

U4 Expert Answer



Anti-corruption and police reform

Query

Which are feasible, systemic AC-measures in the context of police reform? What are typical entry points to reduce susceptibility to corruption? Are there any practical guides or checklists? Can measures or entry points be differentiated after types of police: traffic police, border police, special police forces, etc. Are there any lessons learned from international donors' experiences?

Purpose

Our agency is working on a paper to define and sharpen the intervention areas related to corruption and police reform in order to develop guidelines for projects and programmes in this area.

Content

1. Types of police corruption
2. Experience with anti-corruption and police reform
3. References

Summary

Addressing police corruption is essential to maintain public order and the rule of law, to support the legitimacy of the state and to maintain or restore public trust in democratic processes and institutions. Since the considerable powers entrusted to law enforcement officers can be easily manipulated for private gain or political purposes, there are many linkages between police corruption and human right abuses that can further undermine internal security and abet abuses of civil and political rights. Empirical evidence suggests that strengthening the accountability of law enforcement institutions is of critical importance to effectively combat

corruption and break the circle of impunity, especially in countries affected by high levels of organised crime (Chêne, 2009).

Police corruption manifests itself in a variety of ways, ranging from petty and bureaucratic corruption to the criminal infiltration of the state, state capture and other forms of political corruption, all of which require different types of anti-corruption interventions. Experience of police reform from countries such as South Africa or Mexico suggests that for anti-corruption strategies to be successful and comprehensive they need to be embedded in the broader framework of democratic institution-building that promotes a human rights-based approach to policing services. Such strategies usually integrate preventative approaches aimed at decreasing incentives and opportunities for corruption with punitive approaches that increase the risks and cost of engaging in corrupt practices. The main focus is typically on issues of enforcement, institutional change as well as public education and participation.

Within this framework, the concept of democratic policing is gradually emerging as a promising approach. It includes interventions such as community-based policing, crime prevention and victim empowerment strategies geared towards restoring and strengthening trust between civilian and the police, gaining community

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support and creating a police service that is responsive to the needs of both the citizenry and democratic institutions.

1 Types of police corruption

Different forms of police corruption come with specific challenges and may require different types of interventions. The first step in designing effective anti-corruption strategies within the context of police reform is to develop a solid understanding of the various manifestations of police corruption, in order to be able to target anti-corruption approaches accordingly.

Police corruption broadly refers to acts of misconduct by police officers aimed at obtaining financial benefits or other personal gains in exchange for selectively enforcing or manipulating rules, as well as the conduct of investigations and arrests. There are different levels of police corruption that can manifest themselves through a wide variety of corrupt practices, ranging from petty corruption and small scale bribery to collusion with criminals and infiltration of law enforcement institutions by organised crime syndicates.

An overview of the different types of police corruption can be found in a 2007 USAID programme brief on anti-corruption and police integrity as well as in a 2004 paper on corruption in the Mexico City police force (USAID, 2007 and Anozie, V., Shinn, J., Skarlatos, K., Urzua, J., 2004).

Street-level and bureaucratic corruption

Street-level bribery and extortion

The first level of police corruption involves acts of bribery in the everyday interactions with citizens whereby police officers use their power to obtain money or sexual favours from members of the public in exchange for not reporting illegal activities or expediting bureaucratic procedures. The police force is endowed by law with considerable powers and discretion - including the use of coercion and force. Since these powers can be easily misused for personal (or political) purpose, there are strong temptations for police officers to engage in corrupt practices. In some countries young recruits join the police precisely because of the many opportunities for extracting bribes that this position provides. In Mexico for example, many young people reportedly choose the police profession in order to gain capital to start a business or to make "easy money"

(USAID, 2007 and Anozie, V., Shinn, J., Skarlatos, K., Urzua, J., 2004).

Street-level corruption can also take the form of extortion, when police officers demand payments from civilians whom they threaten to fine or arrest under false pretence, for the sole purpose of collecting a bribe. In developing countries, such forms of corruption are especially common in interactions between traffic police officers and civilians. Other forms of corruption in the daily interactions with citizens involve practices such as extorting regular payment from market vendors, charging for services that are meant to be free, demanding or accepting a bribe for leaking information, for losing court evidence, or for issuing permits. Corrupt payments can also be in-kind and entail free drinks, meals, or other benefits in exchange for preferential treatment.

While the individual sums of money involved in such acts of police misconduct may be relatively small, these acts take place with high frequency with serious, negative consequences for the overall integrity of the police force as well as public perception of and trust in one of the most visible institutions of the state. Transparency International's [Global Corruption Barometer](#) (GCB) consistently indicates year by year that the police are perceived as one of the most corrupt institutions in many developing countries. The most recent 2009 edition of the GCB underscores this trend: when interacting with public institutions citizens in most regions of the world report to be most exposed to street-level bribery when dealing with the police. (Transparency International, 2009).

Bureaucratic corruption

Bureaucratic corruption in the police force refers to the misuse of internal procedures and bureaucratic processes and resources for private gain. There are many internal processes that can be subject to abuse, as police forces are typically very large institutions with considerable numbers of staff and extensive assets to manage. For example, as in other areas of the public sector, police contracting and procurement processes are especially vulnerable to corruption, with risks of tender manipulation in exchange for bribes and kick-backs.

Irregular practices can also occur in human resources management, including recruitment, promotion and task assignment, internal disciplinary and investigation processes, preferential shift, holiday and location assignments. In countries such as Mexico, it is not

uncommon for colleagues to make illegal arrangements between themselves in order to be assigned to specific activities that provide opportunities for corrupt income. (referenced in Anozie, V., Shinn, J., Skarlatos, K., Urzua, J., 2004).

Bureaucratic corruption also involves the diversion of police resources for personal benefits, with practices ranging from the misuse of police vehicles for private matters to the diversion of salaries or benefit funds or the theft of seized contraband goods. Police resources are also misused when officers sell or selectively provide their legitimate services to wealthy individuals or criminals in exchange for bribes or special favours. This can range from small businesses receiving more frequent patrols of the community in return for free or discounted meals and drinks to wealthy individuals purchasing private protection or policy investigations against rivals.

Strategies to address street-level and bureaucratic corruption

Strategies to address street-level and bureaucratic corruption in the police typically focus on promoting professional standards of ethical integrity, human resource management, administration and accountability across the institution. This can involve a wide variety of interventions such as reviewing the institution's system of incentives, creating effective book-keeping systems and asset tracking mechanisms, reinforcing internal controls and supervision, strengthening management and administrative systems or introducing effective complaints mechanisms.

Criminal corruption

At a more structural level of police corruption, police officers can abet (organised) crime either by building their own criminal enterprises, by protecting illegal activities from law enforcement, and/or by conspiring with criminals to commit crimes. A typical form of collusion between the police and criminals is the collection of kickbacks from gangs, drug dealers and operators of illegal establishments such as brothels or casinos to protect the involved criminals and their revenue streams from law enforcement. In some cases, corrupt police officers ask for a regular percentage of the "take" or receive payments for leaking information on upcoming investigations and raids or for manipulating investigations against criminals.

Criminal Infiltration of the Public Sector

These forms of criminal corruption are especially prevalent in countries with high levels of organised crime, as criminals need to infiltrate public institutions and collude with law enforcement agencies to sustain and expand their activities. There is abundant anecdotal evidence of high levels of police involvement in criminal activities in many developing and transition countries affected by organised crime (Chêne, M., 2008).

Criminals may occasionally bribe police officers to facilitate or reduce the costs of their operations. This can also involve paying police officers to use their powers to undermine competition by other crime syndicates, for example by harassing and intimidating drug dealers on behalf of other drug dealers. In some cases, low ranking public officials are placed on the 'pay roll' of criminal organisations to support their illegal activities, leak information or secure protection from police investigations on a more regular basis.

Higher up in the institution criminal networks seek to infiltrate public agencies by gaining employment in policing institutions – often by corrupt means. The upper levels of police institutions can also be targeted to secure long term benefits and protection from police investigations and prosecution as well as regular access to confidential information.

The highest level of criminal penetration of the public sector is referred to as state capture. It occurs when criminals manage to infiltrate the upper echelons of political power – at the level of senior policy-makers, ministers and sometimes even the presidency of the country - to manipulate laws and policies and ensure that oversight of institutions such as the police force is carried out in accordance with their own interests. When such forms of corruption become institutionalised they can lead to a wholesale criminalisation of the state that poses a real risk for the stability of many countries, particularly developing and transition ones.

Strategies to address criminal corruption in the police

Tackling criminal corruption in the police forces poses a set of specific challenges, as many states find it difficult to compete with the resources available to organised crime. The USAID program brief recommends a two-pronged approach to addressing criminal corruption, including the investigation, prosecution and removal of tainted police officers, as well as the creation of

effective mechanisms to detect and punish police crime. This may involve strengthening the investigative capacity of the institution with specialised intelligence techniques, reinforcing internal disciplinary measures, as well as establishing permanent accountability mechanisms and integrity management systems across the institution.

Political corruption

Overview

State capture is closely intertwined with problems of political corruption. Police forces can be manipulated for political purposes, either to suppress political dissent or bypass laws and regulations to favour friends and political allies. This can translate into political interference in police investigations, the initiation of false investigations, the “framing” of political opponents, the leaking of confidential information to politicians, etc.

In non-democratic environments, police forces are often used as instruments of social and political control to stifle dissent and democratic competition. Political interference can lead to the police enforcing suppression of political parties, freedom of speech or association, and repressing public demonstrations, and in some extreme cases, covering up political killings. These forms of political corruption are closely intertwined with human rights abuses, as corruption facilitates the discretionary use of force and the perpetration of a culture of impunity.

Strategies to address political forms of police corruption

Addressing political forms of corruption implies taking into account larger systemic issues and understanding the social and political dynamics at play in a given country. To deal with highly politicised police forces, USAID recommends strengthening external accountability mechanisms and promoting the police’s operational independence from the executive. Creating an effective system of checks and balance may also be a critical component of such strategies by enhancing parliamentary and judicial oversight capacity, promoting transparency of police operations through access to information, limiting the use of broad exemptions for security matters, etc. This also may include interventions aimed at building public awareness, strengthening citizens’ demand for change and mobilising political will for reform.

2 Experience with anti-corruption and police reform

For quite some time, police corruption has been largely perceived as a problem of individual deviance, perpetrated by a handful of untrained or corrupt individuals. Typical policy responses have been to strengthen deterrence through increased detection and sanctions and adopt prevention measures in the form of training and higher standards of recruitment.

Police corruption is now increasingly understood as a product of both organisational weaknesses and larger systemic issues such as the lack of transparency, the absence of checks and balances, inadequate legal frameworks, weak rule of law and fragile institutions. Other contributing factors identified in the literature, include challenges to exert managerial oversight of on-the-ground police actions, peer group secrecy, low pay and frequent contacts with criminals who have both resources and incentives to corrupt the conduct of police officials (Newham G., 2002).

This understanding has led to the development of more comprehensive approaches to fight police corruption, based on the recognition that successful anti-corruption strategies must integrate both punitive and preventative approaches and coordinate reforms that focus on issues of enforcement, changes in institutional design, as well as public education and participation.

Preventative approaches

The overarching goal of preventative approaches to police corruption is to change the underlying structures that encourage corruption and create an institutional environment that decrease incentives and opportunities for corrupt practices. This can be done by reforming the management systems and organisational culture of the institution with measures aimed at promoting integrity at all levels of the police institution, strengthening accountability mechanisms and engaging with the community.

Human resource management systems

Poor terms and working conditions can provide both incentives and opportunities for police officers to resort to corruption. Human resource management is therefore a critical area to consider for minimising police corruption risks, as it lies at the core of the organisation’s incentive system.

Recruitment and promotions

Appointment procedures must be open, fair and transparent to recruit the candidates with the highest professional qualifications and ethical standards. Similarly, it is important to establish a robust and transparent merit-based promotion system, based on fairness, openness, ability and performance. Policies should also be implemented to ensure regular staff rotation in high risk positions.

A key personnel issue to consider when reforming the police institution is whether to retain old staff or recruit new personnel. Lessons learnt from South Africa suggests that a combination of both approaches is needed, including the reselection/vetting of police officers that have been involved in corruption and a systematic approach to new recruitment (Bruce, D., 2003).

As part of the process of recruiting new staff, selection procedures and policies are important elements of police reform. Inadequate screening criteria for candidates can result in police officers lacking the skills or incentives to comply with high standards of integrity. In South Africa, for example, police reform included the introduction of a new selection system to raise the calibre of police recruits, with minimum acceptance standards such as minimum level of education and the absence of a criminal record (Newham G., 2002).

In countries such as Columbia, Peru and Mexico female officers have been assigned to traffic duties, based on the assumption that women are less likely to condone corruption. These initiatives reportedly yielded some successes in reducing complaints of bribery (USAID, 2007 and Anozie, V., Shinn, J., Skarlatos, K., Urzua, J., 2004).

Salaries and benefits

As low wages are likely to provide negative incentives to police officers, living wages should be provided to members of the force with regular and reliable salary payments. In Singapore, for example, increasing the salaries of civil servants and political leaders with the view to making them more competitive with the private sector has been an integral part of the efforts to decrease the opportunities and incentives for corruption (Quah, S.T., 2007). In Afghanistan, police reform includes measures aimed at reducing the excessive numbers of senior officers and using the savings to increase the salaries of rank and file officers (USAID, 2007). However, most studies also agree that increasing salaries without effective monitoring systems

as well as enforcement of sanctions is unlikely to have an impact on corruption (Chêne, M., 2009).

Training and development

As part of the efforts to promote professional and merit based career standards, police staff need to be equipped with the skills to perform their function in a professional, impartial and ethical manner. To achieve this goal, police forces should be able to rely on training and development systems that promote high standards of professionalism and ethics. This includes capacity-building for anti-corruption and human rights-based policing to help police staff recognise misconduct and provide them with techniques to resist corruption attempts from criminals. In South Africa, for example, the training programme for new recruits was redesigned to inculcate democratic policing values and techniques.

Managers also need to be trained on what is expected from them in terms of promoting a culture of integrity, as well as in terms of their attitudes and behaviours as role models. In particular, managers should be equipped with management skills and techniques to motivate staff through rewarding sound ethical conduct and exceptional performance.

Management and administrative systems

Police services have traditionally operated without public scrutiny of their investigations and operations. This is usually justified by the need to protect information on ongoing investigations from criminals, to ensure witness safety and to act swiftly without having to request special approval from relevant authorities. However, this lack of disclosure can fuel an organisational culture of secrecy, corruption and arbitrary exercise of police powers and as a result undermine the long term credibility and accountability of the institution.

Transparency in all areas of police governance and administrative processes including budget and expenditures can reduce opportunities for undue influence and promote public confidence in the institution. Mandatory, regular publication of police statistics and performance, as well as effective record keeping can also contribute to enhanced transparency. Additional approaches include building effective audit and inspection capacity, strengthening public procurement and resource management processes, or improving employee records. For example, risks of abuse of police power can be mitigated by the introduction of effective recording systems such as

detention records that include information on officers' name, time, place and ground for arrest, etc.

The example of the UK suggests that principles of open government, scrutiny, and proactive disclosure are effective ways to meet public expectations and restore public trust in the institution. Following the adoption of laws on human rights, freedom of information and whistleblowing in the late 1990s and early 2000s, British police services now routinely respond to freedom of information requests, organise a range of meetings at different levels to provide information to and answer questions from the citizenry and they participate in public enquiries into the success or failure of police programmes and operations (Sturges P. and Cooke L, nd).

In order to prevent conflicts of interest and illicit enrichment, Interpol's global standards to combat corruption in police forces also recommends establishing and enforcing procedures for the declaration and registration of income, assets and liabilities of police officers and their families. According to these standards, income disclosure should be required on appointment and periodically thereafter, including upon retirement (Interpol, nd).

Leadership

A principal condition for the successful implementation of the anti-corruption strategies is to build credible leadership, sustained political will and strong institutional commitment to anticorruption policies both inside and outside the institution. Political will can translate into anti-corruption messages being clearly articulated by operational policies and forcefully promulgated during public events.

Experience shows that police managers and supervisors play a key role in promoting integrity and are therefore a primary target of anti-corruption interventions. Police managers need to have both the willingness and ability to enforce rules and use the formal disciplinary system to obtain compliance from their subordinates. As role models, managers should lead by example in exercising authority, maintain the highest standards in complying with rules and procedures and support a working environment in which individual police officers can perform with integrity.

Building ethical culture and professionalism

Ideally, anti-corruption strategies should aim at establishing an organisational culture that relies more on peer pressure than punitive approach to promote and support police integrity. An important step in this direction can be the development and implementation of codes of conduct for all police staff, addressing all forms of unethical behaviours, including sexual extortion or harassment. The implementation of the code may also require awareness raising, training and capacity building activities. For example, in 1997, a code of conduct was developed and circulated throughout the South African Police Force. All police officers were given a small plastic card with the code written on one side and the rights of the arrestee on the other side (Newham G., 2002).

Engaging with the community

Successful anti-corruption strategies rely on the public's cooperation to report acts of police misconduct. In many developing countries affected by high levels of police corruption, especially those emerging from conflict, one of the key challenges of police reform is to restore the public trust in the police and build the legitimacy of the institution where police officers are perceived more as a source of fear than protection.

Public awareness

Public education about corruption and ongoing reform attempts can have a significant impact on public expectations for the police force. In Hong Kong for example, public education was a crucial element of a three-pronged strategy to reduce corruption. In the beginning efforts of the Independent Commission against Corruption (ICAC), community liaison officers put a special emphasis on publicising the arrest and successful prosecution of prominent police members. This helped establish the commission's strong reputation for a determined crack-down on large scale corruption. Large scale public education campaigns were also carried out to enhance the legitimacy of the ICAC, promote the knowledge of anti-corruption laws, and mobilise the public to report corruption. (Manion, M., 2004).

The concept of democratic policing

International lessons from successful anti-corruption reforms underline the critical importance of engaging civil society in the reform process to broaden public involvement, education and trust in the institution.

The concept of democratic policing has recently emerged in the context of improving the relationships between the police and various communities. According to US scholar David Bailey, democratic policing is based on four key principles (referred to in Bruce, D. & Neild, R., 2005):

- Police must give top operational priority to servicing the needs of civilians and democratic institutions;
- Police must be accountable to the law rather than to government;
- Police is guided by principles of respect for human rights, equity, non-discrimination, impartiality, integrity, fairness and professionalism;
- Police should be transparent in their activities.

Based on this framework, a handbook for oversight of police in South Africa has been developed to operationalise these norms around five major areas of concern: 1) protecting democratic political life; 2) police governance, accountability and transparency; 3) service delivery for safety, justice and security; 4) proper police conduct and 5) police as citizens (Bruce, D. & Neild, R., 2005).

Community-based policing

Within the framework of democratic policing, community-based policing, crime prevention and victim empowerment strategies are increasingly being proposed to help restore trust between civilians and the police and to gain community support for police reform.

Community-based policing promotes partnerships between police and communities to address community concerns and ensure that the police respond to the needs of the broader public. This can be facilitated, for example, through setting up community consultation forums.

In Venezuela the anti-corruption monitoring role of community councils over the police forces is promoted as an integral component of police reform, providing the community with opportunities to contribute information, present proposals and project ideas and actively engage in ensuring citizen security through various consultation forums (Fernández Blanco, P., Guillén M., and Suggett J., 2009). In Mexico City, "Policía Comunitaria" – community neighbourhood police – were introduced to promote a greater sense of

ownership, responsibility and accountability to citizens by creating a familiar police presence in each neighbourhood (Anozie, V., Shinn, J., Skarlatos, K., Urzua, J., 2004).

While promising, community policing approaches have not always been successful. For example, the concept has been implemented with some success in the context of holistic police reform in Sierra Leone, but with limited impact in Kenya and Uganda (USAID, 2007). The success of such initiatives relies on a set of contextual factors such as a minimum degree of order, a conducive political context and support from key actors such as the government, the police and civil society (Groenewald, H. and Peake, G. 2004).

Punitive approaches

Where police officers are suspected of misconduct clear procedures must be in place to detect, investigate and sanction corrupt practices.

Stricter sanctions and enforcement rules

Enforcement strategies can include introducing legal and institutional changes that increase the risks of detection and sanctions for corruption. Police reform processes are rarely successful, unless accompanied by judicial reform, as effective law enforcement also relies on a functioning judiciary.

In Singapore, for example, the legal definition of corruption was clarified and penalties were increased to include prison terms of up to 5 years and fines of up to \$10,000, regardless of the position and status of the perpetrator (Quah, S.T., 2007). The existing law was amended to increase the power and scope of the Corrupt Practices Investigation Bureau, the independent agency responsible for investigating corruption. Similarly, in Mexico, a new criminal code for Mexico City adopted in 2003 increased penalties for drivers and police officers who offer or accept bribes (Anozie, V., Shinn, J., Skarlatos, K., Urzua, J., 2004).

Internal accountability

Strengthening internal accountability is not only based on reviewing and upgrading **the internal disciplinary system** but also on empowering police managers to implement disciplinary measures and holding them accountable for this function. In many cases, police managers lack the will or ability to ensure basic discipline, as it can antagonise upper and lower rank commanders or be perceived as being motivated by reasons other than maintaining discipline ("scapegoat

syndrom”). In South Africa, for example, it is required that direct supervisors take responsibility for initiating punitive actions, but they are forced to deal with a slow and complicated system that managers do not always fully understand. In practice, front line managers take action only when requested by their superiors, which encourages a situation where lower level managers perceive themselves as being closer to their subordinates rather than as part of a coherent management system (Newham G., 2002).

Promoting internal accountability can also include strengthening internal investigations units, conducting random integrity checks and establishing early warning systems. **Random integrity testing** entails placing public officials in simulated situations that provide opportunities for corruption. Some authors consider that this is “*the only way to create a general deterrent impact in police agencies that will be substantial and permanent impact*” as part of a broader anti-corruption strategy (referred to in Anozie, V., Shinn, J., Skarlatos, K., Urzua, J., 2004).

Further internal accountability tools can include strengthening **administrative controls** such as conducting regular station and unit inspections, building effective audit and asset management capacity or establishing transparent custody and file management systems.

External oversight

As already mentioned, police operations must be transparent and open to public scrutiny. The police do not operate in a vacuum and need to be held accountable for their use of public resources by external state and non-state oversight bodies. External oversight mechanisms can include promoting **parliamentary or judicial oversight** of police operations, civil society monitoring in the form of civilian review boards or establishing specialised control bodies such as national police commissions or police service boards. The creation of **specialised oversight bodies** is especially recommended in the case where internal controls are failing and the police lack the will, resources and capacity to exercise these controls effectively (Bruce, D., 2003). In such a case, the oversight agency needs to be given strong investigative, monitoring and audit powers as well as adequate resources to fulfil its role effectively.

Effective complaints mechanisms can also encourage civilians to report police corruption. To be credible however, their receiving authorities must have

the capacity to manage and solve complaints, enforce recommendations, impose sanctions as well as protect whistle blowers. These mechanisms should be designed in a way that ensures that they are accessible, independent, transparent and accountable (Chêne, M., 2007). Effective whistle blowing legislation must be in place to ensure that citizens can report acts of wrongdoing without fear of retaliation.

Lessons learnt

Key lessons emerging from the various papers and articles consulted for this query include:

Building political will is a prerequisite for police reform, as fighting corruption may challenge powerful vested interests that are likely to resist reform. In view of the political risks attached it is also important to develop a solid understanding of the political economy of police reform. Experience from the New South Wales illustrates how politics around criminal justice can interfere with reforms, underlining the importance of aligning the ambitions of the political leadership with the reform agenda (Chan, J. and Dixon, D., 2007). Similarly, it is important to gain support from civil society, which can prove challenging in deeply polarised and traumatised societies.

- Confusion and waste may occur when donors fail to adapt reform programs to the local circumstances (Ziegler, M. and Neild, R., 2001). Overambitious reform programmes based on poorly-adapted overseas models can compromise the long term success of police reform. Police reform clearly needs to be grounded in the political and social realities of the country and the characteristics of the local police.
- As a result, reforms should be based on an in-depth assessment of 1) the country’s social and political circumstances; 2) the current status, performance and capacity of the police; 3) the potential for personnel within to reform organisational attitudes and behaviours; 4) the overall capacity of the police and their support to the reform process (Bruce, D., 2003).
- There is a need to sequence and prioritise the reform process, as failure to meet objectives can result in a sense of fatalism and failure. The reform programme should integrate both short term measures that will build the trust between the police and the public and more systematic longer

term initiatives for substantive organisational change.

- Police reform should be embedded in the broader framework of holistic reforms aimed at strengthening democratic processes.

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