

Police Corruption: What Past Scandals Teach about Current Challenges

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# SPECIAL REPORT

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## ABOUT THE REPORT

Police corruption is a universal problem, but it is a particular challenge in countries in crisis and emerging from conflict. This report is based on the lessons gleaned from a review of public commissions of inquiry into police misconduct worldwide and their possible application in stability operations, such as those in Iraq and Afghanistan. The study attempts to determine whether past scandals can help us deal more effectively with the contemporary problems of nation building and police reform.

## ABOUT THE AUTHORS

David Bayley is the former dean and current distinguished professor of the School of Criminal Justice at the State University of New York at Albany. He was a member of the International Oversight Commission for police reform in Northern Ireland.

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*David Bayley and Robert Perito*

## Police Corruption

### What Past Scandals Teach about Current Challenges

## Summary

- Police corruption is an international problem. Historically, police misconduct has been a factor in the development of police institutions worldwide, but it is a particular problem in counterinsurgency and peacekeeping operations, such as the U.S.-led North Atlantic Treaty Organization police training program in Afghanistan. There, police abuse and corruption appear endemic and have caused some Afghans to seek the assistance of the Taliban against their own government.
- The most reliable and extensive knowledge about police corruption in the world's English-speaking countries is found in the reports of specially appointed blue-ribbon commissions, independent of government, created for the sole purpose of conducting investigations of police corruption.
- To reduce police corruption, the commissions recommend creating external oversight over the police with a special focus on integrity, improving recruitment and training, leadership from supervisors of all ranks about integrity, holding all commanders responsible for the misbehavior of subordinates, and changing the organization's culture to tolerate misbehavior less.
- The remedies proposed by the commissions, however, rely on a set of contextual conditions not commonly found in countries emerging from conflict or facing serious threats to their security.
- This report suggests triage and bootstraps as strategies for reducing police corruption in countries with security threats. Triage involves targeting assistance in countries where there are solid prospects for tipping police practice in the desired direction. Bootstraps involves using reform within the police itself as a lever to encourage systemic social and political reform in countries in crisis or emerging from conflict.

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Corruption, generally defined as abuse of authority for private gain, is among the world's oldest practices and a fundamental cause of intrastate conflict, providing a focal point for many social groups' grievances against governments.<sup>1</sup> It can be equally crucial after conflict, when fledgling law enforcement institutions cannot control official abuse. Whenever the international community has tried to build a secure, viable society after a conflict, it has faced the need to reform the institution most responsible for law enforcement—the local police force—to reduce its predatory and often pervasive corruption.

Transparency International reported that police in eighty-six countries were judged the fourth most corrupt public institution after political parties, public officials generally, and parliaments and legislature.<sup>2</sup> Corruption was worst in sub-Saharan Africa, the newly independent states of the former Soviet bloc,<sup>3</sup> the Middle East, and North Africa. According to a recent Human Rights Watch report, Nigerian police officers regularly commit crimes against the citizens they are mandated to protect. Nigerians attempting to make ends meet are accosted on a daily basis by armed police officers who demand bribes, threatening those who refuse with arrest or physical harm. Meanwhile, high-level police officers embezzle public funds meant to pay for police operations. The report concludes that in Nigeria, the police have become “a symbol of unfettered corruption, mismanagement, and abuse.”<sup>4</sup> In a survey confined to India in 2005, Transparency International found that police ranked highest among nine public services on its corruption index. Police corruption is severely regressive, with people in the lowest quintile of income reporting most frequently that they had paid bribes to police. The World Bank has reported that in twenty-three countries studied, people saw the police not “as a source of help and security, but rather of harm, risk, and impoverishment.”<sup>5</sup>

## Police Corruption Is a Universal Challenge to Nation Building

Diplomats, aid administrators, and other field personnel report that police corruption wastes resources, undermines security, makes a mockery of justice, slows economic development, and alienates populations from their governments. Their stories and the findings from general surveys reveal a fundamental obstacle to fulfilling the basic, widely proclaimed objective of most interventions the international community undertakes, namely, establishing the rule of law. Corruption in the administration of law means that equal access is denied. It undermines fair trials, fair elections, economic and social opportunities, cultural expression, and access to the necessities of food, housing, health, education, and water.<sup>6</sup> Because the police are the primary institution for implementing law in any society, police corruption stops the implementation of the rule of law in place. When police sell their services for private profit, the rule of law ceases to exist. Eliminating police corruption is required for any country that has establishing the rule of law as a national objective. Ignoring this imperative means that international efforts at nation building proceed at their own peril.

The lesson has been powerfully demonstrated in Afghanistan, where one of the fundamental objectives of the U.S. assistance effort has been to establish the rule of law. Illicit revenue from opium production has fueled widespread corruption, affecting all levels of the Afghan government from ministers and members of parliament to local officials and the Afghan national police (ANP). Afghans believe that officials of the Ministry of Interior (MOI), provincial police chiefs, and members of the ANP are involved in the drug trade, based on widespread reports of senior MOI officials accepting large bribes for protecting drug traffickers and for selling senior provincial and district police positions to people engaged in drug trafficking.<sup>7</sup> Drug money combined with local loyalties, links to criminal networks, low or often no pay, and a residual culture of impunity have contributed to endemic corruption in the ANP.

In many communities, ANP officers are viewed as predatory and a greater threat to security than the Taliban. For many Afghans, the police are identified with demands for bribes, illegal taxes, and various kinds of human rights violations. They are also known to use house searches to shake down occupants and steal their possessions. Corrupt police practices are felt most directly by the poorest members of society, taxi and truck drivers, traders, small businessmen, and farmers. In many parts of the country high levels of police corruption have severely undermined the Afghan government's legitimacy and eroded public support for the police.<sup>8</sup>

It is sometimes argued that the rule of law is a norm that the West imposes on countries unable to fend for themselves. This is a testable proposition that should not be accepted without evidence; one need only ask local people if they value laws that are equally and fairly applied. Unfortunately, such global surveys have not been conducted. Assessing what people in particular places want with respect to law enforcement and, conversely, what they resent in current police practice is not an academic exercise in the universality of values. It is an important tactic to alter police behavior, creating incentives that encourage what people want and discourage what they abhor. Eliminating activities perceived as oppressive and unfair is where reform should start.

Considering the global incidence of police corruption and its existential threat to international programs of conflict resolution and good governance, this report reviews what is known about its forms, causes, and remedies. It also assesses the adequacy of this information for guiding efforts at reform in failing states and postconflict settings. Finally, the report recommends ways to undertake corruption reform even where conditions would seem to offer little hope for success.

***Eliminating activities perceived as oppressive and unfair is where reform should start.***

## What Do We Know about Police Corruption?

At the tactical level, *police corruption* is a contested phrase with narrow and broad meanings. Narrowly defined, corruption refers to police personnel who use their position and authority for personal rather than public benefit. More broadly, corruption refers to any violation of rules even when there is no personal gain, as in perjury, physical abuse of prisoners, sexual misconduct, robbery, and racial profiling. The Los Angeles Police Department issued a report by a board of inquiry into the "Ramparts Area Corruption Incident" in 2000, prompted by allegations of bank robbery, false arrest and beating of a handcuffed suspect, and theft of cocaine from the police property room. Only the last item would be considered corruption under the narrow definition. Similarly, the Judicial Commission of Inquiry into Corruption in the Uganda Police Force in 2000 investigated murder, abuse, subversion of investigations, and misappropriation of police property. Some of these incidents may have been undertaken for personal gain, but many of them were not.

The notion of "noble-cause corruption," that is, illegal actions undertaken to achieve laudable ends, is a contradiction in terms in relation to the narrow definition. Noble misbehavior by police refers to actions undertaken on the presumption that they achieve a larger social good, such as the extrajudicial killing of vicious criminals or dropping of malicious prosecutions. Few people in any country would think that police actions benefitting only themselves could be considered noble.

Information about police corruption comes from several sources, among them specially appointed blue-ribbon commissions of investigation, civil and criminal investigations of police behavior, investigations undertaken by the police themselves, accounts by public media, observations by outside witnesses, surveys of police officers and the public, and accounts by people involved in corrupt activity. The commissions are the best of these sources because they are independent of government, empowered to investigate, and

required to report publicly. The others are less satisfactory for a variety of reasons. Civil and criminal investigations, which in the aggregate are numerous, are ad hoc in their focus and difficult to study systematically. Police investigations are tainted by conflicts of interest and are rarely made public. Media accounts, while essential to reform, are unsystematic, often superficial, and vary sharply in reliability. Accounts by outside witnesses are rare due to the closed nature of policing. Surveys of the public are limited in detail and uninformative about the dynamics of corruption. Surveys of officers themselves are rare, although helpful in understanding police perspectives. Finally, accounts by corrupt officers as well as their corruptors, although rich in detail, are few in number and questionable in veracity.

This report draws on all these sources but gives particular attention to commissions. There have been thirty-two of these in the fifty-eight countries of the English-speaking world since the late nineteenth century. They provide the most rigorous and comprehensive investigations of police corruption that are publicly available. Their findings and recommendations, which are cited again and again in the secondary literature about police corruption, constitute the baseline of what is known about police corruption and are the foundation for anticorruption policy and programs in the development field. A detailed discussion of the history, organization, and function of these and related commissions is found in appendix A.

## Police Corruption Takes Predicable Forms

The reports of the thirty-two police commissions on the police identified thirty-five forms of corruption, which can be grouped into four categories: scale and organization, predatory forms, subversion of justice, and gifts and discounts. The most common forms of corruption were making false reports and committing perjury, protecting illegal gambling, theft of drugs on the street, theft of seized property, receiving discounts on purchases, and selling information about police operations. These forms accounted for slightly less than 40 percent of the 117 times that the reports noted specific incidents of corruption. The nature of corruption varied considerably from report to report; only a third of the commissions found the most common form (false reports and perjury). This implies that even blue-ribbon panels have not found a strong standard model of police corruption. In addition, the reports noted another category of corruption that was not a focus of investigation, namely, corrupt manipulation of internal administrative processes—for example, corruption of promotions and assignments and the diversion of police property to personal use. Police frequently reported this type of internal corruption as a major irritant, and were much less forgiving of it compared to the public forms.

There are two trends in the reporting about the forms of police corruption. First, drug involvement is not mentioned at all before 1970. In the category of vice, drugs became the major driver of corruption after 1970, replacing gambling, prostitution, and alcohol. An interesting exception is the 2000 Uganda report, which reported corruption to be endemic but did not mention drugs as a corruptor at all. Does this mean that drug-related police corruption is a problem only in the developed West? Given what is known from other sources about police corruption in supplier and transshipping countries, this seems unlikely.

Second, in the commission reports corruption is described as being systemic in police departments only since 1970, rarely before. This is curious since the impression from general histories of the police in Western countries is that internal discipline was characteristically lax in earlier periods and that newly recruited officers had to “go along” in order to be accepted. Corruption before 1970 seems to have been part of a general lack of discipline, meaning the failure of police officers to do what they were assigned to do. In effect, the systemic character of corruption seems to have been so pervasive earlier that it was not considered remarkable. It was a part of the well-recognized connection between polic-

***Drugs became the major driver of corruption after 1970, replacing gambling, prostitution, and alcohol.***

ing and politics. This trend suggests that the systemic character of police corruption has become noteworthy more recently not because it is new, but because public opinion no longer regards it as inevitable and uncorrectable. Public opinion, at least in developed, English-speaking countries, seems to have changed significantly in the last fifty years with respect to tolerance of police corruption.

The two issues of internal police corruption and involvement with drugs are both evident in Afghanistan. Criminal activity and corruption are widely prevalent within the police. It is not uncommon for police officers to buy their positions by paying bribes to superiors for unjustified promotions and for assignments that provide opportunities to extort truckers and merchants and engage in smuggling. Embezzling official funds and stealing gasoline to sell on the black market is common. Police officers are also reported to have sold their weapons and ammunition to criminals and the Taliban. Some police chiefs have padded their units with ghost officers and pocketed their salaries to skim money from funds for conducting operations.<sup>9</sup> Drug abuse by police is increasingly common, particularly in drug-producing areas, such as Helmand province. According to the UK Foreign Office, in 2009 an estimated 60 percent of the Afghan police in Helmand used drugs, undermining security and contributing to official corruption. This problem was also prevalent nationwide: UK narcotics experts reported that 16 percent of Afghan police tested positive for narcotics use in 2008.<sup>10</sup>

## Police Corruption Is Shaped by Culture

Like other norms and values, attitudes toward corruption are bound by context and vary across cultures. Actions that are considered corrupt in the United States may be viewed as social obligations or simply good manners in other cultures. Reports from the United Nations Development Programme and the International Council on Human Rights mention widespread arrests without warrants and thefts from prisoners, both of which are rarely cited in Western investigations.<sup>11</sup> A rare study by an observer in India also mentions, as did the Uganda commission, the filing of false cases as well as the stopping of true ones.<sup>12</sup> It also found that bribery is common in hiring and posting police officers. This form of corruption may have been prevalent in the West a century ago but is not a matter of major concern today. Local counterparts have been shocked to learn that U.S. officials could not allow them to pay for lunch or that accepting small gifts from foreign coworkers was considered ethically questionable.

Surveys, media accounts, and observer reports all agree that police corruption in developing countries is more pervasive and visible than it is in developed countries. Corruption in the developing world is an open fact of life for anyone who encounters a police officer, voluntarily or not. In the developed world, police corruption is out of sight, confined by and large to the shadowy world of vice regulation.<sup>13</sup> It is concentrated among officers who commonly work undercover rather than among officers who are uniformed and visible. Investigating commissions often identify particular assignments that are at high risk for corruption. This is very different from the situation in India, where, as one senior officer observed privately, constables regard bribery as a fundamental right. Police checkpoints for motor vehicles, where money is required to avoid harassment and delay, are common along major roads in the developing world.

The variation in the form of police corruption undoubtedly affects public regard for the police and especially perceptions of legitimacy.<sup>14</sup> Corruption in Western countries may be as costly in the aggregate as in other places, but it is invisible to the public at large. For the most part, it victimizes people knowingly engaged in illegal activities. Hence, the public can write it off as a fringe activity, perhaps even as a righteous cost for illegal behavior. This kind of corruption does not tarnish all police officers, only the few who knowingly exploit



the opportunity. In developing countries, however, bribery becomes a transaction fee for doing any business with the police. It afflicts everyone, not just criminals, and it implicates all police officers. This suggests that solutions to corruption need to be adaptive. Even though the forms of police corruption can be reduced to a generic few, it does not follow that generic solutions will work the same everywhere.

## Standard Strategies for Reducing Police Corruption

The thirty-two special investigations of police made 221 specific recommendations for reducing corruption. These recommendations involve reforms to police culture, management, recruitment and training, disciplinary processes, and external environment. The reform most often mentioned was to create permanent, external oversight over the police, with particular emphasis on monitoring police officer misbehavior. The commissions recognized that one-time investigations were not enough to deal with pervasive problems—reinforced by the importance commissions attached to protecting whistleblowers and improving internal auditing of operational processes, especially seized property and handling of informers. The second most cited recommendations were holding supervisors responsible for the integrity of their subordinates; reforming merit promotion and assignment; changing police culture; creating training programs in integrity for recruits and in-service personnel, particularly first-line supervisors; creating an effective internal integrity monitoring unit; annually evaluating the integrity of all officers; making the chief responsible for enforcing all discipline; proactively investigating misbehavior; and improving standards for recruitment and training.

However, the above recommendations, including the creation of external oversight, account for only 43 percent of all the recommendations made. In effect, there is no grand consensus on reform; reducing corruption involves changes on many fronts. The clear implication is that efforts to reduce police corruption should be based on analyses of differences in the who, what, and when of local corruption. Different contexts will require different solutions.

*Efforts to reduce police corruption should be based on analyses of differences in the who, what, and when of local corruption.*

Commissions went into more detail about the causes of corruption when they discussed facilitating factors than their suggestions for reform implied. Behind the recommendation for changing police culture generally, some commissions elaborated on the widespread tolerance of the code of silence among police officers and reluctance to inform on colleagues. Commissions also mentioned an us-versus-them attitude of the police against the public. Some reports singled out failures of leadership and supervision at all ranks. Investigators often thought senior officers failed to take responsibility for corrupt behavior, even when they knew about it. The phrase *willful ignorance* appeared several times, coupled with the practice of blaming a few “bad apples.” Finally, commissions often sharply criticized internal discipline systems, though they had few specific suggestions for improvement apart from providing more money and appointing better trained people.

As mentioned above, commissions recognized that corruption, especially after 1970, was not evenly distributed in police departments but was concentrated in the units that dealt with regulating and repressing vice. They often recommended enhanced integrity training for officers assigned to such units, as well as attention to their recruitment and length of assignment. Commissions were often inconsistent about how they operationalized corruption as a term, whether it referred to misbehavior for personal gain or for the noble cause of criminal deterrence. The 1985 Neesham Committee of Inquiry in Victoria State, Australia recognized the difference, but linked the two in a compelling way: “What this Report demonstrates,” they said, “is that noble cause corruption is the nursery of entrenched systematic corruption. If a police force wants to rid itself of corruption it must attack noble cause corruption.”<sup>15</sup>

The commission recommendations are recycled again and again in the secondary writing about police corruption.<sup>16</sup> Agreed reforms include creation of permanent, special purpose,

external monitoring of police integrity; greater attention to developing a moral climate in policing conducive to effective self-regulation; acceptance by police that corruption is inevitable and requires constant proactive anticipation; insistence that supervisors of all ranks lead by example as well as exhortation; and a determination to hold all command officers to account for the misdeeds of their subordinates. This consensus on police corruption reform involves a set of essentially administrative solutions to the problem, activities that, by and large, police forces can undertake themselves. Simply put, under the goad of permanent, independent oversight, reform will come about through changing the way policing is managed.

## Knowledge about Police Corruption Is Limited by Context

Knowledge of the forms of and remedies to police corruption is surprisingly limited in its coverage. Of the thirty-two special commissions that investigated the police in English-speaking countries, thirteen were in the United States, six in Australia, three in the United Kingdom, four in Canada, and one each in India, Ireland, Kenya, Malaysia, Uganda, and Israel. Only four of these—India, Kenya, Malaysia, and Uganda—are from the developing world. In other words, the knowledge upon which the secondary literature is based, and which informs strategies that the international community recommends abroad, is based largely on the experience of Western countries—in particular that of Australia and the United States. Seventeen of the thirty-two commissions that focused on police generally and seven of the ten commissions that focused exclusively on corruption were from those two countries. Furthermore, all three of the American commissions on police corruption dealt exclusively with New York City.

Why have blue-ribbon investigations independent of government in English-speaking countries been dominated by a few countries? One obvious explanation might be that it reflects differences in the incidence of police corruption. Simply put, American and Australian police may be more corrupt than police elsewhere. This explanation, however, is not supported by international evidence.<sup>17</sup> It is doubtful that Australia and the United States are so much worse than other developed English-speaking countries or that New York City is much worse than Philadelphia, Chicago, or Los Angeles.

A more plausible explanation is that investigatory responses to police corruption are highly variable and do not reflect either the incidence of corruption or public concern about it. Their distribution suggests that jurisdictions differ sharply about whether extraordinary investigations are needed. Remedies for police corruption would seem to depend upon local political dynamics and traditions, as well as, perhaps, the capacity of local jurisdictions to manage them. At the moment, there is no research that explains the variability of official responses to allegations of police corruption.

If it is true, as the data suggest, that the mode of investigation of police corruption depends on context, then international efforts to remedy such corruption in particular countries will require local assessments of traditions and capacities. The device of one-off, independent, blue-ribbon commissions may itself be a distinctly Western phenomenon, and by no means universal even there.

## Police Reform Depends on the External Environment

The problem with the above recommendations, then, is that they constitute a largely Western consensus and cannot be undertaken in the contexts where reform is most needed and where the international community is most engaged. The recommendations assume conditions that simply do not exist in countries emerging from conflict. For example, that

- existing police and other security-sector institutions have sufficient capacity to ensure a reasonable level of public safety;

***Under the goad of permanent, independent oversight, reform will come about through changing the way policing is managed.***



***The consensus among knowledgeable experts about what may work in reducing police corruption is limited in its applicability.***

- existing security personnel are reliable;
- public service is regarded by police personnel as a public good;
- police officers are not under strong social pressure to support large extended families, clans, and tribes;
- regulations about behavior and discipline are stipulated in law;
- the judiciary is independent;
- policing is operationally independent of politics;
- police managers possess the skills required to supervise and manage effectively;
- police pay and benefits are acceptable compared with occupations of comparable status and power;
- the police role takes precedence over the social identities of its personnel.

The point is that the consensus among knowledgeable experts about what may work in reducing police corruption is limited in its applicability. It underestimates the range of what must be changed in order to be successful. Efforts at reform in most of the world require more than managerial reform undertaken by the police themselves. They require addressing the prerequisites for successful administrative action.

Reform faces not only the above exigent circumstances but perhaps others even more deeply embedded in traditional institutions, cultural attitudes, and economic conditions. Analyses based on contemporary data aggregated by country have found that levels of corruption are associated with the following kinds of factors:

- *Institutional*: traditions of oversight, governmental capacity, democracy, strength of civil society, independence of media, and the stability of elites.<sup>18</sup>
- *Cultural*: individualistic as opposed to communitarian orientations, egalitarian values, and trust in institutions.<sup>19</sup>
- *Economic*: life expectancy, poverty, and scarce resources coupled with tight government regulation.<sup>20</sup>

In the face of these impediments it is hard to be optimistic about the prospects for reducing police corruption in most of the world. Certainly the administrative solutions proposed for the police commissions based on Western experience seem naïve and should be adopted with very modest expectations for success.

## **Recommendations for Controlling Corruption in Conflict States**

What then can be done? Are efforts to reduce police corruption hopeless except in established, relatively prosperous democracies? This is a plausible conclusion considering the research cited as well as experience in the field. Notwithstanding these obstacles, abandoning efforts at reform is not warranted. There are ways that international efforts may be improved with respect to reducing police corruption. They are, first, triage in countries that have reached a certain level of development and where conditions support change; and, second, bootstraps in crisis and postconflict countries, where governments have limited capacity to affect change.

### ***Triage***

Triage involves explicitly recognizing the limits to what the international community, unilaterally or multilaterally, can achieve by way of reform. These limits should be analyzed country by country and assistance efforts targeted according to the possibilities of success. Following this logic, assistance would not be given to countries where reform

requires changing deeply rooted structural and cultural obstacles. Modest assistance would be provided on a short-term basis to countries where reform is already taking place. Most assistance would be given where it is reasonably likely that outside material and technical assistance can tip development toward reform, as in countries where there is tangible political commitment to reform plus evidence that the structural and cultural requisites for success are being created.

The implications of a triage-based strategy for the distribution of international police assistance are unclear at the moment. Some useful research, as we have seen, maps macro-level requisites for reform globally, but much more is needed.<sup>21</sup> The number of countries that may truly be regarded as having democratic police observant of the rule of law is not very large—certainly much smaller than the number in need of substantial reform. The art of the triage exercise, therefore, would be to carve out a select list of feasible possibilities from the substantial number of countries where reform is needed.

There are two problems with the triage strategy in addition to lack of reliable global data on macro-level constraints. First, it is not known how much macro-level social conditions can constrain police-corruption reform. Countries cannot be assigned to hopeless or possible categories if constraints on reform have not been weighted. Precisely because a concerted international initiative to address police corruption selectively is so new, there is a lack of experience to weight constraints properly. The studies cited above show correlations of corruption generally with several macro-level variables. It would be unwise to disregard these correlations, but associations are not causes. There is no basis for estimating how much space for reform there may be within different sets of potential constraints. This implies that reforms in police corruption need to be undertaken systematically, mapping carefully the initiatives attempted and assessing their success against select sets of potential contextual determinants. To move in this direction, it is essential that any programs directed at reducing police corruption abroad evaluate their success against factors within both the police administrative system and the larger socio-political context. Cognizant that recommendations like this have been made many times, how much longer, however, can the international community continue to assist blindly?

Second, a triage strategy is attractive as a rough way to make assistance decisions, but it may also cut across donors' powerful geopolitical interests. Assistance to police abroad has many purposes, only some of which involve generating sustainable democratic reform. International donors are more likely to channel their assistance to controlling global forms of crime, such as narcotics trafficking and alien smuggling, than to improving transparency and reducing opportunities for petty corruption.

### ***Bootstraps***

Even when local environments may be loaded against undertaking successful corruption reform, it may be possible to nudge behavior in the right direction by focusing narrowly on the problem of police corruption. Rather than deferring to contextual obstacles, police reform can be used as a lever for systemic reform, governmental and cultural. Police reform may be exactly the place where democratic, rule-of-law transitions need to begin. Pulling themselves up by their own bootstraps, embattled regimes can produce visible changes that may have transformative effects on a larger scale. Security and justice are fundamental to good governance, and people care deeply about both. Reducing the more blatant, in-your-face forms of police corruption can set an example for what government should become. The police tail cannot wag the governmental dog, but it may at least make it quiver.

There is one contextual prerequisite even for such a modest approach: Police reform is impossible without permission from the political establishment. Regimes must allow reform

***Police reform may be exactly the place where democratic, rule-of-law transitions need to begin.***

to occur, providing support in laws and resources as needed. In particular, the supervising ministry must be a compliant partner. In a survey of public attitudes toward police corruption in Nepal, respondents believed the primary reason for the failure of the Nepalese police to provide adequate security was political pressure. Political elites, parties, and affiliated groups were seen by the public as second only to criminals in responsibility for illegal activities. They were also seen as responsible for inhibiting the police in enforcing laws and maintaining public order, often through manipulating the promotion and transfer process within the police organization.<sup>22</sup> Foreign assistance for police reform should be conditional on the willingness of host governments to reinforce anticorruption guidelines, such as merit promotions for honest performance and punishments for offenders. Without political buy-in from elements in the executive, legislature, and the supervising ministry, investments such as human rights training for police forces are wasted.

In order to exploit transformative possibilities by focusing narrowly on police reform, and ignoring exigent as well as more deeply rooted obstacles, six suggestions are offered about how realistic, carefully crafted corruption reform might proceed.

- *Prioritize.* Reform of corrupt police practices should not be undertaken across the board. The process should begin selectively, with the particular forms of corruption that most alienate the population. In many countries, the place to start would be eliminating what in India is referred to as speed money, the small bribes required to get anything done. Other examples might be shaking down drivers at vehicle checkpoints; requiring payment for registering a criminal complaint at a police station; accepting bribes for suppressing criminal charges; and levying fees for legal businesses, such as licensed street vending. Improvement in highly visible places will generate public support for reform that will help to keep the political space open for further reform.
- *Insist on leadership from the top.* Reform starts at the top; it does not percolate up from the bottom. If the top leadership in the police does not visibly and persistently lead reform, then change will not occur. Leaders must articulate what is expected, create opportunities to reinforce the message through personal appearances throughout the organization, especially with the rank and file, and raise public expectations about what police practices will be. Even in the face of significant contextual obstacles, managerial insistence on change, coupled with discipline, can change traditional behavior. This requires senior leaders to accept responsibility for organizational behavior, never excusing endemic corruption as being the fault of a few “bad apples.” It follows that all supervising officers, especially those on the front line, must be held to account for the misbehavior of their subordinates. Police organizations are quasi-military; rank matters and directions are commands. To some extent, police can create their own norms, and though strict discipline has limits, it can, when targeted consistently at visible corruption, change behavior. It may not change the hearts of police officers, but it can produce conforming action.
- *Think tactically.* In reducing corruption, police should adopt what is referred to in the crime-prevention literature as routine activities theory.<sup>23</sup> Crime, particularly theft, is facilitated by the presence together in time and space of tempting targets, willing offenders, and an absence of guardians. Thus, even if police officers may not see bribery as wrong, they may be deterred from receiving them if the likelihood of being caught is high. Police organizations need to think of ways of calling attention to the standards expected and the penalties for disregarding bribes when they occur. Just because behavior is not perceived as immoral does not mean that it is inevitable. Corruption, like criminality generally, is often a matter of individual cost-benefit calculations.

Reformers should think of ways to remind officers about what is expected in particular situations. Signs can be posted at the receiving counters at police stations that

complaints must be registered without monetary charge. Rules regarding access can be displayed on the doors to police property rooms. Written and thus auditable forms can be created for applications for sick leave, payments to informants, drawing of police supplies, and filing expense claims. Police property can be labeled plainly to deter appropriation for private use. The rights of vendors with respect to police inspection can be provided along with required licenses. Information about procedures for filing complaints can be posted in all police facilities to which the public has access. Injunctions about what is proper and improper can be posted prominently in police offices (e.g., “paid work unapproved in writing while on sick leave is stealing” or “these supplies must not be used for private purposes”).

- *Require discipline.* In taking responsibility for corruption, police organizations must create the capacity to monitor, investigate, and discipline noncompliant behavior. To do this, they need to create a specialized internal office with good resources, staff, and management.<sup>24</sup> This office would report to a very senior officer and be independent of all other operational lines of authority. The commissions surveyed recommended that internal affairs units review all complaints about police officers, examine them for patterns of occurrence, undertake proactive investigations of suspected officers, monitor officers assigned to tasks where exposure to bribery is likely, recruit officers to work as informants about corruption in the units in which they work, and even test the integrity of officers by offering bribes.
- *Cultivate the public.* Police should regard the public as an ally in efforts to reduce corruption, and thus should develop programs informing the public about anticorruption initiatives and publicizing procedures for complaining. This benefits reform in three ways. First, a public educated about what the police organization considers improper is more likely to resist solicitations for bribes. This reinforces the new norms and raises anxiety among officers that people may complain. Second, the public is the most important source of information about the forms that corruption takes and also whether reform efforts are succeeding; tapping public knowledge is essential to directing reform strategies and measuring their success. Third, when the public is shown that the police are serious about curbing corruption, respect for the police rises. This is psychologically rewarding to police officers, raising their self-esteem. They learn that being a police officer creates status, not just fear and anxiety, and begin to take pride in being police officers, which in turn gives them a vested interest in protecting the organization’s reputation.<sup>25</sup> In short, when policing becomes a vocation rather than just a job, deviant behavior is likely to decline.

In Nepal, the U.S. Institute of Peace instituted a series of dialogues about justice and security that brought together police officers with civil society representatives to overcome a legacy of suspicion and fear. Participants in these dialogues exchanged information about the sources of crime and violence and discussed ways that the police could best reestablish control in the community. The revelation that the police and the community could jointly devise solutions to common problems inspired a determination to remain in contact and continue the dialogue process. It also resulted in practical results. The Nepal police recorded a substantial drop in crime, while the community benefited from improved security and police services.<sup>26</sup>

- *Create independent, nonpolitical oversight.* This is the only corruption-reducing suggestion that is not under the complete control of the police. Whether it happens, however, depends crucially on whether the police accept the need for it. The function of external oversight is to hold the chief officer to account for creating the internal discipline that the law requires and the public wants. Its operational mode is investigation and monitoring; its leverage is through public reporting of its findings. In extreme circumstances, it may take over in particular cases so that manifest injustice does not continue or is not covered over. But

***The public is the most important source of information about the forms that corruption takes and also whether reform efforts are succeeding; tapping public knowledge is essential to directing reform strategies and measuring their success.***

this should only happen when the police have been shown to be unable or unwilling to perform as expected.

External oversight cannot substitute for discipline administered by the police themselves. As several police commissions have recommended, the chief police officer should be responsible for all aspects of police performance and behavior. The police will always know more about what happens within the organization than will outsiders. Police also have more standing than outsiders in legitimizing higher standards within the organization as well as the procedures for validating them. External oversight is needed to keep the organization up to the mark, but the work of discipline must be done by the organization itself.

### ***Four Questions***

The two strategies—triage and bootstraps—suggested as a way forward in reducing police corruption through foreign assistance cannot be successfully undertaken without developing answers to four questions.

- What are the contextual conditions that absolutely undermine any prospects for corruption reform in the police, at least in any reasonable period?
- What do regimes need to do to indicate that they are willing to facilitate anticorruption programs under the direction of police administrators as required?
- What constitutes adequate policy space in which reform efforts may succeed?
- What tactics might be used in different places to reduce the most prevalent and visible forms of corruption? An inventory is needed, founded on field experience that goes beyond the generalities of existing research.

These are not easy questions to answer, but experts with experience abroad can come to useful conclusions about each of them if given the time and resources. There are no reasons in principle to think they cannot be answered expeditiously to guide policy.

### **Conclusion**

Knowledge about controlling police corruption is more limited than is generally recognized, and especially thin where corruption significantly impedes establishing the rule of law. This is not just because corruption is a hidden, concealed activity. At the moment, knowledge is drawn from only a handful of countries where the results of corruption investigations have been publicized. Apart from accounts by victims themselves, sometimes echoed in the media, there are almost no detailed studies of causes of police corruption in conflict countries. Although the forms of corruption may seem similar globally, the particulars of who does what, when, and how vary considerably. Understanding these particulars is essential for formulating programs of remediation.

Even less is known about either the contextual conditions or programmatic tactics that determine success in corruption reform. Efforts at reform, rare as they are, have not been systematically evaluated; they have rarely been even adequately described. This may change due to the creation of permanent, independent agencies in several countries that monitor and report on police corruption. At the moment, however, there are little more than scattered anecdotes about what works.

People working in conflict intervention and governance reconstruction tend to be pessimistic about the prospects for reducing police corruption. It seems to be an endemic problem over which foreign donors have little leverage. Pessimism is justified. Not only are there operational problems of insecurity, unreliable personnel, and dysfunctional institutions, but police corruption is supported by social structures and attitudes that are embedded in local

***Apart from accounts by victims themselves . . . there are almost no detailed studies of causes of police corruption in conflict countries.***

ways of life. It can seem as if reducing corruption requires ambitious nation building and the transformation of local cultures.

At the same time, there are a few examples of successful corruption reduction. Hong Kong made a concerted attack on police corruption in the 1970s, establishing an Independent Commission Against Corruption and a Police Corruption Prevention Group. In the 1990s, following the report of the Fitzgerald Commission, the state of Queensland, Australia, created a permanent, independent Criminal Justice Commission to oversee performance throughout the justice system. Singapore and New Zealand also have addressed the problem directly, although without creating permanent oversight agencies.<sup>27</sup> In the United States, serious efforts at reducing police corruption have taken place within the last fifty years in Los Angeles, Oakland, Kansas City, and New York City.<sup>28</sup>

Unfortunately, the success of these efforts, especially in the United States, seems to be short term, as little as twenty years.<sup>29</sup> Even more worrying, the examples cited come from relatively prosperous, political stable, mostly Western countries. This reinforces the pessimistic view that corruption reform requires conditions unlikely to be found in the world's most troubled places—unless, of course, foreign intervention is undertaken on a long-term, nation-building scale.

Insufficient as knowledge is about reducing police corruption, any international efforts to foster and support the rule of law must prioritize attacking police corruption. To do otherwise is to be as willfully blind as police executives who blame “bad apples” for systemic misbehavior. All programs seeking to strengthen the rule of law should insist on creating programs that eliminate police corruption in the forms that matter most to local populations. Reformers need not solve the problem across the board in the police, or in other governmental sectors, or forever. But they must begin. Eliminating police corruption in its most blatant forms should be a required condition for any foreign assistance program undertaken to facilitate democratic governance.





## Appendix A

### *Police Commissions*

Commissions on police corruption come in two forms: one-off commissions appointed for a limited time arising out of particular allegations and commissions permanently empowered to investigate police corruption whenever it occurs. Permanent investigatory commissions with substantial powers focusing on the police are growing in number. They exist in all Australian states, Canadian provinces, all forty-three British police jurisdictions, and several American cities. A few have been created to monitor police integrity specifically, such as the Independent Commission against Corruption in Hong Kong or the Police Integrity Commission in New South Wales, Australia. Although these bodies have issued reports regularly, they vary in the scope of oversight, powers, and funding. Those created to investigate police generally have rarely investigated police corruption.

In the approximately fifty-eight countries that constitute the English-speaking world, there have been thirty-two blue-ribbon commissions since the late nineteenth century. Ten of them were created exclusively to investigate police corruption; the other twenty-two were created to investigate the police generally, commenting on corruption as appropriate (see table 1).

Curran and Lexow are included even though they were undertaken by governments, thus possibly violating the principle of independence. The Curran committee was composed of a group of New York City aldermen, in effect a municipal council, and the Lexow Committee by senators from the state legislature. Both investigations were explicitly about police corruption and both focused on New York City. They were instigated by public pressure, mobilized by the media. Their investigations took place before free-standing commissions had been invented, thus constituting the only form of independence people could imagine at the time. The Zeiler report's inclusion is anomalous because it is available only in Hebrew, although Israel is classified as an English-speaking country. The Keable inquiry into illegal police activities, particularly by the Royal Canadian Mounted Police, never published a report. The Special Committee of the Council of the District of Columbia is included because it harkens back to the older tradition, represented by Curran and Lexow, of a special legislative investigation. It was undertaken by the full council in response to public concerns about mismanagement and misconduct.

Only ten special-purpose, independent investigations have focused exclusively on police corruption—a surprisingly small number. Moreover, seven of them are from only two countries, Australia and the United States; there have been none in the United Kingdom and only one in Canada. Britain undertook one special investigation of corruption in the London Metropolitan Police and City of London Police in 1978, code-named Operation Countryman. It was conducted by the assistant chief constable of the Dorset Police and hence cannot be considered independent. The Home Office has also never published its report, despite repeated requests by members of Parliament. Canada has had commissions of inquiry, equivalent to royal commissions, into police corruption at the provincial level—Quebec especially—but only one into corruption.<sup>30</sup>

The creation of special-purpose commissions independent of government to investigate the police, particularly corruption, is a fairly recent development. Only three of the ten commissions focusing exclusively on corruption occurred before 1970 (Curran, Lexow, Vancouver). Similarly, only nine of the thirty-two special-purpose commissions on the police generally were before 1970 (British Royal, 1962; Lexow; 1895; MacKenzie, 1968; Piper, 1904; President's Commission, 1967; President's Commission's Task Force on the Police, 1967; British Royal Commission on Police Powers, 1929; Vancouver, 1956; and Wickersham, 1931).

**Table 1. Blue-Ribbon Commissions Investigating Police****I. Exclusively on corruption**

- Beach Inquiry, Victoria, Australia, 1978.
- Curran Committee, New York City, 1912.
- Kennedy Royal Commission, Western Australia, 2004.
- Knapp Commission, New York City, 1972.
- Lexow Committee, New York City, 1895.
- Mollen Commission, New York City, 1974.
- Uganda Corruption Commission, 2000.
- Vancouver Inquiry, 1956
- Wood Royal Commission, New South Wales, Australia, 1997.
- Zeiler Commission, Israel, 2007.

**II. On police generally**

- Chemerinsky Report, Los Angeles, 2000.
- Chicago Commission on Police Integrity, United States, 1997.
- Christopher Commission, Los Angeles, 1992.
- District of Columbia Special Committee, Washington, DC, 1998.
- Fitzgerald Commission, Queensland, Australia, 1989.
- Keable Inquiry, Quebec, Canada, 1977.
- Kenya National Task Force on Police Reform, 2009.
- Lusher Commission, New South Wales, Australia, 1981.
- MacKenzie Commission, Canada, 1968.
- McDonald Commission, Canada, 1978.
- Malaysia, Royal Commission on the Police, 2005.
- Morris Tribunal, Ireland, 2008.
- National Advisory Commission on Criminal Justice Standards and Goals: Task Force on Police, U.S., 1973.
- National Police Commission, India, 1981.
- Neesham Inquiry, Victoria, Australia, 1985.
- Patten Commission, Northern Ireland, 1999.
- Pennsylvania Crime Commission, Philadelphia, 1974.
- Piper Report, Chicago, 1904.
- President's Commission on Law Enforcement and the Administration of Justice, Task Force on Police, 1967.
- Royal Commission on the Police, United Kingdom, 1962.
- Royal Commission on Police Powers and Procedures, United Kingdom, 1929.
- Wickersham Commission, United States, 1931.

There have been two commissions sponsored by private groups, neither focusing on corruption narrowly defined, both in the United States (Piper, Chicago, 1904, and Chemerinsky, Los Angeles, 2000).

The search for independent investigations of police corruption also included a final set of fifteen special commissions that focused broadly on problems of crime and criminal justice. See appendix B. None of these provide information on the forms of or remedies for police corruption.

## Appendix B

### *Crime and Criminal Justice Commissions*

- Royal Commission into Aboriginal Deaths in Custody, Australia, 1987–1991.
- Cawsey Task Force, Alberta, Canada, 1991.
- The Chicago Commission on Race Relations, 1922.
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- Harper Inquiry, Manitoba, Canada, 1991.
- Illinois Crime Survey, United States, 1929.
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- Marshall Prosecution, Nova Scotia, Canada, 1989.
- McCone Commission (Watts), Los Angeles, 1965.
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- Scarman Inquiry (Brixton Disorders, April 10–12, 1981), United Kingdom, 1981.
- Scott Drug Report, Trinidad and Tobago, 1986.
- Seabury Report, New York City, 1932.
- Steven Lawrence Inquiry, United Kingdom, 1999.

The Scott Drug Report in Trinidad and Tobago, 1986, inquired into the “extent and the problem of drug abuse.” These reports, with the exception of the Scott Drug Report, have almost nothing to say about police corruption. The American Kerner Commission investigated race-based riots in the United States, and the Cawsey Task Force looked into the effect of the criminal justice system on the Metis people. Accordingly, they are not included in larger list of commissions studied for information about the nature, causation, and remediation of police corruption.



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