

## DIRTY HARRY (CASE STUDY)

Omer M. Othman Domoro\*

Syed Omar Syed Agil\*\*

### **ABSTRACT:**

This case captures the problem of police corruption in Libya as one of the most challenging issues that is developing in the country. Based on the 1971 film Dirty Harry, the main character was played by Inspector Dirty Harry Callahan who used torture as a tool in order to find out the location of a kidnapped girl. Dirty here does not mean an actual torture, but it contains beating confessions out of suspects, making false arrests, stopping and searching without proper cause, and using threats and coercion to obtain evidence as done in the Libyan police force. This raises the matter of the morality of utilizing force to extract information from suspects. In Libya, the police misuse their right to utilize force, or noble cause corruption in the form of dirty hands or dirty means, a specific matter within policing that raises ethical problems. Ethical problems in Libya also arise in general police job, and police corruption can occur in a variety of situations involving police power or in day to day communications between public and the police.

**Keywords:** Corruption, Police force, Ethics, Leadership.

---

\* Graduate School of Business, Tun Abdul Razak University, Malaysia.

\*\* Razak School of Government, Tun Abdul Razak University, Malaysia.

**PROLOGUE:**

In December 1997, Abdusalam graduated from the police academy as a police officer and he was very proud to be a police member. After one month, the police administration informed him when he has to start his job. His first duty as a police officer will start in the city of Ghadames. Ghadames is located in the western part of the country at altitude 30.08 north and longitude 9.03 east, and rising from the sea level 357 meters, and about 543 kilometers south west of the capital Tripoli. Ghadames is an oasis on the border of Tunisia and Algeria. It is a city with a population of 25 thousands and the city is said to have the main station for the convoys of time run.

During his raining at the police academy, he had taken two subjects on policing sciences and law sciences. This policy tends to build up professional police officers who are highly educated to make sure the success of the issues to be referred to public prosecution and its integrity from the errors that may be exploited by the lawyers to challenge them because of defects in the proceedings.

**Dirty Harry in Libyan Police Force “noble cause corruption”.**

Dirty Harry is a 1971 American movie produced and directed by Don Siegel; Clint Eastwood plays the title role. The most famous and controversial officer in the San Francisco Police Department, Detective Inspector Harold "Dirty Harry" Callahan, is well known in the city for his mixture of ruthless and occasionally brutal pursuit of criminals and sharp detective skills. After a stint as a youth in the Marine Corps, Callahan joins the SFPD in the 1950s and eventually rises to the rank of Inspector, along the way becoming involved in several controversial cases and losing his wife in an automobile accident. Dirty Harry Callahan played the role of a detective inspector who uses dirty means to achieve good ends (Wikipedia the free Encyclopedia).

“Just what I needed, a college boy..... What’s your degree? .... Sociology? You’ll go far. That’s if you live... just don’t let your college degree get you killed”. (Peter Moskos, 2008, From the film Dirty Harry, 1971).



Source: <http://www.sfari.com/forums/sfari86/travel54997/>

On the first day Abdusalam was asked to work in the Investigations Unit and undergo training under the supervision of the head of the investigation in small issues. One day, he started an investigation as requested by his supervision which was initially in the case of theft. He started the application of investigation procedures as he has learned at the study period academy.

Abdusalam: Good morning, Sir.

Head of investigation: Good morning, Officer Abdusalam. Today you have to start your career with the theft case.

Abdusalam: Very good. I am ready Sir.

Head of investigation: So, can you ask the constable to bring the suspect to the investigation room?

Abdusalam: Yes, Sir.

Head of investigation: Now. You can show me what you have learned at the police academy.

While officer Abdusalam trying to do his best with what he had learned at the police academy in the investigation with the suspect, the head of the investigation suddenly entered, stopped him and asked the constable to take the accused out of the investigation room and start giving him some tips and told him

to forget all that he had learned during his training period at the police academy because if he continues following the procedures, he will spoil the investigation.

Abdusalam: But why, Sir?

Head of investigation: Because from my point of view, this technique is useless and the best way would be based on (the threat of beatings, rebuke and violence to obtain the facts).

Abdusalam: "This is a great shock for me." He laments. In his mind lingers the dilemma of police ethics that exists in the organization, and how some morally weak police leadership contributes in enhancing some corrupt practices.

### **Background of the Libyan Police Force:**

The Libyan Police Force LPF is governed by legislation law Act No.10 of 1992 (Police Law) and regulations issued by the General People's Committee for Public Security. The General People's Committee for Public Security determines the structures and mandates of the police. Under the police law, the functions of the police are to maintain state security, public order, protect the lives and honor of citizens. Police officers are subject to internal oversight, under the police law. The law also grants the General People's Committee for Public Security the right to set up a tribunal to consider police misconduct. The police are also explicitly subject to judicial oversight under the police law. The law also sets out a series of penalties for misconduct, including warnings and dismissals.

### **Police Law in Libya:**

As in the most common police laws in other countries, the Libyan legislature did not explicitly mention the term police corruption, but rather use a combination of generic terms as a result of ambiguity, which affect the definition of corruption, failure in reaching a comprehensive and inclusive definition agreed by the countries of the world and NGOs interested in the problem of corruption. But the most common definition is that specified by the World Bank which "the use of public office for private gain." Act No. 10 of 1992 of police law in Libya in the article sixty-fourth stated that: - Without prejudice to the penalties provided by the Penal Code or any other law, be tried for disciplinary reasons are:

1-Exceed the limits of his or her duties or harm the use of his powers.

2-Bring harm to the public during the performance of duty.

3-Commits any act that harms the reputation of the police.

4-Abuse or misuse the position of being a police officer.

The penalty for these actions indicated in article seventy-fourth in the police law which detailed that: - (Any member of the police accused of committing one of acts provided in the article sixty-fourth of this Act or an offense set forth in the Penal Code or other laws must be suspended from the Force.

The suspension decision is issued by the Secretary of General People's Committee for Public Security, and the suspension shall continue until a decision on the charge attributed to a member of the police, the duration of the suspension is thirty days in the case of the charge of a felony or a crime involving moral turpitude.

The suspension will be followed by stopping half of the salary of a criminal defendant member of the police during the period of suspension, if the disciplinary proceedings or conviction do not convict him half of his salary which stopped will be returned in exchange).

### **Police Corruption in Libya:**

Unfortunately, the police force in Libya also faces a serious corruption problem. Moreover, literature and empirical studies that describe these practices prevailing in the police force are very limited. Most of the information about police corruption in Libya is available in daily newspapers (electronic and paper) published in Libya. Departments of Research and Studies of Organization for Transparency Libya and Libya Human and Political Development Forum in 2007 discussed an analysis of the results of a questionnaire on corruption in the Regime's apparatus, state institutions and people's organizations in Libya 2006, among the major results of the questionnaire analysis was that the police force comes in the first state institutions suffering from the spread of corruption based on respondents opinion. In 2010 the Secretary of the General People's Committee for Public Security (internal Minister) confirmed that the police force in Libya is suffering a lot of, mutilation, falsification, and the spread of corrupt practices such as cronyism (wasta), nepotism, bribery and courtesy.

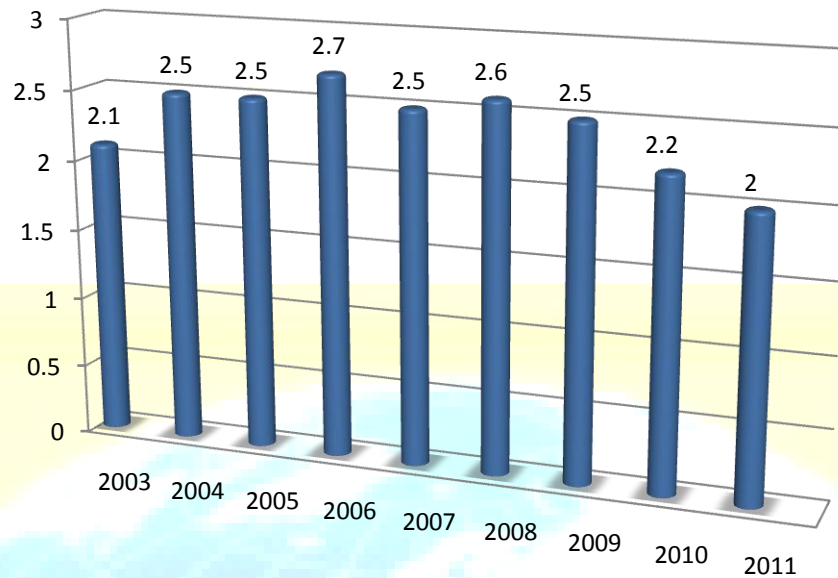
Transparency Libya Team in 2009 indicated the spread of the culture of extortion at all levels. How many citizens or businessmen have been the victims of this type of extortion from a senior officer in the Security? For example; not surprisingly, if the traffic cop stops some drivers to extort them for having seized on driving licenses or some documents of the car, and the extortion will be in the form of a swap driver's license or the amount of money or packet of cigarettes, or sandwich, or code the phone. Also in 2010, Transparency Libya published some information on a range of corrupted practices committed by a chief of the police department, which included bribery, embezzlement, nepotism and extortion.

### Corruption Perception Index in Libya:

Based on the report to the United Nations Program of Governance in Arab countries called the Corruption Perception Index, Libya recorded 2.5 points in 2009, while in 2008 it recorded 2.6 and was ranked 130th among 180 countries in the world behind Syria; but was in better position than Yemen. In 2008, it was ranked 126th among 180 countries in the world, behind Egypt and Lebanon. In 2007 Libya recorded 2.5 points and was ranked 131st among 180 countries, tied with Iran, Yemen, and slightly ahead of Syria. Libya recorded 2.7 points in 2006 and was ranked 105th together with Iran among 163 countries. It also, ranked 117th among 159 countries in the world and recorded 2.5 point in 2005. Libya recorded 2.5 point in 2004 and ranked 108th among 146 countries in the world, while it recorded 2.1 point in 2003 and ranked 118th among 133 countries in the world (see figures 1, 2).

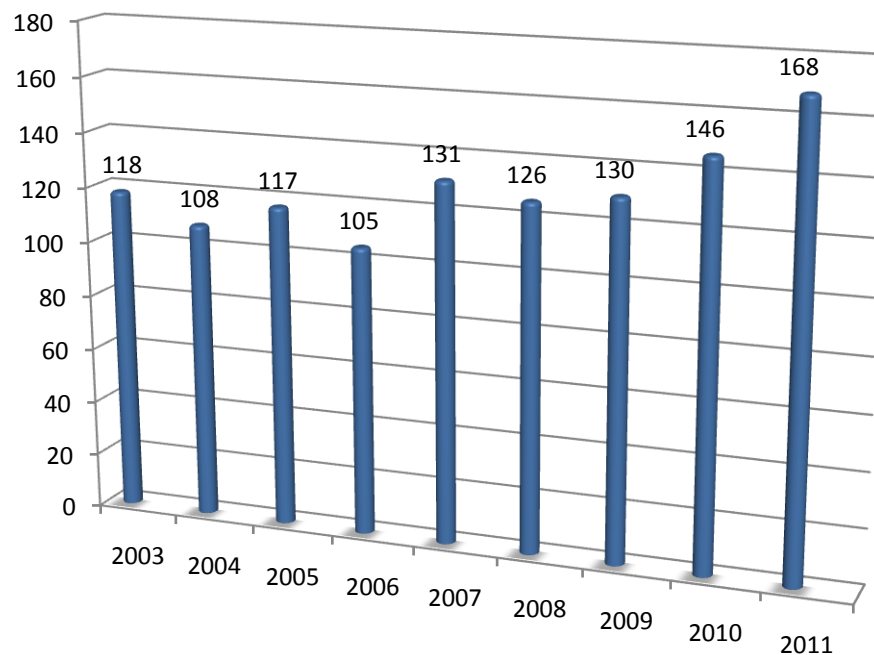
### Figure 1: Corruption Perception Index (Values)

Source: United Nations Program of Governance in Arab countries (P.O.G.A.R, 2009).



**Figure 2: Libya: Corruption Perception Index (Rank)**

Source: United Nations Program of Governance in Arab countries (P.O.G.A.R, 2009).



Transparency international issued its annual report on Corruption Perception Index in 2010, and Libya recorded 2.2 points and ranked 146th among 178 countries on the CPI 2010. In 2011, Arab Spring countries, and many Euro zone countries particularly those affected by the financial crisis are doing worse and worse, based on the recent report issued by transparency international in Corruption Perception Index, accordingly Libya scored 2 points and ranked 168 amongst 182 countries in the CPI 2011. The reports published by Transparency International about Corruption Perception Index showed deterioration of the corruption index in Libya from 2003 to 2011. This indicates a serious corruption problem in Libya that must be addressed to build public safety, stability and development.

### **Government Efforts to Reduce Corruption:**

Despite that Libya has made many efforts to combat corruption which for example; Libya acceded to the Convention on the UN Programme of Governance in the Arab countries to fight corruption, acceded to Convention United Nations against Transnational Organized Crime and signed an agreement to open a regional office in Tripoli for the Arab Maghreb countries to combat drugs, corruption and organized crime in cooperation between Libya and the United Nations Programme, drug control, corruption and organized crime. Recently, In (2010) Libya signed an agreement to establish first international academic concerned in training on various types of fighting against corruption with the participation of Spain, UK, France, Sweden, Austria, Mexico, Malaysia and Yemen. However, the corruption level in Libya is still high.

### **EPILOGUE:**

Abdusalam is in a dilemma. Should he subscribe to the ethical principles and follow his boss? Should he use the right method or adopt the investigation technique that his boss believes in? Abdusalam's dilemma indicates the spared of the ethical problems in the Libyan police force. What actions do you think should the government take to stop this problem?

### **Discussion Questions:**

1. What are the ethical principles governing human behavior?



2. What is the relationship between ethics and police corruption?
3. What are the ethical issues related to the police corruption?
4. Why do police officers often use dirty means to achieve good ends?
5. What are the possible solutions for the ethical problems in the Libyan police force?
6. Identify how can Abdul Salam solve this ethical issue?
7. What are the pros and cons for each solution?
8. What do you think is the best solution?
9. Why do police chiefs often demand a quick result from subordinates and turning a blind eye to rule-breaking?
10. Assume that you are in Abdul Salam's position, how will you deal with this dilemma?

#### REFERENCES:

- [1] Departments of Research and Studies of Organization for Transparency Libya and Libya Human and Political Development Forum (2007), "Analysis of the Results of a Questionnaire on Corruption in the Regime's Apparatus, State Institutions, and People's Organizations in Libya", 2006 available at:-  
<http://www.libyaforum.org/archive/images/stories/Almuntada5/analysis%20-%20corruption%20in%20libya.pdf>
- [2] Programme on Governance in the Arab Region (2009), "Corruption perception index in Libya", available at:  
<http://www.undppogar.org/resources/statistics.aspx?gid=9&ind=22&yr=2009>
- [3] Transparency International (2010), "Corruption perceptions index 2010", available at:-  
<http://www.scribd.com/fullscreen/40150666>
- [4] Transparency Libya (2010), "Corrupt Practices committed by a chief of police department", available at:  
[http://www.transparencylibyaonline.com/index.php?option=com\\_content&view=article&id=507:g-----&catid=192:2010-07-07-01-28-00&Itemid=191](http://www.transparencylibyaonline.com/index.php?option=com_content&view=article&id=507:g-----&catid=192:2010-07-07-01-28-00&Itemid=191) [Accessed 27 September 2010].

- [5] Transparency International (2011),“Corruption perceptions index 2011”, available at:-  
<http://cpi.transparency.org/cpi2011/results/>
- [6] Libya QurynaNewspaper (2010)“Corrupt practices in the police force”,  
, available at: <http://www.quryna.com/6220.html>(Accessed 29 September 2010).
- [7] Act No. (10) of (1992),“Police law”, available at:-  
<http://www.aladel.gov.ly/main/modules/sections/item.php?itemid=41>
- [8] Transparency Libya Team (2009),“Political corruption in the Libya is a father for the financial and administrative corruption”. Departments of Research and Studies of Organization for Transparency Libya, available at:-  
<http://www.shaffaflibya.com/>(Accessed 07April 2009).
- [9] Libya Alwatan newspaper (2010),“Establishing the first international academy to combat corruption with participation of Libya”, available at: -  
<http://www.alwatanlibya.com/more.asp?ThisID=11805&ThisCat=1>[Accessed 3 September 2010]
- [10] Wikipedia the free Encyclopedia, available at: -[http://en.wikipedia.org/wiki/Dirty\\_Harry](http://en.wikipedia.org/wiki/Dirty_Harry)
- [11] Moskos, Peter (2008)“Cop in the hood”. Princeton: Princeton University Press.
- [12] Bannon, Ian (1999),“The fight against corruption a World Bank perspective”. Paper presented in workshop on transparency and governance, as a part of the consultative group meeting for the reconstruction and transformation of central America, in Stockholm, Sweden.