

WHISTLE-BLOWING INTO A TANGLED WEB: THE CASE OF *SERPICO*, *L.A. CONFIDENTIAL*, AND THE LAPD'S RAMPART DIVISION*

by

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ABSTRACT

Popular culture and criminal justice intersect vividly in the police dramas *Serpico* and *L.A. Confidential*. These films examine, if not mirror, the realities of police culture in the US. This culture is defined by a machismo that has sometimes led to widespread police abuse. This abuse is most clearly seen in the recent Los Angeles Police Department's Rampart Scandal. In *Serpico*, *L.A. Confidential*, and the Rampart Scandal, the themes are identical; there is a corrupt police department and one person in the department, the whistle-blower, who initiates change. This paper will discuss the dynamics of whistle-blowing by examining the characters Frank Serpico in *Serpico* and Officer Exley in *L.A. Confidential*. It will use Raphael Perez of the Rampart Scandal as a reference for discussion.

INTRODUCTION

The recent Los Angeles Police Department's (LAPD) Rampart Scandal and the films *Serpico* and *L.A. Confidential* are strikingly similar. Rarely has the intersection of criminal justice and popular culture been so magnified. The LAPD's Rampart Scandal has unfolded like a sordid Hollywood drama, while in *Serpico* and *L.A. Confidential* Hollywood deals with the reality of police corruption, and more specifically, whistle-blowing.

A whistle-blower is often faced with a plethora of ethical dilemmas; the most fundamental dilemma is whether to do the "right thing" or not. These films poignantly capture the multiple organizational variables that inhibit one from doing the right thing within police departments. This paper examines the whistleblowers of each of these police stories.

THE RAMPART SCANDAL

The main character in the Rampart Scandal is Raphael Perez, an LAPD officer for 10 years. He is the whistle-blower who exposed the division's abuses. In 1999, Perez pled guilty to taking cocaine from an evidence locker. He bargained for a reduced sentence in return for agreeing to tell all to the LAPD and district attorney about the "bad deeds" with which he and other fellow officers had been involved beginning in 1995. After his testimony, it was found that innocent people had been charged with crimes they

had not committed and were sentenced to prison terms. Since then, at least thirty LAPD officers, including four sergeants, have been relieved of duty, suspended, fired, or have quit in connection with the department's probe. Furthermore, at least sixty-seven convictions have been overturned. Some seventy officers are under investigation for committing crimes, for misconduct, or for covering up such activities (McDermott, 2000).

WHISTLE-BLOWERS

Hollywood's police dramas have acted as presages about the Rampart Scandal. More specifically, the films *Serpico* and *L.A. Confidential* have detailed the widespread corruption that exists in some of our nation's police departments. A careful examination of these films shows that the corruption of the LAPD in the 1950s, depicted in *L.A. Confidential*, and the corruption of the New York Police Department in the 1970s, depicted in *Serpico*, looks the same. In many police scandals there is someone who unveils the corruption. This person, the whistle-blower, will guide the following discussion.

Gordon and Milakovich (1998) state that when an employee makes any disclosure of legal violations, mismanagement, gross waste of funds, abuse of authority, or dangers to public health or safety, whether the disclosure is made within or outside the formal chain of command, the act is known as whistle-blowing (p. 495). President Lincoln's administration originally enacted the False Claim Act. This law was created to stem military fraud during the Civil War. The original law allowed a whistle-blower to collect a percentage of any settlement that the government collected on a case they exposed.¹

Notwithstanding the period of the Civil War, whistle-blowing is a relatively new phenomenon. According to Glazer and Glazer (1989):

Whistle-blowers are a historically new group. No doubt there were earlier workers who exposed practices that would harm the public, as there were thousands of workers who went on strike to improve their own wages and circumstances. But only in the period since the 1960s has there been a continual stream of employees who do not act primarily out of self-interest but concentrate on exposing that which could endanger or defraud the public.

SERPICO AND L.A. CONFIDENTIAL

Serpico and *L.A. Confidential* offer an interesting backdrop to discuss this phenomenon. Both films tell candid tales of the life of a police officer in a major city. Although these movies were made approximately 25 years apart, the contextual background is similar. The socio-political highlight of each film is that they are tales about two whistle-blowers, *Serpico* and Officer Exley, and their motivations for doing the right thing. *Serpico*, played by Al Pacino, is a conscientious police officer who is consistently pressured by his organizational culture to participate in various illicit activities. In *L.A. Confidential* Guy Pearce plays a police officer named Exley who is in

a similar situation. Unlike Serpico, Exley is driven by selfish ambitions. Nevertheless, both characters learn the stark consequences of whistle-blowing.

The movie *Serpico* is based on a true story about a New York police officer, Frank Serpico, who initiates a courageous crusade to expose the systematic corruption in the New York Police Department. Al Pacino plays Frank Serpico in Sidney Lumet's film (1973). Lumet captures, in a documentary style, the organizational culture that exists inside many police departments. It shows the New York Police Department culture as colored with machismo, racism, and corruption.

In this film, we see Serpico as an average guy just trying to do his job. He routinely makes decisions that are guided by his conscience not his immediate environment. Serpico is a good cop trapped in a bad situation. Indeed, the ostensible mission of the department, "To Protect and Serve," lured Serpico to the police department. While Serpico treats the formal mission of the organization with acute seriousness, others abide by the more encompassing informal culture. The formal mission and the informal culture of the police department are at the foundation of Serpico's perpetual frustration. Chester Barnard wrote in the *Functions of the Executive* that the influence of an organization's informal culture could not be trivialized. In many cases, the informal culture of an organization is the most significant influence on an employee's behavior (Barnard, 1938).

Intrinsic controls were used to socialize Serpico. Intrinsic controls are mechanisms put into place as an alternative to formal rules and regulations. The premise here is if an organization succeeds in inculcating conformity to its rules, there will be no need for formal intervention. Intrinsic controls produce conformity without monitoring. Loyalty to an organization is a significant element of intrinsic control. Serpico was easily socialized into the broad context of the police department. Indeed, he was loyal to the ostensible goals of the organization. However, it was the informal culture's intrinsic controls that he steadfastly resisted (Gortner, Mahler, & Nicholson, 1987).

One of the intriguing qualities of Serpico is that he never compromises his values. His conscientiousness causes him to be ostracized and cast as a deviant. Everyday he faces the torment of not being a team player. In the face of overwhelming pressure to conform, why does Serpico not give in to the weight of the informal culture? According to Glazer and Glazer (1989):

Serpico was able to move ahead because he was already disenchanted and estranged. Unlike other police, he had never "shopped" or taken any small bribes, which could have demoralized him. He never experienced the erosion of his personal values. He never became "bent." Equally important, he remained psychologically and socially distant from his peers. His loyalty remained to his early sense of what a police officer could be and to the formal regulations of his department (p. 55).

Although Serpico is a good person, he is not a pious sanctified do-gooder. He possesses some of the same machismo as the other officers. He is rugged, tough, and temperamental. Serpico, unlike his fellow officers, is bound to his ethics and public morality. Serpico has a genuine concern for the greater good of the public.

According to Denhardt and Grubbs (1999), ethics involves a process by which we clarify right and wrong and act on what we take to be right (p. 452). Morality involves personal practices and activities considered right or wrong and the values those practices reflect (Denhardt & Grubbs, 1999: 453). Public morality goes beyond concern for self, family, and immediate social groups. Serpico's actions are ethical because he does not step outside of the formal standard operating procedures that have been constructed for his duties. His legal obligation is a source of ethical obligation. As a public servant, he is sworn to uphold and defend the Constitution. Serpico takes this pledge seriously. He shows a compassionate obligation to the law, the nation, and to democracy.

In a way, Serpico desires to be a change agent. He wants to change the organizational culture of his police department. Throughout the film it appears that Serpico is fighting a losing battle; indeed, the institutional structure and organizational culture appear to be too immutable to change, too arrogant to listen, and too impersonal to care. F. William Howton states:

The big organization dehumanizes the individual by turning him into a functionary. In doing so it makes everything possible by creating a new kind of man, one who is morally unbounded in his role as functionary... His ethic of the good soldier: take the order, do the job, do it the best way you know how, because that is your honor, your virtue, your pride-in-work (cited in Stillman, 1995: 460).

In the end, Serpico becomes disappointed and disillusioned after being seemingly set up and shot during a drug raid. He retires on a disability pension and leaves the country.

L.A. Confidential is a police mystery set in Los Angeles in the 1950s. This film noir is based on a book written by James Ellroy. It too is about police corruption. Officer Exley, in *L.A. Confidential*, complicates our understanding of whistle-blowers. For instance, he pushes away bribes, he's intolerant of police brutality, and he acts within the formal rules of the organization. His values do not appear to be the same as the others' in the department. Paradoxically, he is the most straitlaced, and at the same time, the most untrustworthy member of the department. He has no allies in the department and he is comfortable with this.

Like Serpico, Exley is estranged and socially distant from his co-workers. Unlike Serpico, he appears to be playing his own game, not for the greatest good for the greatest number, but for himself. One vivid example in the film captures the essence of Exley's character. The "Bloody Christmas Riots" took place inside of the LAPD jailhouse. Several LAPD officers initiated violence on inmates. Exley, the substitute watch commander this night, fiercely protested this police brutality. During the riots, he was taken away and locked in a cell by two fellow officers. The media reported on the melee

and an investigation ensued. Exley was the only officer who had no problem “ratting” on his co-workers. During the trial, Exley named names and was immediately promoted.

It is difficult to delineate Exley’s moral fortitude because his inclination for justice is obfuscated by his self-interest. It is clear from the very beginning of the film that Exley is career-minded and self-interested. Herein lies the slippery distinction between morals and ethics. While Exley may not be a morally righteous person, he proves to be ethical. With the one exception of giving into his lustful desires for a call girl, played by Kim Basinger, Exley consistently distinguishes right from wrong and acts on what is right. However, his morality is dubious because he is motivated by self-interest. This makes him seem less noble than *Serpico* but perhaps more real.

Towards the conclusion of the film, Exley states that he joined the force with the admirable intention of protecting and serving the people but personal ambitions got in the way. He is referring to his unremitting quest for power and prestige. At this point in the film, Exley reveals to us his shortcomings as a public servant. He reveals to us that although he may have been acting within the boundaries of standard operating procedures, his motives were twisted.

This scene is also the first time we see Exley pause for a moment of introspection. Before this point, Exley seems to execute his tasks without reflection or dissonance. *Serpico*, on the other hand, goes through intense periods of consternation. He toils over his disconnect with the culture of the department. What makes *Serpico* the quintessential American hero? Is it his ethics and morals? His love for the law, his seriousness about protecting and serving the public, his unwavering commitment to do the right thing, and his acts of bravery and selflessness are what distance him from us. In a society that adamantly pressures us to conform, where selfishness is conventional, we look up to people like *Serpico* as heroes because they possess qualities that we espouse in theory but cannot measure up to in practice.

REALITY MEETS HOLLYWOOD

The LAPD’s Rampart Scandal is the real life version of *Serpico* and *L.A. Confidential*. In the Rampart Scandal, Raphael Perez and others were driven to corruption by money, racism, and power. In each of the films and this scandal, there is a police culture that is marked by an “us vs. them” mentality. Moral and ethical leadership is weak and minorities are victimized. The focal point of the Rampart Scandal was the LAPD’s anti gang unit known as CRASH (Community Resources Against Street Hoodlums).

During the mid-1980s, the Rampart area of Los Angeles experienced a significant increase in violent crimes involving gangs, drugs, and weapons. Consequently, the department created CRASH. Its main purpose was to make the area safer. Police officers were given wide discretion in meeting this objective and they were effective. Gang-related crime in the area fell from 1,171 in 1992 to 464 in 1999, a reduction that

exceeded the citywide decline in violent crime over the same period (Rampart Independent Review Panel, 2000: 1).

These victories, however, came with consequences. By giving police officers the latitude to fight crime by any means necessary, the LAPD created a greater problem, police corruption. Raphael Perez has become the symbol of police corruption run amuck in the LAPD.

Officer Perez possesses only a few things in common with Serpico and Exley. He was a police officer and he exposed police abuses. The similarities stop here. Although Exley possesses a selfishness, his behavior consistently falls within the letter of the law. Perez, however, admitted to hundreds of instances of perjury, fabrication of evidence, and false arrests. He admitted to stealing drugs from police evidence lockers and reselling them on the street. He admitted stealing drugs, guns, and cash from gang members.

Perez appears to be a genuine rogue cop. He possesses no noble or altruistic sense of purpose. There is little that sets him apart from the criminals he pursued. He pled guilty to police abuse and agreed to tell all to the LAPD and district attorney in exchange for a lesser sentence. Unlike Serpico and Exley, Perez's motives are simple to deconstruct. He was always motivated by the selfishness, a need for money and power, but he is neither ethical nor moral. His behavior makes Serpico and Exley even more intriguing characters.

CONCLUSION

What should we have learned from the films *Serpico* and *L.A. Confidential*? Perhaps these films should have taught us that one person can make a difference (however small) and that police abuse and corruption is still a part of American society. They also teach us that whistle-blowing is motivated by a variety of interests. In *Serpico* and *L.A. Confidential*, Hollywood gave us a superb opportunity to examine an important sector of our society. Indeed, it is this intersection of popular culture and reality that is the most intriguing.

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ENDNOTE

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¹ See www.encyclopedia.com/articles/13815.html