards and Training (POST), to set minimum selection and training standards for police.<sup>10</sup> Over time, most states developed their own standards for police training. On the other hand, there are presently no national standards for police training applicable to the nation's 18,000 different police departments.<sup>11</sup>

By the early 1960s, at least two separate rights revolutions were well underway in the United States—one involving civil rights for Black Americans and the other for the rights of criminal defendants. Serpico served most of his career as a police officer during the 1960s. The many campaigns and protest movements of the sixties provoked numerous instances of violence and rioting. According to historian Arthur Marwick, "there can be no question that throughout the decade almost all instances of violence and rioting came into being because of the insensitive (or worse) behavior of the police."<sup>12</sup> These events were brought into the homes of Americans by the new medium of television. The attention given to these events, undoubtedly, contributed to heightened concerns about the processes and legal institutions associated with the justice system and contributed to the establishment of President Johnson's Commission on Law Enforcement and Administration of Justice. When the President's Commission's final report was published in 1967, it provided a wide range of recommended reforms for the entire system of justice and its comprehensiveness was unique for its time.<sup>13</sup> However, other events, such as a belief that the spread of communism threatened America's national security also contributed to the times. Hence, throughout the decade, America's armed forces were increasingly dispatched to the Vietnam War zone.

By the mid-1960s, Serpico was a plainclothes officer who had become well aware of widespread corruption within the NYPD. He discovered that it was well organized and "to a large extent, amounted to a protection racket. 'They went around to the underworld and collected for police protection ... It was called the pad.'"<sup>14</sup> While it seemed that every officer he encountered was

involved in receiving a share of the money collected, Serpico chose to decline his share. His refusal to accept any of the money set him apart from his fellow cops.<sup>15</sup> "In 1968, the Bronx District Attorney's Office prosecuted one case of corruption involving eight plainclothes police officers, and Serpico testified. Serpico broke the code of silence and subsequently was ostracized."<sup>16</sup>

In 2021, one can only imagine the anguish felt by Frank Serpico when he viewed the cellphone video captured by a bystander, along with millions of other Americans, of the murder of George Floyd by a police officer. At that time, the tragedy was compounded by the fact the officer was serving as a field training officer. The video was placed into evidence and viewed by millions who watched the trial of the officer on television. In stark contrast to the horror of this video's contents, more than half a century ago, Serpico was one of the very few police officers of his generation who insisted on doing the right thing even if no one was looking. His actions gave a new meaning to the word integrity and encouragement to future generation of righteous officers who know what is right, and take their humanity with them into their difficult jobs.

The police career of Frank Serpico from 1959 to 1972 literally became an open book with the publication of the book *Serpico: The Cop Who Defied the System* (Viking Press, 1973) by Peter Maas and then with the widespread distribution of the 1973 feature film *Serpico*. On 3 February 1971, Serpico, acting as an undercover officer, was seriously wounded when he

knocked on a suspected drug dealer's door, and the door cracked open—when he turned around to beckon to the other cops, expecting their backup, the dealer gunned him down. It's possible that the other cops set him up, but no one knows for sure. What's clear is that they left him at the scene as he pleaded for help and he'd probably have died if an elderly man hadn't called for medics ... Fragments of the bullet are still in Serpico's head.<sup>17</sup>

### *Serpico's Knapp Commission Testimony*

The real Frank Serpico, the central protagonist in the film, served as a special advisor to the director and producers of the film. As in real life, at the end of the film, Serpico testifies before the Knapp Commission on police corruption. John V. Lindsay, New York City's mayor, appointed the Commission to investigate police corruption and Serpico testified about what was essentially organized crime. The phrase "the blue wall of silence" has been used to succinctly describe one of the major consequences involving police knowledge of corruption. In this regard, police are known to close off any hint about what they really do in order to protect their careers and to avoid any internal discipline or public disclosure.

During the decades leading up to the time of Serpico's police career, it is commonly alleged that police officers were known to have committed such crimes as "theft of money and goods, burglary of establishments, accepting bribes, shakedowns of offenders, offering false testimony, and participation in the illegal markets and practices of organized crime."<sup>18</sup> In his classic study of urban police work, Albert J. Reiss, Jr. oversaw a study in the summer of 1966 whereby observers accompanied police officers for full eight hour tours of duty in patrol cars as well as on foot with officers on their beats in Boston, Detroit, and Washington, DC.<sup>19</sup> They also visited police operations in stations and studied police reports. The observations took place for about seven weeks in each city. "Excluding any participation in syndicated crime, roughly 1 in 5 officers was observed in criminal violation of the law."<sup>20</sup>

### *Serpico Film's Moral Messages*

The film *Serpico*, which is 129 minutes long, highlights the struggles of Serpico as a young police officer who encountered corruption within the NYPD. "The original screenplay by Oscar-winning screenwriter Waldo Salt for the film was about 240 pages, meaning that it would have an air time of a whopping 4 hours. This was then cut in half by Norman Wexler ... There were a total of 107 speaking roles and over 104 locations spread out over ... New York City."<sup>21</sup>

The story unfolds gradually and meanders often. Characters hesitate, are indecisive and sometimes don't do what we expect. Many viewers found the film to be quite realistic. New York City's streets are frequently shown. In the film, the role of Serpico was played by Al Pacino and for his performance he received several best acting awards. The actress Barbara Eda-Young portrays Laurie, who truly loves Serpico, but finds her relationship destroyed by her man's overwhelming obsession with the uprooting of police corruption. At a critical turning point in the film, she seeks to appeal to Serpico's intellectual self by relating the fable of the "The Wise King" or "The Crazy King." These are the words Laurie speaks in the film:

Well, there was this king, and he ruled over his kingdom. Right in the middle of the kingdom there was a well. That's where everybody drank. One night, this witch came along and she poisoned the well. And the next day, everybody drank from it except the king ... and they all went crazy. They got together in the street and they said ... "We got to get rid of the king, cause the king is mad." And then that night, he went down and he drank from the well. And the next day all the people rejoiced ... because their king had regained his reason. [Serpico:] I think you're trying to tell me somethin'.<sup>22</sup>

What is the moral? The king wasn't foolish, although the people thought he was crazy. He first didn't drink from the well, but then he did. When he did drink from the poisoned well, the people accepted him. The moral is that one's independent behavior may bring about ridicule and if you truly believe you are right you should not succumb to the crowd's desire. Serpico did not accept the bribes that the other police were taking. It wasn't easy—he easily could have. Had he taken the bribes he would have made friends, etc.—but he would have lost his moral compass. Perhaps, some film viewers were confused by the moral to the story. There is no further reference to the fable in the rest of the movie, except for the fact that Serpico's actions unfold in a fashion that is opposite to the king's ultimate decision to drink from the well. Serpico doesn't want any part of the poisoned well (the pad) and so he is scorned by the other members of his profession. Moreover, Serpico takes additional steps; he puts his career and life on the line by first revealing and then testifying against his crooked colleagues.

The moral to the story about the king has also been explained by Dan Fabrizio:

The parable is a reminder though that there are many cases where conformity to the pressures imposed by others is the wrong choice ... Doing what is popular is far different from doing what is right and good. How many times do each of us choose to conform to ideas, situations, causes that we know intuitively go against what is right and good? How many times do we avoid doing what is right in exchange for doing what is popular? How many times do we close our eyes, drink water from the same well as everyone else, and hope for the best?<sup>23</sup>

An additional and related theme that emerges from the Serpico story involves the issue of social justice in a democracy. One commentator has noted that "Police officers are the people society are meant to look to when seeking justice, but [the] movie portrayed them as, perhaps, even more untrustworthy than outright criminals because they are essentially using the guise of an

honest cop to conceal their dirty dealings."<sup>24</sup> How can the average working person live in a society where there is such an inversion of justice?

For all his trouble, Serpico's life is nearly ended when he is shot in the face during an attempt to buy illicit drugs during an undercover operation. The bullet pierced him under the eye and lodged in his jaw. "Despite almost losing his life, he doesn't have regrets. 'I really did not have much of a choice. If I quit, it would have meant denying every principle I believed in. It would have made a mockery of justice.'"<sup>25</sup>

### *Breaking the Blue Code of Silence*

"Some organizations make whistleblowing very difficult, and therefore, less probable. The police department is one of these organizations."<sup>26</sup> Roberta Ann Johnson, a professor in the Department of Politics at the University of San Francisco, argues that the character of most police departments not only makes "whistleblowing less likely to occur, it ironically makes it even more necessary."<sup>27</sup> While police departments may discourage any communications to outside parties, any revelations about police work to such parties is also discouraged by the fact that police officers are dependent on their peers and

they look to their peers for the information and guidance they need to succeed. The peer group provides on-the-job training. Officers tend to respond to values communicated in daily action 'rather than from written policy.' The group norm defines what they should and should not do. The norms may even define right and wrong differently than a group member may believe in isolation. The nature of police work also helps to define the group. Police bond 'through the emotional glue of shared dangers' and because their 'universe' so dramatically separates them from 'civilians.'<sup>28</sup>

According to Johnson, "One of the most respected tenets of the group is loyalty. Loyalty is exacted with a code of honor that requires officers not to 'snitch on,' 'rat out,' or turn in other officers."<sup>29</sup> Retired Minneapolis police chief Anthony Bouza describes it as a "veil of silence surrounding police agencies" and it has been more commonly referred to as the "blue wall of silence."<sup>30</sup> "The police officers' respect for and loyalty toward their peer group encourages them to abide by the code of honor and to heed the obligation of silence."<sup>31</sup>

Although there have been officers in other cities who have testified about corrupt police practices, Frank Serpico's name has become synonymous with whistleblowing. The corrupt practice he confronted was bribery. It was pervasive in pattern and practice and was a problem that was systemwide. It took a prestigious investigative commission (the Knapp Commission), a cooperative mayor's office, and daily exposure of the problem on the front pages of *The New York Times* to break the pattern of wrongdoing and indifference ... The scandal shook the city.<sup>32</sup>

The news about the city's dishonored police force of that period in time featured stories about "gambling bosses, pimps, drug dealers and business people systematically paying officers and supervisors for protection or favors, and of the police and City Hall brass failing to act."<sup>33</sup>

If proper police supervision and oversight is impossible because of the unusual amount of autonomy exercised by street police and detectives, and fellow officers are unlikely to inform about the wrongdoing of their associates, how can police integrity be encouraged? In 2021, retired Chief Bouza participated in a zoom interview program available online. He was asked several questions about police reform. In part, Bouza responded:

Unions have a lot of money and great legislative and political influence ... it is very difficult to fire police and if you manage it, they get restored. The internal affairs process, and the commander appointed, can be a very important tool in disciplining and exposing bad conduct and promoting transparency and truth ... Policing must be open and welcoming to new initiatives. Anything that promotes accountability, responsibility and intellectual growth should be welcomed ... We can similarly get to the day when racism will be eliminated in police behavior. Reward and punishment will change behavior.<sup>34</sup>

In addition to having a police management system geared to fighting corruption in police ranks and leadership that is willing to assist those whistleblowers who report a violation of the law, other officials of government agencies must also carry out their critical roles in the enforcement of whistleblower protection policies. Today, most states and the federal government have laws protecting whistleblowers from retaliation for filing a claim or reporting a violation.<sup>35</sup> For example, in New York and California, whistleblower laws protect both public and private employees. Many states, such as Texas, only protect public employees.

### *Serpico Today*

Frank Serpico, who is now 87 years old, prefers to use his given name, Francesco, "a late-life revolt against the nuns who made him Americanize it to Frank."<sup>36</sup> Serpico has always been a strong supporter of law enforcement, but he has always seen a need for greater police accountability. He has made public appearances and spoken his mind. In 2015, he ran unsuccessfully for a seat on the town board in Stuyvesant, New York. *Newsweek* even published a photo of Serpico posing next to a statue of the eighth president of the United States, Martin Van Buren, in Kinderhook, New York. He has also discussed current policing controversies. On one occasion, Serpico explained: "I don't dislike cops. There's nothing I love more than an honest cop who's doing his job the way he should be .... [but] I find myself one of the harshest critics of police excessive use of force."<sup>37</sup>

In addition to speaking engagements, during his later years, Serpico has engaged in community theater, ballroom dancing, and woodworking. He believes there are two kinds of people: "1) those that believe in themselves and who have to lie, and 2) those who believe in themselves and tell the truth. Serpico admits that he is 'kind of a perfectionist,' and has a moral code. He is living on a disability pension and has a reserve fund from his book and movie."<sup>38</sup>

During his campaign for mayor of New York City, Eric Adams, a former NYPD police captain, announced plans to have a ceremony to properly present the Medal of Honor certificate that was denied to Serpico more than 50 years ago.<sup>39</sup> This certificate, the medal, uniform medal bar, and portrait of Serpico in uniform were mailed to Serpico in late January 2022. Throughout the years, Serpico has tried to set the record straight regarding his Medal of Honor. It was awarded to him not for whistleblowing, but as it is stated in the medal's accompanying certificate: "in recognition of an individual act of extraordinary bravery performed in the line of duty."<sup>40</sup>

In recent years, Serpico has been critical of police work since he has become aware of increasing accounts of serious police misconduct. He has stated that "there has been too little punishment for what's going on with our police, and that has reinforced their quick-trigger tendencies and perpetuated their racism, bigotry and mistreatment of Blacks and other minorities."<sup>41</sup> According to Frank Serpico, in order to reverse police shootings of unarmed persons, especially minorities:

We need a whole new approach to police accountability that will systematically separate the good cops from the bad cops and weed out the latter. But that is not possible in an environment where what I call the 'police brotherhood'—the brass, the unions and the district attorneys that are all in bed with each other—continue their code of silence about shooting crimes and other violence by police.<sup>42</sup>

In general, Serpico has attributed such behavior to "poor training and recruitment—leading to jittery, over reactive or panicky cops who resort to violence too readily ... Every cop knows that if he or she complains about the performance of a partner or co-worker, not only will nothing happen ... but the complainers themselves will be targeted for bringing up the issue with their superiors."<sup>43</sup>

In addition, to stepped-up levels for the prosecution of police misconduct at the local level, Serpico has proposed an important new federal initiative to be administered by the US Department of Justice. He recommends that one way to help break through the blue code of silence

is to set up a federal program that encourages and rewards whistleblowers inside police departments ... We need federal control that can counter the mentality of a police fraternity that is unspoken but entrenched nationwide. We need a database and agency where whistleblowers—like the one I once was—can go to lodge their complaints without fear of retribution. That will do at least as much as videos to bring the offenders to justice—and curb the use of police violence.<sup>44</sup>

States' rights advocates will, no doubt, resist this proposal. They may point out that the US Justice Department is already involved in too much law enforcement work at the local level. For example, in fiscal year 2021, the U.S. Marshals Service (USMS) arrested 84,247 fugitives (27,399 on federal warrants and 56,848 on state and local warrants). On average, the agency arrested 337 fugitives per day (based on 250 operational days). In addition, the USMS also conducted 591 international removals (extraditions, deportations and expulsions).<sup>45</sup>

#### *George Floyd Justice in Policing Act of 2021*

The problems of police corruption and other forms of misconduct, such as police use of excessive force, have become perennial issues facing the police. However, several of the most recent cases of police misconduct involving the death of unarmed civilians—Breonna Taylor in Louisville, George Floyd in Minneapolis, Eric Garner in New York City (Staten Island), Michael Brown in Ferguson (Missouri), Laquan McDonald in Chicago, Tamir Rice in Cleveland, and other cases—have caused a number of state governors, legislators, and US presidents to call for policing reforms. The availability and use of both bystander and police videos may be helping to drive the next wave of new strategies for achieving police transparency and accountability. Such improved technology may also serve as a springboard for greater community engagement and protection.

On the other hand, the failed passage of recent federal legislation such as the proposed George Floyd Justice in Policing Act of 2021 was a blow for progressive efforts to implement police reforms. Generally, the new federal law would have addressed a wide range of policies and issues regarding policing practices and law enforcement accountability. An editorial in the *Los Angeles Times* put the matter starkly:

Shame on Congress for blowing police reform. Shame on members for squandering the brief moment after the murder of George Floyd in May 2020 when nationwide attention was riveted and modest but important



reforms were possible. Shame on them for turning the debate on policing back over to the extremists: police unions that demand no change and the zealots who insist on eliminating police entirely.<sup>46</sup>

The proposed George Floyd Justice in Policing Act of 2021 would have enhanced existing enforcement mechanisms to remedy violations by law enforcement. Among other things, it would have (1) lowered the criminal intent standard—from willful to knowing or reckless—to convict a law enforcement officer for misconduct in a federal prosecution, (2) limited qualified immunity as a defense to liability in a private civil action against a law enforcement officer, and (3) granted administrative subpoena power to the Department of Justice (DOJ) in pattern-or-practice investigations. It also would have established a framework to prevent and remedy racial profiling by law enforcement at the federal, state, and local levels as well as limiting the unnecessary use of force and restricting the use of no-knock warrants, chokeholds, and carotid holds. The bill would also have created a national registry—the National Police Misconduct Registry—to compile data on complaints and records of police misconduct. Finally, the bill would have directed DOJ to create uniform accreditation standards for law enforcement agencies and require law enforcement officers to complete training on racial profiling, implicit bias, and the duty to intervene when another officer used excessive force.<sup>47</sup> However, it must be pointed out that major aspects of the bill would have had a limited reach since day-to-day street level law enforcement is primarily a state and local function. Such a federal law “could not compel any local police agency to change its actions, except by offering or withholding federal funding.”<sup>48</sup>

Nonetheless, since the killing of George Floyd over 30 states have passed more than 140 new police oversight and reform laws, according to a *New York Times* analysis of data from the National Conference of State Legislatures, providing those states with more influence over local policing practices.<sup>49</sup> A handful of states enacted reforms to limit police immunity and 10 states mandated or funded police body cameras. One of the first states to undertake significant reforms was Colorado. The Colorado law banned chokeholds, required officers to intervene if they witnessed excessive force and mandated body cameras statewide within three years, among other provisions. “The Colorado legislature became the first to eliminate immunity from civil rights accusations, allowing officers to face claims in state court.”<sup>50</sup> Yet, according to Paige Fernandez, an advocate at the American Civil Liberties Union, these reforms have focused more “on what do we do after harm has already been committed—after the police have already engaged in misconduct—and far less focused on how do we stop this from the beginning.”<sup>51</sup>

After the Nebraska State Legislature approved a bill in April 2021 requiring the state's law enforcement agencies to adopt a duty to intervene policy by 1 January 2022, nearly every agency in the state has complied with the mandate. According to Don Arp, the executive director of Nebraska's Commission on Law Enforcement and Criminal Justice, approximately three weeks after the New Year deadline, almost all of Nebraska's sheriff's offices and police departments (about 200 agencies) had a written policy requiring employees to intervene and report instances of excessive force. In order to help with agency policy development, the state's Commission on Law Enforcement and Criminal Justice provided a model intervention policy. It called upon all police officers “to jump in either verbally or physically when another law enforcement officer—regardless of agency—uses a level of force that exceeds what an officer ‘would reasonably need to use in the situation.’ It also requires officers to report instances of excessive force to agency supervisors ‘as soon as feasible.’”<sup>52</sup>

One promising method at prevention may be the establishment of the LEWIS Registry. It is believed to be the first comprehensive national catalog of police officers who have been terminated or resigned due to misconduct.

### *The LEWIS Registry*

The latest effort to bring transparency and accountability to law enforcement is in development at the University of Southern California's (USC) Safe Communities Institute. It is called the Law Enforcement Work Inquiry System, or LEWIS registry. It is named after late Georgia congressman and civil rights leader John Lewis. The LEWIS Registry is believed to be the first comprehensive national catalog of police officers who have been terminated or resigned due to misconduct. The registry, which has been in the planning stages since the death of George Floyd, "will use public records to document details of police officer misconduct. It is designed to prevent cops who have been fired, or have resigned, from getting rehired at another police department. The registry will document details such as excessive use of force, corruption, domestic violence, sexual assault, harassment, perjury, hate group affiliation, or filing a false police report."<sup>53</sup>

The LEWIS Registry was co-founded by Dr. Erroll Southers, director of USC's Safe Communities Institute, and Dr. Güez Salinas, president and chief information officer of DreamView.<sup>54</sup> Dr. Southers, the former chief of homeland security and intelligence for the Los Angeles World Airports Police Department (the nation's largest airport police department), believes that law enforcement is a noble profession and hopes to have his new data system fully operational for both law enforcement and the public sometime in 2022. He feels it "is something that is going to benefit communities and it's going to benefit law enforcement ... [and] keep people safer."<sup>55</sup> However, it's only a voluntary system.

### *Future Research and Latest Police Reform Developments*

Since the 1990s, the body of literature has been expanding on police ethics and whistleblowing; for example, Rothwell and Baldwin (2007) found that two variables—a policy mandating the reporting of misconduct and supervisory status—are the most consistent predictors of whistleblowing.<sup>56</sup> From a subcultural perspective, Heck (1992) explored the idea that some police might report minor rule infractions for the sole purpose of personal gain.<sup>57</sup> A related study compared responses from police officers in the United Kingdom, looking at potentially corrupt behaviors described in a series of scenarios. Minor infringements were less likely to be seen as serious and less likely to be reported. However, in recognition of the limitations associated with their research questionnaire, the authors concluded that additional study "into how and why officers keep the 'blue code' would be timely."<sup>58</sup> In view of the new technology and policies involving the official use of police body and cruiser mini-cameras, as well as the omnipresence of bystander cell phone cameras, further research involving the processes and the determinants of the discretion involved in whistleblowing is still warranted. Police have the ability to exercise a wide degree of discretion in their everyday encounters with the public, even more so about what to do about the conduct of their peers. This issue needs better understanding by the public, the police, and lawmakers.

Frank Serpico would likely be pleased by the development of the LEWIS Registry, but police misconduct and termination records are often shielded due to a lack of centralized, accessible

data. Moreover, it is common to find state and municipal police contracts with clauses aimed at limiting officer accountability. Thus, a mandatory national system would seem more desirable. Over a half century ago, Serpico witnessed the misconduct of police and he has decried

how hard it is to reverse a decades-old ethos and presumption of innocence for police officers. Most still feel invulnerable to legal action, and the top brass and unions are resisting any changes that might put officers in jeopardy legally ... and that has reinforced their quick-trigger tendencies and perpetuated their racism, bigotry and mistreatment of Blacks and other minorities.<sup>59</sup>

According to Serpico, "What has not changed, as I said in my closing statement at the Knapp hearings [over fifty years ago], is an atmosphere where the crooked cops would fear the honest cop, and not the other way around."<sup>60</sup>

Still, reform is possible. On the federal level, the George Floyd Justice in Policing Act has at least been proposed. In addition, a new Wisconsin law requires officers to intervene if another officer uses excessive force. As of 1 January 2022, all law enforcement officers in Wisconsin are legally required to stop other officers if they see them using an unlawful amount of force. While the law is new statewide, it's been standard operating procedure in Milwaukee since 2013. The Wisconsin law requires officers to essentially police fellow officers who step out of line. Andrew Wagner, the head of the Milwaukee Police Association, representing 1,500 police officers, forensic investigators, and detectives, has stated: "I think having a standard policy throughout the state only helps to engage that community trust that we're looking for."<sup>61</sup> The new state law indicates that those who intentionally fail to report a non-compliant use of force may be fined up to \$1,000 or sent to jail for up to six months. "The state's new standard policy also requires officers to alert their supervisor if they hear of another officer using unlawful force during an arrest. Whistle-blowers are protected from being discharged, disciplined or demoted for speaking out."<sup>62</sup>

### *Recommendations*

Research related to minorities and the police have been available since at least the late 1960s. Surveys conducted by Bayley and Mendelsohn (1968) indicated "that ethnicity is a primary determinate of the amount and kind of contact people have with police ... The experiences that members of minority groups had with the police are reported as being much less satisfactory than those of the majority community."<sup>63</sup> Today, a great deal of notoriety has been given to police errors in their use of search warrants and the excessive use of force during citizen-police contacts. These abuses have contributed to a great deal of minority group dissatisfaction, including expressions about defunding police. Clearly, solutions are needed to address these concerns as well as cracking the "blue wall of silence." The availability of whistleblowers can help weed out wrongdoers from the ranks of police. Frank Serpico has offered the word "lamplighters" to replace "whistleblowers" because when light is shown on police misconduct, the behavior dissipates and those who participated—"scamper."<sup>64</sup>

Nonetheless, an existing problem is not having enough "lamplighters" willing to testify. Such police must feel sufficiently independent to be able to break with their peers. This type of problem is not unique. It exists in a variety of professions including the medical and legal professions. The recommended reward and punishment management system advocated by Chief Bouza to change behavior and the enforcement of state laws for the protection of whistleblowers are useful tools for encouraging ethical police.<sup>65</sup> The passage by the US

Congress of the proposed *George Floyd Justice in Policing Act*, including provisions for a National Police Misconduct Registry and the duty to intervene when another officer begins to use excessive force, would go a long way toward improving police conduct in America.<sup>66</sup>

Alternatively, and temporarily, if expanded and adequately used, the evolving police registry known as the LEWIS Registry should be of some help. Erroll Southers, the University of Southern California professor and co-founder of the LEWIS Registry, is convinced that a comprehensive catalog of fired or resigned officers due to misconduct could help repair relationships between police and the communities they serve. All information in the registry on misconduct is being drawn from public sources, like official department statements, court records, news reports and other open sources. According to Southers, "The need is brought about by the fact that when police officers are terminated, they often go to another department. A recent Yale study was able to corroborate the fact that when they go to other departments, their behaviors become even worse."<sup>67</sup> Significantly, the establishment of a government run National Police Misconduct Registry with a mandatory reporting system is necessary to replace this emerging voluntary development.

## Author

### Martin Alan Greenberg, JD, PhD

Adjunct Professor, Russell Sage College, Albany and Troy, New York, United States  
[mgreenberg955@gmail.com](mailto:mgreenberg955@gmail.com)  
<https://www.linkedin.com/in/martin-alan-greenberg-jd-phd-cpp-33383935/>

Dr. Greenberg is the author of seven books concerning community safety. He is currently the chair of the Section on Security and Crime Prevention within the Academy of Criminal Justice Sciences and the president of the Virginia Association of Criminal Justice Educators (VACJE). He also serves as the volunteer director of education and research for the New York State Association of Auxiliary Police, Inc. He was formerly a high school security aide, New York City Police Department auxiliary police deputy inspector, senior court officer, and probation officer in New York prior to pursuing an academic career that included serving as chair of criminal justice and law enforcement programs in Arkansas, Hawaii, New York, Pennsylvania, South Carolina, and Virginia. His most recent book with co-author Dr. Beth Easterling is *Reframing Police Education and Freedom in America* (Routledge 2023). He is a graduate of New York Law School and received his PhD in Criminal Justice from the City University of New York.

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