

Pre-Charge Investigation of Philippine National Police Personnel vis-à-vis their work Performance

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Abstract — The Philippine National Police is mandated to investigate all forms of crime with the ultimate objective of giving justice to the victims and bringing the perpetrators to the bar of justice. This research used a descriptive qualitative design through Interviews, observations, and Focus Group Discussion among the thirty-four (34) PNP personnel facing pre-charge investigation on the administrative case and fourteen (14) PNP officers respondents composing the Focus Group Discussion. It revealed that the respondents were educationally qualified enough, dominated by males under 41 years old and above. The majority were married who obtained basic baccalaureate degrees.

Researchers have utilized other methodologies to study police misconduct and crime without any substantive official data, including surveys, field studies, quasi-experiments, internal agency records, and the investigative reports of various independent commissions delegated to report on this phenomenon within particular jurisdictions. These methodologies have thus far failed to produce systematic, nationwide data on police crime. The lack of data on police crime is a problem since the development of strategies to mitigate police crime in the least requires that they be documented and described in some sort of systematic and generalizable manner.

Based on the finding and conclusion, the following recommendations were offered: Conduct a series of in-service training and orientations to enrich the Moral recovery Program of the PNP. Adopt a strong "Coaching Mentoring" program in the workplace. Re-visit its operations, particularly in the internal communication flow, to prevent information dissemination lapses.

Keywords — *Pre-charge Investigation, PNP personnel, Grave Misconduct Case, Work performance and conditions*

Introduction

The Philippine National Police is mandated to investigate all forms of crime with the ultimate objective of giving justice to the victims and bringing the perpetrators to the bar of justice. Hence, the PNP is a vital and indispensable institution of the Criminal Justice System. It is, in effect, a guardian of justice. But what if a guardian of justice intentionally skews the investigation to favor the suspects for any consideration? Or, what if, by their sheer incompetence or laziness or

negligence, the investigation is bungled? Who will hold them accountable? Who will guard the guardians? The PNP has instituted several mechanisms to ensure that fidelity by its members to laws and regulations is ensured. One of the primary mechanisms which cover internal discipline is provided under NAPOLCOM Memo Circular 2007-001 re Rules of Procedures before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Police (PNP Pre-charged Evaluation and Summary Hearing Guide, 2011).

Also, last January 30, 2017, during Malacanang briefing, President Rodrigo Duterte issued a statement that nearly 40 percent of the PNP's 180,000 personnel are engaged in illegal activities. Surprisingly, little is known about crimes committed by law enforcement officers in part because there are virtually no official nationwide data collected, maintained, disseminated, and available for research analyses.

With the imperfections happening in the Police organization, the researcher intends to explore a study on how are the Police Officers' job performance affected after they were pre-charged with a crime.

Specifically, this study intends to determine the various reasons why Police are involved in different illegal activities and how they are affected in the dispensation of their assigned duties. While there are existing procedures and guidelines in administering sanctions against those who fail to comply, the study also looks into the different gaps affecting their performance.

The study was anchored on the two-factor theory (also known as Herzberg's motivation-hygiene theory and dual-factor theory), which states that certain factors in the workplace cause job satisfaction while a separate set of factors cause dissatisfaction, all of which act independently of each other. This theory focuses on the inner needs and their expressions in work behavior.

The theory consists of two main categories and motivators and hygiene factors. Motivators lead to positive job attitudes because they satisfy the need for self-actualization. Motivators cover achievement, recognition, work itself, responsibility, promotion, and growth. Conversely, hygiene factors surround the doing of the job. Hygiene factors include company policy, supervision, work conditions, salary, security, relationship with the boss, and relationships with peers. The satisfaction of hygiene needs can prevent dissatisfaction and poor performance, but only the fulfillment of the motivation factors will bring the type of improvement in productivity sought by companies (Herzberg, 2000).

This study intends to explore and analyze the work performance, personal conditions, and reasons behind the PNP personnel charged with administrative cases at the Pre-charge Investigation Section of the Manila Police District. Also, on how they are affected in the dispensation of their assigned duties after the legal charges.

Literature Review

(Garret, 2015) No matter who the victim may be, all forms of misconduct and corruption damage the profession's integrity. The minor incidents, if left unchecked, ultimately lead to more severe acts of misconduct that can result in a culture of corruption within an agency and a lack of trust by the community.

Misconduct is defined as intentional wrongdoing or improper behavior (Gerner, 2015). Some of the acts that are often committed by law enforcement can be those such as; accepting gratuities in exchange for special treatment, accepting bribes, stealing from both citizens and criminals alike, and at its worst, physical harm inflicted on innocent people. Whatever the specific behavior, it undermines the faith given to law enforcement by the communities they serve.

Kraska and Kappeler (2015) suggest that the cases identified in their study were likely the “tip of the iceberg.” They indicated that the organizational and occupational culture of policing provides officers ample opportunity to engage in sex-related misconduct and crime, and note the obstacles to reporting these forms of misconduct confronted by victims including the fear of retaliation and forms of secondary victimization similar to that experienced more generally by victims of sexual assaults.

Fyfe and Kane's (2016) classification of police misconduct includes driving while intoxicated within the category of off-duty public order crimes. Still, they do not provide specific data that distinguishes misconduct that consists of the abuse of alcohol. Kane and White (2010) provide several descriptions of cases that involved intoxicated off-duty officers engaged in bar fights, drunk driving, and personal disputes. Furthermore, the primary reason that Police who drive drunk are not arrested often is because the Police are generally exempt from law enforcement.

Methodology

This study was conducted at the Manila Police District, Pre-charged Investigation Station. Manila Police District (MPD) is the Philippine National Police (PNP) agency responsible for law enforcement in the City of Manila. Formerly known as the Western Police District (WPD), the MPD is under the National Capital Region Police Office (NCRPO), which handles the Quezon City, Eastern, Northern, and Southern Police Districts.

The MPD was created as the Metropolitan Police Force of Manila by Act No. 70 of the Taft Commission. An entirely American body, the force was first stationed at the Goldenberg Mansion, San Miguel. Being provost marshal, Arthur MacArthur, Jr. was named first Manila police chief. With Act No. 183 that established the Manila city charter on July 31, 1901, the force was reorganized and headed by Capt. George Curry. The Metropolitan Police Force of Manila was renamed the "Manila Police District" and was initially composed of 357 troops from the American Volunteer Force to the Philippines.

The MPD has jurisdiction five miles from the city limits and three miles from the shores to Manila Bay. This led into disputes with the Philippine Constabulary, which had police powers elsewhere in the Philippines. In 1907, the MPD was split into two: the Meisic Police Station north of the Pasig River and the Luneta Police Station south of the river. By 1935, the headquarters was moved to the new Manila City Hall.

Results and Discussion

Problem 1. What is the respondents' overview profile in terms of: Age; Sex; Civil status; Educational attainment; Length of service; Nature of offenses?

Table 1. Overview Profile of the Respondents Charged with Administrative Cases

Respondents	Age and Civil Status Overview	Educational Attainment	Length of Service	Nature Of Admin Offence
PNP Charged with Administrative Cases	(9) Males in the age bracket of 21 to 30 years old	(33) College degree holder	(3) served for 3 years	(1) Gun shooting (7) AWOL (5) Grave Misconduct (1) Robbery w/ Physical assault
	(22) Males in the age bracket 31 years to 46 years and above	(3) Postgraduate course	(5) served for 4 years	(7) Robbery- Extortion (10) Failure to Attend Court Hearing (1) Maltreatment of Prisoner (1) Failure to attend Seminar
	(5) Females in the age bracket 31 to 35 years old		(28) served from 5 years to 29 years of service	(1) Arbitrary Detention (1) Receiving Gifts (1) Failure to conduct record check for the arrested suspect

Table 1 shows the results based on interview responses of the respondents charged with administrative cases on their basic profile.

The study revealed that the respondents were dominated by males under the age bracket 31 to 46 years old and above, generally married with basic baccalaureate degrees. Only three (3) respondents have postgraduate courses. In terms of length of service, the majority of the PNP personnel charged with administrative cases served the organization for ample years. The youngest in service would be in 3 years, and the oldest in service would be 29 years.

Relative to the type of administrative cases, the respondents had various offenses. Few of them committed AWOL (absence without leave); Grave misconduct; Robbery-Extortion and Failure to attend court hearings were ten (10) of them committed this offense. Seemingly, others committed the violations like: Gun shooting; Maltreatment of prisoners; Failure to attend seminars;

arbitrary detention; Failure to conduct record checks for the arrested suspect, and gift-receiving cases.

The results implied that the PNP personnel charged with administrative cases were relatively veterans in service, dominated by married and educated males. The respondents were considered mature enough and expected to do what is right in the organization. On the administrative charges, it was evident that the respondents committed varied cases. Meaning, the different points committed by the PNP personnel represent and reflect their diverse personalities, upbringing, orientation, and moral stands. But the rule is a rule; thus, those who violated rules must be dealt with the law after due process.

Problem 2. How are the respondents charged with administrative cases in terms of: Physical condition; Psychological condition (behavioral)?

Table 2. Responses of the Respondents Charged with Administrative Cases during the Interviews About their Conditions, Feelings after the Charges

Questions	Responses/Observations
What is now the status/progress of your case? () dismissed or () on hearing?	(12) of the respondents said their cases were <i>dismissed</i> (24) of the respondents said their cases <i>on hearing</i>
How are you after all the charges? () Okay or () Not	(12) of the respondents said they are <i>okay or just fine</i> (24) of the respondents said they are <i>NOT okay or not fine</i>
To be specific, In terms of physical conditions, are you still physically capable of carrying out your duties and responsibilities after all? ()Yes () No Any comment ? ___ Please feel free to share your feelings, thoughts.	(36) of the respondents answered YES that they are still <i>physically capable</i> of carrying out their duties and responsibilities after all the charges Respondents commented further that they must be physically strong enough to face trials in line with their duty as Police.
In terms of psychological conditions, are you emotionally capable enough to carry out your duties and responsibilities after all? ()Yes () No Any comment ? ___ Please feel free to share your feelings, thoughts.	(36) of the respondents answered YES that they are still <i>emotionally capable</i> of carrying out their duties and responsibilities after all the charges Respondents commented further that as Police, they must be emotionally ready enough to face harassment in the workplace.

Table 2 shows the results based on interview responses of the respondents charged with administrative cases about their physical and psychological conditions and the status of their issues.

Results revealed that of the thirty-six (36) respondents charged with administrative cases, twelve (12) of them were already dismissed in court. However, twenty-four (24) of them have their cases still on a court hearing. With this status, these twenty-four (24) respondents felt "Not Okay" or not fine, noting that they were still facing court hearings.

In terms of physical and emotional conditions, thirty-six or 100% of the respondents responded that they were physically and emotionally strong after the charges. With the results, it is imperative to say that our PNP personnel charged with administrative cases were resilient enough. They were strong enough to carry themselves despite the many challenges in the workplace. This indicates that our PNP personnel was optimists (hopeful and seeing life in positive ways).

Table 3 Responses of the PNP Officers about the Respondents Charged with Administrative Cases During the Focus Group Discussion on their Conditions, Feelings After the Charges

Questions	Responses/Observations
What is now the status/progress of the case in the Manila police District? () how many dismissed () on hearing?_____	(14) of the Police Officers said that most of the administrative cases they have are still " <i>on hearing</i> " status
How are the PNP personnel after all their charges? () Okay or () Not	(10) of the police officers observed that the PNP personnel charged with administrative cases felt " <i>Not Okay</i> " after the charges. Only (4) of them said that their people accused of the admin case are " <i>Okay</i> ."
To be specific, In terms of physical conditions, are they still physically capable of carrying out your duties and responsibilities after all? ()Yes () No Any comment ? _____ Please feel free to share your feelings, thoughts.	(14) of the PNP officers observed and answered YES that their personnel charged with admin cases are still <i>physically capable</i> of carrying out their duties and responsibilities after all Officers said that in the PNP service, the personnel is prone to misjudgment. Thus they must stand to what is right and wrong.

<p>Are they emotionally capable enough to carry out your duties and responsibilities after all in terms of psychological conditions? ()Yes () No</p> <p>Any comment ? _____</p> <p>Please feel free to share your feelings, thoughts.</p>	<p>(14) of the respondents observed and answered YES that their personnel are still <i>emotionally capable</i> of carrying out their duties and responsibilities after all the charges</p> <p>Officers commented further that as Police, they must be emotionally and mentally balanced in dealing with workplace things.</p>
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Table 3 shows the results based on Focus Group Discussion responses of the PNP Officers about the respondents charged with administrative cases about their physical and psychological conditions and status of their cases.

The study revealed that (14) or 100% of the PNP officers validated that most of the administrative cases the PNP personnel respondents faced were still on the court hearing stage. Based on observations, the PNP officers proved that their personnel charged with administrative cases were feeling "Not Okay," noting their cases' status.

In terms of physical and emotional conditions, all or 100% of the PNP officers responded that their people remain physically and emotionally strong after the charges. The results validated further that the respondents were resilient and hopeful even doing unlawful acts.

Problem 3. What are the compelling reasons or factors behind the administrative charges of the respondents?

Table 4 Responses of the Respondents Charged with Administrative Cases during the Interviews on Why They Committed the Offense

Questions	Responses/Observations
<p>Why you committed the offense? What motivated you to do so? _____</p>	<p>In the case of "Gun shooting," a respondent said that he was appeasing two groups in conflict. It was not his intention to do so;</p> <p>In the case of AWOL, respondents said that the causes were as follows: Failure to inform the superior for an accident met in the Province; Failed to file leave due to sickness; encountered an accident; Family problems; Personal problems;</p>

<p>Would you like to share your thoughts on the reasons behind your offense? _____</p>	<p>In the case of Grave Misconduct, respondents shared the following causes: Disgraceful and immoral conduct; desirable uncontrolled behavior; Job-related issues; service-related issues;</p> <p>On the case of Robbery-Extortion/Physical Injury, all of the respondents said that they were inflicted with fabricated stories/charges by the complainants;</p> <p>On failure to attend court hearings, most respondents said they could not receive summon/subpoenas or notices from the court. One (1) respondent noted that he was not able to attend his duty due to conflict of court hearing schedules;</p> <p>On the case of Maltreatment of Prisoner, the respondent said that the allegation was a fabricated one;</p> <p>In the case of failure to attend the Seminar, a female respondent said that she did not receive any information-notice from the Office;</p> <p>In the case of Arbitrary Detention, a respondent did not say any remark or comment;</p> <p>For failure to conduct a record check for the arrested suspect, she said that un-intentionally forgot to proceed to the record section for this purpose;</p> <p>Lastly, in Receiving Gifts, a respondent said that he couldn't refuse it from a friend.</p>
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Table 4 shows the results based on interview responses of the respondents charged with administrative cases on why they committed the offense and what motivated them to the crime?

In the case of "Gun shooting", information revealed that a respondent was just trying to appease two groups in conflict. Though the respondent said it was not his intention to do so, "the end does not justify the means." A violation was still committed in the eyes of the law. Thus police personnel, as much as possible, must have good composure in times of conflicting situations.

In the case of AWOL, respondents seem to have their justification like: Failure to inform the superior for an accident met in the Province; Failed to file leave due to sickness; encountered an accident; Family problems; Personal problems. In the organization, certain protocols must be observed. Informing your direct superiors immediately in cases of emergency is a standard operating procedure. Thus personal problems and other causes should not be an excuse for not filing a leave of absence in the workplace.

In the case of Grave Misconduct, respondents revealed for being Disgraceful and immoral; manifested desirable uncontrolled behavior relative to job and service issues. According to Hosking (2018), dealing with employee misconduct can be tricky even for the most seasoned business owner. If you have an employee who's not meeting expectations or is not behaving appropriately, you must deal with the issue head-on and make a plan to improve it. Of course, there are varying degrees of employee misconduct, so how you deal with the issue head-on depends to some extent on the severity of the matter.

In the case of Robbery-Extortion/Physical Injury, all of the respondents said that they were inflicted with fabricated stories/charges by the complainants. Moreover, respondents said that not all accusations or charges to the Police personnel were true. More likely, this implied that our PNP personnel charged with administrative cases were just victims of circumstances.

On failure to attend court hearings, most of the respondents said that the leading cause would be the failure to receive summon/subpoena or notices from the court. One respondent even said that he could not attend his court duty due to a conflict of court hearing scheduled. From the cited reason, it is evident that there is a problem with the communication system adopted in the organization. Conflict of court hearing schedules must be avoided and be resolved by assigning another personnel to appear in court for this purpose.

In Maltreatment of Prisoner and on Arbitrary Detention, one respondent did not make any remark or comment, but one also noted that the accusation was fabricated. This case would be a great reminder to all that everybody has the right to be respected. Thus PNP personnel must adhere to the promotion of "individual rights" in society.

In the case of failure to attend the Seminar, a female respondent said that she did not receive any information/ notice from the Office. Thus the problem here is the proper communication system. Management must value effective information dissemination in the workplace. In the case of a respondent who failed to conduct a record check for the arrested suspect, this is a case of negligence.

Lastly, in Receiving Gifts, a respondent said that he couldn't refuse it from a friend. Section 3 of the Anti-Graft and Corrupt Practices Act states that: The following shall constitute corrupt practices of any public officer and with this declared to be unlawful: 2 "(a) Directly or indirectly requesting or receiving any gift, present, share, percentage, or benefit, for himself or any other person, in connection with any contract or transaction between the Government and any other party, wherein the public officer in his official capacity has to intervene under the law." "(b) Directly or indirectly requesting or receiving any gift, present or other pecuniary or material benefits, for himself or another, from any person for whom the public officer, in any manner or capacity, has secured or obtained, or will secure or obtain, any Government permit or license, in consideration for the help given or to be given."

In the conducted Focus Group Discussion among the PNP officers, all of them (14) PNP Officers or 100% of them believed that not all of the charges/accusations to their people were genuine. Others were fabricated stories and charges. They further said that complainants also have rights to consider and respect. Somehow, other officers also believed that the Internal cleansing in the PNP organization is just proper. All may have their justifications for the offenses committed, but "rule is a rule."

Problem 4. What are the possible effects of the administrative charges on the current work performance and conditions of the PNP personnel in Output; Job Knowledge; Work Management, Interpersonal relations?

Table 5 Responses of the Respondents Charged with Administrative Cases During the Interviews About Their Work Performance After The Charges

Questions	Responses/Observations
With the administrative charges you have now, how is your work performance in terms of the following : Please answer the questions by the following options: () Doing fine () Not doing fine	(22) of the respondents responded that they are <i>not doing fine</i> . The (14) of the respondents said that they are <i>doing fine</i> after all. However, on their work performance after all the charges, respondents shared the following responses:
<p><i>On Work Output:</i></p> <ul style="list-style-type: none"> • Motivation to produce quality work? 	(28) of the respondents said that they were still motivated to produce quality work. Only (8) of them who said not motivated for a quality output;
<ul style="list-style-type: none"> • Motivation to finish work on time? 	31) of the respondents said that they were still motivated to finish their work on time. Only (5) of them who said not motivated to complete work on time;

<ul style="list-style-type: none"> • Motivation to finish /accomplish work targets? 	(26) of the respondents said that they were still motivated to finish /accomplish work targets. However, (10) of them said not inspired to finish /achieve work targets;
<p><i>On Job Knowledge:</i></p> <p>After all the charges, how is your___</p> <ul style="list-style-type: none"> • Ability to accomplish the Mission, Vision of the Organization? 	(33) of the respondents said that their ability to accomplish the Mission, Vision of the organization is just fine. However, (3) of them said that their ability to accomplish the Mission, Vision of the organization is not doing fine;
<ul style="list-style-type: none"> • Ability to be creative/resourceful? 	(26) of the respondents said that their ability to be creative/resourceful is just fine. However, (10) of them said that their ability to be creative/innovative is not doing fine;
<ul style="list-style-type: none"> • Ability to analyze, solve/troubleshoot problems? 	(29) of the respondents said that their ability to analyze and solve/troubleshoot problems is acceptable. However, (7) of them said that their ability to analyze, solve/troubleshoot problems is not doing fine;
<p><i>On Work Management:</i></p> <ul style="list-style-type: none"> • Ability to submit reports/records? 	(30) of the respondents said that their ability to submit reports/records is just fine. However, (6) of them said that their ability to ability to submit reports/records is not doing fine;
<ul style="list-style-type: none"> • Ability to provide clients satisfaction? 	(29) of the respondents said that their ability to provide clients satisfaction is just fine. However, (7) of them said that their ability to give clients pleasure is not doing fine;
<ul style="list-style-type: none"> • Ability to participate, get involved in the organizational activities? 	(25) of the respondents said that their ability to participate and get involved in organizational activities is just fine. However, (11) of them said that their ability to participate, get -involved in the administrative activities is not doing fine;
<p><i>On Interpersonal Relations:</i></p> <ul style="list-style-type: none"> • Ability to work with the team? 	(30) of the respondents said that their ability to work with the team is just fine. However, (6) of them said that their ability to work with the team is not doing fine;
<ul style="list-style-type: none"> • Ability to receive ideas, feedbacks? 	(29) of the respondents said that their ability to receive ideas, feedbacks is just fine. Only (7) of them said that their ability to receive ideas, feedbacks are not doing fine;
<ul style="list-style-type: none"> • Ability to lead and follow? 	(29) of the respondents said that their ability to lead and follow is just fine. But (7) of them said that their ability to lead and follow is not doing fine;

Table 5 shows the results based on interview responses of the respondents charged with administrative cases on how they are performing now after the charges.

Results revealed that twenty-two (22) of the respondents responded that they were *not doing fine* after the administrative cases they were facing. The fourteen (14) of them said that they were *doing fine* after all. This condition is expected, noting that the PNP personnel charged with administrative cases suffered from mental disturbances after the charges. With the demoralizing experiences in the family, respondents would not be acceptable.

However, in the performance of work, results showed that in the area of **“Work Output”**, majority of the PNP personnel charged with administrative cases responded that they still have motivation to produce quality work; Motivation to finish work on time; and Motivation to finish /accomplish work targets.

Basing the Focus Group Discussion among the PNP officers, most of them believed that their personnel charged with administrative cases still have the fundamental spirit of motivation in producing quality work; Motivation to finish work on time, and Motivation to finish /accomplish work targets.

In the area of **“Job Knowledge**, "still the majority of the respondents responded that they were "doing fine" in their: Ability to accomplish the Mission, Vision of the Organization; Ability to be creative/resourceful; and Ability to analyze, solve/troubleshoot problems despite the charges.

Basing the Focus Group Discussion among the PNP officers, still, the majority of them believed that their personnel charged with administrative cases still have the basic spirit and Ability to accomplish the Mission, Vision of the Organization; Ability to be creative/resourceful; and Ability to analyze, solve/troubleshoot problems despite the charges.

According to Todd (2018), as the number and variety of challenges facing law enforcement continue to increase, it has become clear that the law enforcement profession needs to improve [resiliency](#) among personnel, but are individuals born with resiliency, or is it learned? The most notable difference of the at-risk resilient people was that they had a "locus of control." These people believed they controlled their success, not their environment.

Conclusion

The observations of the PNP officers during the Focus Group Discussion confirmed the statements/ opinions of the PNP personnel. Results implied that despite the administrative charges, the respondents tried not to be affected as they perform their duties and responsibilities. It is imperative to conclude that the PNP Personnel charged with administrative cases were resilient enough despite the challenges. They were optimistic sufficient in dealing with life situations. However, "rule is a rule," and no one should be above the law. One must adhere to the principle of honesty and morality.

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