Toolkit
on Police Integrity

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DCAF

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) is an international foundation whose mission is to assist the international community in pursuing good governance and reform of the security sector. The Centre develops and promotes norms and standards, conducts tailored policy research, identifies good practices and recommendations to promote democratic security sector governance, and provides in-country advisory support and practical assistance programmes.

DCAF gratefully acknowledges the support of the **Norwegian Ministry of Foreign Affairs** in the production of the Toolkit.

The views expressed are those of the authors alone and do not in any way reflect the views of the institutions referred to or represented within this Toolkit.

Acknowledgements

Toolkit on Police Integrity

The *Toolkit on Police Integrity* aims to assist police services in designing effective measures to curb police corruption, increasing their ability to fight crime, improving public security and strengthening the rule of law and public trust in the police. The Toolkit contains nine chapters.

1. Introduction: corruption and policing
2. Values, rules and behaviour
3. Organisation
4. Supporting police officers facing ethical questions
5. Internal control
6. External oversight and control
7. Investigation
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About the Toolkit

1. The purpose of the Toolkit on Police Integrity

This Toolkit on Police Integrity focuses on police corruption and gives guidance to responsible police and political decision makers on adequate reaction when police corruption appears in their fields of duty. Using this Toolkit, readers will understand police corruption and its organisational impact and also the values of culture and ethics implemented in police services.

The Toolkit will further assist police services to better recognise instances of corruption and to provide them with means to tackle police corruption. Another main goal of the Toolkit is to understand linkages between active police officers, human resources officers, police managers and decision makers. As police corruption is not only a specific organisational challenge but more an integrated fact of the functioning of oversight and of required police reform, this Toolkit is particularly addressed to the parliamentary and governmental oversight level and the decision makers on public security.

The Toolkit can be used in post-conflict countries, transition countries and developed countries because its main goal is: providing an anti-corruption toolkit to policy makers and police decision makers to integrate a structure in police services to avoid corruption or to reduce it. This Toolkit particularly emphasises that police corruption appears everywhere. Change management, strategy building, risk assessment, transparency and integrating culture and values in an organization are some measures discussed in the Toolkit.

2. The Chapters' topics and authors of the Toolkit are:

Chapter 1 on '*Introduction: Corruption and Policing*' by Leslie Holmes

Chapter 2 on '*Values, Rules and Behaviour*' by Eric Cobut

Chapter 3 on '*Organisation*' by Brian Kingshott and Pierre Aepli

Chapter 4 on '*Supporting Police Officers Facing Ethical Questions*' by André Lacroix

Chapter 5 on '*Internal Control*' by Lena Andersson

Chapter 6 on '*External Oversight and Control*' by Hans Born, Aidan Wills, Gabriel Geisler, and Matthias Erny

Chapter 7 on '*Investigation*' by Gerard Snel

Chapter 8 on '*Capacity Building*' by Alan Beckley

Chapter 9 on '*Instruments*' by Andrew Goldsmith

3. How is corruption defined?

A definition of police corruption is required to understand this concept which is the basis of this DCAF Toolkit on Police Integrity. The definition of police corruption been provided by the INTERPOL Group of Experts on Corruption (IGEC) in Article 2 of its 'Global Standards to Combat Corruption in Police Forces/Services' according to which, police corruption can be defined as follows (see also Chapter 1):

a. The solicitation or acceptance, whether directly or indirectly, by a police officer or other employee of a police force/service of any money, article of value, gift, favour, promise, reward or advantage, whether for himself/herself or for any person, group or entity, in return for any act or omission already done or omitted to be done or omitted in the future in or in connection with the performance of any function of or connected with policing.

b. The offering or granting, whether directly or indirectly, to a police officer or other employee of a police force/service of any money, article of value, gift, favour, promise, reward or advantage for the police officer or other employee or for any person, group or entity in return for any act or omission already done or omitted to be done or omitted in the future in or in connection with the performance of any function of or connected with policing.

c. Any act or omission in the discharge of duties by a police officer or other employee of a police force/service which may improperly expose any person to a charge or conviction for a criminal offence or may improperly assist in a person not being charged with or being acquitted of a criminal offence.

d. The unauthorised dissemination of confidential or restricted police information whether for reward or otherwise.

e. Any act or omission in the discharge of duties by a police officer or other employee of a police force/service for the purpose of obtaining any money, article of value, gift, favour, promise, reward or advantage for himself/herself or any other person, group or entity.

f. Any act or omission which constitutes corruption under a law of the Member State.

g. Participation as a principal, co-principal, initiator, instigator, accomplice, accessory before the fact, accessory after the fact, and conspirator or in any other manner in the commission or attempted commission of any act referred to in the preceding provisions of this Article.

4. Who is to use the Toolkit?

This anti-corruption toolkit is designed to help the reader to understand police corruption and to take measures against it by the management of police services. This Toolkit aims to introduce possible measures which can be implemented by responsible decision makers. The Toolkit focuses on decision makers, police leaders and officers within:

- National parliaments
- National governments
- Security sector institutions
- National Police Services
- The police leadership
    – The senior management
    – The mid-level management
    – The human resources (HR) officers
    – National police academies
    – International and national organisations

5. What is the structure of the Toolkit?

Generally, the Chapters of the Toolkit follow a certain order and structure:

1. Introduction
2. Why is the topic important to the struggle against corruption and unethical behaviours
3. How can the topic be integrated into the struggle against corruption and unethical behaviours
4   Integrating the topic in specific contexts
5. Key recommendations

6. What are the main topics and key factors of the Chapters?

This Toolkit on Police Integrity is divided into nine Chapters, each of which comprises several sections and sub-sections. The Toolkit can be used in different ways. Starting to read Chapter 1 and following the Toolkit in order from Chapter 1 through to Chapter 9, it is a recommended way to be introduced comprehensively to police corruption and possible measures to be taken to reduce this form of misbehaving. The Toolkit, moreover, can be used also upon your personal interest starting to read the chosen Chapter first and after the others. Either way gives you a comprehensive overview of the issue and the instruments being offered to reduce police corruption.

The authors of the Chapters have conducted research and provided international examples of police corruption which you can read through. Each Chapter also incorporates boxes containing facts and figures that illustrate complex corruption cases and presenting ways of possible reaction which were taken to tackle corruption. The Chapters also include a section of recommendations to be used as guide questions focusing on the reader's environment.

The overall field of corruption is wide and this Toolkit particularly focuses on police corruption, the environment where police corruption can grow, on what the consequences of the organisational structure are and what adequate reaction to corruption cases means. The authors, therefore, are following a certain structure throughout the Chapters to help readers with advanced orientation and better understanding.

The nine Chapters of the Toolkit will provide comprehensive awareness and knowledge about police corruption and specify the tools available for police management to react responsibly when there is a case of police

corruption. It is important to understand police corruption can appear everywhere through individual misconduct even if there is a proper system in place to tackle corruption. It is also important to know organisational structure can reduce or encourage corruption, management can reduce or lead to corruption or a non-culture in processes and activities can also lead to corruption. Police reforms and Police Change Management should always be referring to the question of how to tackle police corruption. The Chapters are following briefly described:

Chapter 1 – Introduction maps out the scope of police corruption and the Toolkit defining the term of police corruption presenting different levels of the issue such as individual misconduct, organisational corruption and systemic corruption. This Chapter further refers to the main topics of the other Chapters giving an umbrella question: How can police corruption be reduced? Reading this Chapter, the readers gain awareness and understanding of what police corruption means in its substance but it leads also to the recognition: **Police Corruption can be reduced.** The main questions in this Chapter are addressed to the topics:

- What is police corruption – is there an international definition?
- Why it is important to tackle police corruption?
- How to build an ethical police service and how to improve individual well behaving.
- How to achieve success and avoid failures of anti-corruption strategies.
- What are the lessons learned?

Chapter 2 – Values, Rules and Behaviour deals with culture, values and behaviour demanding individual acceptance but also with rules, norms and the legal framework to be individually followed. Setting up ethical improvement the author shows that an implemented culture leads to reduced corruption cases. This Chapter refers to the importance of a fully internalised organisational culture as the basis for well-behaving police officers. Without the individual determination to not be a corrupt police officer, the processes toward a non-corrupt police service will not be achieved. **Organisational culture is fundamental and appropriate individual behavior is the success of an anti-corruption policy in a police service.** The major questions in this Chapter are:

- Why are values, rules and behaviour important to tackle corruption?
- How can values, rules and behaviour be integrated into the struggle against corruption and unethical behaviour?
- Are there international models and programs to be possibly used?
- What are the lessons learned?

Chapter 3 – Organisation This Chapter discusses the relationship between organisation and corruption and unethical behaviour. It examines whether certain types of organisation and/or situations are more or less favourable to the development of corruption and unethical behaviour. It also looks at the vulnerabilities of a police organization in terms of corruption and unethical behaviour, illustrating how to identify them and indicating what areas are most likely to be subject to corruption. This Chapter speaks further about the management style and the processes which support good functioning of the organisation and types of measures to reduce vulnerabilities to corruption. In particular, it deals also with models of organisations which highlight change management experiences to reform police organisations tackling corruption. **Weaknesses in the organisation can foster corruption. Therefore, such weaknesses must be identified and corrected.**

The main questions of this Chapter are:

- Why is the question of organisation important to fight corruption?
- How to define organisational environment and organisational impact.
- Can an organisation be changed to reduce corruption?
- What are vulnerabilities and main risks of an organisation in change?
- What are lessons learned within the international context?

Chapter 4 – Supporting Police Officers Facing Ethical Questions This chapter addresses the organisational support for police officers facing problems in the field of corruption and unethical behaviour. It examines why and when such support is needed and how it can be provided. The orientation of the chapter is strongly practical, with recommendations and concrete examples that aim at helping police services to provide support for police officers facing problems of corruption and unethical behaviour. The chapter primarily focuses on **the link between support for police officers, an ethical police service and the fight against corruption.**

Chapter 5 – Internal Control addresses the link between corruption and the internal control of a police organisation examining how a well-structured, internal control system can help to detect and prevent corruption and unethical behaviour. It sets out processes to ensure the achievement of an organisational objective towards an ethical and legal manner but also to build-in control mechanisms and integrate human resources principles on recruitment and promotion of police officers. This Chapter contains main principles on internal control which should be a part of management processes including planning processes and truthful reporting and to evaluate all internal processes and activities to be carried out securely and effectively. This chapter 5 shows particularly that **organisational corruption and misconduct can be reduced through internal control.** Major questions in this chapter are:

- Why is internal control important to tackle corruption?
- How to use internal control to tackle corruption.
- How to address challenges of transition countries tackling police corruption.
- What is the danger of over control?
- What are lessons learned?

Chapter 6 – External Oversight and Control deals with external control of police activities. External oversight includes the parliamentary and governmental oversight but also the judiciary control mechanism. Further, it includes the public oversight through civil society and the media. Police corruption grows in an environment without external oversight which only leads to change management processes. This chapter focuses on the types of external oversight and draws ways to establish and strengthen its functionality. The chapter goes on to explain strategies and how to analyse and evaluate external oversight. Finally, it concludes that **corruption can be avoided through external oversight.** The main questions are:

- Why are oversight procedures important to tackle corruption?
- How to structure external oversight.
- What is the role of external oversight bodies?
- How to use international examples of external oversight.
- How to build a system of external oversight.

Chapter 7 – Investigation maps out ways to curb corruption through specific investigation measures. This chapter examines how investigative function leads investigate and prosecute corruption and unethical behaviour. It discusses the requirements of an internal or external investigative body and guides them based on an investigative strategy on legal and human rights principles. This chapter includes a practical guidance and gives room for a description of a theoretical framework by mixing theoretical and real practical examples. It also explains investigation management and investigation decision making. **Effective investigation measures stop corruption.** Below the main questions of this chapter are presented:

- Why is investigating important to reduce corruption and unethical behaviour?
- How can investigation be integrated into measures to tackle corruption?
- What is the art of investigation and how to manage investigative processes?
- How can practical examples be used for investigation implementation?
- How to implement specific measures to enhance investigation.

Chapter 8 – Capacity Building deals with different procedures for capacity building related to corruption. This chapter provides guidelines for establishing a capacity building program in ethics including through a variety of approaches using some tools and techniques and an overarching framework on legislation, codes, policies, practices and procedures. Capacity building is a comprehensive way to **tackle corruption in a sustained way.** Major questions of this chapter are presented below:

- Why is capacity building important to tackling corruption?
- How can capacity building be integrated into a police service curbing corruption?
- How can capacity building be integrated into specific contexts?
- Can practical examples be useful and how to implement them as a methodology?
- How to implement lessons learned.

Chapter 9 – Instruments provides key definitions and a simple framework for analysis in the area of police corruption and covers strategic and risk assessment methods to recognise background for decision making. Specific instruments for making assessments are described and further, an ideal model of change management as a technique to build an anti-corruption strategy is contained. This chapter deals with learning interventions through seminars as a tool to be used and with communication as a main instrument to implement a particular strategy and policy curbing police corruption. **Best use of instruments leads to reduction of corruption.** Main questions presented:

- Why are strategic assessments important to curb corruption?
- How to use the risk assessment matrix for own purpose.
- How to prepare learning intervention assessments. (TNA)
- What are useful specific instruments and methods?
- How to implement specific instruments in an existing organisation.
- What are the lessons learned and the factors of success?

7. How to receive the Toolkit

The DCAF Toolkit on Police Integrity was developed to give countries and police services a tool to take responsibility of their own fight against corruption. This Toolkit is given to the open market and libraries and is introduced to countries and police services worldwide by DCAF and partner organisations. Interested countries and police services are invited to ask for further expertise and consultancy and to request specific trainings to set up measures and capacity building against police corruption.

DCAF as the editing organisation of this Toolkit will assemble and coordinate an international expert roster providing training with support of partner organisations. This introduction of the Toolkit includes an exemplary training model to implement trainings based on the Toolkit but future trainings will be prepared upon a specific request and in accordance with the real requirements. After receiving a training request a questionnaire will be sent to assess the requirements and DCAF will prepare this specific training together with international experts to provide a tailor made training.

The mentioned assessment to respond to a specific request ensures that there is no duplication with running programs and allows the possibility to cooperate with a partner organisation working in that field. Additionally, DCAF expects pro-active measures to be taken by the requesting country or police service towards international standards on fighting police corruption to be implemented. Further, these responsible activities should be made to ensure sustainability.

Acronyms

ACC	Australian Crime Commission
ACLEI	Australian Commission for Law Enforcement Integrity
AFP	Australian Federal Police
BiH	Bosnia-Herzegovina
BNP	Burundi National Police
BPD	Baltimore Police Department
CEE	Central and Eastern Europe
CoE	Council of Europe
COSO	Committee of Sponsoring Organisations
EU	European Union
FBI	(US) Federal Bureau of Investigation
FOI	freedom of information
GCB	Global Corruption Barometer
HRM	human resource management
IAB	Internal Affairs Bureau
IACP	International Association of Chiefs of Police
ICAC	Independent Commission Against Corruption
IGEC	Interpol Group of Experts on Corruption
INGO	international non-governmental organisation
IO	international organisation
IT	internet technology
KNAB	Corruption Prevention and Combating Bureau (Latvia)
MO	*modus operandi*
NATO	North Atlantic Treaty Organisation
NGO	non-governmental organisation

NSWPF   New South Wales Police Force

NYPD   New York Police Department

OECD   Organisation for Economic Co-operation and Development

PESTL   political, economic, social, technological and legal

PLAN   proportionality, legality, accessibility, necessity

QPS   Queensland Police Service (Australia)

SPF   Singapore Police Force

SWOT   strengths, weaknesses, opportunities, threats

TI   Transparency International

TNA   training needs assessment

UK   United Kingdom

UN   United Nations

UNCAC   United Nations Convention against Corruption

UNDP   United Nations Development Programme

US   United States

USKOK   Croatian Office for the Suppression of Corruption and Organised Crime

1

Introduction:
Corruption and Policing

■ Leslie Holmes

1. Introduction to Chapter 1

Since the mid 1990s, countries, international organisations (IOs), non-governmental organisations (NGOs) and international NGOs (INGOs) have increasingly recognised corruption as a serious problem in the world. Most authorities, however, are reluctant to identify and adequately address the issue of corruption in police services.

In some countries there is a belief that corruption is a minor issue, whether it involves a few misguided individuals ('rotten apples') or is a systemic problem ('rotten barrel' or 'rotten orchard').[1] Police corruption is a very serious challenge. At one end of the spectrum, it is annoying to the public who are expected to pay bribes for alleged traffic violations; at the other end of the spectrum, corrupt police officers can conspire with criminals and organised crime gangs in the trafficking of drugs, humans and weapons.[2]

This Chapter 1 will cover the following topics:

- Provide definitions relevant to police corruption and other forms of police misconduct.
- Explain why it is important to tackle police corruption and unethical or inappropriate behaviour.
- Consider ways to reduce police corruption and build a more ethical police service.
- Examine the problems that arise and methods used for tackling police corruption in specific contexts.
- Outline and evaluate concrete examples of anti-corruption strategies.
- Suggest how the topics covered in this chapter can be presented and explained to police officers.

Links with other chapters

This Chapter 1 discusses in general terms, the problem of corruption. Each topic / area related to police corruption will be addressed more in depth in the other chapters.

2. Definitions related to police corruption

This section explores the concept of corruption. Other types of police misconduct and unethical (or inappropriate) behaviour also will be discussed.

2.1. What is corruption?

There is no universally agreed definition of corruption and a full discussion of it is beyond the scope of this practical toolkit. The definition proposed by the Interpol Group of Experts on Corruption (IGEC) has been adopted here: 'corruption is any course of action or failure to act ('omission') by individuals or organisations, public or private, in violation of law or trust for profit or gain'.[3] This definition is broad and can be applied to individuals and groups – both police officers as well as police units – and to other state officials and organisations or private individuals and organisations.

It can be difficult to objectively identify and categorise corruption. This problem can be minimised by considering two variables

1. *Legal situation.* Do a country's laws prohibit the actions or non-actions under consideration? Such an approach is country specific and not subject to charges of 'cultural imperialism' (i.e. inappropriate application of culture A's values to culture B and any assumption by culture A that its values are better to those of culture B).
2. *Perceptions.* Do focus groups advocate and/or do opinion surveys of the public suggest that a particular type of action or non-action is widely thought to be corrupt?

Ideally, both variables would work together to provide a picture of how corruption is thought of in a particular place. In some countries, however, there are no specific laws on corruption or the laws are incomplete or ambiguous. In such cases, it is important to conduct surveys; particularly those that organise and compare the results of surveys of different types of respondents, e.g. ordinary people as well as members of the elite.

Some people might argue surveys only produce a picture of the perceptions of corruption (i.e. not the real situation), but there are two counter arguments: First, surveys can include "experiential" (i.e. relating to actual experience) questions as well as "perceptual" questions (i.e. relating to how you feel about it). Second, perception can be a *form of reality*. In other words, if the public *believes* there is a problem and act on those beliefs, then there *is* a problem and authorities do need to address it.

The two variables outlined above (i.e. the actual situation and how the situation is perceived) help in understanding how corruption is thought about in a particular place, it is also useful to compare the situation with international norms and standards. This is acceptable, as long as it is openly acknowledged that a country is being judged by criteria that may or may not be consistent with what is considered normal in that country.

There are many types of corruption so before we conclude the definition of corruption, we should explore further some of these different types. See Table 1 below.

Table 1: Common types of corruption

Type	Description
'Grass-eating' (reactive) & 'meat-eating' (proactive) corruption[4]	'Grass-eating' (or reactive) corruption refers to a situation where an officer accepts a bribe when offered one, whereas 'meat-eating' (or proactive) corruption indicates that an officer has requested or demanded a bribe.
Active and passive corruption[5]	'Active' corruption refers to actions of bribe givers ('donors') seeking to corrupt officer, whereas 'passive' corruption refers to person receiving bribe (i.e. corrupt official, 'recipient').
Black, white and grey corruption[6]	Based on two assumptions: that some forms of corruption are basically acceptable, and that elites and the public have different views on what constitutes corruption. 'Black' corruption is seen by both as unacceptable, whereas 'white' is perceived by both as good. 'Grey' corruption is when they disagree.

2.2. What are police?

Police[7] is defined as a civil force of a state responsible for prevention and detection of crime and maintenance of public order. The term police, therefore, includes all law enforcement agencies: national and local and specific services (e.g. traffic police, financial police, etc.) that exercise "police powers", particularly the power to arrest and detain.

2.3. What is police culture?

Culture, generally, is defined as the collective beliefs, values, attitudes and knowledge of a society. Culture can manifest itself in the form of common behaviour patterns within a society. A definition of police culture is: 'Police culture covers the values and standards that affect behaviour patterns and work practices, as they are applied by the police officers.[8]

All cultures have subdivisions (subcultures) and police services are no different (see Chapter 2). There are differences between dominant values and attitudes – the culture – of homicide detectives and traffic police,

and between uniformed and non-uniformed personnel. There is also often tension between national and local police services. These differences in values can manifest themselves in different behaviour among various police subcultures.

2.4. What is police corruption?

The definition of police corruption adopted in this Chapter 1 is provided by the IGEC in Article 2 of its Global Standards to Combat Corruption in Police Forces/Services.[9] This detailed definition is outlined in Box 1, see below:

Box 1: IGEC definition of police corruption

h. The solicitation or acceptance (directly or indirectly) by police personnel of any money, article of value, gift, favour, promise, reward or advantage, whether for himself/herself or for any person, group or entity, in return for any act or omission (failure to act) already done or omitted to be done or omitted in the future in or in connection with performance of any function of or connected to police work.

i. The offering or granting (directly or indirectly) to police personnel of any money, article of value, gift, favour, promise, reward or advantage for the police personnel or for any person, group or entity in return for any act or omission (failure to act) already done or omitted to be done or omitted in the future in or in connection with the performance of any function of or connected to police work.

j. Any act or omission (failure to act) in the discharge of duties by police personnel which may improperly expose any person to a charge or conviction for a criminal offence or may improperly assist in a person not being charged with or being acquitted of a criminal offence.

k. The unauthorized dissemination of confidential or restricted police information whether for reward or otherwise.

l. Any act or omission (failure to act) in the discharge of duties by police personnel for the purpose of obtaining any money, article of value, gift, favour, promise, reward or advantage for himself/herself or any other person, group or entity.

m. Any act or omission (failure to act) which constitutes corruption under a law of the Member State.

n. Participation as a principal, co-principal, initiator, instigator, accomplice, accessory before the fact, accessory after the fact, and conspirator or in any other manner in the commission or attempted commission of any act referred to in the preceding provisions of this Article.

Most forms of corruption tend to be more serious if performed by police officers rather than by other officers of the state or corporate executives, for two suggested reasons:

1. The police service is the state agency the public expects to control the behaviour of others, including other state officials; if the police cannot be trusted, there is no other obvious agency to which the public can turn to uphold the law and maintain public order.

2. A significant portion of police activity occurs out of sight of the general public and often involves working with criminals. This often renders police work less transparent than other activities of the state – not only to the public, but even within police services. If the police expect the public to accept, the sometimes necessary, lack of transparency in police work, then the public must trust the police service even more than the state agencies that conduct their affairs "out in the open".

Before concluding the definition of police corruption, see Box 2, below, for an exploration of some elements related to police integrity and police corruption:

Box 2: Three common features in police corruption related to police integrity

1. The first feature is the police's own version of *omertà*, or 'code of silence' – sometimes called the 'blue wall' or 'blue code of silence'. This can be in the form of merely covering up the genuine mistakes of others. Although some cases involve hiding misconduct some do not.
2. The second feature is a perception among police officers that some aspects of their improper behaviour are acceptable. This notion is summed up by the term 'noble cause corruption', and is a classic example of 'grey' corruption (see Table 1, above). In this situation, police officers will knowingly "bend", circumvent or even break the law on the basis of a notion of ethical relativity. They may cut a deal with a criminal – promising a lighter sentence or even to overlook that person's lawbreaking – in return for information that will help them find, arrest or convict someone they suspect of having committed a more serious crime.
   a. For some, this should not be called corruption, since officers do not benefit personally from such activity. Police officers, however, are still knowingly breaking the rules and thus undermining the rule of law (which helps to explain why noble cause is implicitly referred to in point 'c' of the IGEC definition of police corruption).
   b. In such a case the law is being treated as a relative concept, whereas the rule of law is based on a number of absolute principles (equality of all before the law; that laws cannot be retrospectively applied).
3. The third feature is 'process corruption'. In their enthusiasm to ensure a conviction, police officers will sometimes plant ('fake'), supplement ('pad') and/or fabricate evidence. In doing so, they are acting above the law and not following due process.

2.5. What is systemic corruption?

Systemic corruption is characterised by extensive corrupt activities, ranging from small to big. In this case, corruption is no longer the exception. Sometimes, systemic corruption can be part of a specific type of management or governance system. Systemic corruption is characterised by both the magnitude of corrupt activities and by rules and norms that facilitate these activities.[10]

2.6. Types of police corruption and other inappropriate behaviour

The most common form of police corruption – or at least the one the public thinks is the most common – is accepting bribes. Many other types of police behaviour, however, also can damage trust and the overall image of the police service and also need to be identified and addressed.[11]

2.6.1. Police disregard for the law

A small example of inappropriate behaviour is when the police disobey road rules (speed limits, red lights, parking restrictions, etc.) for no legitimate reason. A more serious example is where the police do not respect human rights: in 2005 Amnesty International US, provided evidence of how some US police officers abuse the rights of homosexual and transgender persons, while French police have been criticised for abusing the rights of illegal immigrants in detention centres.

2.6.2. Police circumvention of the law

A serious example of police impropriety is officers consciously circumventing or 'going around' the law by outsourcing tasks to the private companies, knowing that to perform such tasks themselves would evoke widespread public criticism.

2.6.3. Deception

If officers frequently lie, they can undermine public confidence in the police. A common arena for police deception is the courtroom, where officers will sometimes knowingly make untrue statements or withhold some of the truth (being 'economical with the truth') in testimonies in order to get the outcome they believe a defendant deserves; this is an example of 'noble cause corruption'. The police also sometimes misreport crime statistics. Most commonly, they under report crime statistics so as to make police performance appear better than it really is (based on clear-up rates). Less commonly, police exaggerate the number and/or seriousness of crimes committed in a bid to secure additional resources.

2.6.4. Denial

Some police services refuse to accept criticisms and the findings of independent investigations and citizen surveys, ultimately placing their own interests ahead of those of the society.

2.6.5. Bullying within the police service

Police recruits are often hazed or 'bloodied' (i.e. initiated into the police service by being bullied by older officers). This is not corruption by most definitions, but sets a bad example, especially if the state authorities are attempting to reduce bullying in schools and violence in society generally.

2.6.6. Excessive and inappropriate police violence

Trust in the police can be undermined if officers use more than the minimum amount of violence required to deal with an issue. The public should respect the police, not fear them.

2.6.7. Prejudice and Racism

Too many police services have experienced various forms of prejudice among their own officers against particular groups. Among the most common forms of police prejudice are racism, sexism, homophobia and ageism.

Police racism can be seen as a form of corruption since it involves abuse of office. Even if such behaviour is a disputed or grey area of corruption, it is appropriate to include it here because of its potential security implications. As anti-terrorism squads in the US, UK, Germany and elsewhere uncover plots by 'home grown' terrorists with connections to international terrorist organisations; the importance of not alienating minority groups becomes clear. This is a delicate issue, since police officers are sometimes taunted by members of minority groups. They should deal professionally and equally with provocation from members of all society groups.

2.6.8. Inappropriate selection and promotion procedures

There are numerous examples of persons being appointed to and promoted within police services on the basis of personal contacts, such as family members (nepotism) or friends (cronyism). This is improper behaviour. Appointments and promotions should be made on the basis of clearly pre-defined, merit based criteria and transparent procedures.

2.6.9. Moonlighting

Some police officers run their own businesses when off duty. In many countries this is illegal. Even where it is not, some types of business involve illegal activities. Other types, based on legal activities, can overlap with police security and protection work (e.g. installing alarm systems) and may be conflicts of interest.

2.6.10. Off duty behaviour

Police officers must accept that even their off duty behaviour is observed by the public and their role model responsibilities cannot be abandoned once they remove their police uniform.

2.6.11. Affiliation with criminals

Perhaps the greatest security risk arising from police corruption occurs when officers affiliate with organised crime gangs and/or terrorists. Proving this affiliation is even more difficult than providing solid evidence of other forms of police corruption. For example, as of early 2010, allegations of collaborations between Northern Irish police officers and the Irish Republican Army in the December 2004 major (approximately €38 million) robbery of a Belfast bank still had not been proven,[12] while claims that the police had been bribed by terrorists to 'turn a blind eye' in the lead-up to the 2004 Beslan massacre were essentially swept aside.

In 2009, the acting assistant commissioner of Queensland's (Australia) Crime and Misconduct Commission explained why it is usually very difficult to prove affiliation:[13] in the absence of third party witnesses or voluntary confessions by police officers, the source of information is often the criminals themselves. These are not merely untrustworthy per se, but may also either be seeking revenge on particular police officers or have other motives, thus their testimonies must be treated with extreme caution.

2.7. Other types of police misconduct and unethical (inappropriate) behaviour

Corruption is only one form of police misconduct. There are basically three types of offence that can be committed by police officers: criminal offences, discipline code offences and infractions of codes of ethics. Acts of corruption may fall under any of these headings, while all three types of offences can include examples of misconduct that some experts would not label as corruption (see Chapter 2). For a deeper consideration of the difference between unethical and inappropriate, see Box 3, below, which gives a common example.

Box 3: What is unethical (or inappropriate) behaviour?

Unethical behaviour may occur when a police officer faces a conflict between a "norm" and a "value". If, for example, a police sergeant driving an official car who causes an accident asks his young colleague sitting beside him not to report the accident, what is the younger police officer do? Should they obey their superior according to the value of loyalty or should they denounce the sergeant, as the norm to report such incidents and the value of honesty require? If the young officer decides to obey instead of denouncing the superior, they are behaving unethically by violating the values outlined in the code of conduct of the police service, while not necessarily breaching criminal law. In other words, they are not committing a crime, but the (in)action nevertheless can be defined as unethical. Corruption, crime and unethical behaviour are often difficult to differentiate from each other, since there are overlaps and the definitions can be subjective – differ according to the circumstances.

Within codes of conduct, there are discipline codes identifying types of police behaviour that are not essentially criminal behaviour but are considered unacceptable, and will specify the types of punishments that can be administered to those found to have violated the code. Codes of ethics, on the other hand, are typically aspirational, specifying the types of behaviour expected of police officers. Taken together these are among the documents that form the code of conduct, which is described at length in the following Chapter 2.

See Table 2, below, for a graphical explanation of the different types of offences.

Table 2: Depth and breadth offence

The 'X-axis' (left to right along the bottom) indicates how "widely" corruption is spread: from the one individual all the way to the right, which shows very widely spread corruption – or 'systematic corruption'. The Y-axis (top to bottom along the left) indicates how "deep" the corruption is: from common breaches of ethics that all officers confront daily (top) all of the way to the bottom where very "deep" or serious corruption is an actual criminal offence (breaking the law):

Type	Level		
	Individual	Organisational (unit, force)	Systemic
Breach of ethics			
Discipline code offence			
Criminal offence			

One practical implication of distinguishing three types of misconduct is that it explains why, in most cases, different agencies conduct investigations: some deal with relatively minor forms of inappropriate behaviour, while others focus on more serious breaches of the various types of codes. Nevertheless, corruption, crime and unethical or inappropriate behaviour are often difficult to differentiate from each other in the real world; specific actions and forms of inaction can be interpreted in terms of more than one of the three types of misconduct: 1) breach of ethics 2) discipline code offence and 3) criminal offence.

Example 1: Measuring corruption

Since official statistics on corruption – of all types, not just in the police – only ever can show the "tip of the iceberg", most analysts use perception based and experience based survey data to assess the scale and nature of the problem in a given state.

In 2003, the leading anti-corruption INGO, Transparency International, produced its first Global Corruption Barometer (GCB). The GCB was based on surveys conducted in forty-seven countries in 2002; the results from forty-four countries were considered valid. One of the five questions asked respondents to choose, from among twelve different agencies, the one in which they would most like to see corruption eradicated; in third place – after political parties and the courts – was the police.[14]

According to the 2009 GCB, respondents around the world were more likely to have paid a bribe to a police officer than to any other state official; almost one-quarter of all respondents who had come into contact with the police in the previous twelve months had paid a bribe to an officer, far more than the next most bribe prone group, the judiciary, at sixteen per cent.[15]

Another source of comparative survey data on police corruption is the EU Commission's Eurobarometer. A survey run on corruption in late 2009 revealed that Europeans are less concerned about police corruption than about corruption in other branches of the state, such as politicians at various levels and officials involved in public tenders and building permits.[16] While this might seem encouraging, closer examination of the data reveals that the public in the new member states (mostly transition states of Central and Eastern Europe) are more likely to believe there is widespread corruption in the police service than are the public in the EU15 (i.e. states that were already EU member states before May 2004); the respective percentages were fifty-three per cent and thirty-five per cent.[17] Probing deeper to individual states, the countries in which belief that police corruption had increased markedly since the previous Eurobarometer on corruption (autumn 2007) were Spain (up 27 points), Cyprus (24 points), Bulgaria (19 points) and Belgium (18 points).[18] There was no clear pattern at the level of individual states, with some developed countries, such as Belgium, performing similarly to some transition states, such as Bulgaria. At the other end of the spectrum, it was another transition state (Slovakia) – rather than a developed one – in which the perception of police corruption had most improved over the previous two years.[19]

3. The importance of tackling police corruption and inappropriate behaviour

This Section 3 of Chapter 1 explains why it is important to tackle police corruption and inappropriate behaviour, both of which harm the legitimacy of the police themselves and in some cases the state. At a less extreme level, reduced trust in the system can lead to dissatisfaction and less faith in the legal system and the rule of law. Table 3, below sets out many different types of misbehaviour with the more serious effects explained towards the bottom:

Table 3: Significance of police corruption and inappropriate behaviour

Setting an example	Police corruption gives a bad example for society. To encourage respect for the law, the state must ensure those responsible for implementing laws are positive role models. Setting an example also applies *within* police services; if senior police managers are serious about reducing corruption and inappropriate behaviour in the lower ranks, they also must act as good role models.
Declining police capacity	Apart from the most extreme effects – delegitimising and then bringing down a system – arguably the most significant reason why police corruption matters is that it results in public mistrust of the police, rendering it more difficult for the police to perform what should be their primary task, countering crime. As one leading analyst has argued: The critical ingredient in solving crimes is whether the public – victims and witnesses – provide information that helps police identify the suspect... On their own, police are relatively helpless, regardless of the resources they devote to criminal investigation.[20] Police disregard for the law can contribute to higher crime rates and lower clear-up rates.
International reputation	A state's international reputation can be damaged if police corruption is considered by other states and IOs to be serious and systematic. Other states may even consider it a serious security risk to themselves; for example if there is evidence of police involvement in transnational arms, drugs or human trafficking.
Justice & equality	If the public is to respect the law, they must be confident that the police themselves adhere to the law in general (there will always be *some* 'bad apples'), and that, in applying the law, they treat people equally.

Destabilisation of communities & weakening of state	Police corruption and inappropriate behaviour can destabilise communities. If corrupt police officers are engaging in racism or offering inappropriate protection to certain groups, this can cause or deepen divisions in society. At the same time, police corruption can harm states. If the state is a democracy, police corruption will undermine its ethical basis, so that overall legitimacy declines. In other contexts, such as failed states, there is a high correlation between perceived corruption levels and the annual Failed State Index produced by the Fund for Peace: so called failed states are among those with the highest perceived corruption levels.
Moral decline	A serious result of police corruption is weakening ethical standards in society. If the public perceives police to be benefiting from corruption, this could lower their own moral standards and make them more willing to engage in criminal behaviour. In short, police corruption can promote a spiral of general moral decay.

4. Building an ethical police service

This Section 4 outlines several approaches that can be and have been adopted by national and international authorities to reduce police corruption and improve police ethics. This section examines four questions:

1. **How** can police corruption and inappropriate behaviour be tackled?
2. **Who** should be responsible for tackling corruption?
3. **Where** should the focus be?
4. **What** are the conditions for efficient anti-corruption measures and the difficulties encountered?

4.1. Methods for tackling police corruption and inappropriate behaviour

This is the answer to the first question to be answered when building an ethical police service: How can police corruption and inappropriate behaviour be tackled?

Methods that can be adopted by states and IOs are classified under three general headings – *legal*, *administrative* and *educational*. Each of these methods can be subdivided further as described below:

4.1.1. Legal methods for tackling police corruption

4.1.1.1. Punishment

Authorities must be seen as treating police corruption and other forms of misconduct seriously. Police officers who engage in inappropriate behaviour often are treated leniently by their superiors; in many countries, the police act with impunity. This is undesirable on its own, but also sets a bad example to other police officers. Unless there are good reasons not to, punishments should be widely publicised, at least within police services themselves. 'Naming and shaming' is advisable so other police officers learn what constitutes inappropriate behaviour from their colleagues' misdemeanours and that these actions will not be tolerated. It also gives officers confidence that inappropriate behaviour will be addressed.

4.1.1.2. Improving legislation

Surveys of police officers demonstrate there is sometimes confusion over what exactly are corruption and other forms of inappropriate police behaviour. A common reason for this is laws that do not adequately define terms, contain loopholes, are confusing and/or unclear – or, in extreme cases, do not refer to a particular behaviour. If police corruption is to be reduced, laws need to be amended or new ones passed to address these issues.

4.1.2. Administrative methods for tackling police corruption

4.1.2.1. Recruitment and rotation

Recruitment should ensure all appointments are made on the basis of qualifications and suitability (experience, personality, etc.) for the position – not who they know. There must be clearly pre-defined criteria for appointing police officers, including minimum educational standard required (see Chapter 8).

One important way of checking applicant suitability is through tests. These 'aptitude' tests should measure physical skills (e.g. reaction times), but also mental and psychological skills (e.g. how well can applicants assess a critical situation and decide on a suitable course of action). There should be questions designed to assess an applicant's attitude towards violence and various forms of inappropriate behaviour.

Several countries have introduced rotation (i.e. regularly moving police personnel from one department or unit to another) as a way to reduce opportunities for the development of overly comfortable relationships with fellow workers that are conducive to the growth of corruption networks. Most advocates of this practice argue that a maximum of three years in any one office should be the norm, though some authorities rotate senior police and security officials more frequently.

Research conducted in India[21] reveals some potential drawbacks to rotation: managers of different offices or departments may cooperate to ensure they 'swap' personnel they know are willing to engage in corruption. Another potential drawback is that organisations can lose the advantages of experience, developed skills and "institutional memory". Rotation, therefore, should be used cautiously.

4.1.2.2. Working conditions

When police working conditions are less than optimal, there is an increased risk of widespread corruption. The most basic condition related to corruption is salary. If police officers are not paid in full and regularly (or even not paid at all), there is a greater likelihood of corruption. Another issue is how payment levels relate to the society at large. If police salaries are much lower than what police personnel could earn in less demanding jobs in the private sector, some will justify unethical or inappropriate behaviour on the grounds that they are not being treated properly by their employer. Authorities therefore need to monitor working conditions on a regular basis and address problems as they arise.

4.1.2.3. State involvement

The amount and type of support states give their police officers will impact levels of loyalty and ethical behaviour. A common reason for an increased inappropriate behaviour is lenient sentencing, or at least the *perception* that judges are being too soft on police officers who are involved in corruption or inappropriate behaviour. In theory the police should perform their duties unquestioningly, but such an approach is unrealistic and counterproductive; police officers do have opinions, and states need to address their concerns.

States can adopt a 'double approach' when dealing with concerns of leniency towards corruption and inappropriate behaviour.

1. Sentencing patterns need to be analysed, and both inconsistencies and tendencies towards unjustified light sentencing identified and improved.

2. States should enter into discussion with police officers to get a clear picture of the concerns of police personnel and to explain and justify sentencing patterns (assuming the state considers them to be appropriate).

4.1.2.4. Changing gender balance

Authorities of several states have sought to reduce corruption among police by changing the balance of men and women. In the 1990s, authorities in Mexico City attempted to address a serious problem of corruption among their traffic police by converting the service to an all female one.[22] Changing the gender balance, so that female officers constitute a majority or even an entire section, might be only an advantage in the short term. The limited evidence available suggests that it is probably less the gender factor than the durability of a group of officers that is the main determinant of the likelihood of engaging in inappropriate behaviour. It takes time for a new group of officers to develop mutual trust, and even longer for that mutual trust to extend to collaboration in corrupt practices. Bonding and trust between men and women is typically not as strong as between members of the same sex – so the best arrangement is a service of roughly equal numbers of men and women, who will keep an eye on each other.[23]

4.1.2.5. Codes of conduct

Rather than punish police officers for past bad behaviour, the adoption of new codes of conduct may be seen as a more positive, forward looking approach, designed ultimately to change police culture (see Chapter 2).

4.1.2.6. Risk and opportunity assessments

While almost any aspect of police work can be exploited by unethical officers, some branches are more conducive to serious and systemic corruption than others. Divisions that deal with highly profitable ongoing forms of crime (i.e. as distinct from one-off or essentially random forms, such as major bank robberies) typically provide significant long term opportunities for serious cases of corruption.

It is not only criminals who can offer substantial bribes to police officers; another high risk area is where contracts for supplies to the police – such as cars or ammunition – involve police decision makers. In the mid 1990s there were allegations that a number of suppliers to police services in several German provinces had paid bribes to ensure the award of contracts.[24] This appears to be a common site of police corruption in many countries.

If state authorities need to prioritise their efforts to combat police corruption, they must identify those areas of police work most likely to offer the greatest opportunities and rewards, and concentrate on them. In short, they need to conduct risk assessments. In many countries, one high risk area is drug squads. In countries in which prostitution and/or gambling is illegal, another is vice squads. Risk assessments should also focus on the awarding of supply contracts and on tightly regulated borders.

4.1.3. Educational methods for tackling police corruption

In examining how education can help to reduce police corruption, the most obvious audiences are the police and the general public; others include politicians and the media.

4.1.3.1. Seminars

Seminars for police officers should be conducted regularly so as to raise awareness and update it – awareness of what is and is not acceptable and what has changed. Values are not static; what might have been acceptable a generation ago may no longer be tolerated. This dynamism needs to be conveyed to police officers on a regular basis; training only in the early stages of their careers is not sufficient.

4.1.3.2. Campaigns

There are two main types of campaign. One – the more effective – is where states undertake a public awareness campaign about what corruption is and why it is unacceptable. The state also can educate the public about the best ways to inform the authorities about known or suspected police corruption and other inappropriate behaviour (for example, via anonymous and free telephone hotlines). The second type is where politicians publicise an intensive drive to reduce corruption. It is now widely acknowledged that this second type of public anti-corruption campaign is often not merely ineffective but actually counter-productive. Publicity campaigns often are undertaken promising to reduce or even eradicate corruption. This is sometimes part of the run-up to an election. When the public realises that little or nothing has changed, cynicism may develop with a belief that the campaigners were either incompetent or attempted to mislead the public for political gain. For this second type of campaign to be effective, they need to be short, sharp, infrequent and show tangible results (e.g. well publicised severe punishments for high ranking officers found guilty of corruption or abuse of office).

4.1.3.3. Role modelling

A significant cause of continuing and growing corruption among junior police officers is poor role modelling from senior officers. If police corruption is to be reduced, it is vital that senior police officers set a good example – and that those who do not are appropriately punished.

4.2. Avoiding potential dangers of privatisation and outsourcing in policing

The trend for states to transfer tasks to the private sector – from government to business – through either privatisation or outsourcing, has intensified since the end of the 1970s. Three aspects of this tendency are directly relevant to police corruption:

- First, it typifies a shift in focus towards goal achievement (ends) rather than due process (means): achieving the desired objectives (often best cost-benefit ratios) becomes more important than 'going by the book', which in turn can promote an unethical mentality.
- Second, the approach is often based on 'rational' decision making and cost cutting, and is little concerned with subjective concepts such as social capital or loyalty. While most police services have not suffered from the radical downsizing experienced by other state offices in recent decades, their members have been subject to the same general socialisation as the rest of society. Loyalty is a two-way street, and if officers believe that the state is not rewarding their diligence and loyalty, they may be more willing to engage in inappropriate behaviour – especially if doing so would be seen as a sign of solidarity with the public who *do* respect loyalty, namely their colleagues.
- The first two outcomes are general, the third is very specific – namely that some police services have been encouraged or even required to seek a share of their funding from the private sector. There are potential risks in this kind of approach,[25] since some sponsors may expect special treatment from the police (for example, if caught drunk driving). If police services require private sponsorship because of inadequate state funding, and if private sponsors are genuine in their desire to help the police and society rather than themselves, 'blind trusts' can be created. A blind trust is a special legal arrangement in which separate persons ("trustees") manage funds and investments without the owner and those who directly benefit having any knowledge of the details.

4.3. Responsibilities for tackling corruption

One of the most difficult problems in tackling police misconduct is determining **who** should be responsible for addressing it. Considered here are the roles of the police themselves, national governments, IOs, foreign governments, non-state actors and the public more generally.

4.3.1. The police

Internal control and supervision, especially for less serious police misconduct (primarily ethical breaches and code of conduct offences), are often an effective tool against corruption and other forms of misconduct. Police managers have a particularly important role to play in this, especially for individual or small scale corruption (as distinct from systemic corruption); in some ways, their role is as important as that played by middle and senior managers (see Chapters 6 and 7). There are problems, nevertheless, in expecting any group to supervise itself. The likelihood of either a cover-up (by sympathetic investigators) or an over-reaction (by zealous investigators keen to improve the police's image) is high.

4.3.2. National governments

As the ultimate authority over and primary funder of police services, national governments have an important role to play in tackling police corruption. One of the most effective ways is for governments to establish anti-corruption commissions. The key feature of such commissions is that they *must* be independent of the police themselves. There is abundant evidence that it is in most cases pointless – even counterproductive – to expect the police adequately to control their own behaviour (see Chapter 6).

Early examples of anti-corruption commissions were often responsible for oversight of corruption in the state sector generally; among the best known are Singapore's Corrupt Practices Investigation Bureau (established 1952), Hong Kong's Independent Commission Against Corruption (established 1974) and New South Wales's Independent Commission Against Corruption (established 1989).
More recently, several countries have established dedicated 'independent' commissions specifically for addressing police corruption. A good example is New York's Commission to Combat Police Corruption. This was established in 1995 following the publication of the Mollen Commission Report,[26] and is, according to its official website, 'completely independent' of the New York Police Department. It produces a detailed, publicly available annual report. Another example is Slovenia, which has an independent commission under parliamentary control. Slovenia developed its internal legislation to tackle corruption soon after its independence from an autocratic non-democratic government, the former Yugoslavia.

4.3.3. International organisations and foreign states

There are many ways IOs can contribute to the struggle against police corruption. One is to encourage different countries to agree on common definitions of corruption, police, etc. The UN, Interpol and World Bank are three examples of IOs that have made major contributions in this area. Another method is to make aid conditional: if a state is seeking assistance from outside agencies, those agencies can use both the carrot (better resourcing, membership of Western organisations such as the EU, etc.) and the stick (withdrawal of funds, sanctions) to encourage state elites to adopt measures likely to reduce police corruption and inappropriate behaviour. IOs can provide training (e.g. in ethics) and equipment to help reduce police corruption. Finally, IOs have an important role to play in spreading and demonstrating 'best practice' examples to states that seem to have difficulties in developing clear strategies for tackling corruption problems.

.4.3.4. Civil society (non-state actors)

While states and IOs have important roles to play in reducing police corruption, good governance[27] involves a variety of agencies. One is civil society. This is another contested term – for our purposes, civil society comprises four elements:

1. Mass media
2. NGOs
3. Private business sector
4. General public.

Each of these actors has a role to play. The media should act as a watchdog, and engage in responsible investigative journalism. They also can be a valuable source of communication, campaigning against police corruption. Transparency International exemplifies the important role that domestic NGOs and INGOs can play as watchdogs and in proposing new methods for combating corruption. Both the private business sector and the general public can refuse to pay bribes to police officers and can report them. Reporting constitutes a prime example of where governments, IOs, NGOs and the public can cooperate: governments, IOs and NGOs can establish and fund telephone hotlines that the public can use to report police corruption (either anonymously or requiring self-identification).

One of the most important ways in which civil society can control police corruption is through greater contact and interaction with the police. It now is widely accepted that community policing, whereby the police and local communities increase their contact and police increase their visibility, is one of the best methods for improving both policing and trust in the police. The concept of community policing is discussed in greater detail in later chapters.

4.4. Where should the focus be?

Certain types of police work and certain contexts increase the likelihood of police corruption. Economic approaches to corruption often focus on cost-benefit analysis: other things being equal, where the benefits (gains) clearly outweigh the costs (e.g. the risk of being caught and the likely punishment if one is detected), the incentive to engage in criminal behaviour is high. Alternatively, a popular criminological approach emphasises "opportunity structures": some activities offer much better opportunities for corruption than others – for example traffic police. These two approaches are compatible and when combined can provide clear pointers to the areas of police work likely to be particularly prone to corruption. In summary, where the potential benefits are high and opportunities common, the risks of serious police corruption increase.

4.5. *What* conditions for efficient anti-corruption measures and difficulties encountered?

4.5.1. Support of all concerned actors

It is important that all stakeholders be actively involved and strongly supportive if police corruption is to be contained and reduced. It is not enough for government agencies to adopt anti-corruption measures if public opinion is not supportive of – let alone hostile to – such measures. The stakeholders include political elites, government bureaucracies, NGOs, IOs, INGOS, the mass media, the general public – and the police themselves.

4.5.2. Clarity of measures and objectives

If there is ambiguity in legislation or other measures adopted to tackle corruption, those measures are likely to be unsuccessful. It is vital that objectives are clearly formulated and that the measures adopted to reach those objectives are suitable and achievable.

4.5.3. Resources

Resources must be appropriate to and adequate for the task. Sufficient material resources (e.g. funding, equipment, software, etc.) are necessary but not sufficient. Another vital resource is human. Those involved must be committed, and there needs to be adequate knowledge, expertise and experience among those charged with addressing the issue. A final resource is time. tackling police corruption needs to be an ongoing project: there are no 'quick fixes' and those primarily responsible for addressing the problem need to be given adequate time to analyse its roots in specific cultures and contexts, as well as to develop, test and then implement and evaluate appropriate strategies.

4.5.4. Awareness building

It is clear awareness of what corruption is and how damaging it can be needs to be substantially raised in many countries. The importance of raising awareness among the public – not only that police corruption is wrong, but more importantly that there is something the public can and should do about it – should be encouraged. As previously noted, national governments, NGOs, INGOs, IOs and the mass media all have a role to play in this.

At the same time, an issue that is sometimes ignored is the need to raise awareness among police officers themselves, stressing the potential harm corruption can inflict. That attitudes among police officers themselves are often inappropriate – too tolerant of at least some forms of corruption within their own services – is shown in the many attitude surveys conducted among both police recruits and seasoned officers (see the surveys listed in 'Additional resources').

4.5.5. Action plans

To convert concern about police corruption into practical reactions, agencies and officers responsible for tackling corruption need to prepare and implement action plans. These plans will:

- Identify what appear to be the main sources and locations of corruption.
- Propose concrete measures for addressing these sources.
- Identify the agencies to be responsible for implementing these measures.
- Specify a clear division of labour between agencies.
- Provide timelines for adopting concrete measures and achieving specified objectives.
- Elaborate the monitoring processes to be deployed and the criteria to be used in assessing the success rate of the action plan.

It is important that action plans and each of their component parts are realistic. For example, deadlines need to be close enough to act as motivation, but not so immediate that it is impossible to meet them since missing deadlines can result in despair and negative attitudes among those in charge of implementing the plan (see Chapter 8).

5. Improving police behaviour in specific contexts

The international community often has learned the folly of attempting to impose 'one-size-fits-all' solutions to problems that might appear similar in different countries, but really result from very different contexts and cultures. This section addresses this issue by considering problems of police behaviour, how they have been addressed and what more could be done, in four different contexts. It is important to note that these contexts have been isolated here for the sake of a clear analysis; in the real world, the distinctions often are blurred – especially among post-conflict, transitional and developing states.

The culture in a country can be a major factor explaining why it has a higher or lower than average level of police corruption, but this variable is easy to exaggerate. The best predictors of corruption levels are related to economic development and political freedom: poorer and less democratic countries usually have higher levels of corruption. It is important to be cautious of the concept of 'normal'. Some cultural explanations of corruption maintain that corruption is treated by the public in a particular country as 'normal'. There is an important difference between a situation in where the public believes corruption is widespread and thus the 'norm' to which the public is basically indifferent (accepting or tolerating culture), and another where the public believes corruption is widespread and are powerless to do anything (helpless or hopeless culture). While it is important to be sensitive to cultural difference, those trying to tackle corruption should not be misled by national elites who use culture as an excuse for high corruption levels, but in reality are defending their own personal interests.

5.1. Post-conflict countries

Post-conflict countries often experience particularly big problems with police corruption and other forms of inappropriate behaviour. An example is Angola, which experienced a civil war from 1975 to 2002. In 2007, a leading INGO published results of an investigation into police behaviour during the period 2005–2007 and identified a several types of misconduct.[28] One of the most common was where the police had failed to transition from more violent methods that are common in wartime to methods appropriate to a more stable peacetime context. The long duration of Angola's civil war meant there were few police officers who had experience in peacetime police operations, so there was a deeply entrenched culture of dealing with issues with violence more typical of war.

One lesson to be learned from Angola is the international community needs to put greater effort into addressing post-conflict situations in countries involved in long term conflicts than in countries in where the conflicts have been short and many police officers can be expected to know from personal experience the appropriate way to act in a 'normal' (i.e. non-war) situation. Another – which applies to most post-conflict societies – is police services need to be representative of various groups that had been in conflict. See Table 4, below for other considerations related to post-conflict countries.

Table 4: Considerations and approaches related to corruption in post-conflict countries

Country setting: Post-conflict countries			
Extent of corruption problem	Main corruption problem/s (variable)	Importance of political context	Strategic assessment process
Extensive	Capture of the political sphere; links to militia groups, organised crime involved in drugs, other trafficking (high profits a threat to police integrity); police brutality; persistent ethnically based favouritism.	Critical; political will often lacking; resumption of hostilities will undermine reform process; previous governance systems will usually be in disarray & require substantial rebuilding.	'Nation' sense weak; broad vision for country important for police reform direction. Vision document can provide change. Must fit 'big picture' of country. Broad consultation needed or will lack support; should include rank & file & public; SWOT useful. Assessment must address how to deal with organised crime, ex-combatants.
Extent of corruption problem	Change management approach	External (foreign) support required?	Role for civil society
Extensive	Comprehensive; requiring capacity building given limited indigenous experience. 'Unfreezing' will require range of techniques within the organisation. Force field analysis might be used to identify what needs to change to enable movement. Training facilities and resources will need to be built from scratch in many instances (requiring external assistance).	Yes, expertise and extensive material support over medium to longer term. Needs to include economic and social development programmes, especially in drug cultivation and conflict resource areas.	Crucial for building support for change; legacy of public mistrust must be addressed; ethnic and other divisions must be addressed to ensure absence of bias in consultation, training, etc.

Ideally, domestic security in post-conflict countries is provided by the countries' own police services. It is often necessary for external forces to provide security in the early stages after the conflict; reasons for this are the country's own police service can vary from being 'corrupt, incompetent, abusive, or some combination of these'[29] to non-existent. In the earliest post-conflict days, it is often external *military* forces – typically UN or NATO – that assume responsibility for domestic security.

If these external forces are to build trust in an unfamiliar environment, they must be seen to be acting in a consistent and law abiding manner. One common problem is the foreign police officers have much higher disposable incomes than locals, some of which they use for improper purposes. There is evidence some members of the International Police Task Force in post-conflict Bosnia-Herzegovina boosted illegal prostitution and human trafficking in that country by paying prices that were high by local standards.[30] Their behaviour upset much of the local public and reduced trust in and respect for the police.

External police services must attempt to 'reach out' to the local public, in part through development of community policing. In addition to the obvious practical advantages (police knowledge of local languages and traditions) there needs to be mutual trust. The negative correlation between this trust and misconduct (i.e. the more there is of the latter, the less there will be of the former) is an important factor to be recognised by IOs attempting to build or rebuild effective and legitimate institutions in post-conflict societies.

Summary of areas to focus on in post-conflict countries

- Replace military techniques of policing with civilian techniques.
- Ensure representativeness of the various citizen groups are within the police service.
- Increase the sensitivity of foreign police officers to local customs and concerns.

5.2. Transitional countries

Transitional countries are those undergoing fundamental and rapid change following a revolution (violent or peaceful). Usually such change is primarily political and social – from a type of dictatorship to an emerging democracy.

A common problem in transitional states is that there is a gap in time between the overthrow of the old regime and its legal system and the stabilisation of a new system and the adoption of new, post-revolutionary legislation; this is the problem of legislative lag. Even when such legislation is adopted, lawmakers' lack of experience of the new type of system means that the first versions are often deficient; there are ambiguities and loopholes. The new system remains transitional as long as it is still essentially working *on* new rules rather than *under* them. This lack of clarity renders system legitimisation more difficult and is highly conducive to corruption. In addition, the sheer pace of change can intensify the sense of uncertainty and insecurity in society, which can affect police officers just as it affects the public.

Another problem that appears to be particularly acute in transitional states is rapid societal and political changes accompanied by increases in criminality. The authorities sometimes react to this by substantially increasing the number of police recruits, often lowering their entry standards, which happened in El Salvador (simultaneously a post-conflict and a transitional society).[31]

See Table 5, below for considerations related to post-conflict countries.

Table 5: Considerations and approaches to corruption in transitional countries

Country setting: Transitional countries			
Extent of corruption problem	Main corruption problem/s (variable)	Importance of political context	Strategic assessment process
Extensive	Old regime influences & loyalties endanger real change; petty extortion; organised crime links; police brutality; grand corruption.	Critical; political will often lacking due to elite corruption in old regime; lack of public trust in government institutions as a result. Broad governance reforms required.	Vision document can provide general change direction. Must fit country's 'bigger picture'. Broad consultation should occur in its production or it will lack implementation support; consultation should include rank and file and members of the public. SWOT useful at organisational level. (See Glossary & Chapters 2 & 9).
Extent of corruption problem	Change management approach	External (foreign) support required?	Role for civil society
Extensive	Comprehensive, requiring capacity building given limited indigenous experience. 'Unfreezing' will require range of techniques within the organisation. Force field analysis might be used to identify what needs to change.	Yes, expertise needed, less need for material support than in developing or post-conflict cases.	Crucial to building support for change; legacy of public mistrust must be addressed.

| | Incentives for change need to be built into process, e.g. rewards for submitting to vetting, passing training courses.

Training facilities & resources can be modified to suit reform process. | | |
|---|---|---|---|

In the case of post-communist transition states, three additional factors contribute to police corruption. First, unlike transition states in Latin America, Southern Europe and South Africa, post-communist states needed to replace the political system but also the economic system; within a short time, they sought to shift from an overwhelmingly state owned and centrally planned economy to a predominantly privately owned one run mainly on market principles. In many countries this economic transition was accompanied by much questionable accumulation of wealth, and substantially increased economic inequality. This resulted in widespread resentment, as the 'losers' in post-communist transition assumed that many of the new 'winners' had become wealthy via crime. Many police officers knew from their own experience that some of the new wealth had been acquired via improper and sometimes explicitly illegal means.

The second factor is that most communist states had large secret police forces. Many of these agencies' officers lost their positions following the collapse of communism and the emergence of governments determined to distance themselves from the physical and psychological terror of the previous system. Retrenchment led many former officers to become alienated and thus susceptible to tempting offers; they were attractive to criminal gangs because of their insider knowledge of police operating procedures, their weapons training and often their access to weapons.

Thirdly, post-communist transition states experienced 'moral vacuums' following the collapse of communism. In the Latin American and Southern European dictatorships, authoritarian leaders generally did not attempt to suppress religious organisations or other societal institutions outside of government. In contrast, communist states propagated a 'socialist ideology and morality' in every aspect of life. Religion and any formalised morality outside of official state beliefs were strongly discouraged. When the states fell, entire systems of ideology and morality also collapsed. This moral vacuum is another factor explaining the peculiarities of corruption in many transition states; awareness of it is important in devising effective anti-corruption strategies.

Not all problems in transition countries are easily solved, but as long as elites are willing to accept this, assistance from external agencies can reduce their impact. Areas in which external agencies can help include good governance, institution building and the creation of a market economy in which private property dominates. Transition state elites should also be discouraged from justifying criminal or quasi-criminal wealth creation. Making membership of organisations that transition states want to join, such as the EU, conditional on reducing corruption is another effective method external agencies can use to reduce police corruption.

Summary of areas to focus on in transitional countries

- Be aware of gaps in legislation conducive to inappropriate behaviour.
- Be aware of the potential dangers of rapidly expanding the size of a police service.
- Be aware of the factors likely to alienate current and former police officers.

5.3. Developing countries

Police services in developing countries, typically, are subject to poor working conditions and are under-resourced. It is common that they do not operate in a well developed legal culture.

As with many transitional countries (especially post-communist ones), another feature of most developing countries is that civil society is poorly developed; for example the media are often under the control of the elites. Given this reality, it is often primarily the international community that can effectively tackle elite corruption; this can have positive effects at lower levels, including in police services.

Table 6: Considerations and approaches to corruption in developing countries

Country setting: Developing countries			
Extent of corruption problem	Main corruption problem/s (variable)	Importance of political context	Strategic assessment process
Extensive	Partisanship and nepotism; connections to organised crime groups; petty extortion (traffic checkpoints). Grand corruption (police leadership).	Critical; political will often lacking; lack of familiarity with formal governance mechanisms. Apparent high-level corruption will signal tolerance to members of police and other government institutions; broad governance changes needed to support police reform (judiciary, prosecutions, courts).	A vision document can provide a general direction for change. It will need to fit with the 'bigger picture' set for the country. Broad consultation should occur in its production or it will lack support for implementation; consultation should include rank and file and members of the public. SWOT analysis useful at organisational level. (For more on SWOT, see Glossary and Chapters 2 & 9).

Extent of corruption problem	Change management approach	External (foreign) support required?	Role for civil society
Extensive	Comprehensive, requiring capacity building given limited indigenous experience. 'Unfreezing' will require range of techniques within the organisation. Force field analysis might be used to identify what needs to change to enable movement. Incentives for change need to be built into process, e.g. rewards for submitting to vetting, passing training courses. Training & education resources often will be modest or lacking & need to be (re)built; provision for training illiterate police must be planned. International sanctions may be needed to encourage local commitment to change.	Yes, expertise and material resources assistance required. Wider social& economic inequalities must be addressed to reduce structural causes of corruption.	Civil society generally weak, so this sector needs to be developed. It is crucial to building support for change and sustaining accountable policing. Demand from this sector is crucial; public education campaigns can play a role; early visible improvements in basic policing for the public important in rebuilding public trust; public complaint systems need to be established, and effective protection of witnesses and informants established.

In addition, the average educational level of police officers in many developing countries is low. One practical ramification of this is that techniques sometimes need to be devised for conveying ethical messages in non-written form, since some police officers are illiterate.

5.4. Developed countries

The public in developed countries tend to be less tolerant of police corruption. Police personnel in these countries are generally recruited on the basis of qualifications and suitability and are reasonably and regularly paid. There is also a perception that the cultures of developed countries accept the rule-of-law. Yet numerous examples of police corruption in the developed world in recent decades have proven that it is all too common in affluent democracies.

Table 7: Considerations and approaches to corruption in developed countries

Country setting: Developed countries			
Extent of corruption	Main corruption problem (variable)	Importance of political context	Strategic assessment process
Variable (from isolated to systemic)	Often drug related.	Important; may need changes to laws; political will can be a problem.	Already practised in most countries; major problems often will be identified by media; risk assessment in corruption prone areas still evolving.
Extent of corruption	Change management approach	External (foreign) support required?	Role for civil society
Variable (from isolated to systemic)	Comprehensive, building upon existing analytical capacities. Need for transformative leadership to be clearly adopted (not always explicit).	No.	Yes, important; establishing consultation committees to look at public safety issues and systems for complaints ensures public accountability.

Unfortunately, despite various early analyses – such as the commission reports into police corruption in New York[32] and Philadelphia (Pennsylvania Crime Commission 1974) – and the proposals that were made for combating police corruption, numerous recent examples of police corruption prove that the problem is far from solved in Western democracies. While the available evidence suggests that developed states *do* generally have lower rates of police corruption than other states, the fact that there is still substantial corruption to warrant costly and time consuming investigative commissions proves that much remains to be done in developed states. While overall rates of police misconduct in less developed and less stable countries appear to be generally higher than in the developed world, much of the corruption is of an essentially petty nature (e.g. relating to the traffic police). If such relatively minor corruption were to be removed from the overall picture, the difference between developed states and other types of system becomes less pronounced.

Ironically, it may be that a major factor explaining corruption in developed states is precisely the rule-of-law culture; this, combined with growing public understanding of social problems, can frustrate police officers anxious to see offenders punished at a level those officers deem appropriate.

Summary of areas to focus on in developed countries

- Address the justifications police themselves give for noble cause corruption.
- Address those aspects of privatisation likely to increase police corruption.

6. Successful anti-corruption strategies

This Section 6 of Chapter 1 evaluates two successful anti-corruption strategies – long term coordinated action plans – that have been tried and assessed.

6.1. Singapore

A country often identified as having scored major successes in reducing the scale of corruption (both in general as well as police corruption) and maintaining low levels is Singapore. This provides a 'best practice' model. According to most corruption surveys, Singapore, for many years, has been the least corrupt of all the Asian states and among the least corrupt countries in the world. It is therefore worth paying attention to the measures it adopted for reducing police corruption.

The reasons for Singapore's success can be considered to be fourfold.[33] Firstly, political will – the commitment of the government – is the single most important variable in the success rate of anti-corruption measures. Secondly, salaries and working conditions, thirdly, recruitment and selection procedures, and fourthly, training and socialisation are the key elements of the success of the Singaporean strategy.

The Singaporean authorities decided police officers were less likely to be tempted to accept bribes if they were well treated by their employer. In 1972, following the 1971 Lee Soo Ann Salary Review Committee proposals, not only were substantial salary increases introduced for junior officers (twenty to twenty-five per cent), but also free medical treatment and free accommodation for married officers were provided. Conversely, it was stipulated clearly that officers were no longer permitted to have jobs outside the police service.

The Singapore Police Force (SPF) has not been totally immune to corruption. For example, a group of seventeen officers were prosecuted in 1999 in connection with the Ah Long San case (Ah Long San was an illegal moneylender). This case highlights another aspect of the Singaporean approach – rapid reaction. In the very same year the case came to light, the SPF introduced values training for its officers. The SPF has also adopted a practice that very few other police services have: rather than discuss police corruption merely in abstract terms, the SPF 'names and shames' corrupt officers. In short, it adds realism and detail to general analyses by citing actual cases.[34]

6.2. Hong Kong

Another example of a 'state' (initially a colony of the UK and now a special region of P.R. China) that has been particularly successful in reducing corruption, including police corruption, is Hong Kong. While it does not score as highly as Singapore in comparative corruption surveys, it invariably emerges as one of the least corrupt parts of Asia.

In an endeavour to reduce what was perceived to be rampant corruption, particularly in the police service, the Hong Kong authorities established the Independent Commission Against Corruption (ICAC) in 1974. This was created after mass demonstrations in 1966 and 1973, in which the Hong Kong public demanded that the authorities control corruption, especially in the police service. The 1973 public outcry against police corruption related to the case of a senior police officer who had accumulated assets far beyond the means of someone in his position and was under investigation for corruption. He fled Hong Kong before the investigation was complete, arousing public anger. In part to address this and to assess the effectiveness of the 1971 anti-corruption legislation. The Hong Kong authorities held a commission of inquiry, which recommended the establishment of a body, separate from the police and all other state agencies, to be responsible for investigating corruption. It was thus largely police corruption that led to the emergence of what is now one of the most highly regarded anti-corruption bodies in the world, Hong Kong's ICAC.

According to a former head of ICAC, Bertrand de Speville,[35] writing in the year Hong Kong's administration was transferred from the UK to P.R. China, almost a quarter of a century's experience since ICAC's establishment had indicated the most important lessons learned.

In addition, it is important to recall that Hong Kong established an independent anti-corruption agency; the police were not left to investigate themselves.

7. Conclusions and lessons learned – Chapter 1

Lessons to be drawn from the content of this chapter and related studies can be summarised by the following table:

Lesson 1	Comparative analysis shows a 'one size fits all' approach is wrong. While some aspects of police corruption and misconduct appear to be universal, others are unique to – or at least more salient in – some contexts and cultures. For example, developed states do not need foreign police services to help keep the peace and then build a new system in the way that post-conflict societies do, but may experience more noble cause corruption than the latter. *Risks* – A model suitable for one type of system is inappropriately applied to a different type of system. *Potential obstacles* – An outdated belief that there is only one 'correct' way of solving a problem.
Lesson 2	There is a need for far more awareness raising – education – among police officers of the ways in which corruption and other forms of inappropriate behaviour harm societies and can constitute serious security risks. It is not enough to communicate to police officers that particular forms of behaviour are unacceptable; they also need to understand *why* they are. *Risks* – Seminars or other educational media are too formal, insufficiently engaging or conducted by persons considered inappropriate by the target audience, so the underlying message is not accepted and hence not internalised by the police. *Potential obstacles* – Cost; officer resistance and cynicism.
Lesson 3	There needs to be more psychological and values testing of police officers – not only at recruitment, but also later in their careers. While psychological tests should be directed towards uncovering traits such as violence streaks and dishonesty, etc., values tests can determine how well (or badly) resocialisation programmes geared towards ethical issues are working. *Risks* – Poorly conceived testing can yield misleading and/or worthless results; insensitive testing can alienate officers. *Potential obstacles* – Shortage of suitably qualified psychologists to conduct such testing; resistance from seasoned officers.

Lesson 4	There is a need for more targeted and effective risk assessment by those attempting to reduce police corruption, and the adoption of specific measures designed to reduce the risk of corruption where it is clear that opportunities for inappropriate behaviour – temptations – are common. Specialist squads designed to combat ongoing criminal behaviour yielding large profits, such as most forms of trafficking, constitute one area authorities need to target. *Risks* – Alienating honest and highly competent officers by treating them more inherently more prone to corruption than their colleagues. *Potential obstacles* – Risk assessments being conducted by insufficiently qualified and experienced assessors.
Lesson 5	It is misguided to expect police services to supervise themselves adequately; this applies particularly to more serious forms of corruption and inappropriate behaviour. States that are serious about combating police corruption must establish and maintain genuinely independent anti-corruption commissions. *Risks* – Insufficient explanation and justification of the need for an independent commission, thus alienating officers. *Potential obstacles* – There can be difficulties in finding appropriate people to staff commissions in terms of expertise, experience and genuine independence from both the police and/or the political authorities.
Lesson 6	It is important that authorities act quickly once they discover a problem. Rapid reaction has been a feature of the highly successful approach in Singapore. *Risks* – In their endeavours to address a problem quickly, authorities may not investigate as well as they should, and may reach hasty conclusions that would have been different – more appropriate – had there been longer deliberation. *Potential obstacles* – Finding suitable personnel at short notice for a rapid reaction task force.
Lesson 7	There must be greater interaction between police and the public, and between police and the judiciary, to enhance understanding and trust on all sides. *Risks* – In a minority of cases, greater interaction may actually result in worse relations and understanding between police officers, judges and the public. *Potential obstacles* – Resistance by police officers to criticism by the public in face-to-face situations; resistance by the judiciary to criticism by police officers.
Lesson 8	Technology – including computer software, CCTV and computer linked cameras – is constantly evolving, and police services should where possible (e.g. if resources permit) make maximum use of the latest developments.

	Risks – Poor software design; resistance to surveillance if the reasons for this are not sufficiently explained and justified; inappropriate use of technology, particularly relating to police officers' rights to privacy. *Potential obstacles* – Cost and availability; insufficient numbers of adequately trained persons to apply the technology.
Lesson 9	Research suggests that labelling – what are called actions, programmes, etc. – is an important aspect of curbing corruption. For example, police officers often respond better to 'integrity programmes' than to 'anti-corruption programmes', even though the content of both programmes may be essentially identical. This is because the former sounds more constructive and less punitive than the latter. Similarly, requiring police officers to complete 'declarable associations' forms may secure higher compliance rates – and thus be more effective – than requiring them to declare 'improper associations'. *Risks* – Using a more positive label can blunt the effectiveness of a programme or approach; if a problem is particularly serious, the language used to describe it needs to convey this so as to maximise the impact of the message.
Lesson 10	A crucial factor in any attempt to reduce police corruption and other forms of inappropriate behaviour is political will. Political will is only a necessary, not a sufficient, condition; without sufficient state capacity to support political will, the latter will make little impression in the struggle to improve police behaviour. While the first of these is fairly obvious, it can easily be overlooked that tackling police corruption is never a 'one-off', completed project. States that are serious about reducing and containing police corruption must commit to a long term approach. Short term tactics are sometimes appropriate for specific instances of misconduct, but a successful struggle against corruption requires an ongoing strategy of socialisation and vigilance. *Risks* – The 'crying wolf' syndrome (i.e. leaders frequently declaring they will adopt measures to reduce police corruption and other forms of inappropriate behaviour, but then not delivering because of inadequate support), which undermines public confidence in the state. *Potential obstacles* – Inadequate funding; a resistant state bureaucracy.

SELF ASSESSMENT TABLE

Chapter 1 ▪ Introduction: Corruption and Policing

Having read this chapter, what is your reaction? Was there new information in this chapter that you could use to improve your police service? Are there changes that could be made in your police service?

Please find below a self assessment that will help you answer these and other questions. This basic assessment is intended to help you evaluate the situation in your own service, determine what, if any, changes should be made, and brainstorm means for implementing these changes. To develop a more comprehensive approach for applying the concepts learned in this chapter, training sessions or working groups could be organized to complement and build upon this assessment. In addition, it may be helpful to seek the assistance of national or international experts on matters of tackling corruption.

Issues / Questions	What to do to Improve on Weaknesses?	How to to it?
Have we assessed our exposure to corruption and inappropriate behaviour?	If not, we can: • Make an assessment of the situation by referring to Table 1 on page 35 of the chapter • Identify where problems exist • Decide on actions to take • Raise awareness of these issues	• Brainstorm • Appoint a working group • Hold a workshop • Consult an outside expert • If appropriate, conduct a public survey, analyse public complaints and liaise with other police services to develop and learn from best practices
Do police officers in our service consider certain corrupt or inappropriate acts to be acceptable?	If this is the case, we can: • Assess what corrupt or inappropriate acts are considered acceptable • Determine what officers/units are concerned • Define why these attitudes exist • Prepare and implement corrections	
Have we clearly defined what corruption and other forms of inappropriate behaviour are? (see Chapters 2, 5 & 7)	If not, we can: • Analyse current legislation and rules • Establish necessary rules and guidelines • Communicate them to police officers • Control their respect and punish deviant behaviours	

	• Adapt control system and investigation procedures
Have we developed or do we plan to develop an ethical police service?	If not, we can: • Assess the state of the situation • Identify where actions must be taken • Outline action plan (Chapters 2, 4 & 8)
How can we profit from the lessons learned as presented at pages 53-55?	We can: • Identify what is useful for our police • Assess how these lessons could be implemented • Integrate elements into action plan for establishing ethical police service

Values, rules and behaviour

■ Eric Cobut

1. Introduction to Chapter 2

This Chapter 2 examines values based management and how it can be an effective tool for curbing police corruption. The focus will be on the values, rules and behaviour that govern police work, and how to integrate them into the police in a manner that helps prevent corruption.

The structure of this chapter is as follows:

- **Introduction** defines the concepts of organisational culture, values and codes. This helps the reader understand process needed to foster integrity and prevent corruption.
- **Second part** presents several arguments for why values, rules and behaviour are important in the struggle against corruption.
- **Third part** presents a step-by-step process for integrating culture into the struggle against corruption.
- **Fourth part** discusses the relevance of organisational culture in the struggle against corruption in specific contexts, illustrated by real world examples.
- **Conclusion** offers several recommendations for changing the culture of an organisation for tackling corruption.

1.1. What is organisational culture?

In this chapter, *culture* is defined as the pattern of basic assumptions (values, basic principles) that a particular group of people have developed as they learned to solve problems of adapting to the outside world as well as integrating their own world. The development of these values and basic principles over time has worked well enough (in practical situations) to be considered the correct method of working, and therefore is taught to new members of the group.[36]

The definition of *organisational culture* proposes that the principles underlying culture are established on the basis of the organisation's goal (e.g. police missions). These principles are shared within the organisation and developed throughout its history. Subsequently, culture is learned and displayed in beliefs, values, norms, material 'artefacts' and verbal and non-verbal behaviour. These dimensions constantly interact with each other; their functioning follows the pattern in Figure 1, below.[37]

Culture is not static. It changes with time as new challenges and constraints emerge. Members of an organisation respond by incorporating new methods of work and new forms of behaviours. New solutions are invented, tested and, when appropriate, integrated into the culture.

Figure 1: Interacting dimensions of organisational culture
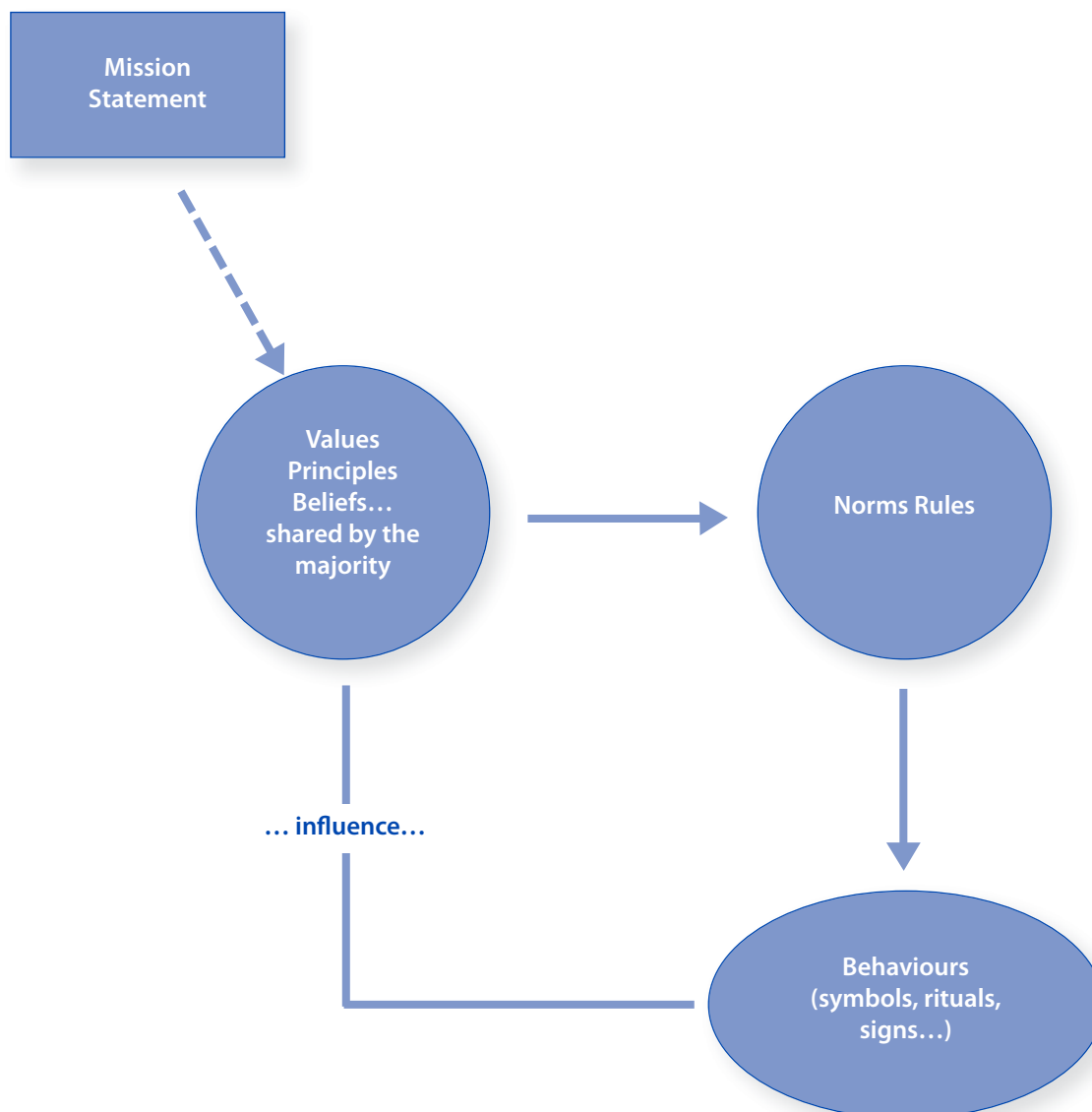
Values are general and abstract; they are related to the general principles that an organisation considers important. For each and every member of the organisation, each value is a guideline for reflection and action. The choice of these values depends on the characteristics of the organisation as well as its mission. In police services, the link between the mission and the values of the organisation comes from the great sense of 'mission' of police officers and their strong sense of identification with the police institution.

A *mission statement* is a short and easily understood text that sets out the mission, vision and values of the organisation. These values result in norms and rules, which are closely related, but not identical. A *rule* describes what should be done, implemented or respected (e.g. a police officer cannot accept a gift in exchange for a helpful act), whereas a *norm* merely 'records' normal or existing situations (e.g. corruption is incompatible with the job of police officers).

These norms and rules induce *behaviour*. Norms and values are more likely to be implemented properly (behaviour) by police officers in their daily work if they are clear and well defined. The choice and efficacy of these different elements are the responsibility of each police organisation. Organisations can look for inspiration in several recommendations from international institutions (see 'Additional resources').

1.1.2. Codes of Conduct

The values and principles of the culture and subcultures of an organisation are translated into norms and behaviour through codes of conduct. These can be in the form of 'guidelines', 'instructions' and/or codes of ethics, codes of deontology, and/or codes of discipline.

> Professional codes of ethics, deontology and conduct are often used simultaneously when addressing issues of ethics and conduct. French speaking countries mainly use the term '*déontologie*' whereas Anglo-Saxon countries prefer 'ethics'. This Toolkit generally uses the term 'code of conduct' to refer to the combination or mixing of all of these concepts.
>
> A code of deontology is different from a code of ethics, in that 'what is permanent is a matter of morality and ethics but what is contingent is matter of deontology'.[38] In terms of corruption, the code of deontology mainly emphasises what must/must not be done in order to act with integrity. Compared to a code of deontology, a code of ethics focuses on personnel's behaviour. It is a voluntary commitment made by an organisation to apply specific principles in the carrying out of its activities (see definition by OECD).

In practice, it is difficult to distinguish between different types of codes of conduct. It is important that distinctions be made between the different nature of these codes: some are more reactive (e.g. codes of discipline) and others are more proactive (e.g. codes of ethics and codes of deontology).

These different types of codes of conduct all deal with corruption and can complement each other. A police service cannot tackle corruption with only a code of ethics or only a code of discipline. Does this mean that police services should have many different codes? This is plausible, but reality has shown otherwise. Codes of conduct exist in different forms (laws, ministry memoranda, regulations) in all police services. Depending on their characteristics and the challenges they face, some police services place greater emphasis on ethics, others on conduct. The mixed solution is advantageous for several reasons:

- Can be based on *both* general concepts (ethics) and concrete elements (conduct, behaviour).
- Can be varied considering development level of the police service (i.e. post-conflict countries, transitional and developing countries, developed countries). Please see Box 1, below.
- Can be dynamic: changed any time without altering the basic concept (e.g. Quebec's code of conduct, which was first drafted more than twenty years ago, has been modified).

Box 1: The mix of codes can vary by region

The African Civil Services Observatory pointed out at the Fourth Biennial Pan-African Conference of Ministers of Civil Service in 2003 that the police codes of conduct found in African countries mainly deal with rules of law, general obligations or obligations specific to each service and not so much with ethical rules.

A police service with low corruption and implementing concepts such as 'excellent police function' or decentralisation would be more likely to emphasise ethics than a highly bureaucratic police service or a service with high corruption, whose code would most likely focus on describing 'appropriate behaviour'.

Links with other chapters

Certain topics discussed in this chapter are also developed in more detail in other chapters:

Chapter 1, the introduction
Chapter 3 on organisation
Chapter 5 on internal control
Chapter 8 on capacity building and
Chapter 9 on instruments.

Specific links will be indicated in the text.

2. Why are values, rules and behaviour important in the struggle against corruption?

When the people who have pledged to protect society are the source of corruption, abusing entrusted power for private gain, the first casualty is reduced trust between society and government. Rebuilding trust between the military, police, and government, and those they are supposed to protect is critical.[39]

The aim of this Section 2 is to present reasons why values, rules and behaviour are important for tackling police corruption. It will discuss factors that influence organisational culture. This section also will test the assumption of a singular unitary culture by showing the diverse nature of culture and subcultures within an organisation; and highlighting both positive and negative aspects of police culture in which specific values, rules and behaviour can be identified for tacking police corruption. The general purpose is to understand that rebuilding the values, rules and behaviour of the police services is the core of restoring trust between society and the police, as well as of the effective functioning of police services, which is damaged by corruption.

2.1. Change and its impact on organisational culture

The culture of all organisations and systems evolves over time. This evolution may result from several external and/or internal factors. Corruption may be fostered or hindered according to these change factors confronting organisational culture.

Depending on the circumstances, culture can change slowly or rapidly; continuously or in stages. It is important that such changes (internal and external) are identified when tackling corruption. For some examples of internal and external factors, see Table 1, below.

Table 1: Examples of internal and external factors

Examples of external factors	Examples of internal factors
A political decision (e.g. the Burundi government's decision to set up a national police service based on community policing and impose a code of ethics). A major crisis (e.g. the Belgian police services were merged as a result of a major dysfunction in a criminal investigation).	Strategic choices of management regarding functioning and structures (e.g. Bulgarian Ministry of the Interior introduced the 'management by objectives' system into the police). Consider this: a centralised structure facilitates control and uniformity whereas a decentralised structure facilitates flexibility and adaptability. (Chapter 3 for more information.)

Constraints imposed by international community (e.g. dealing with corruption in Bulgaria is the result of necessity to comply with EU standards).	Personnel diversity (e.g. Burundian police introduced quotas for women and specific ethnic groups).
Audit and investigation reports (e.g. Quebec's code of police ethics was adapted following the conclusions of an ethics inquiry).	Human resources management system adopted by organisation (e.g. participatory or authoritarian, skill or seniority based system).
Evolution of the socio-economic environment and the values advocated in society (e.g. citizens become more and more involved and expect the police to answer to them for their actions).	Role of labour unions (e.g. are they involved? Is the membership rate high or low?).
	Budgetary constraints make it harder to optimise and change.
Existing legal obligations (e.g. social legislation and legislation regarding well being at work).	Development of anti-corruption policy (e.g. anti-corruption plan of Queensland Police in Australia). It should be added this factor can be the cause or consequence of a mentality change.
Internationalisation of crime.	

2.2. One or several cultures?

A police service has overall values that can transcend the values of subcultures. The definition of culture suggests a single unit in which all stakeholders share common and consistent ideas. This *unitary* idea of culture is wrong. In reality, an organisation is made up of subcultures that manifest themselves in cases of conflicts.

There are at least three interrelated cultures in all organisations: the culture of operators (those who do the work), the culture of engineers (those who develop and control the technologies) and the culture of executives (those who run and manage the process).

The same applies to the police; the police are not a homogeneous whole.[40] They employ different people who perform different tasks: investigators, neighbourhood police, special intervention units, patrol officers, administrative personnel, etc. This division of roles encourages subcultures each with their own values and norms.

The consistency of the organisation will not change as long as these distinctive cultural identities remain consistent with the overall core values. These distinctive identities even contribute positively to diversity within the police service, thereby reflecting the diversity of our society. Subcultures are real, but it can be a problem if their values are in conflict with the core values of the organisation.

Strength of subcultures grows out of the peculiar characteristics and conflicting pressures of the job: ever present danger; hostility at the police because of their controlling role; vulnerability of police officers to allegations of wrongdoing; unreasonable demands and conflicting expectations; uncertainty as to the function and authority of officers; a prevalent feeling that the public does not understand what the police need to 'put up with' in dealing with the public; a stifling working environment; the dependence officers place on each other to get the job done

and to provide for their personal safety; and the shared sense of awareness, within a police department, that it is not always possible to act in ways in which the public would expect one to act.[41]

There may also be a conflict between two incompatible values (e.g. how can I, as a police officer, remain faithful and at the same time denounce my superior? How can I, as a police psychologist, comply with the code of conduct for psychologists – professional secrecy – and at the same time comply with the code of conduct of the police service for which I work?). These are both paradoxical situations.

In order to reduce this type of risk, rules and/or arbitration or control mechanisms need to be developed and implemented. For example, a provision may be added to the code of conduct to specify what protection is granted to a police officer who reports a problem; it can also be specified, depending on the characteristics of the job, which principles prevail over another, or a special body can be created to ensure the right interpretation and implementation of the values (see Chapter 4).

2.3. Positive and negative aspects of police culture

The positive side of police culture is that the organisational culture can provide moral support and generate team spirit within the organisation that is necessary for an effective policing role and for accomplishing tasks. It also may provide an officer a practical perspective on how to exercise his/her duty and justify a range of working practices not taught in training school. Police training is necessarily imprecise given the variety of scenarios that arise in the real world, as none is as clear cut as those demonstrated in the training environment. The police culture will assist a new officer in making sense of his or her role within the organisation.[42]

The moral support provided is one issue that has been identified as being both unavoidable and indispensable. The argument is that the nature of policing has its unique stresses and strains.[43] This means that officers may not be able to enjoy leisure and relaxation in their off duty hours without an encroachment of job related stress that is not found within other occupations. The unique perspective offered by some aspects on police culture can help in the process of rationalising police work.[44]

The negative side of police culture also is the result of the nature of police work. Police officers are regularly confronted with negative and conflicting situations. These situations can create an anti-social atmosphere in which prejudices, bigotry, bullying and discrimination can flourish.

Another aspect of police culture that can create difficulties and tensions within the organisation is its 'paradoxical' nature, as previously noted. Police officers are constantly confronted with paradoxes that may eventually become a source of discomfort and dissatisfaction. Some of these paradoxes include the following:

- Specialisation/versatility: police officers intervene in a great variety of situations in which the public expects them to perform quality work with a high level of professionalism.
- Quickness/availability: police officers 'leap' from one intervention scene to another. Every time, the public expects them to devote time to them.
- Application/autonomy: police officers have to act in an autonomous way and at the same time strictly obey the law.

3. How values, rules and behaviour can be integrated into the struggle against police corruption?

This Section 3 of Chapter 2 provides practical ways to use values, rules and behaviour (the organisational culture) for tackling police corruption and unethical behaviour.

It is important to highlight the *systems approach* that is characteristic of the struggle against corruption and unethical behaviour. A systems approach suggests that there is not just one way of tackling corruption within an organisation; it is by combining various actions that one can bring about change in the long run.

In other words, a multitude of means of action should be used in addition to organisational culture. These means can include implementation of external (e.g. general inspection) and internal (e.g. internal control service) control mechanisms, publication of legal texts on the prevention of corruption, basic and continued training, job rotations, separation of functions, external audits, whistle blowing, personnel assessment, structure of organisation, salary and more (see Example 1, below).

Organisational culture is an important factor in tackling police corruption, and at the same time the result of the high value placed on integrity. In other words, respect for integrity leads to the creation of control mechanisms (e.g. general inspection). On the other hand, the existence of the general inspection helps improve the integrity level of the personnel.

> **Example 1:** Queensland Police Service Corruption Prevention Plan
>
> The Queensland Police Service (Australia) adopted this systems approach by drafting its Corruption Prevention Plan 2009–2013. The plan is based on four pillars:
>
> 1) The Queensland Police Service (QPS) governance framework for corruption prevention
> 2) A strategic framework to ensure the QPS remains a corruption resistant organisation
>   - Strengthening the ethical culture
>   - Focusing on corruption risks
>   - The QPS framework for corruption prevention plans at district/station/work unit level
> 3) Individual commitment: 'Integrity is everyone's business'
>   - QPS Statement of Ethics
>   - Ethical Decision Making Tool 'SELF Test'
> 4) Education and Ethical Awareness.
>
> Each pillar includes actions needing to be carried out as well as performance indicators.

3.1. Improving the well being of personnel

A focus on the well being of police personnel can be combined with this values based approach to tackling corruption. It is one of the principles that characterise organisational culture and should be included in the code of conduct of a police service (as recommended by the CoE).

Regarding the prevention and tackling of corruption, the CoE establishes an important prerequisite: the necessity to respect police officers' social and economic rights*. More practically this means police personnel should receive social security and an appropriate salary as well as other health and security measures (well being at work).

The emphasis placed on this by the CoE can be explained by the fact that high corruption levels are found in organisations whose personnel are paid poorly and/or work in bad conditions. Within the police, some personnel, such as traffic police, border police, criminal investigators, personnel in charge of purchasing equipment and so on, are more at risk than others.

For underpaid personnel with financial and material problems in his or her private life, the temptation of corruption, for example by turning a blind eye to an offence, directing an investigation in one way or another in exchange for money or accepting a bribe when dealing with a public procurement order, is hard to resist. To prevent this type of problem, the European Code of Police Ethics** recommends that police officers should receive good pay as well paid police personnel are less likely to be involved in undesirable activities such as corruption.

3.2. Developing a process of integrating culture into the struggle against corruption

Change cannot be improvised; it needs to be undertaken carefully and methodologically. The aim is to present a process to develop actions tailored to corruption in various contexts. This process consists of a series of steps. After each step, choices need to be made that are essential to the rest of the process (see Chapter 8).

Step 1: Identify important values

The values and principles underlying the culture of the police result from the main goals the service pursues. To reach its goals, the police may favour one or several approaches, such as *community policing*, *crime fighter policing* or *intelligence led policing*. Each approach is based on various values and principles. Different values and principles are adopted depending on the chosen approach.

 * Article 32 of Recommendation (2001) 10
** see commentary on Article 32

Box 2: Links between values and policing approach

Community policing	Crime fighter policing	Intelligence led policing
• External orientation • Problem solving • Partnership • Accountability • Empowerment	• Law enforcement (the law is an end in itself) • Effect orientation (symptoms) • Reaction to incidents • Execution • Legal justification	• Goal making • Proactive and reactive work • Providing added value • Exchange • Goal orientation
Values/principles Trust, openness, availability, transparency, respect	Values/principles Discipline, bureaucracy (centralisation of procedures), isolated acts, secrecy	Values/principles Openness, critical mind, initiative, efficiency, effectiveness, cooperation

The second factor that needs to be taken into account is linked to the type of police's activities and the functioning of the organisation. Police culture differs according to the police environment, i.e. the combination of three variables: 1) danger 2) relationship of authority with the public and 3) effectiveness.

The values in the society are another very important factor that needs to be considered when identifying the values and core principles of a police organisation. Police officers are also citizens; they live in their society and are influenced by its values. Thus values can vary from one police service to another. As mentioned in the subsection on one or several cultures, values can also be different within the same police service.

Figure 2: Diagram of specific and common values of a police service
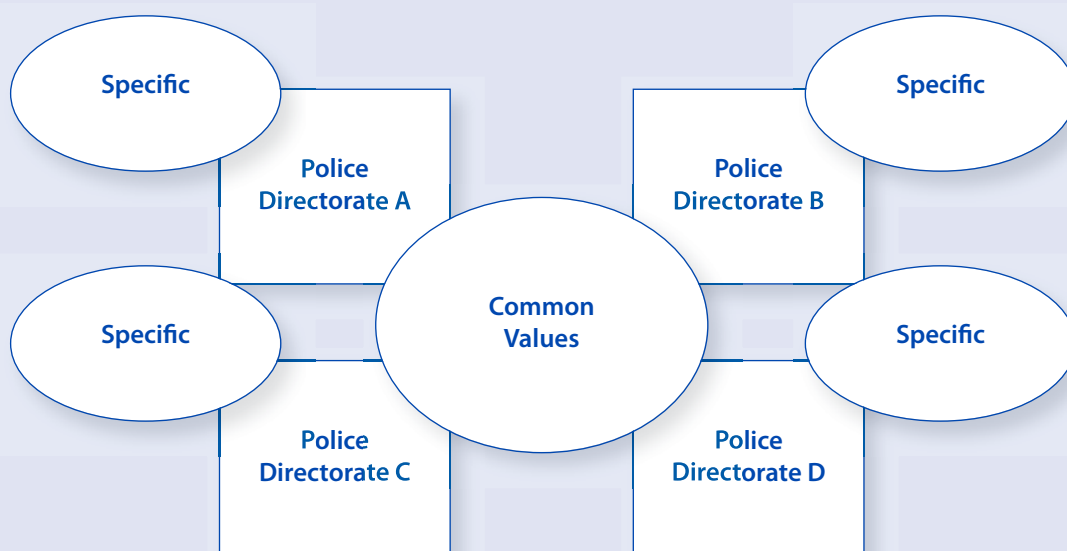
Some values are common to all police services, either because they are inherent to the working of the public service or because they contribute to making the police credible and reliable in the eyes of the people. Please see Table 2, below, for a discussion of some of these common policing values:

Table 2: Main values common to police services

Value	Implications for the police officer
Loyalty	Consists of: – obligation to serve – duty to obey – obligation to respect professional secrecy and duty of discretion – duty of reserve
Integrity	Can be seen in: – exemplarity ('showing the way' and respect for the principle of non-discrimination) – dealing with corruption – sense of equity
Responsibility	Concerns: – police staff assuming responsibilities at all levels – the liability that may be incurred by police services (penal and/or liability of the police officer)
Impartiality	Can be seen in: – objectivity – neutrality – non-discrimination
Transparency	Involves: – reporting (providing information, explanation and justification) to one's superior authorities (ministerial, judicial, administrative), partners (other organisations involved in security) and 'customers' (the public, associations) – safeguarding the rule of law
Availability	Involves: – responding to the expectations of the public, authorities and one's partners – acting jointly with those involved in security – being accessible for the public and authorities
Openness	Concerns: – everyone's right to liberty and security – the information of the public – the training of police officers (diversity recruitment, externally focused training)

Human dignity	Can be seen in: – right to life – prohibition of any act of torture, inhuman or degrading – treatment or punishment – respect for the rights and freedoms of others

Step 2: Measure the gap between implementation of objectives and actual situation

At this stage, the values the organisation seeks to implement have been identified. This does not mean that these values are shared by all the organisation's members. Therefore it is important to find out what the current values of the organisation are and to what extent they are implemented.

Comparing the actual situation with the situation one wishes to attain makes it possible to highlight the similarities and differences between them. This in turn makes it possible to identify the values that require particular attention and decide on the actions that are likely to influence them.

This phase of the analysis is essential, as it provides a snapshot of the situation. It also aims to identify the risks related to the implementation of a given value and the issues underlying it. These risks and issues can be of different types.

- They can be structural and functional; in this case they are linked to the functioning of the service, the organisation of work and the hierarchical levels.
- They can also be individual; in this case they are linked to individual expectations, the person's personality (psychological profile), the loss of motivation of some members and frustrations.

Several methods and tools of analysis can be used during this phase (see Chapter 9 for more discussion). Box 3, below, offers more examples and explanations of methods and tools.

Box 3: Methods and tools of analysis

- **Content analysis techniques**
Content analysis consists of summarising and quantitatively analysing messages. It relies on a scientific method (including attention to objectivity, inter-subjectivity, reliability, validity, replicability and hypothesis testing) and is not limited as to the types of variables that may be measured or the context in which the messages are created or presented.

- **SWOT analysis**
This tool can be used to analyse overall situation of organisation or one of its components (in this case organisational culture). SWOT matrix makes it possible to integrate into a single table the *strengths, weaknesses, opportunities* and *threats* of the environment of the organisation. (For more on SWOT, see Glossary and Chapter 9).

- **Direct observation**

A method for understanding behaviour as it occurs, without making use of any document or report.

- **Indicator analysis**

Indicators are parameters that make it possible to follow a process (input, activity, output and outcome). They can be internal or external. Indicators include:
    – Number of complaints lodged against police officers
    – Number of criminal convictions
    – Number of disciplinary measures
    – Citizens' level of satisfaction with and/or confidence in the police.

- **Questionnaire survey**

This traditional tool makes it possible to collect the opinions and experiences of all or many staff members.

- **Risk analysis[45]**

- **Effect indicators**

See Box 4 for examples of indicators.

- **Focus groups**

This is a survey method consisting of gathering people into a group on the basis of their interests and having them discuss a particular issue. It is a qualitative approach.

Each of the listed methods and tools has advantages and limits; each is also subject to bias and different interpretations. For example, the wording of questions in a questionnaire can have an influence on the answer given. That is why it is essential to compare the observations resulting from a particular technique to those made using a different method(s). For example, it would not be wise to place too much credibility in an opinion survey showing a high level of confidence in the police if statistics show high levels of criminal convictions, disciplinary measures and corruption complaints.

Step 3: Work out an action plan to implement desired values

The weaknesses, risks and issues identified in Step 2 can be used as a basis for setting goals in order to move towards the values the organisation wishes to implement. To reach these goals, action plans need to be developed.

3.2.1. Two level action plans

It is essential that corruption be addressed at the highest level of the organisation and be the subject of a policy. An integrity action plan, including actions for all police services, must be worked out for the entire organisation and approved by the management.

As previously mentioned, the police are not a homogeneous whole. The risks related to and issues underlying the work of the judicial police are not similar to those related to the work of the neighbourhood police, border police, traffic police, special units and so on. So the corruption related risks can vary according to the specificities of the concerned police service. Specific and complementary actions or action plans need to be developed at the different levels of the organisation in addition to the overall action plan.

3.2.2. Proactive and reactive approach

The goal of these general and specific action plans is to prevent acts of corruption. There needs to be a reaction to every incorrect act. These action plans should therefore combine two complementary approaches: proactive and reactive.

The *proactive approach* aims to offer support to staff members and provide them with 'guidance' about the decisions they have to make and the questions they ask themselves about integrity. This approach is especially intended to foster ethical behaviour. The list of proactive tools includes awareness actions (e.g. through communication), training sessions (e.g. interactive exercises to learn to resolve dilemmas, workshops), individual coaching for personnel (e.g. mentoring) and other supporting initiatives (e.g. an advisory and expertise centre for answering questions in the field of integrity).

The *reactive approach* aims to prevent and 'rectify' breaches of integrity within the organisation. The 'freedom of discretionary decision' of the personnel is governed by strict rules (e.g. discipline regulations), detailed procedures and thorough internal and external control (control bodies).

While the reactive approach provides a basic framework to guarantee the integrity of behaviour, the proactive approach enables those involved to be more 'ethically ambitious' and cope with complex integrity related dilemmas (see Chapter 5).

3.2.3. Codes of Conduct

In order to implement the values that have been identified within a police organisation, it is important to materialise and solidify these values through codes.

3.2.3.1. Which solution should be chosen?

There are different types of codes. Some police services have given preference to ethics (code of ethics for the police service of Northern Ireland, Interpol code of ethics for law enforcement officers), some to deontology (French National Police, Quebec Police, Burundi National Police) and others to conduct (Macedonian police, Queensland Police Service in Australia). Some have chosen a mixed solution (professional ethics and conduct code of the Latvian police). Furthermore, some codes have force of law, while others do not.

Other solutions are conceivable, such as a charter of values, particular directives and/or instructions (French National Gendarmerie) or statutory provisions (Police Act of the Swedish National Board with commentary). There is no perfect solution. All these methods have advantages and limitations. Solutions are usually combined with other solutions rather than being applied alone. For example, the organisations that use a charter of values usually draft and disseminate additional and more formal provisions in different forms. (E.g. the Belgian police services have both a professional code and a charter of values.)

The choice of the method depends on a series of factors:
- What methods are already in use?
- What are the characteristics of the current police system?
- What goal does one try to achieve?
- What is the context? (Transition? Merger and reorganisation?)
- What are the issues and challenges that the organisation will face in the future?

Codes having force of law are the result of governments' expressed will to grant them such a status. Generally speaking, it is up the government to decide what solution to choose. This does not mean that the police management are not involved in the decision process. Depending on the context, the police management can be asked by the ministry to draft a code having only a regulatory status or an informative value, or to supplement the code with specific guidelines or a charter drafted at their level.

3.2.3.2. What should the code of conduct contain?

In the introduction, on the definition of codes, it was identified that this chapter has a preference for professional codes focusing on both general concepts (ethics) and concrete situations (conduct, behaviour). Based on this mixed approach, we recommend that a professional code should treat the following aspects outlined in Box 4, below:

Box 4: Aspects of a code of conduct[46]

- *General aspects.* Loyalty, integrity, responsibility, impartiality, transparency, availability, openness and human dignity.
- *Behaviour related aspects.* These are covered in provisions dealing with the following.
  – Performance of duties with probity (providing criminals with information).
  – Donations, rewards, favours, privileges, gifts (acceptance, payment).
  – Conflicts of interest (sponsoring).
  – Incompatibilities (performance of another function).
  – Interference in non-profit activities (recommending a person).
  – Obtaining or attempting to obtain an undue advantage for a person in one's custody.
  – Proper use of public resources in and in connection with the fair and impartial application of the law.
  – Performance of policing functions.
  – Leaving the public service (a former public official should not use or disclose confidential information acquired by him/her as a public official unless lawfully authorised to do so).

> – The abuse of authority or power.
> – Information management (boundary between professional and private life).
> – Declaration of one's assets.
> – Political and public neutrality.
>
> – The prohibition for a law enforcement officer to act as such when he/she is not on duty, when he/she is physically outside his/her geographical jurisdiction or within the framework of legal cases that he/she is not empowered to deal with.
> – The requirement that some sensitive tasks, such as the questioning of suspects, should be systematically carried out in the presence of witnesses and, if possible, audio-visually recorded.

The list above could be supplemented with other elements such as risk analyses and putting in place organisational structures and control mechanisms (see the recommendations set out in the European Code of Police Ethics). In addition, the contents of a code of conduct can be drawn from other sources, such as national constitutions and laws.

3.2.3.3. Implementation of the code of conduct

A code of conduct is meant to be known, understood, accepted and implemented by all personnel. Therefore its implementation fits into a systems approach. This means that the actions carried out by the police should concern all aspects of their functioning: training, communication, human resources, leadership, policing procedures and control mechanisms. It is by building synergy among all those variables that the desired change can be brought about in the long run.

3.2.4. Training

It is essential that police personnel be quickly informed about the values of the organisation and adheres to them. Therefore, ethics should be included in the curriculum of the initial training. Ethics should be the subject of a specific course, but ethical rules and norms should also be integrated in all the subjects taught. A recurring reminder of these principles makes the change of attitude easier. Throughout their careers, police members have no choice but to maintain their knowledge and/or to specialise. Each opportunity they have to do so (continued training, specialisation training) should be used to go over the initial ethical principles again (see Chapter 8).

Example 2: The NYPD and corruption

In the New York Police Department (NYPD), corruption is given close attention throughout the career of its officers. Each time officers are promoted, they receive training to ensure they can handle increased responsibilities. New managers learn about ethical dilemmas from a management perspective in a programme called 'It's your move sarge!'. Here they are presented with a management dilemma and have to respond to the ethical challenges it presents. Officers undergoing this course are also shown videos of integrity tests performed on managers where they have failed to act correctly. NYPD new recruits receive a dilemma training course, undertaken by means of role playing, where officers are presented with various situations involving ethical dilemmas and have to make decisions about how to act.

3.2.5. Communication

Sometimes there is a lot of time between training periods so it is essential that a reminder of certain ethical principles related to corruption should be provided regularly. Internal communication actions can play a part in this by heightening the awareness of personnel and providing comment on certain principles. The choice of these principles is usually dictated by events, incidents and risks occurring in the organisation.

Example 3: Madagascar's strategy to tackle corruption

Saying or writing something is one part of communication, being understood is another. Madagascar is a relevant example of this. To tackle corruption, Madagascar created a national high council against corruption. The strategy of this body focuses on, among other things, popularising texts dealing with economic and financial crimes. Arguing by analogy, one could say that popularising and simplifying provisions related to police ethics help secure greater adherence by the personnel and at the same time greater involvement of people in corruption prevention.

Whatever the actions put in place, internally (for the personnel) and externally (for the citizens and the authorities), communication is an essential instrument for the implementation process. It is imperative that this communication be:
- repetitive: repeated in different forms.
- constant: long term or permanent.
- credible: objective.
- consistent: in line with the mission and the observed actions.

Finally, communication involves the individual, first and foremost, asking himself or herself questions such as 'Who am I?', 'What do I want to express?', 'How?', 'When?', 'To whom?' and 'Why?' With this in mind, the Queensland Police Service in Australia has drawn up a 'SELF Test' enabling police officers to make a self assessment before going into action. The test considers the following.

- Would your decision withstand scrutiny by the community or the service?
- Is your decision compliant with your oath, code of conduct and service policy?
- Is your decision lawful? Does it comply with all laws, regulations and rules?
- Is your decision fair to the community, your family and colleagues?

3.2.6. Human resources

Integrating the 'integrity' dimension into human resources practices, such as personnel assessment, promotion, selection, mobility and so on, contributes to influencing a police officer's behaviour. In this respect, one section of the evaluation form of the Belgian police precisely deals with the way in which the assessed personnel has implemented police values, i.e. integrity, in his/her daily work. Indeed, a negative assessment of personnel in regards to the integrity criterion inevitably has a considerable impact on the evolution of his/her career, and as a result on his/her remuneration.

Example 4: Personal ethics audit

It is not always easy for a person to assess himself/herself and ask, 'Where do I stand in regards to the integrity value?' To address this, Michel Girodo[47] created an assessment tool called the personal ethics audit, which is part of the programme Behaviour Risk Assessment and Strategic Systems. Implemented with US and Canada police organisations, this tool seeks to develop 'islands of integrity' in high risk units such as narcotics, organised crime and other specialised operations. In this test, Girodo profiles each person on thirty personality traits, critical work attitudes and ethical reasoning. Each person provides this information and receives confidential feedback about her/his profile.

3.2.7. Leadership style

The role of managers is very important. As they interact with the personnel, they get to know them better and have a strong influence on them. Their leadership style, the way in which they talk or set a good example, will or will not have a positive influence on their personnel and encourage them or not to adhere more easily to the ethical principles of the organisation (see Chapter 3).

3.2.8. Management methods

The way in which the organisation functions generates favourable or unfavourable conditions for the implementation of ethics. An organisation with a well developed control system (proactive and reactive) is less likely to encounter integrity problems.

3.2.9. Policing procedures

The values and principles set forth in the professional code should be systematically implemented in tactical operational procedures as well as in different intervention techniques. Influencing the working procedures of the police makes it possible to change a police officer's behaviour at the end of the process. A directive describing the procedure for conducting a road check should always refer to elements of the professional code, such as respect for privacy, politeness, impartiality and human dignity.

3.2.10. Implementation of control mechanisms

Having a code of conduct is not enough to change behaviour; it is important that the code is put into practice. This task can be assigned to an external and/or internal control body (e.g. general inspection). The role of this body in this field should not be regarded as repressive, but rather act as an audit function (i.e. offer analysis and recommendations). (See Chapters 5 and 6.)

For example, besides its investigation function, the general inspection of the Belgian police also performs an audit and has an advisory role. Regarding ethics, it can, among other things, suggest to the government that adaptations be made to the code of conduct.

Step 4: Evaluate the implementation process

After the code of conduct is approved and put into place, it is important to assess its impact on police officers' behaviour. The unit or department in charge of monitoring the code must be able to follow the evolution of the process and make sure that it produces the expected results. To this end, it should define a certain number of indicators in order to assess to what extent the action plan is achieving its goals and make adjustments if necessary, as well as to devise new policies based on the results. For a listing and categorisation of these indicators, see Box 5, below.

Box 5: Examples of indicators

Output	Outcome (results)	Outcome (satisfaction)
– Number of hours devoted to corruption in training. – Number of messages on the topic delivered externally and internally in a certain period of time. – Number of rules that have been modified to prevent corruption.	– Percentage of disciplinary cases related to corruption. – Number of complaints filed against police officers – Number of criminal convictions against officers.	– Percentage of public who trust police. – What is the public perception of police integrity (internally and externally)?

Performance indicators (output) provide an answer to the question: 'Am I still on the right track?' They are used to check whether the implemented measures are carried out according to plan. Other indicators are used to measure the effects (outcome) of the process. They provide an answer to the question: 'Have I reached the right destination?' These indicators are of two types.

- *Results indicators:* These provide information about the change of behaviour resulting from the implementation of the output.
- *Satisfaction indicators:* These are aimed at surveying the opinion of police officers or the public on the activities and/or the performance delivered.

4 Integrating values, rules and behaviour in specific contexts

There are a great variety of police systems across the world; the differences between these systems concern organisational aspects, but also the level of development of countries. In this respect, the situation can differ from one country to another: some countries (e.g. in Eastern Europe or Asia) still have to cope with post-conflict difficulties; others are in a transition phase (e.g. Balkan states) or have become democracies (e.g. Western Europe). Although their experiences are different, these countries are all faced with corruption in various degrees. These context specificities inevitably have an influence on the functioning of police services. Chapter 1 provides a detailed overview of police corruption in specific contexts and how they can be characterised.

4.1. Post-conflict countries

In post-conflict countries:

> there is often widespread insecurity, with certain forms of violence increasing, alongside political institutions that have been mainly destroyed. Security forces have often been involved in conflict, committing human rights abuses against the public, and are therefore highly distrusted. There may be a temptation to continue to use the police as a tool of repression in the post-conflict situation due to the insecurity, both by the political powers and the police themselves. There is often a need for systemic reform, including reform of the laws governing the actions of security forces.[48]

Reconstruction is the biggest challenge facing the police services of countries in post-conflict situations. These police services have recently emerged from a war and are engaged in a reconciliation process. Consequently, they often have to let people of various origins, such as former rebels, soldiers and members of different ethnic groups, enter their ranks (see Example 5, below). Their task is difficult for two reasons. Firstly, they need to integrate different or even antagonistic cultures and mentalities. Secondly, they need to change military values inherent to a war context into civil society oriented values.

One of the first major tasks undertaken by police organisations in post-conflict countries is to introduce new benchmarks and points of reference identical for all. In other words, they create a new common culture. This process is usually carried out in a rush. The new principles are imposed or implemented in an imperative manner, mostly under the impulse of the international community or as a response to the chaos caused by the conflict. In those circumstances, the newly defined framework may be imperfect or not fully appropriate to the situation.

Example 5: The Burundian experience

The Burundi National Police (BNP) was founded in 2004 following the Arusha agreements ending the civil war in Burundi. The BNP, which is made up of former police officers, rebels and soldiers belonging to different ethnic groups, soon had to cope with a cultural and credibility problem in the eyes of the public and also of international organisations.

In order to develop, the BNP adopted a professional code inspired by the Belgian model. The publication of this code was followed by training sessions for all BNP personnel to explain and clarify the expected attitudes. This initiative made it possible to establish, clarify and strengthen the new framework and introduce stabilising factors into this new and chaotic situation.

The pace of the change was rapid and the personnel did not always have the time to assimilate and integrate it. What is more, the change took place without any peripheral factors (e.g. control mechanism) being simultaneously developed or put in place.

This first step was followed by a second phase, to ensure the organisation of presidential, legislative and municipal elections in the absence of any international security force. To take up that challenge, a specific training module tackling issues such as impartiality and integrity was developed. Again, the training was compulsory for all personnel, whether low or high ranking. At the same time, directives clarifying some aspects of the professional code were disseminated within the BNP.

The BNP has now launched a vast professionalisation programme which is backed by the Belgian and Dutch authorities and will be implemented over several years. One of the key strategic strands of this programme is integrity. According to Burundian officials, devising an integrity policy was necessary to restore confidence between the citizens and the police and to tackle, together with the public, the causes of security problems.

4.2. Transitional and developing countries

Transitional countries:

are characterised as moving from one political system to another, but where long term internal violence has not occurred. In Central and Eastern Europe (CEE), there was a transition from communism to post communism. In the closed economics of CEE countries, the police were closely tied to the political leaders and state institutions where the mission of the police or militia was primarily political.[49]

In developing countries, although the movement is not necessarily from one political system to another, the police are often closely tied to the needs of the state rather than the public. Reforms often focus on transitioning from colonial style or militaristic police institutions to more democratic institutions that are established to serve and protect the community.[50]

For the purpose of this Chapter 2, the main assumption is that both these situations are evolutionary processes whose long term aim is to move towards democracy. At this stage of the process the system has

more or less stabilised, either because the country is no longer in a post-conflict situation or because it has chosen the path of democracy.

In order to comply with the standards defined by the international community (e.g. conditions for admission to the EU), these countries have no choice but to refine their legislation and regulations, thereby better defining and clarifying their ethical principles (see Example 6. below). Organisational culture then becomes dynamic. At this stage, it remains uncertain whether the advocated values and observed behaviour are consistent with each other. Existing professional codes often have to be readapted, completed or rewritten.

Example 6: The Bulgarian experience

The Bulgarian police had a professional code long before Recommendation (2001) 10 of the CoE on the European Code of Police Ethics was published. In order to join the EU and comply with the new standards, Bulgaria revised its code thoroughly and replaced it by a new version in 2006.

At the same time, the Ministry of the Interior introduced the principle of 'management by objectives' into its departments to address behaviour change among personnel. This principle is implemented at all levels of the organisation, from the general management to individual personnel. Among the goals that the Ministry of the Interior has set itself, prevention of corruption is addressed.

Corruption is a strategic goal and is subdivided into specific goals at the entity level, which are in turn subdivided into individual goals. To encourage public servants to act with integrity (individual goal), a bonus system has been put in place.

This programme presents a real challenge. To undertake the challenge, a collaborative project between France and Bulgaria was put in place under the aegis of the EU in June 2009. Its aim is to:
- adapt the 'management by objectives' methodology to the corruption issue.
- support the process by developing a computer system.
- develop an effective personnel assessment system.

4.3. Developed countries

In the context of developed countries police reform often focuses on optimizing the effectiveness of the police and efficiently responding to the needs of community. Developed countries such as Canada, the United States and many European countries have been affected by a loss of public confidence in the wake of police corruption scandals, use of excessive force, and brutality.[51]

In this case, where greater involvement of the public (partnership) in the functioning of security is sought, the professional code acts as a transparency and management tool. Experience has shown that while the development of a code is a difficult task, the modifying of such a document is a complex undertaking because of the issues it involves and the different sympathies that need to be taken into account. See Examples 7 and 8, below.

Example 7: The Belgian experience

In Belgium, the drafting of the professional code started in 2001. The code was adopted five years later as a result of a serious incident involving several police officers. Several reasons account for this long delay.

- Difficulty in defining common norms and values for all personnel. This issue was all the more sensitive because the Belgian police had recently been founded by the merger of different police services.
- There was a tendency, especially among the external control services of the police, to favour a reactive approach rather than a proactive approach.
- The Council of State, the body that checks compliance of legislation, had difficulty admitting that the professional code, which had force of law, was rather of a managerial nature and was not an integral reflection of existing laws.
- The trade unions were afraid that the professional code might be used for disciplinary purposes.
- Some officials were opposed to the code because they were not convinced that it would be useful.
- Four years after the adoption of the code, suggestions of changes are already being made. At the same time, others claim that this is not a priority and point out the difficulties that had to be overcome in order to reach the newly adopted code.

Example 8: The defender of rights

On 29 March 2011, France created the *Défenseur des droits* (the 'defender of rights'), an independent constitutional authority mandated to ensure that security personnel working in France respect professional ethics. Any natural or legal person whose rights and freedoms have been infringed by any public service may complain to this authority.

According to the situation, the *Défenseur des droits* can:
- make recommendations to settle any disputes referred to it,
- inform institutions exercising disciplinary powers where a disciplinary offence is suspected.
- make proposals to the government to amend legislation or regulations in the fields of its competence.

5. Implementation

This Section 5 of Chapter 2 focuses on the operational aspects of implementing a code of conduct, some of which have been addressed in the previous section. A particular focus here is on management support and personnel involvement. Changing the culture of an organisation is only possible if the management – at all levels of the organisation – support the process and the personnel are actively involved. In addition, the section outlines some challenges and obstacles that a police organisation might face in the elaboration of a code.

5.1. Management support

The management of a service only will support change if they are convinced that it is useful and they understand what their role consists of. This goal can be achieved through a strategic seminar, which could be organised in the following way.

Box 6: Goals of the seminar

- Identify the principles and values connected with curbing corruption: goal setting.
- Work out the strategy to follow in order to reach the goals. This involves focusing on:
  - the most appropriate approaches.
  - the creation of a steering committee and definition of its mandate.
  - the resources to be allocated.
- Decide who should participate in the seminar.
  - Police top management (board).
  - Representatives of the ministers in charge.
  - Key figures within the organisation, such as the human resources manager, communications manager and the head of the development and strategy department.
  - Internal or external (e.g. international organisations, foreign police services, etc.) experts with two tasks to perform:
    - Offer methodological guidance to participants.
    - Advise the participants and/or undertake the benchmarking process.

5.2. Personnel involvement

After this strategic seminar, other seminars could be organised involving types of police personnel from various units and department, etc. The aim of these seminars would be to consider the implementation of the main issues defined during the strategic seminar. The results of these different seminars could be used as a basis for working out a comprehensive action plan.

5.3. Challenges and obstacles in the elaboration of a code of conduct

Developing and implementing the approach described in the previous section is difficult, and a thorough assessment must be made as to the factors which can support or hinder it.

Box 7: Survey of the different facilitating factors & risks

Facilitating factors	Risks – dangers
• The international community encourages and supports change (expertise, coaching, twinning, etc.). • The management supports the process and sets an example. • The values advocated are implemented in the various operational and non-operational processes (recruitment, promotion, mobility, assessment, etc.) of the organisation. • The implementation of the professional code is supported by training and communication plans. • The public and external authorities know and understand the culture of the organisation. • In order to be implemented (translated into concrete behaviours), the values (integrity, etc.) have been defined together with the personnel. • The change process is assessed (surveys, audits, etc.). • Internal and external control mechanisms are put in place.	• Implementing in one's own organisation values, principles and norms from other organisations without making sure they are suitable. • Putting in place non-integrated or incompatible systems or mechanisms (inconsistency) due to a strong international presence in the country and the intervention of many donors. • Developing an instrument when one lacks the means to do so (e.g. implementing goal based management as a tool for combating corruption without an effective computer system). • Wanting to make quick progress without taking into account the evolution of the other processes: paradoxical situations may arise. • Developing a professional code with no legal force. Consequence: personnel do not comply with code. • Developing a professional code that might be taken for or regarded as a disciplinary code. Result: opposition to change.

5.3.1. Facilitating and risk factors

The duration of the process (a phase ranging from the post-conflict state to the developing state) may vary, and this change process entails risks of which one must be aware. Ignoring these risks may delay or jeopardise the ongoing process. There are facilitating factors that can have a positive effect on the process and help activate it.

5.3.2. Obstacles

Several issues can make the adaptation and/or rewriting of a code of conduct difficult:

- Although it is a fact, corruption is often not considered as a major problem.
- As a whole range of provisions and regulations already deal with ethical and conduct aspects, the drafting of a code of conduct is not considered a necessity or a priority.
- When a code of conduct exists – even if it was drafted prior to the publication of various recommendations of international organisations (e.g. European Code of Police Ethics, etc.) – it is deemed satisfactory, in particular if it is supplemented with additional statutory provisions. The idea is the code is unchanging, especially if it is a code of ethics.
- Most police services in developed countries have made an effort to promote diversity in their ranks. The police should reflect their society and are characterised by a variety of philosophical approaches and differing sympathies. In such a context, defining core values and principles and carrying out the resulting codification process is a complex and slow task that often requires reaching compromises and finding a balance.
- Another particularity of developed countries is many police services must reorganise as a result of the evolution of the international, economic or socio-political situation. Sometimes this involves restructuring or even merging with other services, following the example of the private sector (e.g. gradual replacement of some military type police services by civilian police services). Culturally speaking, the challenge that those services face consists of integrating into a new system values, principles, norms and rules that are often different. Mergers, for example, should not give the feeling that the culture of one old police service 'gets the upper hand' over that of another, which is a major difficulty.

6. Conclusions and Recommendations – Chapter 2

Values, rules and behaviour (which make up organisational culture) can effectively contribute to preventing corruption, provided that certain conditions are fulfilled. These conditions are as follows:

- Make sure that police personnel work in decent conditions and receive a decent pay so that they do not get involved in undesirable activities, such as corruption.
- Define core values and principles that are consistent with the mission and characteristics of the organisation. Defining values and principles is the responsibility of the management, but involving the personnel in this process helps them integrate these values and principles. Whatever the choices made, some values and principles are common to all police services: integrity, impartiality, transparency and accountability.
  - Integrated and developed these different values and principles into a code of conduct, which should be made available to all the personnel and be accessible to the public. The values and principles need to be supported by a set of concrete provisions with the emphasis on behaviour. In order to be effectively implemented, this code should have force of law.
- Implement these values in the operational and non-operational processes of the organisation.
- Develop action plans and/or carry out specific actions at the different levels of the organisation, based on a risk analysis, in regards to corruption and integrity. These action plans should be long term. They fit into a systems approach and involve developing actions in the fields of recruitment and selection of police, training, internal and external communication, evaluation, leadership, promotion, personnel mobility and so on.
- Ensure the process is backed by the management, who should be involved and set an example; otherwise the process will lack credibility.

Value based management can apply to all types of police services, whether in post-conflict, transitional, developing or developed countries. Indeed, all police services have a certain number of core values and principles in common. These values and more specifically integrity may be interpreted in different ways according to the level of development of the country.

Similarly, the approach to implementing these values needs to be adapted to the evolution process. In post-conflict countries it is important that a general framework should be established as soon as possible in order to 'restabilise' the system in place. As soon as this system has stabilised, like in transitional or developing countries, the measures (e.g. code) that have been adopted can be refined according to international standards and recommendations.

A key question is not so much 'How to bring about change?' but 'Is the will for change strong enough?' In other words, there is a need to question if the police service undergoing change is willing to follow this path. If yes, how far is it willing to go?

Success factors

Changing the culture of an organisation is a delicate and difficult task. Such an operation can only succeed if a certain number of principles (success factors) are applied:

- Seek support from the organisation's management.
- Set up a steering group to direct the change process. This group should be made up of various top management members. Their task would consist of:
  - Translating the strategic lines defined by top management into an integrated action plan.
  - Monitoring the implementation of the action plan.
  - Assessing the results of this plan.
  - Reporting to the top management.

  The steering group could be assisted in its tasks by one or more working groups.
- Have the action plan endorsed by the responsible ministry and/or other high government authorities. The plan contains important structural, functional and cultural measures. These choices must be approved beforehand by the ministers in charge. Given the impact of a professional code on the working of the police, it is essential that the ministerial authorities should endorse the progress made.
- Seek personnel support.
  - Involve their representatives (trade unions) in the implementation of the process. In the elaboration of the professional code, the unions can be involved in the project through consultation.
  - Draft a professional code in a clear and positive style (e.g. expressions such as 'it is forbidden to…' or 'you must…' should be avoided).
- Develop a coherent timing diagram to be used together with the action plan. In other words, establish an order of priorities for implementing the measures.

SELF ASSESSMENT TABLE

Chapter 2 ▪ Values, rules and behaviour

Having read this chapter, what is your reaction? Was there new information in this chapter that you could use to improve your police service? Are there changes that could be made in your police service?

Please find below a self assessment that will help you answer these and other questions. This basic assessment is intended to help you evaluate the situation in your own service, determine what, if any, changes should be made, and brainstorm means for implementing these changes. To develop a more comprehensive approach for applying the concepts learned in this chapter, training sessions or working groups could be organized to complement and build upon this assessment. In addition, it may be helpful to seek the assistance of national or international experts on matters of tackling corruption.

Issues / Questions	What to do to Improve on Weaknesses?	How to do it?
Have we assessed the culture of our police service in relation to corrupt and inappropriate acts?	If not, we can: • Identify factors of influence • Define how to capitalise on positive and reduce negative factors • Define where actions must be taken	We can: • Make assessment (by brainstorming, appointment of experts or working groups) • Organise brainstorming / workshop / working group • Cooperate with unions for assessment • Appoint an expert and/or working group • Collect information from other police services and examine what has been done by them • Conduct a survey among police officers
Are there subcultures and do they influence attitudes of police officers towards corrupt and inappropriate acts?	We can: • Identify subcultures and establish how they influence attitudes of police towards corrupt and inappropriate acts.	
Do we care for the well being of our police officers to reduce risks of corruption and inappropriate behaviours?	We can: • Define expectations of police officers • Compare with what we offer • Decide measures to fix gaps identified	
Have we defined ethical values to be respected?	If not, we can: • Define values officers must respect	

Are these values found in a mission statement and a code of conduct?	If not, we can: • Determine what documents we have • Define what documents should contain • Identify what is needed to fill gaps • Define action plan according to the 4 step process described in the chapter	
Have we assessed the facilitating and risk factors for implementing this process?	If not, we can: • Identify these factors • Decide how to capitalise on positives and reduce negatives	

Organization

Brian Kingshott and Pierre Aepli

1. Introduction to Chapter 3

The main idea of this Chapter 3 comes from the notion that efforts to curb police corruption cannot be restricted to individuals within police services, but must consider the overall environment in which the police function.

People are the authors of offences, but they work in an environment – cultural and organisational. This environment may encourage or restrict, foster or hinder certain types of behaviour and actions. Organisations can be seen as arenas in which the members of the organisation can develop personal strategies for achieving their own goals, which can differ from and even oppose the goals of the organisation.

Organisational weaknesses can open it to damaging behaviours and actions of individuals within the organisation. A clear identification of these weaknesses is necessary to take measures to reduce the risks of external and internal corruption.

This chapter is focused on the question of the relationship between organisations and corruption. It examines how police services can be influenced by corruption, and what kind of roles the management and organisation play in that context.

1.1. Structure of Chapter 3

The first section of this chapter provides definitions and an introduction to the terms and concepts. The second section answers the question of why organisational issues matter for the struggle against corruption.

The third section explores the different elements of how a focus on the organisation and its mechanisms can be integrated into the struggle against police corruption.

- It starts by placing the police within a larger environment. The police organisation is strongly influenced by outside factors: the political system will determine its structures, decentralised in a federal state, centralised in a unitary state; the legislation and the justice system will play an important role, as well as the values of civil society. These important influences necessitate looking at the relations between the surrounding environment and the police.
- Next, the issue of strategy will be discussed, since it needs to define how the outside challenges and risks faced by the police will be addressed.
- The third subsection handles the question of structures, and presents their advantages and disadvantages for implementing strategies.
- The fourth subsection examines some of the processes which support a rational and effective execution of the activities necessary to implement a strategy within the structures.

- The possible results of corruption are identified in these subsections and there is a chart summarising them. This chart is the basis for recommending measures to reduce police corruption.

The fourth and fifth sections look at these issues in different contexts and propose a practical example of how to assess organisational weaknesses. Finally, this Chapter 3 concludes with the presentation of some lessons learned.

1.2. What is an organisation?

An organisation is a sustainable social entity (this implies relationships among its members), systematically arranged and consciously ordered (this implies goals, a strategy, management, structures, work processes and different mechanisms such as control and communication), that accomplishes efficiently, effectively and ethically activities to perform services and/or produce products in order to cover identified needs in a certain place and for different "clients" (market, customers, the public). In policing, the services provided contribute to the enforcement of the law and the maintenance of order for the clients, the public.

Figure 1: How an organisation functions
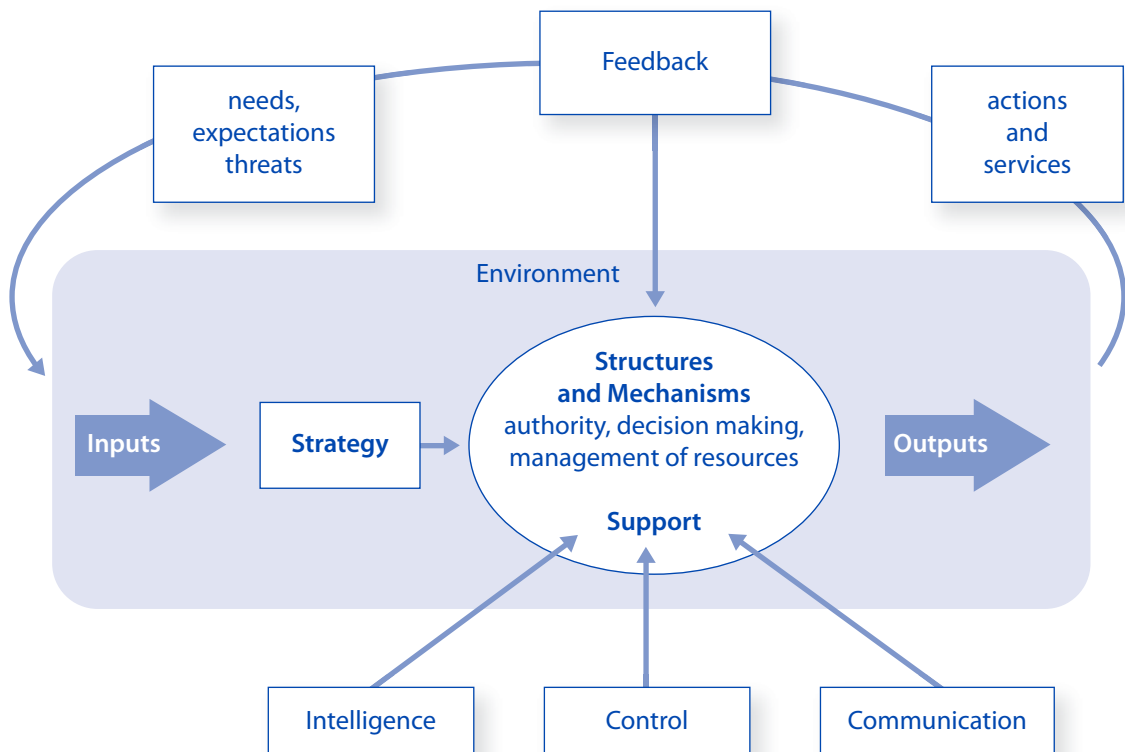
Figure 1
A system receives inputs from the broader environment and transforms these into outputs via various mechanisms and procedures. The actions delivered are compared – evaluated – with the original needs and expectations (inputs), in order that where necessary corrections or adjustments can be made.

Figure 1, above, illustrates how an organisation functions. From the analysis of its environment, a strategy is defined; it firstly identifies threats to security and opportunities (for example created by new technologies or the development of international cooperation), and secondly develops a plan of action for reducing the threats and addressing the needs and expectations of the public. This strategy must then be executed in the most efficient way, and structures and processes are developed for that purpose. Intelligence, communication and control help to analyse the larger environment, communicate the strategy, motivate the members of the organisation and assess the efficiency of activities and the achievement of objectives.

Links with other chapters

Certain topics discussed in this chapter are also developed in more detail in other chapters:

Chapter 1 introduction
Chapter 2 on culture
Chapter 4 on support
Chapters 5 and 6 on internal and external control
Chapter 7 on investigations
Chapter 8 on capacity building
Chapter 9 Methods and instruments – see sections 3 and 4 of the present chapter

Specific links will be indicated in the text.

2. Why is the question of organisation important in the struggle against corruption?

The problem of police corruption is usually addressed at the level of the individual officer or unit; by extension the assumption is that the whole police organisation is corrupt. The focus is on individuals whose corrupt actions highlight their moral weaknesses. Less importance has been devoted to the environment in which these individuals work, thus neglecting the influence of structures, work processes, management styles and organisational culture, to name but a few of the factors which may help cause individual behaviours. Ignoring organisational issues limits understanding of police corruption, and this is why this issue must receive more attention.

2.1. The organisation is an arena

Individuals working in an organisation have their own objectives, which may differ from those of the organisation. Ambition, greed and avoidance of problems are a few of the motives which can lead members of an organisation to develop personal strategies and pursue their own interests, which may harm those of the organisation. Organisational and management weaknesses can help individual interests to prevail over collective ones, and can encourage development of corruption. This is all also true for an organisation such as a police service.

2.2. The organisation creates a culture

Chapter 2 discusses in more details the role of organisational culture. Police service culture can influence strongly the attitudes of officers towards police corruption. Culture is the 'glue' that creates and sustains a feeling of belonging among members of an organisation: they share common goals, training, challenges, skills and activities. Culture determines how the organisational values are incorporated in the way work is done or in the style of leadership. Culture influences the acceptance or rejection of certain behaviour and how members of the organisation see the outside world. Police culture can refer to the 'us versus them' attitude that is attributed to police organisations almost everywhere, whereby 'them' can variously mean 'society at large', 'criminals' or 'senior police officials'. It also can refer to police attitudes towards the use of their discretionary powers, especially where the goal or end (protecting society from criminals) is thought to justify the means (for example, unlawful searches, excessive use of force and untruthful testimony). Finally, it can refer to the strong feeling of loyalty towards and solidarity with fellow officers, a feeling which goes beyond what is normally encountered among personnel.

2.3. The organisation is responsible to the society and to its members

The police are required to show social responsibility. They only can achieve this if they have the trust of the public, which necessitates demonstrating that they act lawfully and ethically. A socially responsible organisation also will provide its members with an environment where they will be less prone to stress and dissatisfaction.

2.4. Organisation systems and processes can have an impact on corruption

Organisational structures, the balance between decentralisation and centralisation, the authority and control systems are factors that influence the autonomy of police officers and the way their work is done and monitored. Decisions concerning the organisation (i.e. the police service) must therefore be assessed against the opportunities they provide for the development of corruption.

2.5. Organisational weaknesses open the door to misconduct

Vulnerabilities in an organisation can be the product of external factors, for example political influences. These weaknesses can be linked to internal factors such as organisational flaws and bad management, and they can result in individual behaviours. The organisation is the 'place' where all these influences are reflected, and if no measures are taken at the organisational level, the struggle against corruption will be ineffective.

2.6. Measures to enhance the capabilities of individuals to resist corruption must be taken at the level of the organisation

To prevent corruption and unethical behaviour in a police organisation, it is necessary that each officer have a high ethical expectation and can identify what is right and wrong. This will be supported by their knowledge of law, human rights and the examples set by management. Teaching ethics and training will help communicate these values. The organisation is also responsible for providing documents to support ethical behaviour, such as codes of conduct and statements of values (for more on these documents, see Chapter 2), and for ensuring support to officers confronted with ethical problems (for more on this issue, see Chapter 4).

3. How focus on the organisation can be integrated into the struggle against corruption?

In this section the main dimensions of the organisation are addressed and discussed in terms of their possible consequences for the development or containment of police corruption. Firstly the environment is examined, as the formulation of strategy must be based on an analysis of the environment; structures are then discussed as they follow the strategy and different processes that are presented. A chart of the organisational weaknesses is drawn and possible measures for reducing them are indicated.

3.1. The larger environment[52]

The police are part of a bigger system that determines their problems (e.g., the kind of crime), their work context (e.g. the legislative and political frameworks), their available resources and the needs and expectations of the public. This is why it is necessary to look at the relationships between an organisation and its larger environment, and how they influence the structure of the police.

3.1.1. A four level model

There are four levels to consider when looking at police organisations.
1. The *international environment* affects the organisation through the problems and threats it creates. For example, the end of the Soviet Union and the opening of borders caused an increase in crime in Western Europe. Wars in remote parts of the world create flows of refugees as well as different smuggling routes.
2. The *national environment* provides legislation, values of the society, the means to address the needs and expectations of the public and the allocation of resources to the police.
3. The *organisation* itself.
4. The *individuals* in the organisation.

The consequences of this four level model are clear in terms of corruption. The struggle against corruption is most effective if it addresses all four levels. Tackling corruption at only the level of the police would not be enough if the larger environment is corrupt. The same is true of placing attention only on individual police officers without considering the consequences of the organisation.

Corruption at one level can have consequences at other levels. For example, political corruption can influence the appointment of senior police officers, its strategy, priorities, and operations (types of crimes, areas and targeted people). These influences will be felt throughout the police organisation and officers will adapt their conduct and actions to these new conditions.

The consequences are clear: Corruption cannot be curbed without considering these four interlinked levels and an integrated policy is indispensable, focusing on the organisation and placing it within its larger context or environment. For example, actions which only address the individual moral aspects of corruption will not be very successful if not supported by actions at the level of the organisation.

3.1.2. Analysis of the larger environment

Analysis of the surrounding environment is required for understanding the challenges faced by the police organisation. Opportunities, threats and expectations must be identified and addressed through strategy. See Table 1, below, for a brief description of several methods for analysing the environment.

Table 1: Possible methods for analysing the environment of the organisation

Define the environment to be considered	Draw map of outside influences on police service (force field analysis).
Assess degree of uncertainty in the environment being measured (according to complexity & volatility)	Estimate time needed to make changes to adapt to change in environment.
Assess the different sectors of the environment	Make political, economic, social, technological & legal (PESTL) analysis. The PESTL method involves identifying key trends in sectors of the environment and drawing their consequences for the organisation in terms of opportunities and threats.

It is the role of intelligence in the police service to collect and analyse data. Data collected from different sources, for example reports, crime statistics, victim surveys and citizen focus groups, will be valuable for identifying and understanding the trends, risks and opportunities to be addressed by the police.

Table 2: The PESTL grid of analysis

Key factors	Key trends	Opportunities	Threats
Political			
Economic			
Social			
Technological			
Legal			

Crime analysis is an important police task. To do it well, it is necessary to analyze larger trends in society. These trends are characterised in Box 1, below. The police service then will need to analyse the consequences of these trends on the organisation.

Box 1: Some major trends in crime

- Increase in activities of organised crime (extension of its "line of products").
- International spread of organised crime.
- New forms of sophisticated crime (e.g. cyber criminality, economic and computer fraud).
- Increase in urban violence.
- Increase in juvenile crime.
- Terrorism (domestic and international).
- Increase in irrational acts (e.g. random shootings).

The analysis of the surrounding environment also should focus on the possible risks of corruption in order to reduce or eliminate them. Box 2 is a general description of potential risks of corruption linked to external factors. A concrete assessment should be more precise.

Box 2: Potential causes of corruption in the larger environment

What are the external factors which could influence (positively or negatively) the forms of corruption in the police? If we refer to the PESTL chart (Table 2) above, we can identify some of these factors and explain the influence of corruption on the police.

Political	Pressure from politicians (executive, legislative, political parties) on the police to get advantages for themselves and/or others.
Economic	Pressure from economic groups or lobbies to obtain advantages. Corruption related to economic situations causing the police to extort bribes from members of the public.
Social	General values of society more or less permissive to corruption in official institutions.
Technological	Systems and developments which can be favourable to the development of certain corruption.
Legal	Legal "gaps". Judicial attitude towards certain violations may cause the police to discontinue enforcement of a law. Corruption in the judiciary may have consequences for the police.

3.2. Strategy[53]

3.2.1. Strategic management

The way the police address problems and seize opportunities offered by the environment is reflected by the strategy, the structures implemented and the ways resources are used. The process of strategy planning is briefly described in Box 3, below.

> **Box 3:** Strategic planning in decision making
>
> Strategic planning is the first integral part of decision making. Planning is concerned primarily with understanding the present situation (*problem*) and widening the range of choices (*alternatives and course of actions)* available to the officer (*decision maker).* Planning is aimed at providing information (*a plan),* whereas decision making is aimed at using this information to resolve problems or make choices.[54]

Strategy is a process which allows for some important questions to be answered.

- *What* "business" is the police service in and why? (Purpose of activities, the mission)
- *What* should be the business of the police service? (Strategic choices)
- *How* does the police service achieve its objectives? (Getting and using resources.) The risks must be identified to take measures to reduce them.

One success factor in outlining a strategy is the connection among ends (goals to be achieved), ways (methods used to achieve goals) and means (resources available for achieving goals). For example, goals will need to be made lower or methods more efficient if there are not enough resources (means).

Strategic management is illustrated by Figure 2, which shows the interrelation among analysis, choices and development.

Figure 2: Strategic management
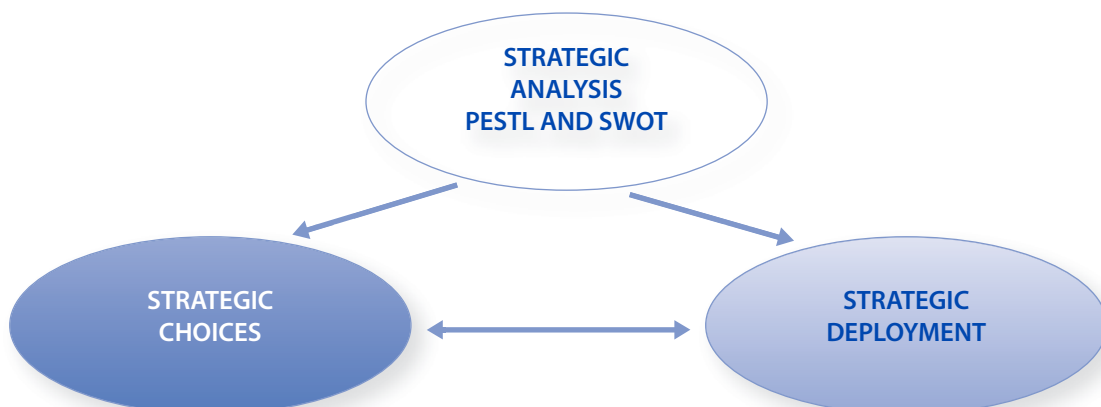
3.2.2. A key strategic decision: the choice of a model of policing

One of the most important strategic decisions for the police is the choice of a policing model, because it will have several consequences for the organisation: its structures, division of tasks, manner in which power is distributed and how coordination among different parts of the organisation is achieved.

The evolution of society has compelled police to adapt the traditional model of policing to new conditions. The traditional model is centred on the strict application of the law and is reactive and repressive: the police respond to incidents and their efficiency is assessed in consideration of the response time and the professionalism of the interventions. Police structures are hierarchical, and the relations between managers and subordinates reproduce the military model (see Chapter 4). The police have needed to question this traditional model because of several factors:

- Societal change. Most countries have become ethnically, religiously and economically more diverse because of globalisation and immigration; these changes have important consequences for the values which are the 'glue' of a society. New values brought with new migrants gradually coexist with those of the original population or may collide with them. Police services now need to do their work in a multicultural society. See Chapter 4 for more on the police and societal change and social diversity.
- These societal changes are also reflected in new police recruits whose values and behaviour differ from those of their elders: they have, in general, a higher education level; they desire a better balance between job and private life; and they expect new forms of authority.
- Economic change sometimes cause cuts in police budgets.
- Countries now use theories of business management. The 'new public management' has led to tighter control of resources given to the police and sharper assessment of their use.
- The evolution of crime, as described above, has caused new difficulties for police organisations and compels them to change their operational methods.
- Results of research have challenged the traditional model of policing by showing:
  - Deterrence through the criminal justice system is not the solution to crime;
  - Police strategies applied generally (rather than focused) are less effective;
  - Intelligence is crucial as is public cooperation;
  - Increasing the number of police officers and reducing the response time do not deter crime or reduce the fear of it;
  - Resolving conditions underlying recurrent crime is more effective.
- The need to regain public confidence has led the police to improve their cooperation with the public.

Many police services have adapted to these new challenges by moving towards another model of policing, the community model. Differences between the two models can be seen in considering how they answer a list of questions.[55] Some more information on and comparison of different models of policing is provided in Table 3, below:

Table 3: Two models of policing

Question	Traditional policing	Community policing
Who are the police?	A government agency principally responsible for law enforcement.	Police are the public and the public are the police; police officers are those who are paid to give full time attention to the duties of every citizen.
What is the relationship of police to other public service departments?	Priorities often conflict.	Police are one among many responsible for improving the quality of life.
What is the role of police?	Solving crimes.	Broad problem solving.
How is police efficiency measured?	By detection and arrests.	By the absence of crime and disorder.
What are the highest priorities?	Crimes that are high value (e.g. bank robberies) and those involving violence.	Whatever problems disturb the community most.
What specifically do police deal with?	Crimes.	Public problems and concerns.
What determines the effectiveness of police?	Response times.	Public cooperation.
What is police professionalism?	Swift/effective response to serious crime.	Keeping close to the community.
What kind of intelligence is most important?	Crime intelligence (study of particular crimes or series of crimes).	Criminal intelligence (information about individuals or groups).
What is the essential nature of police accountability?	Centralised; governed by rules, regulations & policy directives; accountable to the law.	Emphasis on local accountability to community needs.
What is the role of headquarters?	To provide rules and policy.	To promote organisational values

3.2.3. Consequences for corruption

The question is whether these two different models of policing influence corruption positively or negatively. The main difference lies in the relationships established between the police and the public. In the traditional model the separation between the police and the public is clear. The police enforce the law and people are

subjects of the law. In the community oriented policing model, the police and the public cooperate to maintain law and order. The citizen is no longer a mere subject of the law, he has become an actor in security. Within this new paradigm, the role of the police officer changes; he or she is now more accountable to the public and becomes a sort of project manager for developing, in partnership with the public, solutions that prevent or reduce crime. New skills are required as well as communication, which contributes to the necessary transparency for establishing relationship based on trust. See Box 4, below, for some final words about community policing.

Box 4: Community policing is not an answer to all problems

If implemented successfully, community policing would be expected to reduce certain forms of 'corrupt' activity – especially 'process corruption'. There are great dangers in treating community policing as a solution for all problems of policing and corruption. First, as this Chapter 3 should make clear, designing a strategy for tackling corruption requires an approach that is multifaceted and focuses on both the larger environment being policed and the police organisation itself. Secondly, it is possible that community policing itself brings with it a certain 'corruption proneness' – the possibility that corrupt practices may be facilitated and will flourish unless particular vigilance is exercised.[56]

3.3. Structures

A strategy will remain abstract until it is translated into actions. Measures must be taken to achieve strategic goals. The efficiency of these measures will depend on material and immaterial factors such as resources, adequate skills and timely information. Organisational and managerial factors also will influence directly the effectiveness of the police service. This is true for both structures and different processes. Structure will be discussed now and processes in the following subsection.

Organisational structure is the formal apparatus through which organisations accomplish two core activities: the 1) division of labour and 2) coordination of work.[57] Police organisations are defined by their structure: the parameters on which an organisation arranges its resources to do its work and achieve its objectives and goals. Seven elements form the core dimensions of a police organisation's structure. These elements are summarised below in Box 5.

Box 5: Seven elements of a police organisation's structure

1. *Vertical differentiation.* The nature of the hierarchy, including the number of command layers and the social distance between layers.
2. *Occupational differentiation.* This can be based on activity, specific projects, geographical distribution or processes.
3. *Functional differentiation.* The degree to which the organisation divides its work into specialised functions. Nearly all police services have separate divisions for patrol, investigations and administration. The further these divisions are sectioned into more specialised sub-units, the more functionally differentiated they are.

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4. *Spatial differentiation.* The spread of the organisation within its jurisdiction. Police agencies with a single headquarters facility are less spatially differentiated than those with precinct houses, substations and other offices located in neighbourhoods.
5. *Administrative intensity.* The proportion of employees assigned to administrative support functions (like human resources or computing) as opposed to core tasks such as patrol or investigations.
6. *Formalisation.* The extent to which an organisation relies on formal written policies and procedures rather than informal guidelines such as tradition or friendship.
7. *Centralisation.* The extent to which decisions within an organisation are concentrated at the top of the hierarchy.

3.3.1. Basic types of organisational structure

There are two basic types of organisational structure: tall and flat. Tall organisational structures are marked by multiple hierarchies and a pyramid model with several rungs. A flat organisational structure is arranged in such a way that there are minimum layers between management and personnel. These two basic structures do not describe all factors of organisational activities, thus there are other organisational structure models.

3.3.2. Other types of organisational structure

Police services are organised according to the following models of structure, which are described in detailed, below: *line structure*; *line and staff structure*; *functional structure*; *divisional structure*; *matrix organisational structure*; and *new forms of structure*. There is no wrong model; there are only models which are better adapted to the specific phases of development as described below in this section. The main factors to identify the phase the police organisation is in are the size of the organisation, its geographical distribution and its policing model. Structures and processes must be in line with the situation.

3.3.2.1. Line structure

This is the simplest form and is best adapted to small police services. The structure is based on the different lines: uniformed patrol, traffic and criminal investigation.

3.3.2.2. Line and staff structure

In larger police departments, the basic line elements are completed by different support units: staff components are added to the line structure to provide expert advice (such as legal advisers), accomplish specialised activities (scientific, training, communication) and help achieve department wide conformity through control, disciplinary procedures, etc.

TOOLKIT ON POLICE INTEGRITY

Figure 3: Line and staff structure

Advantages
- Simple
- Responsibilities
  clearly defined
- Specialisation

Disadvantages
- Daily problems are heavy
- Strategic problems
  are neglected
- Variety is difficult to manage
- Coordination
- Resistance towards change

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                              ┌─────────────┐
                              │    Chief    │
              ┌───────────┐   └─────────────┘
              │   Staff   │
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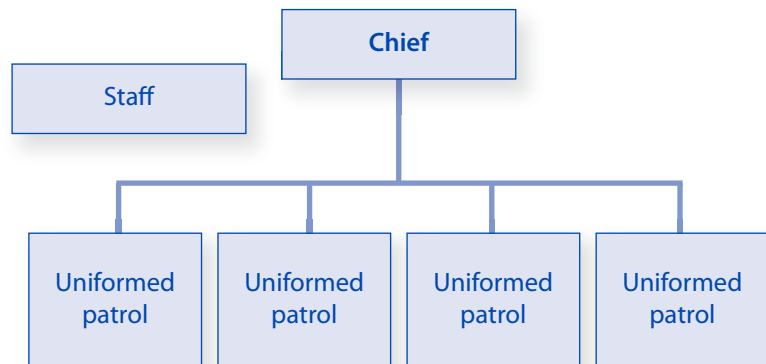
3.3.2.3. Functional structure

This kind of structure classifies the public according to the function/role they perform in the organisation to help achieve the organisational goal. The organisation may be divided into departments, where each department has a specific function and all departments function individually to support the organisation's objectives and goals. For a summary of the advantages and disadvantages of functional structures, see Box 6, below:

Box 6: Advantages and disadvantages of functional structures

Advantages
- Since it is based on specialisation, it is believed the functional structure will elicit the best from each department.
- When employees with similar interests are grouped together, they are likely to be more productive.
- Providing instruction and executing various projects becomes simple because of the sound linear structure.
- Each employee has a defined career path and has potential to grow within his/her department in the police organisation.

Disadvantages
- The functional structure is the most bureaucratic because of the rigid hierarchy.
- Decisions take time to materialise.
- Communication across departments is ineffective.
- The viewpoint of every department is narrow and limited to its goal, which does not allow them to see the bigger picture and work efficiently towards a common goal.

3.3.2.4. Divisional structure

This kind of structure is also known as 'product structure', as each functional unit is grouped as a division. Each division has all required resources and functions for achieving divisional goals. Each division can be distinguished on the basis of location, task, product, services, etc. For a summary of the advantages and disadvantages of divisional structures, see Box 7, below..

Box 7: Advantages and disadvantages of divisional structures

Advantages
- The focus of divisions on their activities ensures high level of expertise and efficiency.
- The evaluation of performance is facilitated.
- Headquarters can focus on general strategy and divisions can translate it at their level.
- Managers are able to develop because of their empowerment due to decentralisation.

Disadvantages
- Divisions can tend to become autonomous.
- There may be conflict in the allocation of resources between divisions.
- Coordination of the organisation is complex.

3.3.2.5. Matrix organisational structure

A matrix structure combines two types of organisational structures: the product organisational structure and the pure functional structure. This combination results in a unique work environment. This structure is most useful when assignments are project driven, because in this model several professionals with distinct functioning powers will be required to assist in the achievement of organisational objectives and goals.

Typically, this structure will have more than one project manager and the personnel working on the project will need to report to each of those managers. In the matrix organisational structure, therefore, information sharing becomes mandatory for effective and smooth functioning to achieve the allocated task.

Each project will have a project manager and the different teams are expected to report to him or her with their results. The product manager reports directly to the head of the organisation. In addition, there will be a functional department manager responsible for maintaining the technical functionality of the organisation by ensuring that the proper technical base is maintained and excellence is provided through the work and organisational leadership skills. For a summary of the advantages and disadvantages of matrix organisational structures, see Box 8, below:

Box 8: Advantages and disadvantages of matrix organisational structures

Advantages
- A specialised management team can be chosen on the merits of their work.
- The needs of the project are the only criteria for hiring professionals, allowing for more chance of success.
- Since the key people hired as a part of one team also work under other teams, it becomes a cost effective set up because the project cost is minimised.
- The structure is balanced between cost, time and performance.
- Fewer conflicts are likely to occur.
- There is less chance of external factors affecting the project/task.

Disadvantages
- There can be confusion and conflict if there are misunderstandings over work factors (e.g. sharing of resources by two teams or a team which is working in two departments).
- The cost could be increased if there are a number of project managers hired for the project.
- The independence and decision making power placed on the team members or even the project manager mean there are chances of project completion dates not being met.

3.3.2.6. New forms of structure

- *Team structure.* This organisational structure focus is on working in teams, which may be vertical or horizontal. Teams can also be based on individual processes and functions.
- *Network structure.* In these structures, managers typically are given the responsibility of coordinating and controlling external collaborations and relations via electronic media.
- *Virtual structure.* This is an extension of the network structure and enables managers to establish and maintain regular contact with different divisions worldwide without needing to maintain of extensive physical and manual infrastructure. This organisational structure has no boundaries and its operation is (almost) completely dependent on the internet.

3.3.3. Structures and corruption

Can the structures of an organisation encourage or discourage the development of corruption, and if yes, how? The answers to these questions depend on three elements:

1. The geographical structure. A decentralised organisation allows more autonomy to its divisions and the distance makes control more difficult. Corruption can thus develop without the centre noticing it.
2. The more or less important compartmentalisation between different units of a police service will hinder the necessary transparency to overview it. Vertical structures can lead to autonomous units that try to keep headquarters at arm's length and prevent the development of the necessary mechanisms for overseeing units. The risk that corrupt activities may develop without being noticed is greater in closed organisations than in open ones.

3. Systems of authority and control will be linked strongly to the structure and therefore affect the opportunities for the development of corruption.

Example 1: Centralisation or decentralisation of the police?

In the US, varied geography contributes to the decentralisation of police departments. The most important variable, however, is the police being entrenched in local politics. Most police services consist of specific ethnic groups which reflect the dominant ethnic group in the community, and they are so closely tied to local politicians that most were considered corrupt.

This corruption prompted many reform minded individuals, such as August Vollmer and O. W. Wilson, to move the police towards a strictly centralised organisation utilising key management concepts such as chain of command, unity of command and span of control. The centralised organisational form presented itself as the best means for controlling rampant corruption, political links and deviant behaviour among line officers.

Today, as police departments move towards a philosophy of responsiveness to community needs, there has been an overwhelming call for decentralisation of the police; decentralisation empowers officers to use their discretion creatively without having their activities dictated to them by upper management.

A centralised police organisation might control more effectively corruption and misconduct, but it does not allow the police to be as responsive to the needs of the community.[58]

3.3.4. How to design structures

In designing structures different elements need to be considered. Among the most important are:
- The balance between centralisation and decentralisation.
- The choice of the core element around which structures are built – process, geographical areas, authority, etc.

How should one approach the design of organisational structures? The process can be described as follows:
- Activities are analysed.
- Activities are regrouped into building blocks (Drucker groups them according to their contribution: activities producing results; support activities; maintenance activities; top management activities[59]).
- Decision processes and relationships are identified.
- Coordination mechanisms are established.
- The structure is put in place.

Box 9: Organisational forms should respect some basic principles

- Simplicity.
- Clear chain of command.
- Limited span of control.
- Organising by function.
- Unity of command.

3.3.5. Structures change over time*

Organisations are not fixed entities. They progress through developmental phases, and each must solve specific problems. One model identifies five phases of organisational growth.

1. *Entrepreneurial phase*, which is associated with the type of leadership crisis when a founder's management is no longer capable of leading the organisation as it grows. (This can also be the case in a small police department becoming more important.)

2. *Direction phase*, where appropriate structures must be installed; for example in a police organisation when units must be added to line structures and new command levels are added. The heavy centralisation of the structures creates a need for more autonomy and decentralisation. The implementation of community oriented policing can illustrate this situation.

3. *Delegation phase*, where the delegated autonomy can lead to a loss of control and difficulties in the achievement of a common strategy for the organisation. The need for better control then must be addressed.

4. *Coordination phase*, where instruments and processes are established to ensure that the objectives of the organisation are achieved. Formal planning procedures are developed.

5. *Collaboration phase*, where the focus is placed on solving problems through integrated approaches.

Problems arise when the necessary measures required by a given phase are not taken, for example if the decentralisation of police structures is not matched by changes in the delegation of power or the control system. Such situations underline the importance of the key principle of 'management structures follow strategy'.

3.3.6. Centralisation or decentralisation?

In all organisational problems, a key strategic decision is what needs to be centralised and what needs to be decentralised. A sound balance between these contributes to the smooth functioning of the organisation. Conversely, problems can adversely affect relations between the organisation and its general productivity.

* This section is based on Larry E. Greiner's model presented for the first time in his article titled "Evolution and Revolution in Organizations Growth," Harvard Business Review (July-August 1972)"

The answer given to this question will determine the design of the structures and strongly influence the systems of power and control.

Police structures need to adapt to political ones. For example, the police tend to be decentralised in federal states and centralised in authoritarian states. One of the organisational principles is that structures follow strategy, and the adoption of a new policing model, such as the community oriented model, will need to be reflected by changes in the centralisation-decentralisation relation. See Box 10, below, for a summary of some advantages of both centralisation and decentralisation.

Box 10: Advantages of centralisation and decentralisation

Advantages of centralisation
- Closer control of operations.
- Uniformity of policies, practices and procedures.
- Better use of centralised, specialised experts.

Advantages of decentralisation
- Faster decision making without resort to higher level consultation.
- Excellent training experience for promotion to higher level management.
- Decisions better adapted to local conditions.

3.4. Processes

After discussing strategy and structures, one must look next at the processes an organization uses to accomplish its mission and deliver its services. These processes have a direct influence on the efficiency of the work and also reinforce (or damage) the coherence of the whole organisation. Ends, ways and means must be coherent and processes must fit into them. For example, introducing community policing without adopting more decentralised structures and giving more autonomy to the community police officers would be contradictory to the outcome expected. The focus is placed on some of the most important elements for good functioning of the organisation.

3.4.1. System of authority[60]

Authority must be understood here as the system through which decisions are taken, ordered and implemented. One must thus look at the decision making process, the chain of command, the leadership and the control issues.

3.4.1.1. Decision making process

The decision making process is illustrated by Figure 5. Each block represents a step (or several steps) in the process, moving through time from beginning to end (left to right):

Figure 4: The decision making process
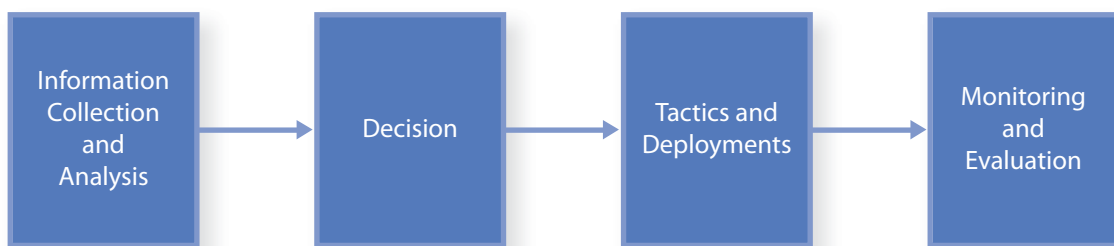
Given an adequate timeframe in which to handle a problem rationally, the following stages structure the approach (in managerial as well as operational problems). In Table 4, below, we set each stage in a box on the column on the left. It follows that same chronological order that a manager will – from beginning (top box) through to the end (last box on bottom). The actions that need to be taken during this phase are listed on the right.

Table 4: How to approach the decision making process

Phase	Actions
Definition of problem	• Understanding problem, identified need, mission received • Analysing problem • Formulating problem
Decision making	• Thorough assessment of problem as formulated in phase 1 • Objectives and constraints (e.g. resources, legal) • Identification and evaluation of possible and authorised actions • Choice of single option
Implementation	• Plan of action for execution of the decision • Orders • Execution
Monitoring	• Track to what extent actions taken are in line with objectives
Forward planning	• Identify possible change of the situation • Prepare reactions
Evaluation	• Evaluation of the results and process

Information will be collected according to which data are useful for better understanding the problem and highlighting the different options or solutions. The decision will be a choice between the possible solutions; the tactics and deployments will combine the best mix between ways (tactics, methods) and means (resources) to achieve the goals (mission or solution to the problem). Monitoring will allow identifying gaps between objectives set and effects of ongoing measures, and evaluation will help to draw the lessons learned. A clear decision making process is important for an organisation as it makes sure that:

- Relevant actors participate in the decision.
- A methodology is used which allows a rational approach to problems and creates a common language between decision makers.
- No time is lost in making decisions.

Decisions will never be totally rational: lack of information, time constraints, personal bias, vested interests and other factors can distort them easily. Corruption may be another distortion

3.4.1.2. Decision making process and corruption

All stages of the decision making process offer opportunities for corruption. In Table 5, below, there are some examples:

Table 5: Example of decision making process and corruption

Stage of decision making	Opportunities for corruption
Collection of information & analysis	• Collection of information restricted so as to protect certain people. • Important information destroyed or not transmitted. • Analysis is biased.
Decisions	• Measures ordered such that they do not endanger certain persons or activities.
Deployments/investigations	• Information given on deployments. • Specific goal not considered.
Control	• Certain controls are not undertaken

3.4.1.3. The chain of command

The chain of command is the formal line of authority, communication and responsibility within an organisation; it ensures clear assignment of duties and responsibilities. Again, the chain of command must be coherent with the strategy, structures and different processes, especially the decision making process.

3.4.1.4. Leadership

There are many definitions of leadership. Peter Drucker sums it up as: 'The only definition of a leader is someone who has followers.'[61] Warren Bennis's definition is focused more on individual capability of the leader: 'Leadership is a function of knowing yourself, having a vision that is well communicated, building trust among colleagues, and taking effective action to realize your own leadership potential.'[62] John Maxwell sums

up his definition as 'leadership is influence – nothing more, nothing less'.[63] What appears common to these definitions is the notion of power and influence. The difference among leaders may come from how they use their power and influence.

Example 2: Leadership and corruption

Leaders are also followers: they submit to others' influence and they exercise their power on others. Tackling corruption, therefore, will need to draw an influence map in corrupt surroundings to identify, on one hand, the sources of influence on the suspected leader, and on the other hand, the potentially infected network of relations stemming from the leader, seen as a source.

The power of leaders will differ according to their position, and therefore their influence in the area of corruption will be reflected in the size of the consequences of their actions. Senior managers are able to distort processes and foster systemic corruption; for example in promotions if these can be obtained by bribes. Such a system can only function if it is accepted – and used to their profit – by the senior management. At the bottom of the organisation, individual police officers may accept bribes from members of the public to close their eyes on dubious behaviour or traffic offences, for example.

This kind of corruption if it develops to a certain level can become systemic. The role of direct managers is crucial. They are in direct contact with police officers and are also well aware of what happens in the higher levels of the police organisation. If they do not sound the alarm when they see corrupt actions by their subordinates, higher management will not be informed in due time. If they tolerate certain behaviour and bad habits, a culture of working will soon develop accordingly.

The direct manager – the sergeant – is the one whose influence on subordinates is most important as s/he is in direct contact with them, knows their problems and is able to establish links with the upper level; s/he is also the one who can influence them through the way s/he conveys instruction from above. His/her importance as a role model for his/her group should not be underrated. In times of reform middle managers may make or break the changes in supporting or opposing them.

Leaders' behaviour will set the pace. Leaders will be observed by members of the police organisation; they are the role models who must act according to the values proclaimed by the organisation. Their conduct will establish criteria of reference in that context. As bad role models are easier to follow, the damage done to the police organisation may be enormous if its members come to realise that their leaders' behaviours do not correspond with the values they proclaim.

3.4.1.5. Styles of leadership

Leadership style is the manner and approach of providing direction, implementing plans and motivating personnel to achieve goals and objectives. It determines the type of relations between managers and subordinates. There are three main styles of leadership: 1) authoritarian, where the leader decides and the

followers execute; 2) democratic, where followers are consulted or associated with decisions; and 3) delegative, where decisions are taken by the followers according to their competence. There is no right style, only styles which are adequate in given situations and adapted to the level of skills and willingness of the followers. Inadequate styles of leadership will create dissatisfaction, anxiety and low morale among the personnel and, therefore, can influence their attitude towards corruption.

3.4.2. Control

Chapter 5 deals at length with control. In this Chapter 3, control is looked at as a process which contributes to good working of the organisation and which may encourage or discourage corruption. Control helps to detect differences and changes in a situation, a behaviour standard, planning, or an objective.
There are two types of control in a police organisation: 1) external and 2) internal. External oversight is exercised by political authorities, the judiciary and public opinion. This control aims at verifying the conformity of police actions with the laws and policies established by the government and checking the efficiency of their implementation. This is the subject of Chapter 6.

The internal controls cover two large domains:

1. Controls of personnel to verify the good execution of orders, tasks and activities and ensure that their behaviour conforms to the norms.
2. Bureaucratic controls to measure respect for procedures, objectives set, evaluation of knowledge, etc.

As an important mechanism for management, the system of control must avoid several traps to remain efficient:

- Control must be coherent with the strategy. For example, if the police organisation develops community policing it must adapt a more decentralised organisation, empower the police officers in contact with the public and develop communication and cooperation methods. If the control systems are not adapted and remain focused on the application of procedures and the tight control of officers, they will hamper their autonomy and initiative and prevent their cooperation with the public.
- Control must not convey wrong signals.
- What is controlled indicates what is important to the management of the police.
- Police officers soon will identify discrepancies between what is said by managers and what is reality.
- A cynical attitude will become part of the organisational culture if public statements are contradicted by facts.
- A police officer's motivation and initiative will be strongly affected by such contradictions.
- The control of results contributes to the efficiency of the organisation.

Box 11: A few remarks concerning corruption issues

- There are three types of control: 1) control of personnel and 2) bureaucratic control and 3) social controls. Members of an organisation are subject to their social environment. They live and work with other members of the organisation and their behaviour must to some extent conform to that of their group; if not they can be ignored or even ostracised. The social pressure may be even stronger than the norms of the organisation, and if this pressure tends to support or encourage attitudes and behaviour that are unethical, it will create a climate favourable to the development of corruption.
- Pressures will be stronger in small groups than in large ones, especially if their activity is considered as prestigious, if it is accomplished with great autonomy and/or if it particularly risky (not so much in terms of danger as in terms of temptations).
  - That is why there are some units in a police organisation which must be particularly controlled, such as SWAT teams, officers handling informants and drug squads.
- Other activities require much vigilance: interviews, for example, to ensure human rights are respected; the use of force, notably firearms, is also a sensitive area.
- Respect for minorities (gender, religious, ethnic) is also a subject of concern in many police services and must be appropriately controlled.

New police officers have expectations, needs, views and opinions that are different from those of their predecessors, not in the sense that they are worse, but only that they are modelled on those of the society in which they have grown up. In terms of control this evolution may have a strong impact. Young officers have become more independent: in many police services work time has been reduced, there are constraints of location (obligation to live in a certain area) and in some countries many are financially independent and their social networks extend outside the police world, thus officers are led to meet many people outside their traditional circles. A consequence of this is that supervisors know their subordinates during work hours, but often ignore what they are doing during their free time, who they meet and how they behave. Many problems can arise from such situations, such as a police officer whose wife has a brothel or a bar, a police officer whose girlfriend or boyfriend lives illegally in the country, police officers who have friends who use drugs, etc.

3.4.3. Human resources and recruitment

Poor working conditions can provide both incentives and opportunities for police officers to resort to corruption. Human resource management is, therefore, a critical area in tackling police corruption, as it lies at the core of the organisation's incentive system. Attention especially must be paid to the elements discussed in the following subsections: *recruitment and promotion* and *salaries and benefits.*

3.4.3.1. Recruitment and promotion

Appointment procedures must be open, fair and transparent to recruits 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.

As part of the process of recruiting new personnel, selection procedures and policies are important elements of police reform. Inadequate screening criteria for candidates can result in police officers lacking the skills or incentive 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 basic acceptance standards such as a minimum level of education and the absence of a criminal record.[64]

> *New officers must say, 'I will be part of the future, change it from the inside, not just snipe from the sidelines'... it isn't about popularity; it's about doing the right thing.*
>
> *– Sir Paul Condon, London Metropolitan Police commissioner, 1998.*

3.4.3.2. Salaries and benefits

Policies also should be implemented to ensure regular personnel rotation in high risk positions. A key personnel issue to consider when reforming a police institution is whether to retain old personnel or recruit new personnel. Lessons learned from South Africa suggests that a combination of both approaches is needed, including the reselection/vetting of police officers who have been involved in corruption and a systematic approach to recruitment.

Low salaries and poor benefits (e.g. healthcare and pension) provide negative incentives to police officers, therefore, salaries should be commensurate with the skills required for the assigned task and should be paid regularly and reliably. In Singapore, for example, increasing the salaries of civil servants and political leaders with a view to making them more competitive with the private sector has been an integral part of efforts to decrease the opportunities and incentives for corruption.

3.4.4. Training and professional development

As part of efforts to promote professional and merit based career standards, police personnel need to be equipped with the skills to perform their jobs in a professional, impartial and ethical manner. To achieve this goal, police services should be able to rely on initial and continuing 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 personnel recognise misconduct and provide them with techniques to resist corruption attempts.

3.4.5. Communication

Communication is an important process in the organisation. On one hand, it is dependent on other processes, and on the other hand it is a condition of the efficiency of processes. For example, transparency can only be reached through open communication, but communication can only be effective if barriers are not constantly hindering it. Communication must support all reform processes; it is a way of influencing the culture of the organisation in conveying values, thus it is a powerful management instrument. Open communication is fundamental to loyalty and creating a culture in an organisation that understands the decision making process; but it is also fundamental to police accountability and public trust and confidence. Transparency of police activities is a result of communication, but it needs to be embedded into the culture of the organisation to be understood.

3.5. Vulnerabilities

The discussions about the main elements of the organisation have shown their interdependence and the possibilities they create for corruption. It is now possible to establish a chart of the vulnerabilities which can be identified in the different areas that have been examined, and analyse their potential consequences on corruption. The question of the capacity of the organisation also needs to be addressed, because it will influence the choice of priorities in taking measures. See Table 6, below for a detailed summary various vulnerabilities.

Table 6: Vulnerabilities to corruption within an organisation

Area	Vulnerabilities	Potential consequences for corruption	Organisational action & freedoms
Environment	The organisation is part of a larger system. Upper levels may be infected by corruption; the external conditions may be favourable for the development of corruption within the police organisation – economic and social conditions, for example. The legal framework may be lacking necessary instruments to tackle corruption.	Police can be object of political or other pressures to act or not act in situations which could harm the interests of certain persons or organisations. Choices of key positions in the police can be influenced by this type of situation. Corruption will profit from these gaps. The police are poorly controlled.	The freedom to oppose these pressures may be limited according to where they come from. Proposals for changes in the law may be made. Their implementation will depend on the will of others.

	Oversight of police is insufficient (political, judiciary, public). Inadequate material resources. Crime situation determines the type of corruption which affects the authorities and police.	Officers are forced to compensate their income from other sources. Influence on who can be touched by corruption in police (management, officers, etc.) Blackmail, threats, etc.	
Definition of corruption	There is no clear definition of what acts and behaviours are considered as corrupt.	Uncertainty created can foster the development of some forms of corruption. The base for sanctioning corrupt acts is lacking.	The organisation is free to make a precise definition & establish indicators.
Values	Values are clear; not communicated. Management doesn't conform to values. Norms & behaviours not enforced to comply with values Values theoretical; no link to activities. No codes of conduct.	Cynical attitudes to values develop in organisation as members become aware they are 'paper values'. These attitudes determine the image and trust that the public grants to police. The legitimacy of the police can be affected if they enjoy a low level of trust. No basis for training.	The organisation can take measures at its level to improve the situation.
Strategy	Main weaknesses are caused by the inadequacy of a strategy to respond to problems.	Certain crimes may not get necessary attention from police. This can be a cause of corruption.	Outside influences hinder police from adapting strategy and priorities.

Structures	Decentralisation without an adequate system of control. Internal barriers hinder exchange of information and cooperation between different units.	Lack of control can contributes to development of deviant behaviour in some units or by individuals. The development of subcultures is fostered. Much time may elapse before management realise there are problems.	The police service is entitled to modify the structures and adapt the system of control.
System of authority	Politicisation of police departments and chiefs. Inadequate leadership styles.	Politicisation & nepotism pervert appointments & promotions & open way to corruption. Bad leadership can create an atmosphere of distrust and withdrawal, which can lead police officers to modify their attitude towards their missions.	This situation may be difficult to change because the politicisation comes from the political environment. Changes in leadership at the top also depend on political will.
Human resources	Recruitment, selection & promotions: chain of command not clear; political, ethnic, gender, religious factors prepare ground for improper conduct. Ethics not taught (adequately) in academy nor in refresher courses. Lack support for officers facing corruption problems.	The non-existence or insufficiency of management of human resources is a powerful factor for developing systemic corruption in recruiting, selecting and promoting people.	The political environment can exercise a strong influence on distortion of regular practices. The police can take measures to correct these weaknesses.
Control	Lack of control can allow the development of problems being unnoticed for a long time.	Beginning and development of corrupt attitudes.	Service can take measures to improve control system. Can be focused on specific areas or problems.

Communi-cation	Poor policy of external and internal communication.	Values not communicated within the organisation; personnel don't understand what is expected of them. Positive image of police not presented to public.	The police can take measures to improve communication within the service and towards the public.
Culture	Code of silence: institutional pressure to protect the reputation of the service (more on codes can be found in Chapter 2). Management versus leadership: managers are risk averse, seeking to avoid conflicts; leaders are risk seeking, pursuing their vision.	View outside world as potentially hostile to police leads service to turn inwards; distrust, contempt & hostility to society fosters corruption. Solidarity, reinforced by feeling different, leads to closing eyes to misconduct.	Police management can positively influence the attitudes of officers through a policy of communication, role models and an attitude of no compromise with offences committed by police officers.
Personnel	Beyond environmental & organisational basically favourable to development of corruption, individual factors play key role concerning the vulnerabilities of police and their propensity to corruption. Importance of the role models of managers.	Circumstances may change the behaviour of police officers who had never presented problems.	The police can develop a system of support for officers. Management can foster trust within the service through their attitude and an open policy of communication.

3.5.1. What organisational measures can be undertaken to address identified vulnerabilities to corruption?

A certain number of measures, indicated in Table 7, below, should help to address the vulnerabilities identified by an assessment done by the organisation.

Table 7: Measures to address weaknesses within an organisation

With regard to	Measures to be taken
Relationship between the police and the environment	• Analysis of the environment to identify risks concerning corruption in the organisation • Contacts and communication to draw attention to the problems and proposals for taking measures in the areas influencing corruption within the police
Vulnerabilities of the organisation	• Assess the organisation (SWOT) to identify its capacity to resist corruption (see Glossary and Chapters 2 & 9). • Awareness building processes & published cases of corruption
Clarification in the definition of corruption	• Clarification and communication • Set-up indicators to control respect for norms
Formulation of values, norms, behaviours	• Setting up values, norms and standards of behaviour • Establishing codes of ethics, etc. • Adapting academy curricula and refresher courses
Strategy	• Identifying potential corruption risks linked to strategy • Integrating an anti-corruption policy within the strategy
Structures	• Assess, and if necessary modify, structures in considering their influence on corruption
System of authority	• Review and adapt leadership styles to the strategy and conditions of better communication between different parts and levels of the organization
Human resources	• Develop a modern system of managing human resources: procedures for screening candidates, recruiting, training and promoting them • Adapt training in developing ethical teaching • Develop support to officers
Control	• Adapt the system of control • Introduce protection for whistleblowers • Zero tolerance towards corruption in service

Control	- Develop adequate investigation procedures and instruments (further developments in Chapter 7) - Develop proactive investigation on police corruption - Develop security measure to protect information - Develop early warning systems - Make regular reviews of internal controls - Managers must know their subordinates (not only as workers but also as private persons)
Communication	- Develop a policy of communication to diffuse values - Align the values with leadership styles
Culture	- Promote an ethical culture - Stress the importance of role models in management
Relationship between police & the public	- Promote and realise transparency - Investigate public complaints & communicate results

3.5.2. Vulnerabilities and reforms

A reform process almost always will create trouble, unrest, fear and hope in organisations because it ushers in uncertainty. Police personnel can adopt different attitudes: a minority will support reforms as they either understand their purpose or see new opportunities for themselves in the changes; another minority will strongly oppose them for exactly the opposite reasons; and the majority of the personnel will wait until they see more clearly how they will be affected by the changes. If management is unable to convey a clear direction and formulate convincing arguments supporting its measures, personnel may become nervous, disillusioned and opposed to change. Such a climate may diminish the barriers opposing inadequate behaviour and be the cause of a loss of morale and the development of unethical behaviours. Reforms, therefore, must be managed carefully. Respecting a few conditions will improve the chances of success. There are specific steps, which are outlined, below, in Box 12:

Box 12: Successful reform process

Seven phases of a successful reform process
1. Nurture feeling of urgency so reforms are felt as being indispensable & unavoidable.
2. Build a coalition to support the reform.
3. Develop a vision and a strategy.
4. Explain, motivate, gain adhesion through communication policy.
5. Work to reduce opposition and obstacles.
6. Build on successes.
7. Consolidate.

Three factors allow assessing success of reform
1. Practices really have changed.
2. Performances are adequate.
3. Organisational climate is better or at least not worse.

4. Organisation in specific contexts

Police corruption may take different forms and vary in intensity according to specific circumstances and situations. The examples given in this section do not aim to describe forms of corruption which only can be found in certain contexts but rather to point out the influence of situations on the development of corrupt behaviour.

4.1. Post-conflict countries

The main problem in managing in this type of situation is rebuilding a country shaken by war. International support generally will be important and financial resources will be available. Embezzlement of funds, bribes and favouritism will be common forms of corruption.

Police services will frequently need to be rebuilt from scratch, and an international police service will often be the only police available at the beginning of the process. Corruption can be created by this international service.

Example 3: Bosnia-Herzegovina

After the civil war in Bosnia-Herzegovina, the international community built the UN Police Mission with police officers from UN member countries to help the new government in state building, but also to reduce corruption. The UN support led successfully to a new state of Bosnia-Herzegovina and reduced corruption. The UN Police Mission, however, was affected by corrupt officers who proved to be a bad example to the appointed national officers. In April 2001 the Washington Post reported:

> In the five years since international police officers were sent to Bosnia to help restore law and order, the UN police mission there has faced numerous charges of misconduct, corruption and sexual impropriety. But in virtually every case, the allegations have been hushed up by sending officers home, often without a full investigation, according to internal UN reports and interviews with US and European officials.

4.2. Transition countries

The main problem of these countries – mainly former communist countries of Eastern Europe– is to restructure their police services. They need to master simultaneously three reform processes: 1) democratisation, 2) demilitarisation and 3) professionalisation.

These countries must overcome specific weaknesses due to their former situation, such as heavy centralisation, lack of management skills, unpreparedness of middle managers, lack of resources and materials, poor image and corruption. In addition, nepotism and clan influences may strongly affect organisations in placing cronies of the political elite at the head of police agencies. Two examples from the former Soviet Union are discussed in the boxes below (Examples 4 and Example 5).

Example 4: Georgia

An example of police reform to tackle corruption is the case of Georgia, as its political landscape changed substantially since the 'Rose Revolution' of November 2003. Police reform was difficult because of internal structures and administration. Despite serious efforts, human rights abuse remains a problem.

Before reform, Georgia's police officers were known to violate human rights, detaining people without the authority of the law, planting drugs, arms and money and so on. The government implemented some measures to tackle corruption, such as a code of ethics and a code of conduct. During the reform, the police personnel has been reduced to around forty per cent; this has allowed for increased salaries, thus reducing corruption. The reform included education for police officers to train them to enhance professionalism, awareness and adherence to human rights and the rule of law. There is a responsibility for each officer to know his/her common and individual role as a police officer, underpinned by the code of conduct.

Example 5: Turkmenistan

One aspect relating to corruption is nepotism and clan influences, and these are apparent when the political infrastructure of Turkmenistan, under the regime of President Gurbanguly Berdymukhammedov, is examined.

In October 2007 changes were made when two high ranking officials, National Security Minister Geldimukhammet Ashirmukhammedov and Interior Minister Khojamyrat Annagurbanov, were dismissed from office and held accountable; criminal charges were filed against both men. Among the accusations were that bribery among police officers was on the increase and the Interior Ministry's departments and personnel were abusing their power. Historically many foundations of Central Asian life are rooted in clans or associated groupings based on principles of kinship and shared regional origin and other cultural links.

4.3. Developing countries

Generally, two major issues need to be addressed in this context.

1. Ensure that a legal framework for transparency and accountability underpins the criminal justice system and that public support aims at ending apathy, defeatism and complicity on the issue of corruption. For that purpose, restructuring of the police organization is necessary in order to meet the needs of the community. The primary focus is to serve the public while still maintaining the role of the legitimate government's law enforcement arm. As with all aspects of government, it is necessary to police with integrity, fairness, transparency and accountability. Such a process can start with a survey of corruption perception, followed by public awareness campaigns and feedback on instances of corruption and enforcement.
2. Provide an appropriate economic and regulatory context that can help eliminate incentives and opportunities for corruption. Such a process can start with the regular payment of adequate salaries.

Example 6: South Africa

In South Africa corruption is a continuing challenge facing the police transformation process.[65] While it has remained an official priority concern for the South African Police Service since 1996, there is little indication the police organisation is effectively overcoming the problem. For the majority of the public, the police service in its entirety was corrupt because it had become a tool for brutal political oppression along racial lines. In addition, there was sufficient evidence that the abuse of power for personal gain was widespread and occurred at the highest levels under apartheid.

The trial of squad commander Colonel Eugene de Kock was one important indicator of the extent of corruption among senior commanders in the police. While most of the evidence at de Kock's trial related to the powerful security branch of the South African Police, there were indications that bribery, protection rackets and theft were also common among other sections of the police. These forms of corruption, closely linked to the policing of illicit markets such as gambling, prostitution and the illegal sale of liquor, promoted corruption throughout the apartheid police organisation.

4.4. Developed countries

The organisation of police departments in this context is generally adequate. Problems are usually due to inadequate leadership, lack of control, low morale and insufficient attention given to teaching ethical values to personnel. Corruption can be fostered by these weaknesses and reflected in the behaviour of individual officers. Corruption on a larger scale is less frequent. The focus of measures, therefore, must be put on development of ethics processes within the police. See Chapter 4 for more details.

Example 7: United States

(Baltimore, Maryland) In March 2011 a federal grand jury returned an indictment against ten Baltimore police officers and the owner of a car repair shop called Majestic Auto Repair Shop, for conspiring to commit extortion in a scheme in which the shop owner paid police officers to arrange for his company, rather than a city authorised company, to tow vehicles from accident scenes and make repairs.

The Baltimore Police Department (BPD) requires that when police request vehicle towing services, they only use towing companies that are under contract with the City of Baltimore. Majestic was not an authorised tow company with the City of Baltimore.

In the scheme, BPD officers at the scene of an accident would call Mr Moreno, the owner of Majestic, and provide him with details about damaged vehicles. The indictment further alleges that a Majestic truck, or a truck from another towing company used by Majestic, would then arrive at the scene and tow the vehicle to Majestic, even if the vehicle was not actually disabled. Moreno and the BPD officer would later arrange to meet so that Moreno could pay the officer in cash or by cheque for steering the owners of damaged cars to use the Majestic Auto Repair Shop.[66]

5. Implementation – assessment seminar

This section considers a seminar, the goal of which is to identify organisational weaknesses, particularly those related to corruption. Such an assessment should be undertaken by any police organisation wanting to take effective measures to curb internal corruption, the results of this analysis will identify where actions must be taken. These results will be the basis for the development of an effective action plan.

5.1. Objectives of the assessment seminar

- To make participants aware and conscious of the problems created by corruption within their police organisation.
- To let them think of possible measures to reduce them.
- To create an atmosphere in which these problems can be freely discussed.
- To use the seminar to teach and exercise methods like brainstorming, scenarios, etc.

5.2. Participants

- Eight to ten chiefs of police or senior officers (ensure that they belong to the same hierarchical levels; if not, the differences in rank could hinder the discussions).

5.3. Duration

- One day.

5.4. Methodology

- Using brainstorming and if/then methods, participants will discuss, on the basis of their experience, the possible forms of corruption, their risks and the ways of reducing them.
- Different phases of the seminar will each address a specific part of the problem.
- The seminar leader will explain the methods, manage the sessions, draw conclusions and make the summary.

5.5. Preparation

- Logistical preparation: premises, etc.
- Preparation of written material.
- Writing a programme of the seminar to be sent with the invitations.

5.6. Tentative programme

- Introduction of objectives.
- Presentation of methods, i.e. PowerPoint etc.
- Brainstorm to find characteristics of environmental factors and what is favourable or unfavourable within a police organisation in its region.
- Use of SWOT analysis tool. (For more on SWOT, see Glossary and Chapters 2 & 9).
- Identifying the risk of corruption created by criminals.
- Workshop on internal problems related to unethical behaviour.
- Developing measures to be taken to reduce risks, such as working groups.
- Framing a possible draft plan of action, identifying priorities.
- Summary, lessons learned and conclusion.

6. Other lessons learned and some success factors

Building political will is a prerequisite for police reform, as tackling corruption may challenge powerful vested interests that are likely to resist reform. In view of the political risks attached, it is important to develop a solid understanding of the political economy of police reform. Experience from New South Wales, Australia 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.[67]

Newburn[68] argued that although successful implementation of a community policing model would be expected to reduce certain forms of 'corrupt' activity, community policing is not a panacea for the problems of policing, including corruption. Kleinig[69] acknowledged:

> police who become too closely identified with and involved in the community they serve often find it difficult to fulfil their law enforcement function. The risk of corruption must also be faced. Not only will associations be forged that make enforcement difficult, but police may start to share some of the perspectives of those whose activities they are expected to be curbing.

The central facet of any anti-corruption strategy should be an emphasis on 'ethical policing' and a document such as the 'Nolan Principles'.[70] The Nolan Committee outlined six principles of public life: 1) selflessness, 2) objectivity, 3) accountability, 4) openness, 5) honesty and 6) leadership. Such a document can provide the basis for establishing a paradigm that is recognised as 'ethical policing'. This would not be much different to attempts that have previously been made to articulate the values that underpin 'democratic policing'.[71]

Main factors in police services to tackle corruption are:

- Evaluation of the environment to find risks and support.
- Political will to reduce corruption within the police.
- Leadership awareness and intention to democratise the management.
- Leadership will to reform structures, implementing rules and reaction on corruption cases.
- Internal and external controls.
- Code of conduct with code of ethics to be implemented.
- Public oversight and cooperation with society through community policing.

This non-exhaustive account shows the comprehensiveness of measures to be taken in a police organisation – legal, structural, political, leadership, behavioural. Tackling corruption in transition and post-conflict countries requires awareness that anti-corruption measures can be situated in the nature of politics and the police leadership. Particularly, international police support in transition and post-conflict situations requires an exemplary policy and strict legally based reaction in cases of corruption, so that such cases are tried by a court in the supported country and published accordingly.

7. Conclusions – Chapter 3

Enhancing the capabilities of police organisations to tackle corruption requires a focus on the organisation. Addressing only the individual officers without taking into account the surrounding environment is not sufficient: one would only consider the symptoms without understanding their underlying causes.

Managerial and organisational weaknesses influence the culture of a police organisation and the way police officers behave. Thus it is necessary to assess the organisation in terms of its vulnerabilities towards corruption, and then develop plans to eliminate or reduce them.

The best way to assess an organisation is to consider it in its larger environment to establish the external factors which can influence it, and then analyse its strategy to verify its adequacy with the types of problems for which responses need to be given. The next step is to assess the adequacy of the structures and different processes, and for each to identify how their weaknesses might foster corruption.

SELF ASSESSMENT TABLE

Chapter 3 ▪ Organisation

Having read this chapter, what is your reaction? Was there new information in this chapter that you could use to improve your police service? Are there changes that could be made in your police service?

Please find below a self assessment that will help you answer these and other questions. This basic assessment is intended to help you evaluate the situation in your own service, determine what, if any, changes should be made, and brainstorm means for implementing these changes. To develop a more comprehensive approach for applying the concepts learned in this chapter, training sessions or working groups could be organized to complement and build upon this assessment. In addition, it may be helpful to seek the assistance of national or international experts on matters of tackling corruption.

Issues / Questions	What to do to make up for Weaknesses?	How to do it?
Have we assessed for our police service the threats and the risks of the external environment in terms of corruption?	We can: • Develop a method for that purpose • Identify these threats and risks • Estimate their potential impacts on our activities • Establish a action plan to reduce the identified risks	We can: • Use the PESTL tool (see Tables 1 and 2 and Box 2) • Organise brainstorming sessions/ workshops to define the consequences of the threats and risks (see model of assessment seminar)
Does our policing model foster or prevent corruption and inappropriate behaviour?	We can: • Define the characteristics of our model of police and assess their consequences in terms of corruption and inappropriate behaviour • Examine how to reduce the negative consequences • Develop an action plan for making the necessary changes	• Use Tables 6 & 7 • Engage an expert or/and a working group • Use Box 12 (see also Chapter 8) **Remark: tools described in Chapter 9 may be useful**

Are we aware of our potential organisational, managerial, human and other internal weaknesses which could foster corruption and inappropriate behaviour?	We can: • Make an assessment of the vulnerabilities of our service • Examine the measures which could contribute to their reduction • Develop a action plan	
Is our police service ready for reforms?	We can: • Define what the conditions for the success of reforms are • Assess if they are fulfilled in our services • If not, identify where measures should be taken for facilitating the reforms • Develop an action plan	

Supporting police officers facing ethical questions

■ André Lacroix

1. Introduction to Chapter 4

This Chapter 4 discusses how police services and their managers can support the officers when they are facing ethical problems and dilemmas. The analysis and practical examples presented here come from police services in Lausanne, Switzerland and Quebec, Canada, where wide ranging support measures have been implemented since the early 2000s.

This chapter presents and defines the "ethical infrastructure" of a police service, and shows how this "infrastructure" can support police officers facing ethical questions. To support this, the changes police work has undergone in recent years will be presented, with the consequences for the mission and roles of police officers. The integration of support for ethical decision making into this new reality of police work is then discussed and looked at in different contexts.

Police traditionally are trained to maintain order, but today they are expected to perform additional functions related to community policing, service and crime control as part of their police mission. There are, of course, obvious differences in the way this mission is carried out from one country to another, but police services, today, all confront the same challenge: their work is changing, and they must respond to several new demands. These changes include providing support to the public for daily life and in situations of distress, ensuring transparency in police actions and duties, demonstrating professional integrity, preventing corruption and adapting to a diverse population. In addition to meeting these new demands, policing is changing rapidly at the technical level. There are new techniques of intervention and more sophisticated weapons, etc. Even the concept of police work itself is changing, with intervention and prevention being increasingly emphasised over crime control. The function of crime control has not been abandoned completely, and will always be an essential part of police work. Evolution of democracies and the global increase in democratic governments, however, have caused police services to pay greater attention to professional integrity and to rethink their work in accordance with the needs of the public, with the aim of improving professional integrity in existing democracies or simply setting out guidelines for it in emerging democracies. These important changes in society and in the police have caused police services to organise police work differently, and one of the most important aspects of this reorganisation is a new police culture (see Chapter 2).

Police services need support to make these necessary changes. Training is necessary, but it is not enough. Changes must also be made at the management level (e.g. less centralised management, with a greater emphasis on police professionalism); support structures must be put in place (e.g. ethics implementation committee, ethics debriefing mechanisms); new guidelines must be developed (codes of conduct including disciplinary codes and a charter of values); and the integration of ethics in the police service must be rethought (through the implementation of a collegial approach rather than the traditional command and control approach).

This chapter 4 will address the elements listed below. The discussion of these points is based on interventions carried out with police services in Lausanne, Switzerland and Quebec, Canada by teams with the Chair in Applied Ethics at the University of Sherbrooke in Canada since the early 2000s.

- The reasons why it is important to support police officers in the struggle against corruption.
- The integration of support for ethical decision making in police services in looking at the importance of training for that purpose, the necessary infrastructures, documents and instruments, the specialists to be trained and the changes to be introduced in the management of police services.
- Different contexts and their consequences for these issues.
- The development of such a project in a police service.
- The lessons learned and the main success factors.

Links with other chapters

Certain topics discussed in this chapter are also developed in more detail in other chapters:

Chapter 1 (introduction) provides information on the different forms of corruption;
Chapter 2 (values) completes the discussion on values and codes of ethics;
Chapter 3 (organisation) covers subjects of organisation and management; and
Chapter 8 (enhancing capabilities) supplies information on the development of projects.

Specific links will be indicated in the text.

2. Why support police officers facing ethical questions?

This Section 2 of Chapter 4 presents the main reasons why it is important to support police officers facing ethical problems.

2.1. Police services are affected by changes in the societies they serve

Big changes have taken place in all countries, and these important changes have profoundly changed the mission of police services as well as the approach to policing. One must understand the changes in society to make the organisational and professional changes necessary to correctly respond to them. Since it is not only the mission of police that has changed but also the type of recruits, the manner in which discipline is imposed within police services also needs to change. Simply put, both society and the individual members of these organisations are willing to accept the traditional command-and-control approach to discipline. Discipline, a code of conduct and respect for the law, however, are all essential elements of the police when it comes to tackling corruption and ensuring the integrity of its personnel. Effective functioning of these organisations actually depends on respect for and compliance with all these elements. That is why it is so important to provide support to these organisations in integrating ethics into their management and training systems.

2.2. Social changes complicate police work

One of the most significant social changes is increased individualism (particularly in 'Western' democracies). This shift to greater individualism has changed society as well as altering how police officers perceive their job and how the public perceives their rights and the work of the police.

To understand these changes, it is important to note that society today is seen as a group of individuals, all having their own rights, values and ways of thinking. These individuals are no longer exclusively guided by a strong and shared notion of community or nation. The public is no longer willing to accept the imposition of values in which they do not believe – even when these values are imposed by force. Rather than being imposed from above, orders and commands must now be made collectively and accepted by individuals. See Box 1, below, for further discussion of individualism and policing:

Box 1: Consequences of individualism on police services

Individualism places the person, rather than the community, at the centre of social life. This cultural development also exists in police services. For example, new recruits tend to view personal fulfilment, including leisure activities and family life, as a higher priority than career and work. Police officers, therefore, no longer can be managed as if they were mere 'pawns in a game'. Rather than being viewed as subordinates who accept, integrate and apply orders without question, the officers now must be managed as professionals who see themselves as possessing skills, techniques and specific know-how which they use in service of the organisation. It is up to the organisation to find the best way to mobilise these police officers as professionals and individuals rather than assuming or demanding their complete submission to the institution.

2.3. Professionalisation of police work has increased with the complexity of societal problems

The changes discussed above have had a major impact on police officers' perceptions of both themselves and their professional status. Officers traditionally were hired to control crime and maintain public order. Their role was that of enforcers or technicians. Starting their career at the 'bottom of the ladder', these officers would learn their profession over the years, working their way up the hierarchy and eventually becoming eligible for management positions. Regardless of their position in the chain of command, the officer's role was to carry out the orders of superiors. This hierarchical approach to work has changed completely with new recruits who are more conscious of their independence and more confident of their knowledge and abilities. Two factors account for this change:

1. The individualism of these new recruits causing their desire to be in control of their actions.
2. Most new recruits have graduated from training institutions where they are taught increasingly sophisticated intervention techniques based not only on force, but also on psychology, weapons and the latest management trends. Upon graduating and starting their careers, today's police officers are professionals who protect their independence and autonomy. No longer mere technicians charged with carrying out orders from above, today's police officers have become knowledgeable professionals who sometimes do not fit into the hierarchy. It is very important, therefore, for police services to pay close attention to the needs of their rank and file, its body of specialists, and refuse to give them more of a role in management.

2.4. Police services must adapt to new realities

From followers of orders subject to the command of their superiors, police officers have become – or can be expected to become, in the case of countries with less reformed police structures – legal professionals. Police officers now are expected to have the knowledge and skills to deal with the social realities on the job not only as 'keepers of order' but also as genuine social/community workers. Given these changes in the nature

of police work, and hence in the qualifications required for this new type of work, police services must be prepared to modify their approach to policing including their style of management and intervention.

It is not easy to introduce major changes to management and support systems, and it requires several adjustments to the concept of police work. For example, it is no longer acceptable for police officers simply to impose the law without further argument; rather, they must be prepared to accept the scrutiny and evaluation of the public when intervening in situations. The police can no longer exercise the same authority in their interventions as in the past, but must listen to the public and consider their input, while continuing to fulfil the police duty to enforce the law and operate with complete integrity. Police services have been called upon to make a transition from traditional authority based to a community based approach. In this community based approach, the police become fully integrated in the life of the communities they serve. This greater proximity to the public also requires that police officers rethink how they define themselves: from being a member of the police first and foremost, to becoming a professional in police intervention and a member of an organisation; from being a law enforcement professional, to becoming a professional in intervention and prevention, as well as a professional who support and live among the public. The result is police officers being placed at the centre of constant power struggles (institutional and civilian).

The police must therefore adapt their strategies, organisations, leadership styles and relationships with the public. They also must be aware of the possible consequences of these changes – societal, individual and organisational – for the development of unethical behaviours and corruption.

2.5. Police officers and services both need help to face these new challenges

The support that police services provide to their officers to help them do their job well is essential. Just as important is the support given to the police services themselves.

The support provided to police officers must fulfil two objectives: 1) it must help them curb corruption through the creation of ethics bodies and mechanisms, and 2) it must help them manage situations that, while not involving corruption per se, represent a conflict of values that can lead to dubious conduct and decisions regarding the use of force, respect for personal rights, etc. The societal changes described above require police officers to rethink their role and to develop their professional judgement; they no longer are being asked to impose a particular way of doing things, but rather to interpret situations and propose the best response to the people involved. This increased exposure to and interaction with the public has placed police officers under more pressure than ever before, thereby increasing the risk of things going wrong. All of these changes, whether societal, professional or organisational, demand a rethinking of the relationship to the norm, to what is just and right. The situations today's police officers deal with are less and less frequently resolved by an appeal to authority. It is important, therefore, that both officers and police services be given help in making room for increased police autonomy, and especially in creating organisational mechanisms that will make this autonomy possible and establish ethically healthy police environments. This is why it is important to put in place new structures and mechanisms aimed at integrating ethics in the police community.

3. How can support be integrated into police services?

This Section 3 discusses *how* ethics can be integrated into police services. This integration is achieved through *training*, the creation of *new structures* and *management changes*. The "infrastructures" presented below might not be able to be introduced everywhere, and they might need to be adapted to specific situations. The following sub-sections offer a possible model or basis of reference for designing and implementing a programme in your police service.

3.1. Developing an integrated approach

The integration of ethics in police organisations must take place at three levels:

1. At the level of the training of new recruits (the subject of another section below).
2. At the level of support for existing personnel, senior managers and middle managers.
3. At the level of the organisational infrastructure and police management.

While each of the three levels has its own specific needs, these needs are interrelated and interdependent. Taking action at one level while neglecting others will inevitably lead to misunderstandings and a lack of effectiveness.

Ethics cannot be considered as a mere accessory to technical police training. On the contrary, it must be an integral part of all police training and must permeate the institutional culture. For this to happen, ethics must be integrated within the organisation of police work itself. This requires police services to develop an ethics implementation plan aimed at providing support to police officers. In terms of support for personnel, such a plan must include the adoption of a code of conduct, the creation of a charter of values and the training of 'ethics mentors' (also called catalysts), among other measures that serve to guide police in their day-to-day work. (Further information on ethics training is given in Chapters 2 and 8.)

It is important to ensure the long term sustainability of the ethical function within the organisation, notably by creating an ethics implementation team and developing ethics debriefing mechanisms, adopting a management approach based on values and dialogue (multi-stakeholder management and executive committee), ensuring that the police management takes into account the reality in the field and creating an ethics committee whose reflections and deliberations help guide the institution with regard to the more challenging issues and sensitive aspects of police work.

3.2. Providing ethics training

The issue of ethics training is discussed in another section, but it must be addressed briefly here, given that training is linked to the implementation of ethical mechanisms and is an essential component of organisational support. (See section, below, on 'Practical example'.) Training in police values and respect for the code of conduct and the law is essential to forming a cohesive police service. Ethics training must also emphasise the development of the professional judgement of police officers. This involves much more than just making good decisions; it means being able to recognise and read situations correctly in terms of their ethical dimensions and to identify the underlying values of the police service, of civil society and of other stakeholders. Police ethics training must also reflect the values of the police service and give officers the tools they need to interpret the ethical dimensions of situations – including those arising within the police service – and manage them. For these reasons, ethics training must be an integral part of the deployment of the ethics infrastructure; the two cannot be separated.

3.3. Implementing an ethics infrastructure within the organisation

The foundation of any ethics infrastructure within a police service must necessarily be the institution's values and mission (see 'Establishing a charter of values' below). From an ethics perspective, however, this is only the first step – the point of departure. The definition of the values and mission needs to be followed up by the implementation of a veritable ethics infrastructure, which entails:

1. Identifying and nominating an ethics manager and/or ethics adviser.
2. Training ethics 'catalysts'.
3. Preparing a charter of values.
4. Creating a code of conduct including a code of ethics and code of discipline.
5. Designating an ethics officer.
6. Creating both an expanded and a smaller management committee. This small management committee is responsible for ensuring that ethics 'permeates' the institution, for communicating its values and for ensuring that the police service is on the same wavelength as its personnel and vice versa. See Box 2, below, for more on these management committees:

Box 2: Why management committees?

The aim of management committees is not to deny completely the hierarchy of police services or the need for a discipline and *esprit de corps* during high risk operations, but rather to allow police professionals to exercise their judgement, express themselves and make a real contribution to organisational life. Ideally, these different tools should be put in place gradually and, in view of their respective implications, prerequisites and consequences, they should be implemented in the order presented here. Looking at each of these elements of organisational support for ethics in turn gives a better understanding of what they entail.

3.3.1. Identifying and designating an ethics manager and/or ethics adviser

Any organisational support within a police service must be placed under the responsibility of a designated individual, the "ethics manager". That person preferably should be a police officer rather than a private citizen, so that he/she can benefit from the support of the appropriate authorities while overseeing the implementation of the infrastructure and coordinating the work. The ethics manager will require basic training in ethics in order to understand the different theoretical, practical and organisational dimensions. See Box 3, below, for a comment on the necessity of this type of training.

> **Box 3:** Ethics training or common sense: what is necessary?
>
> Do ethics require specific training or does everyone possess some ethics and some understanding of them? In practice, it is important to recognise the universal aspect of ethics, to the extent that it concerns the judgements, decision making and reflection on values and standards that all people are capable of engaging in. It is correct to acknowledge the presence of these capacities in everyone and to integrate ethics into core training. It is incorrect, however, to assume everyone is capable of intervening within an institution to 'support' the organisation and its members in the deployment of an ethics infrastructure. For the latter purpose, it is important to recognise the need for ethics training in order to 'professionalise' the work of the "ethicist", which is exactly what the ethics manager or adviser will be required to become.

The ethics manager should receive high level training in ethics (university level if possible). This training should cover not only philosophical aspects, but also psychological, sociological and managerial aspects. After this training has been acquired and integrated within a philosophical perspective, the ethics managers will be in a position to effectively support both their organisation and their colleagues. The ethics manager also can serve as an intermediary with outside experts to whom the police necessarily will need to turn to for assistance in implementing its ethics infrastructure. The ethics manager also should take the same training as the catalysts, and will act, to a certain extent, as a 'super-catalyst' in charge of coordinating the work of others.

3.3.2. Training an ethics 'catalysts'

Trying to provide the same training to all members of a police service amounts to training no one at all since the general training provided will not correspond to the reality officers encounter on the job. Such training would be overly general, overly theoretical and poorly adapted. Ethics training should be tailored to the reality of professionals in the field – that is, the specific conditions characterising the work carried out by the different response and service units. The combination of training and a theoretical understanding of the issues are admittedly necessary for at least a limited number of individuals who will be called upon to act as advisers and mentors to other police personnel. This is the role played by the catalysts: To ensure adequate representation, the members of this group, whose number will vary depending on the size and mission of the police service, must be identified by the ethics manager in close collaboration with the police management. It is a big challenge to train catalysts since it involves giving the same training to professionals with an academic degree as to those with a non-academic technical background. This ethics training also

must have a strong philosophical basis while incorporating sociological, psychological and organisational elements. This is a big challenge, but not an impossible one. Several police services successfully have proven it is possible to meet these challenges by implementing models carried out by the Chair in Applied Ethics since the early 2000s, as shown below in this Chapter 4.

The catalyst play a dual role within the organisation: 1) custodian of the institution's values and 2) mentor to the other personnel, who gradually will be offered customised training in ethics without necessarily acquiring the theoretical and practical background that these catalysts will have received. The catalysts, therefore, will be responsible for gradually upgrading the training of other personnel, for placing the training into the right context and for informing the ethics manager of any adjustments and corrections needed without assuming the role of whistleblower – a topic that will be discussed in the section on the oversight committee of this chapter, below.

3.3.3. Establishing a charter of values

In conjunction with the training of catalysts, the ethics manager is in charge of coordinating the creation of a "charter of values" that sets out and defines the core organisational values and enshrines them in their mission statement. This charter of values should be the result of a large consultation process within the service aimed at identifying a broad set of values that is then condensed in order to arrive at a 'definition' of each value within the institution's specific organisational context. See Chapters 2 and 3.

It is important to keep in mind that the role of the charter of values is very specific. It never should be assimilated into a set of mandatory principles or standards that officers are required to comply with in the day-to-day life of the institution or during field operations (see code of conduct). Rather, the charter represents a set of values that can be applied in specific cases or situations encountered by police officers. It can be seen as a reference guide that explicitly sets out the core values adhered to by the service. These values will not always be used or applied in the same manner and do not all carry the same weight in the field. That is why it is so important that officers receive training in deliberation and the management of values. Such training is all the more vital because police officers, in addition to acting in accordance with this charter of values, must make sure they take into account their code of conduct and carry out their duties in compliance with this indispensable code. For some concluding remarks on values and police services, see Box 4, below.

Box 4: The role of values in the life of the police

Organisations tend to regard agreed upon values as ideals to which all members of the organisation must aspire in every aspect of their professional life. These values should not be understood as rigid principles that are intended to guide all police action. They should be seen as points of reference or guidelines that officers can refer to based on the circumstances at hand. Depending on the context of specific police interventions, certain values will be more pertinent than others. Thus, rather than being regarded as virtues characterising police work, the values stated in the charter should reflect the specificity of police work in each country and in each region. While there are undoubtedly certain core

values that will not vary significantly from one police service to another, there are also secondary values that will vary depending on the culture and location of the service, as well as on its scope (national police, city police, etc.). That is why it is important to ensure that the charter of values is developed in accordance with an institutional process that is specific to each police service.

In this way, the charter of values can also serve as a 'reference' for the public, giving people a clearer understanding of the principles guiding police officers, the values they defend and how their actions are conveyed. Similarly, this charter can also serve as a reference for the public evaluation of the service provided by the police.

3.3.4. Creating a code of conduct and appointing an ethics officer

There is, of course, a major difference between ethics and a code of ethics (see Chapter 2 for further information on codes of conduct, their roles and how to establish them). Ethics are mainly distinguished by their reflective function – i.e. ability to reflect on an action to be carried out on the basis of standards, rules and values applied to a particular context, while a code of ethics emphasises *compliance* with standards and rules. These two fields are much more complementary than they are in competition with one another. Each is, in its own way, essential to all professionals working in an institution. Where ethics are necessary in order to reflect on actions, the code of ethics is necessary to regulate conduct and serve as a guide for actions. To the extent that a code of ethics is also concerned with punishing inappropriate or reprehensible behaviour, it has a disciplinary function that is not found in ethics (see Chapters 2 and 3).

The *code of ethics* will be found in the larger *code of conduct*. The creation of a code of conduct that prescribes a comprehensive set of technical, legal and moral standards to be observed, as well as listing all conduct that is prohibited, is thus essential to institutional life. Indeed, this code of conduct is the first thing all professionals should be required to learn in order to have a firm grasp of their work, assess any deviant aspects related to it and identify the types of behaviour they must not engage in. While the development of this code should be entrusted to a team of legal experts, care must be taken to include professionals and managers who are very familiar with the reality of the personnel at all levels.

In addition to developing a code, the institution must appoint an ethics officer to oversee the code. Far from 'policing the police', as officers in charge of internal police investigations in law enforcement agencies are often perceived as doing, the ethics officer should be trained in ethics in order to be able to help their colleagues contextualise and interpret the standards and rules that make up the code. Compliance with the code is certainly important, however, its contextualisation is just as essential to effective performance in the institution. For this reason, the important thing is not so much to develop a culture of blind obedience to the code, but rather an ethical culture that allows, even encourages, officers to interpret and contextualise the code based on the specific circumstances encountered by police officers.

The ethics officer will be responsible for the code of conduct, for ensuring compliance with the code as well as teaching it to members. The ethics officer must be capable of showing flexibility in the field, as the task will be to support police officers and help them understand the rules they are expected to follow in their daily

interventions with the public. The expert must be capable of navigating ethical issues effectively and have excellent training in ethics. In practice, this expert will be required to work closely with the ethics manager to identify potential ethical trouble spots within the police service as well as types of interventions that may prove more problematic in its usage, thus requiring additional support for police officers on the part of the ethics manager.

Box 5: Debriefings and training

There is a need to familiarise officers with the principles and values guiding the work of the police in order to prepare them for modern policing: not only protecting the public, but also, especially, controlling behaviours. Ethics debriefings should precede technical training to allow for the contextualisation of the police officer's work, based on a new set of values (prevention, listening, mutual aid, etc.).

3.3.5. Implementing a disciplinary code

In addition to creating a charter of values within the mission statement and implementing a code of ethics within the code of conduct, police services also must have a disciplinary code that sets out clearly which internal rules need to be respected and which conducts are unacceptable. The disciplinary code is also incorporated within the larger concept and actual text of what is referred to throughout this Toolkit as a code of conduct. This code must assist management in dealing with misconduct in a consistent and fair manner. The disciplinary procedure should provide a step-by-step guideline to dealing with misconduct in the workplace, and disciplinary sanctions enumerate the punishments that can be imposed on those who are found guilty of having violated the disciplinary rules.

With these three control mechanisms: the mission statement and code of conduct, covering values, ethical standards, and disciplinary rules, police officers will be in possession of all the tools they need to reflect on their professional action (code of ethics) within an organisation that generates its operating rules (disciplinary code) based on a set of values (charter of values) tailored to the context specific to that organisation. As important as they are, these tools only can be effective if they are communicated and supported by an adequate ethics management system. These mechanisms must be reinforced by police management through the adoption of modes of governance firmly rooted in institutional values and standards.

3.3.6. Expanding management committees and small management committees

Once the ethics training has been dispensed and the different ethics infrastructures developed, the next big step is to ensure that a genuine ethical culture takes hold throughout the organisation, to guarantee the long term sustainability of ethics within the service and ensure buy-in not only by individuals but by the institution itself. In other words, beyond the mechanisms and theoretical frameworks that must be put in place, all institutions must ensure the efficiency of their practices as well as their applicability in the field in order to avoid creating another management plan that gets relegated to training manuals, with no practical

relationship to the reality on the ground. This leads to the most important aspect of implementing ethics mechanisms within institutions: the management approach adopted, and particularly the concepts of work and authority put in place to ensure that police officers trained in ethics are not left to fend for themselves, but rather receive adequate support from their organisation. Without this institutional support, which requires more than just training and infrastructure, the long term sustainability of ethics within the organisation is far from assured.

In a hierarchical organisational structure like the police, the commonly accepted approach is one of 'command and control', which refers to an organisational structure in which the policies are adopted by management, and procedures are dictated by specialists before being approved by management and passed down to subordinate command levels that relay them to the rank and file in the field.

The larger the organisation in terms of the number of personnel and the more complex it is in operational terms, the more likely it is that the 'head' of the organisation will ignore, misinterpret or misunderstand the reality in the field. This increases the risk of making bad decisions or, at least, decisions that are at odds with the reality encountered by police officers in the field and in their daily operations.

The idea of a participative management approach in which decisions are made in collaboration with the organisation's members is certainly interesting, and is the focus of much attention in management circles. From an ethics perspective, it is important to push this idea of participative management even further. See Box 6, below, for discussion of participative management:

The next step is to establish how this 'ethical management' approach can be integrated in the police service's operations.

> **Box 6:** Participative management
>
> This can also be called 'collegial management', or management based on values shared by the members of an organisation. This approach involves instilling a concern for ethics within the institution's management by getting decision makers and managers to participate in decision making but, more importantly, to make decisions that incorporate the values of the institution and its personnel and to think in terms of management that is based on values and reflects those values. This is not to advocate turning police services into a new type of cooperative organisation (a concern heard on occasion). The idea is rather to bring managers in a position of authority to share responsibility with superior officers and the rank and file in order to make it possible for their values to be taken into account by the police hierarchy, without denying the importance of effectiveness in organisations.

In practice, the integration of ethics in personnel management takes place at two levels: 1) operational, and 2) strategic. It is accomplished in two ways: 1) through the implementation of structures, and 2) through changing existing culture. This cultural change can be achieved by the use of dialogue, which encompasses not only day-to-day dialogue (vernacular and technical), but also a specific form of dialogue based on practices and the different ways of dealing with situations. This type of dialogue is constructed based entirely on situations and includes the various stakeholders when reflecting upon these situations. The dialogue, therefore, is no longer a

conversation between two people, but among several people, and the situation serves not only as a pretext for the exchange, but lies at its core. The way in which we approach this dialogue requires a complete reversal in thinking. Rather than using values as the starting point in order to 'format' responses to situations and start a dialogue with others, one must constantly go back to the situations themselves and use them as the building blocks for a dialogue always based on the situation rather than on the values of others.

As mentioned above, the integration of ethics must take place at both operational and strategic levels. In both cases, it is necessary to create management committees.

- On the one hand, an expanded management committee should be formed to deal with issues that are strategic in nature (future of the police service, development plan, forums for discussion and dialogue with politicians and the public, etc.).
- On the other hand, a small management committee should be formed to address operational issues.

In the first case, it is important to ensure a broader representation of employees (representation of the different professional bodies, hierarchy levels, men, women, age groups, ethnic origins, etc.) to allow for sharing of the different perspectives on situations within the police service. In the case of the small management committee, the aim should be to ensure that the heads of the different operational units participate in the decision making.

The role of these two types of committees is by no means to challenge the power of the police management, whose authority is essential to the proper functioning of the service. The implementation of these institutional processes, however, is aimed at ensuring that management shares its reflections and reaches its decisions jointly with the organisation's members. While many people will see this as a simple case of participative management, it actually goes further. More than the mere participation of members in decision making following their consultation by management, this approach involves a joint development or joint construction process that ensures decisions are made based on values that are truly shared by all, thereby facilitating their subsequent adoption by the rank and file. Here lies the very heart of the ethical process, where ethics ceases to be carried by the few and becomes an integral part of the experience of all members of the organisation *and* of the organisation *itself*. In this case, the institution not only assures the infrastructure, but it is ingrained into the decision of the group, which is no longer merely a group of individuals but constructs itself on the basis of shared decisions. This can be seen as the perfect ethical stage in organisational life. It is also the best way to tackle deviation and corruption, because since the values are shared by all, including the institution, the latter will be much more sensitive, as an organisation, to the feelings of all members as well as to the situations encountered in the field.

There are challenges to creating these types of committees within police services accustomed to much more centralised and hierarchical modes of operation. The assistance of a neutral third party to act as a mediator or intermediary often can prove helpful during the implementation phase. This intermediary must ensure all orders of business are very well prepared and the people in authority receive proper guidance. Without actually relinquishing their managerial power, those in authority must, at a minimum, indicate what points they are willing to let go of in the name of collective decision making. This means that the decision making, reflection and dialogue process will not be a process of power being taken by X over Y, but rather a true process of joint development and power sharing.

3.3.7. Creating an oversight committee

In most police services, much emphasis is placed on denouncing deviant behaviour and providing specialised institutional mechanisms to sensitise police officers to overcome such behaviour. If whistleblowers appear necessary, it may go against the ethical approach outlined above, while raising several questions. (Creating whistleblower mechanisms, complaints systems and integrity testing. The ethical questions raised by these techniques are discussed in Chapters 5 and 7.) First, how to prevent deviant behaviour without breaking the trust needed for establishing a healthy work and operational environment? Second, what to do to allow disclosure without generating a climate of mistrust at the workplace that would undermine the ethical approach?

Oversight committees are used to cope with these situations. The ethics "watchdog", or the oversight committee, aims to help focus on behaviour problems without going into personal accusations and avoiding "witch hunts". The oversight committee is in fact an ethics institution composed of one or more persons who collect evidence and actively meet with police officers and the public in order to gain a better overview of the job requirements of the former and the expectations of the latter. It forms an 'ethical border' allowing complaints to be recorded. The objective of such gathering of information is to understand the roots of deviant behaviour reported to the committee, rather than to sanction. This committee is not a mediating body, but an oversight one, an ethical watchdog, hence its task of collecting sensitive information. Unlike a monitoring committee, which would transmit information gathered to ethical committees or the courts, the work of the oversight committee is primarily to identify risk areas and challenging situations, based on information collected. The oversight committee, in cooperation with the police personnel, management and the ethical bodies, based on depersonalised information, suggests changes to existing procedures in order gradually to correct and curb deviant behaviour. The public may submit ethics related complaints.

This body meets the ethics needs repeatedly expressed in policing, without going into outright denunciation. Such a body may contribute to adjusting situations and risky behaviours, to improving existing practices. It encourages a climate of cooperation between the management and the lower ranks, so the latter are more likely to trust their superiors and more prepared to fulfil their tasks with enhanced professionalism.

3.3.8. Managing support in the police service

To the extent that ethics is not specific to management and not articulated differently in management than in any other segment of society, it is always somewhat difficult to speak of 'ethical management' (see Box 7, below). The use of this term describes a management approach that does not concern itself exclusively with managing people based on institutional goals in a context characterised by the optimisation of productivity and performance.

Box 7: Ethical management

'Ethical management' is an approach based on the management of situations and of the values at stake in the situations encountered. Ethical management exists in a context where values are placed at the centre of institutional life and, crucially, the responsibility for managing these values is carried by individuals, professionals and the institution. One of the implications of this type of management is that the police are no longer just law enforcement agencies, but also organisations dedicated to intervention and prevention, which places them on the same level as the public and local communities with whom they deal. As such, ethical police management requires the struggle against corruption to be placed not only within an institutional context, but also within a professional and social context. This is precisely the transition police services must make: they must shift their "centre of gravity" in order to "anchor" themselves in the community and recast the police as a participant in communities rather than an appendage of the state charged with disciplining people. Ethical management leads police services to see themselves as members of the community. This implies a much broader social role, like the role the police play in community based policing (see Chapter 3 for developments in the concept of community policing).

The aim is not to link police ethics and community based policing in an absolute way, but rather to underscore the extent to which the integration of ethics by police services forces them to move closer to the community to take into account the values police confront with and transmit the values that serve to guide their operations and actions.

One of the main advantages of ethical management is that it instils a climate of trust between the public and the police, as well as within the police. While insisting on enhancing different community values, a clear message is to be sent to the public: police work will be done with and for the public rather than against them. This assumption allows focusing police work on flanking measures and crime prevention rather than on crime control. Following this path, crime control measures would receive, if and when needed, the understanding and support of the public. Ethical management would make the management of police services more transparent, both within and outside of the police, in the eyes of the public. The transparency of police work contributes to enhancing confidence between the public and the police, the cornerstone of any success for police services in their work.

3.3.9. Assigning a mediator to support institutional ethics

It can be difficult to implement an ethical approach such as is described above. It is often necessary to overcome decades of strong hierarchical culture and a concept of police work that is very different to that of an ethical approach. Because of these challenges, we considered involving a neutral third party to serve as a mediator in the implementation of major organisational changes aimed at fostering a more collective management approach in a professional and organisational context steeped in individualism.

Box 8: The role of the mediator

It is the responsibility of the mediator to support management in implementing the ethics infrastructure, to ensure that strategic choices are distinguished from ethical choices and that the ethics infrastructure does not become a mere tool subordinated to human resources management and management in general. Without necessarily being an expert in organisational change, management, psychology or human resources, the ethics specialist can help management identify clear objectives and key ethical issues.

The role played by this neutral third party can take several forms. It may be an external resource or it may be an ethics committee mandated to share its reflections with the institution on selected themes. In the latter case, the committee should include police officers, members of the public, and member of the police service. This committee must be able to operate autonomously and should be consulted as needed, but it should be limited to a strictly advisory role at all times and have no power of recommendation or disciplinary power.

During the implementation of an ethical infrastructure in a police service located in Lausanne (see the section 'Practical example'), some of the first feedback from the management underscored the importance of the role of the mediator in this process. This stakeholder, far from taking the place of management in strategic decision making, played the role of an intermediary, a 'debriefer' and a custodian of the procedure and dialogue.

4. Managing support in specific contexts

The integration of ethics in police services cannot be a uniform and universal process. It must match the realities found in specific situations. This section considers three different types of situations: police services in 1) developed countries, 2) developing countries, and 3) post-conflict countries. See Box 9, below.

For ethics to be able to fulfil the dual roles of control and reflection that are essential to police services, both the training and the infrastructure that support the institutionalisation of ethics within organisations must be adapted to suit the specific needs of each. A 'one-size-fits-all' approach does not work in the context of police ethics.

Each organisation, therefore, must give itself the means to adopt *ad hoc* structures that allow it to address its specific needs (*ad hoc* committees for consultations with the public, internal reflection committee, etc.).

Box 9: Developed country context: police and ethics infrastructure

In the first example – a police service in a developed country – it is important to consider the type of organisation in which the ethics infrastructure is being deployed: Is it a city, regional or national police service? Each of these police services has a different mission and different needs, and the ethics infrastructure must be adapted. Things get more complicated when several missions overlap, as is the case of the Sûreté du Québec, the Province of Quebec police service that plays the role of municipal police in small towns (no longer having their own police) as well as that of a regional police. In cases such as this, the challenge is to develop infrastructure and training that balance these different roles and in which, in the case of a provincial police service for example, the notion of community policing is given less importance and greater emphasis is placed on ethical management to reconcile the different missions.

In the developing country example, ethics problems are often related to low salaries of officers, lack of training, and insufficient resources. In these countries, training plays a crucial role because the close proximity of the police to local populations often prevents officers from understanding the full implications of their actions. Consequently, the first priority should be police training, which requires the training of trainers. The second priority should be ensuring a firm commitment on the part of management to the development of the ethics dimension within the organisation. Given a general lack of technical means of these police services, emphasis must be placed on 'professionalisation' of the police function and the deployment of the ethics infrastructure should be aimed at 'supporting' this training. Only then can a genuine reform of the institution be undertaken.

Box 10: Developing country context: specific issue e.g. use of firearms

One of the issues encountered in some developing countries is the use and carrying of guns. Often regarded as a symbol of power and authority, the gun is carried even at home, in private life, although it is an attribute of the police function. Often when the weapon is carried at home, it is mainly due to the willingness to exhibit, even in private life, the police function. Such behaviour occurs when police officers neglect to distinguish between the 'police function' and the 'private capacity', between professional life and private life, when they fail to understand the important professional dimension of police work. This makes training particularly important, not only technical training, but also as a means to enhance professionalism in the police and discuss the role of police services, their mission, their guiding values, etc.

In the example of a country in a post-conflict situation, the process should be reversed, emphasising implementing an ethics infrastructure in order to reform the police service and 'purge' it of any bad habits acquired during conflicts, such as arbitrary actions, authoritarian tendencies, etc. In this case, the first order of business should simply be to restore the primary role of the police service – to provide security and law enforcement – by helping it regain its legitimacy, which is often damaged in conflict situations due to police participation in acts of violence perpetrated by the former regime and its authoritarian imposition of order. Police training can only be meaningful if the organisation first re-establishes its credibility with the public and with its own personnel. The creation of a charter of values and a code of conduct will help the service to restore its legitimacy in the eyes of the public, enabling it to fulfil its mission more effectively. They will also re-establish a set of standards to be followed by the police, who can then gradually be given ethical training to help them carry out their mission more appropriately.

5. Practical example

This Section 5 of Chapter 4 presents a practical implementation of the ethics process described in the previous sections. The project was conducted with the police of Lausanne, Switzerland, by the University of Sherbrooke, Canada.

The teams of researchers and personnel of the Chair in Applied Ethics worked directly with a police services to test and develop ethics training models as well as new methods of organising police work that integrate ethics into the management of all levels of the police service. The testing was a project conducted with the Lausanne police service from the early 2000s until 2010. This project offers several valuable lessons because, though not without challenges, it was carried out in a continuous manner over this period and in close collaboration with management and other institutional, municipal and political stakeholders, thereby enabling assessment of the importance of this political and institutional support. All the necessary conditions were in place to allow us to implement the project fully and subsequently measure its strengths and weaknesses based on performance indicators.

From the beginning, the importance of identifying individuals in the police service who could serve as the main contacts with the scientists was realised. The individuals selected needed to have a good understanding of the value of ethics training. Four leaders were selected within the organisation, who agreed to do a master's in applied ethics – a graduate university degree focused on the practical application of ethics. Parallel to this training, which was taken by a non-uniformed personnel, a captain, a lieutenant and a psychologist, one researcher conducted an ethics audit of the organisation, with the objective of gaining a deeper understanding of its operations and identifying risk areas within the institution.

Based on the findings of an ethics audit, organisations are able to develop an ethics implementation plan focusing on both training and the implementation of an ethics infrastructure in keeping with the organisation's means (human and financial resources, etc.). In the case of the Lausanne police service, this audit allowed identifying the need to train ethics 'catalysts' – that is, individuals responsible for playing a transitional role during the implementation of the ethics infrastructure by serving as mentors to other members of the organisation. The type of training required by police officers was determined and developed. In this particular case, for various economic and institutional reasons, the Lausanne police service elected to entrust the training to a consortium made up of the Universities of Louvain-la-Neuve and Sherbrooke and a private institution. This approach was far from ideal and had the effect of both delaying and fragmenting the training.

During this training phase (it took nearly three years to train thirty catalysts for a police service of approximately five hundred personnel, one of the four individuals completing a master's was appointed ethics manager, to be in charge of this file at the personnel level. This person then helped draft a charter of

values with a small team of collaborators, as well as a code of ethics with an ethics officer appointed by the police service's management. Five years of work were required to carry out this training and implement the ethics infrastructure.

Once the training and preparation of the codes were complete, the next step was to take this work and make it a reality of the police service. This led the Lausanne police to launch an in-depth reflection on the organisation of work, culminating in the development of a new organisational chart. Among other elements, this phase required a major rethinking of work organisation and the number of hierarchical levels (ranks) within the police apparatus. The goal was to ensure greater cooperation between all employees, which necessarily entailed bringing the number of hierarchical levels down from the original fifteen to less than five. In other words, the hierarchy needed to be "levelled out" to give full meaning to the professional autonomy and new police professionalism that are important to decision making. To make this possible, it was necessary to support the police management. The aim of this support was to facilitate the transition to a new type of management – from a command-and-control approach to a collegial approach. This transition entailed a first partial surrender of power by management in order to share it with personnel in day-to-day operations and strategic management. This limited collegial management approach involved a dozen members in the case of the Lausanne project. This was followed by a second partial surrender of power to share it with all members of management (both police and the public) on questions involving the main orientations of the police service. This expanded collegial management approach involved about thirty people in the case of the Lausanne police.

These first two phases of the project alone (training and implementation of the infrastructure and a collegial management approach) took seven years to complete and cost hundreds of thousands of Swiss Francs for an organisation numbering approximately five hundred employees. The process of implementing ethics training and an ethics infrastructure is not something that happens overnight. On the contrary, both these steps are time consuming and, to the extent that they require a major rethinking of police work, present a source of significant tension. In addition, these phases merely set the stage for the third and fourth phases. The third phase consists of implementing ongoing ethics training targeting both new members of the police service and existing members who must be offered regular refresher training in ethics. The fourth phase involves ensuring that the new management approach 'trickles down' to all levels of the police service. This requires providing managerial support in ethics to all department heads to ensure that all members of the service are able to benefit from this new approach and its impact on ethical thinking and decision making.

The final step remaining will be to create a unit of measure, or a sort of ethical indicator that can be used to facilitate the evaluation of police service. The aim of such an indicator should not be to assess police virtue, but rather the impact of the ethical approaches adopted at the level of complaints, the satisfaction of the populations served and the police service's internal work climate (increase or decrease in burn-out, number of complaints involving police conduct, etc.). Assessment tools are currently being developed that will allow measuring the value of such practices in the policing community at both qualitative and quantitative levels.

6. Lessons learned and success factors

The lessons listed below are based on experiences in the field when implementing the concept which is the subject of this Chapter 4.

- The first lesson, in terms of training, involved the notion that the first step should be to train the police officers in order to make them the bearers of institutional change. This is the approach used in Quebec, Canada where the same mandatory police training was given to all new recruits, regardless of whether they were hired to serve with municipal, regional or national police. It was soon realised that one cannot train people without first considering institutional objectives. As important as people are, and as influential as their role in the institution is, people alone cannot ensure the implementation of an ethical culture without the support of institutional mechanisms and management.

- The second lesson concerns the type of training. Experience showed that training objectives must not be too ambitious: the important thing is to raise awareness of ethics among the police by introducing them to the different modes of social regulation that govern their work (a course on the notions of democracy and values) and giving them the necessary tools to resolve ethical dilemmas arising in their daily operations (decision making). A third type of training focusing on the notion of power and authority is also important for senior officers, who will be continually required to assert their authority over the rank and file in conditions where that authority is likely to be constantly called into question. Rather than being challenged in a seditious manner, however, this power will be challenged ethically, by which we mean that once the police have learned to assume responsibility for their professional actions and question these actions in relation to each situational context, they will develop a natural tendency to transfer this questioning to the institution and to the people who symbolise it the most: the superior officers. As such, they will need to assume power in an ethical manner. This is the focus of the third type of training.

- The third lesson, which emerged from ten years of work in ethics in police service, is the importance of securing a strong commitment from management. This commitment cannot be merely passive and must not remain strictly at the command level. Rather, it must be reflected on the ground through recognition of the need for change, an acknowledgement of the problems and a formal commitment to new types of management approaches in which the stakeholders include the rank and file, senior officers and personnel.

- Finally, the fourth lesson regards the presence and role of a neutral third party, or mediator. At the beginning, it was thought that institutions are capable of bringing about these types of changes on their own. Observations in the field and the testimonials of police service management led to

rethinking this assumption, at least in part. While it is still believed that it is crucial to develop the autonomy of institutions in matters of ethics, it is also now realised that it is important, and in some cases even crucial, to seek the assistance of a specialist in ethics for the implementation of these types of changes. The presence of an ethics expert is essential for two reasons:

1. Representatives of the institution can often lack the necessary legitimacy to impose change.
2. An outside perspective is important in order to overcome the normative blindness that typically affects the institution's members.

The presence of, and the work accomplished by, the expert in ethics will thus play two important roles: first establishing the legitimacy of the individuals piloting the ethical approach within the institution, and secondly giving institutional leaders the critical distance they need to reflect on and understand their work over time.

6.1. Keys to successful police training

This subsection presents the key elements to be taken into account for ensuring the successful implementation of an ethics support for police officers.

The successful implementation of ethics in a police environment depends on three important factors:

1. Creation of an ethics infrastructure that provides adequate training to new recruits and ongoing training of existing members. The aim of this infrastructure is to create a space for the transmission of information and for monitoring to ensure that, on the one hand, ethical standards are upheld by both the institution and its members and, on the other hand, that there are people in place to oversee and maintain this concern for ethics and help correct problem situations.

2. Creation of a support infrastructure that includes a charter of values upheld by the police service, a code of conduct (with a code of ethics), a designated ethics debriefing mechanisms and a multi-stakeholder implementation team. The main purpose of initiatives aimed at providing ethics training is not to turn our police officers into lifelong students, but rather to help officers integrate new ways of doing things and enhance and update their deliberation skills. Finally, the buy-in of management is essential.

3. Establishment of a management team that is willing to involve both operational personnel and managers in the day-to-day and strategic management of the police service. Without the unwavering support of management, without a commitment to reflection and change, any ethics initiative is doomed to failure. Individuals alone cannot bring about institutional change.

7. Conclusions – Chapter 4

Introducing of ethics into the police environment in order to tackle corruption is a major challenge for the police. To meet this challenge, police services must ensure support for ethics in internal structures, but more importantly they must integrate ethics into police work itself. The police also must emphasise the need for organisations to make the important transition from an authoritarian and controlling role to a role that includes enforcing the law as well as providing service and protection to the public. This is in order to become 'ethics based organisations' whose conception of work takes into account both their employees and the communities with which they interact in a collaborative approach to furthering the well being of society.

The support given to police service in bringing about these major internal changes is indispensable, not only to help guide the process but also to avoid turning ethics into a simple tool under the exclusive control of human and managerial resources. Since ethics concerns all professional actions and affects all aspects of the institution, it must become the responsibility of the entire institution. At the same time, the implementation of an ethics infrastructure and support for ethics necessarily entail the participation of a neutral third party mediator.

There are three types of support that needs to be given to police management and senior officers:

1. Provision of adequate training to all members, with an emphasis on special training for ethics 'catalysts', who should be active professionals representing all levels of the chain of command and who will be responsible for backing, supporting and challenging superior officers with regard to their daily decisions.

2. Deployment of an ethics infrastructure that goes beyond a simple code of conduct and whose main function is to make ethics the responsibility of the entire institution on a permanent basis, so that the senior officers as well as the rank and file do not need to bear the burden of the ethical choices they are required to make daily on their own.

3. Implementation of integrated management processes to ensure that the values and issues arising in the field are taken into account by management, using what has been termed a collegial management approach as distinguished from a participative management approach.

In addition to these conditions, the support given to police officers in the area of ethics will help them integrate ethics into their day-to-day work, while encouraging further developments in ethics in the organisation. In particular, this support will help the police service broaden its struggle against corruption towards a more 'global' approach to this problem.

SELF ASSESSMENT TABLE

Chapter 4 ▪ Supporting police officers facing ethical questions

Having read this chapter, what is your reaction? Was there new information in this chapter that you could use to improve your police service? Are there changes that could be made in your police service?

Please find below a self assessment that will help you answer these and other questions. This basic assessment is intended to help you evaluate the situation in your own service, determine what, if any, changes should be made, and brainstorm means for implementing these changes. To develop a more comprehensive approach for applying the concepts learned in this chapter, training sessions or working groups could be organized to complement and build upon this assessment. In addition, it may be helpful to seek the assistance of national or international experts on matters of tackling corruption.

Issues / Questions	What can we do to make up for Weaknesses?	How to do it?
Are we aware of the changes happening in our society and of their consequences on the ways of doing our activities?	If not, we can: • Identify these changes • Evaluate their impacts on our activities • Assess where we should plan reforms • Identify factors of success and risks of failures	We can: • Organise brainstorming/ workshops (see model of assessment seminar) • Engage an expert or/and a working group • Liaise with the civil society to understand its expectations • Liaise with other police services for gathering lessons learned, best practices and examples) • Refer to section Managing support in the police service • Refer also to Chapters 2 & 8 **Remark: tools described in Chapter 9 may be useful**
Have we drawn the consequences of these changes on the new skills required by our personnel?	If not, we can: • Establish the profile of the new police officer • Define what his/her required skills are • Assess accordingly our training programmes • Define where we should plan reforms	
Has our police service developed an adequate ethics infrastructure for helping police officers resist corruption?	If not, we can: • Assess our situation versus what would be needed • Define where actions should be taken • Prepare a action plan	

| Has our police service developed ethics management which is coherent with the values it has established? | If not, we can:
 • Assess our situation versus what would be needed
 • Define where actions should be taken
 • Prepare an action plan | |

Internal Control

■ Lena Andersson

1. Introduction to Chapter 5

This Chapter 5 addresses the links between corruption and the internal control of police services. It examines how a well structured internal control system may help to detect and prevent police corruption and unethical behaviour. It discusses the requirements of an internal control system, identifies the problems that can arise from errors in its design and describes the roles and responsibilities associated with the internal control of a police service. This chapter provides a framework for thinking about internal control and offers guidance on how to put it into practice. It concludes with suggested questions for discussion, and a checklist for carrying out a 'self-evaluation'. This material may also serve as a basis for seminars and training sessions.

The focus of this chapter is on the design and use of control to identify behaviour and acts of members of the police service which violate the values, rules, norms and behaviours that must be respected by the service and its members.

1.1. What is control?

For the purpose of this Chapter 5 control means ensuring that a police service is operating as intended. Systems of control provide internal and/or external assurance that the 'management system' of a police service is operating well. *Internal* control encompasses all aspects and activities performed and initiated from *within* the police. Control measures conducted by institutions or individuals *outside* the police service are referred to as *external* control (see Chapter 6).

It is difficult to draw a clear line between internal and external control mechanisms since they are often interlinked. For example, prosecuting a corrupt police officer is a process that runs through several institutions, starting in a police service and passing through commissions, complaints boards, independent inspections, ombudsman offices or prosecutors before being finalised in a court of law.

For anti-corruption measures to be effective, it is crucial that anti-corruption initiatives, and responsibility for them, come from *inside* the police service. This is why internal control is so important in the struggle against police corruption. External bodies which can investigate and recommend are also important, but not enough. Ultimately, it is up to the police themselves to take the necessary action both to prevent and to detect police corruption.

In general terms, internal control:
- Highlights discrepancies between a goal and a result, or between an individual's behaviour and an organisation's values and norms (see Chapters 2 & 3).

- Measures performance.
- Assesses an organisation or a part of it.
- Facilitates corrective measures.
- Provides data for benchmarking or training purposes.

In terms of management and operations, internal control evaluates:
- Whether the objectives of the service, a specific unit or a particular operation have been achieved.
- Whether resources are being used efficiently and effectively in terms of the achieved results.

In terms of security, internal control checks:
- Necessary precautions have been taken by the organisation to avoid hiring or keeping dubious personnel.
- Sensitive data and information are protected.
- Important areas and locations are secured.

In terms of legitimacy, internal control examines:
- Whether measures taken are legal and have been proportional.
- Whether agreed procedures have been respected.
- Whether there is accountability of the service and its personnel for their actions.

In terms of ethics, internal control strengthens:
- The equality of treatment for all personnel, and of those subject to actions of the police.
- The respect for the values, norms and ethical rules set up by the service.

Control is exercised at different levels over and within an organisation.[72]

1.1.1. Control must address three levels

1. The individual level

For internal control to function, it is essential that police officers are aware of the values and norms that need to be respected and are the objects of the controls and also have understood their organisation's control mechanisms. They must realise the internal control mechanisms also may protect them in case of unfounded accusations, and help them to avoid unintended mistakes. Chapter 4 offers a full discussion on supporting officers facing ethical problem. See Table 1, below, for a comparison of all three levels.

2. The process level

One important way of minimising opportunities for corruption in the daily work of the police is to ensure that routine tasks are documented and carried out in accordance with set rules of procedures. If necessary, these rules of procedures should be reviewed, to eliminate possible opportunities for corruption. For example, procedures should ensure no person alone can handle a financial transaction from start to end, and

that the work carried out by one department or officer will be subject to the control of another department or officer. See Table 1, below, for a comparison of all three levels.

3. The institutional/organisational level

Corruption can be encouraged by managerial and organisational weaknesses, and internal control helps to identify and correct these vulnerabilities. See Table 1, below, for a comparison of all three levels.

Table 1: Examples of potential weakness within a police organisation

Individual level	
Police officers	Officers are perhaps the element of the service most vulnerable to corruption. Their contact with the public, their power to detain and to denounce, their knowledge of operations and access to data provide many opportunities for corrupt behaviour. Police officers also may encounter persons attempting to corrupt them.
Process level	
High risk squads	Officers working in high risk squads such as vice or drugs face an increased corruption risk. Internal control measures can offer focused support in these areas.
Police operations practices & procedures	Operational processes such as arrests, interrogations and detention give officers opportunities and temptations for corrupt behaviour. Adequate procedures and specific internal control measures address these processes in different ways to minimise risk.
Human resources	Recruitment and promotion are particularly vulnerable to bribery and unfair or unethical behaviour. Hiring and promoting should be based on systematic vetting and assessments of a candidate's qualities. Such assessment systems form part of an internal control system.
Data protection	Documents and databases may contain information of interest to criminals or criminal organisations and therefore may become a source of corruption. Internal control secures such information and prevents its theft or misuse.
Organisational level	
Premises	Certain areas of police premises, such as storage rooms for expensive equipment, cash or sensitive data, offer heightened opportunities for corruption. Internal control ensures that higher risk areas are identified and properly secured.

Management	Police managers' central position and influence provide opportunities for high level corruption. Well established organised crime groups may attempt to corrupt managers. Internal control has to limit these possibilities.
Equality measures	Certain social groups have historically suffered from discrimination by police and remain vulnerable to unethical behaviour, discrimination and blackmail due to their gender, sexuality or race. Internal control procedures focused on these risks can minimise this problem.
Weaknesses	Organisational weaknesses may encourage individual or group corruption; control must help to highlight them in order to allow corrective measures. (See Chapter 3.)

Links with other chapters

Certain topics discussed in this chapter are also developed in more detail in other chapters:

Chapter 2 focuses on how values, rules and behaviours can be used against corruption.
Chapter 3 organisation
Chapter 6 external control
Chapter 7 investigation
Chapter 9 instruments.

2. Why is internal control important in the struggle against corruption?

2.1. Internal control strengthens management

- Establishing early warning systems that allow management to identify and correct violations of values and rules committed by police officers, preventing the expansion of corruption within the organisation.
- Preventing the hiring or promotion of dubious personnel.

2.2. Internal control improves the image of the police

- Reinforcing the efficient delivery of services, preventing the impression of the public that the police are corrupt when they may 'only' be inefficient. Slow service delivery due to inefficiency can have the same effect on the public perception as when corrupt officers delay procedures in the hope of receiving a bribe.
- Indicating that corruption is taken seriously and violations are not tolerated.
- Developing a policy of transparency that informs the public about corruption incidents (and other types of offences) committed by police officers, and about the service's response to these offences, as well as broader measures to avoid the repetition of such acts.

2.3. Internal control makes police organisations accountable

- Establishing command accountability so managers can be held accountable for their actions when they violate ethical rules indicated by the law and internal code of conduct.

2.4. Internal control helps respect for ethics

- Enforcing ethical standards, and ensuring that police officers respect the values and norms set by the organisation. Internal control measures can ensure that all members of a police service, and all persons handled by police officers, are treated equally, regardless of gender or race. Internal control can address the cynicism among police officers that can develop if only lip service is paid to the values and norms put forward by management.

3. How to use internal control effectively in the struggle against corruption

This section presents the different elements of the system of control. It addresses requirements for designing the system; the general model of control; different types and instruments of control; responsibilities for control; areas and frequency of control; and difficulties of control within a police service.

3.1. The system of control

To achieve the objectives described in the introduction, the system of internal control must:

- Correspond with the strategy and the organisation (see Box 1).
- Focus on relevant information and avoid collecting a mass of meaningless data.
- Provide adequate and timely information to those who need to know and can take actions.
- Foster internal and external transparency.
- Use the findings of control measures to correct errors.

Three levels of control measures can be considered here: 1) corrective measures concerning ongoing operations that are not going to plan; 2) modifications of objectives if it appears they cannot be reached; and 3) in-depth changes in strategy, organisation and processes if the causes of the problems lie at this level. The efficiency of the system of control depends on the skills of those responsible for its utilisation and the adequacy of the methods employed.

Box 1: Evaluation criteria and policing models[73]

Criteria will differ according to the police model used. Traditional policing emphasises arrest statistics and quotas. Community policing concentrates on the number of arrests but will measure effectiveness of the delivery of police services and the level of public satisfaction with the police.

A second criterion for evaluating community oriented policing is the efficiency of the police service. Because community policing entails decentralisation of organisational structures and the use of police resources in a more efficient manner, the ability to gauge efficiency should be an important method of assessing the success or failure of the approach.

3.1.1. A general model of control: the COSO model

The most widely used model adopted to explain internal control procedures is the COSO (Committee of Sponsoring Organisations) model. The model identifies five different, interrelated components of internal control; all five need to be in place and working to assure the continued reliability of a police service's internal control. The five control components are the 1) control environment; 2) risk assessment; 3) control activities; 4) information and communication; and 5) monitoring and evaluation. The relationships among these five components are explored in Figure 1, below:

Figure 1: Internal control components

Internal Control Components

Management's Objectives

Monitoring

Control Activities

Information & Communication

Risk Assessment

Control Environment
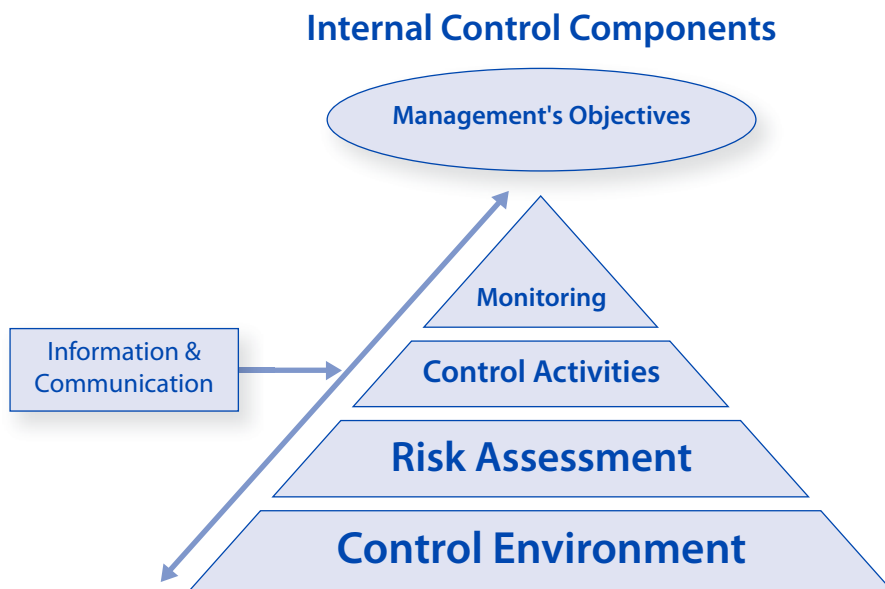
1. The control environment

The control environment serves as the basis for an effective system of internal control and guidance. It influences the way control is perceived in the organisation, and thus its effectiveness. The control environment is made up of individuals: the employees in the police service and how they cooperate. Important questions need to be asked when analysing a control environment. What competencies exist in the service? What are the social relations? Does the atmosphere encourage open dialogue? In what way are irregularities dealt with – are they swept under the carpet or are personnel informed about them? Are badly functioning routines/processes reported on?

2. Risk assessment

In all police services, irrespective of their size, there is a risk that unexpected situations may occur. Thus internal control primarily deals with mapping out and analysing existing risks so that management can take appropriate action to reduce these risks. An effective internal control system will enable management to appraise, monitor and manage significant risks.

3. Control activities

Control activities are concrete actions and routines carried out to prevent, reduce or in some cases eliminate risks and thereby prevent errors from occurring. Control activities can be carried out to detect and correct errors that already occurred. Activities include dividing responsibilities and duties, well developed routines, performance monitoring, inspections and authorisation rules. Control activities should be designed in relation to the risk assessment and the existing control environment. Several control activities are described in greater detail below.

4. Information and communication

Well functioning communication and information processes are an essential ingredient for effective internal control. This concerns communication among different levels in the police service as well as communication between the police and the public. Information and communication activities ensure personnel have access to current and relevant information relating to their duties and responsibilities. It is important to make sure information flows throughout the service: from management to the rest of the organisation, and from the various parts and levels back to management. Communication occurs through formal and informal channels and both need to be considered as important. An organisation needs systems and routines that respond to, communicate and feedback relevant information on what is taking place inside and outside the police service.

5. Monitoring and evaluation

Regular, continuous monitoring and periodic separate evaluations are critical elements to assess the quality and appropriateness of an organisation's internal control and ensure that findings of internal audits, inspections or the department of internal affairs are promptly addressed and resolved. Monitoring continuously evaluates the internal control system and ensures it is well designed and functioning properly. Monitoring is carried out during normal operations and includes regular management activities and other actions individual police officers take in performing their duties. It can take place by building managerial functions into the police service and its routines, or by various types of selective measures, for example internal audits, classical surveillance by an inspectorate and follow-up of operations.

3.2. Different types of internal control

A common division in police services is among administrative versus operational control and preventive versus detective control; the distinction between administrative and operational controls is functional and the distinction between preventive and detective controls is related to the effect of the controls. The police can perform control activities in a proactive or reactive way, reflecting whether they initiate change or react to events. There is no strict line between the different types of internal controls; therefore, Table 2 must be seen as a simple categorisation to facilitate an overview. These different controls must respond to the purposes presented in the introduction and listed in the section on the importance of internal control.

Table 2: Types of internal control

What is the purpose?	Preventive – to prevent corruption from occurring.	Detective – to reveal and stop ongoing corruption.
Where in the organisation?	Administrative – in support, administration and management functions.	Operational – in police operations and interventions.
In what way?	Proactive – acting in advance to initiate change.	Reactive – acting in reaction to specific complaint or suspected case.

3.2.1. Administrative controls

Administrative controls allow the verification of the policies, procedures, standards and guidelines of a police service. They include procedures that control the use of money and equipment, personnel management, unit logistics, individual and collective training and other back-office matters.

Examples of administrative controls:
- existence of and respect for security policies
- existence of and respect for password policies
- existence of and respect for hiring policies
- station and unit inspections
- transparent custody and file management systems.

Example 1: monthly magazine – how to prevent corruption with transparency

The Swedish police service has an effective way of promoting compliance with rules and regulations applied in the service. In the monthly police magazine published by the police trade union there are examples of violations of rules and regulations and their outcome. The penalties imposed for each case are also listed. Each case is coloured green for no penalty, yellow for warning or red for more severe penalties. It is known that discipline is an effective mechanism when it comes to setting an example, so making this kind of information systematically available to everybody in the police organisation will most likely have a deterrent effect and create an open debate on where the management and external institutions draw the line.

3.2.2. Access and physical controls

These controls have two objectives:
1. to restrict access to sensitive information and areas to authorised personnel only through, for example, passwords, access control lists, data encryption, network firewalls, doors, fencing, barricades, security guards, etc.

2. to establish warning and alarm systems that are triggered in case of unauthorised intrusions or technical problems through smoke and fire alarms, cameras, sensors, etc.

Box 2: Early warning system – to detect corruption

Early warning systems are increasingly recognised by police as a way to reduce problematic behaviour and increase accountability. Early warning systems are administrative procedures developed to track a variety of indicators in an attempt to identify patterns or officer conduct that fall outside the norm, and provide counteractive intervention to correct those patterns or behaviours. Intervention could be anything from counselling or training to investigations and penalties. One such indicator related to corrupt behaviour could be officers who receive high rates of complaints from the public. Early warning systems hold great potential for building and maintaining integrity within a police service and, as a consequence, decreasing corruption as well as enhancing the effectiveness of the police.

3.2.3. Operational controls

Operational controls verify that specific police tasks are carried out effectively and efficiently. They focus on the core tasks of policing, such as patrols, traffic and investigation. Beyond the control of effectiveness and efficiency, the legitimacy and ethical dimensions need to be assessed. These controls can have a preventive, dissuasive, organisational or after-action dimension.

Box 3: Avoiding bribes for quicker service

A frequent corruption problem is the soliciting of bribes by police officers in return for speeding up the provision of service, for example, in the issuing of driving licences or passports (in police services which deal with this type of activity). A simple way of eliminating this practice is to reduce the general waiting time for such services.
- Make the process more efficient. If there are costly queues, the service may be able to redesign how it reviews applications, creating a simpler and quicker process.
- Reduce the gap between supply and demand. Adjust the 'supply side' by allocating more personnel to handle the process. If there are seasonal variations in demand one can adjust the manning of units that are heavily burdened during busy times. Is it, for example, possible to lower the fees during slow hours of the day or days of the week when there is free capacity in the police service?

Box 4: Overlapping enforcement areas

One way of minimising the opportunity for corruption in risky departments such as narcotics or vice is to assign overlapping enforcement areas to several police squads. In this way, no single officer or squad can guarantee criminals protection from police actions, and bribes or kickbacks from criminals become ineffective.

3.2.4. Preventive and detective control

Preventive control refers to policies and mechanisms that seek to prevent errors, corrupt practices or unethical behaviour. Preventive controls are designed to avoid deliberate or unintended events or results. Detective control emphasises detection of and punishment for deliberate and unintentional wrongdoings.

3.2.4.1. Preventive control

Preventive controls cover three main areas: 1) supervision, 2) internal accountability, and 3) abolition of high risk procedures that may foster corruption or misconduct. Some of the detective measures listed below will also have preventive effects on corruptive behaviour, for example random integrity testing.

1. *Supervision*: A key condition to ensure that organisational rules are respected by police officers is the existence of a clear chain of command with a thoroughly defined oversight role. The role of line managers is especially important, and they must be trained for their control activities. It is crucial that line managers are made aware of the importance of knowing their personnel. Knowing the personnel means more than being able to assess employees' work; it means being able to identify possible vulnerabilities to corruption because of their private environment. In many cases police officers have been lured into corrupt activities through their spouses or friends.

2. *Accountability*: Responsibilities and delegations of authority must be coherent. Managers at every level must be made accountable for their own misconduct, the misconduct of their subordinates and any failure to supervise their subordinates. In this way clear signals are sent to the police service stating that the management and administration are maintaining the rules that establish the managers' accountability.

3. *Abolition of high risk procedures*: Some areas of police work are more exposed to corruption than others; these areas should be clearly identified as high risk. A drastic option to prevent wrongdoing is simply to abolish activities identified as high risk. For example, the high risk activity of police officers collecting fines in cash has been abolished by many organisations. Instead, new procedures are created in which police officers hand out payment orders, or even register fines online on the spot. If it is not possible to abolish high risk activities, routines and procedures can be created that reduce opportunities for misconduct. An example of this is routinely tape recording interviews with suspects. (See Box 4 and Example 2.)

Example 2: Police officer's wife involved with prostitution

A relatively common story is that of a police officer's wife being involved in prostitution, either working as a prostitute herself or running prostitutes from her home or a brothel. In countries where prostitution or soliciting prostitution is illegal, this situation immediately compromises the police officer in question. In countries where prostitution is legal, the situation might nevertheless expose the officer to a higher risk of corruption or unethical behaviour. Management awareness of their personnel's private environment can be vital for the protection of the police organisation against this risk.[74]

There are limits to how far opportunities for corrupt and unethical behaviour can be reduced without overly restricting police powers and responsibilities. In response to this tension, there is increased interest in proactive prevention measures and control mechanisms, such as rigorous screening procedures for applicants to the police service, financial and asset checking of police officers, different variations of integrity testing and extensive pre- and in-service ethics training.

3.2.4.2. Detective control

Detective control includes mechanisms that attempt to discourage malpractice and corruption through detection and punishment of deliberate and unintentional wrongdoings. This control has two main approaches: 1) detection and 2) investigation.

Detection: complaints and whistleblowers – Information from the public on possible police corruption is quite common, although its presence varies with the context in which the police operate. For example, where security forces are known for violence, the public may be afraid to make complaints. In such contexts it is vital to provide alternative ways of filing complaints than directly to the police service, for example through an ombudsman's office. Even when people want to file a complaint, individual police officers may want to keep such complaints secret. It is therefore vital that police services are well prepared and organised to collect and respond to complaints and tips from the public.

Alerts from internal personnel, so-called whistleblowers, are probably the best source of information on alleged corrupt activities. Alerts from officers are a vital weapon in tackling corruption in the police. Police officers can often observe corrupt behaviour by colleagues, as they are trusted members of informal groups. However, enlisting the support of honest police officers in the battle against corruption, and encouraging them to report, is not easy. Negative peer pressure and the deep rooted idea that you do not inform on colleagues create codes of silence, often referred to as the 'blue wall'.

Box 5: Key elements for a complaints system

- General police complaints telephone numbers or special hotlines for police corruption can be installed. If telephones are not widely available, other methods for anonymous reporting should be found.
- Police stations or authorities should accept complaints. The police intake system should be easily accessible.
- Alternative external mechanisms must be created for presenting complaints against the police (such as an ombudsman's office).
- Complaints processes should be clear and precise, and the receiving officers should be required to accept all complaints, including anonymous ones, at any time of the day and any day of the week.
- Complaints processes should provide guarantees for the security of the person giving the complaint against any potential threats or reprisals.
- Processes for receiving complaints should include mandatory record keeping and tracking systems to provide some protection against police efforts to dismiss or cover up complaints.

Detection: integrity testing - Integrity tests are simulated corruption opportunities, with the purpose of detecting unethical and corrupt behaviour or corruptible police officers. During such a test, a police officer, who is not aware that a test is being carried out, is placed in a monitored situation that offers an opportunity for unethical behaviour.

Integrity testing raises serious concerns regarding privacy, deception, entrapment, provocation and the legal rights of individual police officers. In some countries integrity testing might be illegal. It is a relatively risky method that is itself open to abuse, but integrity testing also achieves several goals, such as functioning as a deterrent to officers who fear they may be exposed. Such a deterrent effect is increased if a planned series of random tests is announced within a police organisation. For example in Australia, a large education programme was conducted prior to the testing, and the slogan 'honest police officers have nothing to fear from integrity testing' was used to gain acceptance for the programme. Whether or not to use integrity testing depends on a number of context specific considerations that will be different in every police service. (See Chapter 7 for further information on integrity testing.)

Examples of random integrity testing

An actor (or someone else on behalf of internal control) delivers a wallet containing a certain amount of money to the police station, claiming that the wallet was found in the park. The internal control unit monitors the response and the way the wallet is dealt with.

An actor (or someone else on behalf of internal control) offers a bribe to a traffic police officer who stops him for speeding. The internal control unit monitors whether the officer refuses or accepts the bribe and whether s/he reports the attempt.

Example of targeted integrity testing

An internal complaint raises a suspicion against a particular police officer, claiming that this officer steals valuable goods from crime scenes. To identify the misconduct of the officer a fake burglary is set up and the officer is directed to this incident. At the crime scene some valuable goods are planted to create an opportunity for this officer to steal.

3.2.4.3. Investigation

Chapter 7 defines investigation as the process of researching facts that are related to criminal offences committed by police officers. Investigation is limited to the process taking place after the offence has been detected. Internal control is one of the elements which can launch the investigation process.

3.2.5. Control instruments

To achieve the purposes of control described in the Introduction to this Chapter 5, information must be collected and analysed in order to take corrective measures if necessary. Table 3, below, indicates some of the instruments that can be used in the different phases of the process.

Table 3: Example of instruments to be used in different stages of the process

Stage of process	Aims	Instruments
Collection of information	Gathering necessary data	• Direct contacts and interviews at different levels of the organisation • Chain of command, inspections, 'management by walking around' • Different types of reports (financial, performance, activities, etc.) • Statistics • Audits • Employee assessments • Media analysis • Opinion surveys • Complaints against officers • Whistleblowers
Analysis of information	• Verification of behaviour, execution of orders and tasks • Verification that actions conform to values, rules, procedures, budget, objectives • Identification of risks, threats, needs, expectations (environment, organisation, public) • Identification of weaknesses • Assessment and evaluation of management, personnel and performance	• Comparing results with objectives • Reports
Corrective measures	Corrective measures have three aims: • correcting ongoing operations • adapting objectives when it becomes clear that those previously set will not be achieved • taking important strategic, managerial or operational measures when the results of control show fundamental weaknesses	Actions on • people (rewards and punishments) • resources • priorities • methods • procedures • strategy • organisation • management • operations

3.2.6. Roles and responsibilities for internal control

This subsection discusses the different internal control responsibilities of managers, line managers and individual officers, and the role of internal auditors and inspection units. Control is exerted directly and indirectly. Within the service, management have the responsibility of defining the control strategy and implementing the system of control. According to the organisation of the police service, control activities will be exerted at different levels of the chain of command. Specialised units – internal or external – may be set up to do assessments and specific analysis related to performance. Indirect control will result from surveillance of police activities by the media and public opinion; they will help to identify internal weaknesses and misbehaviour of police officers.

3.2.6.1. Management

Managers have five basic tasks. They 1) analyse and set objectives; 2) organise; 3) motivate and communicate; 4) control; and 5) evaluate and give feedback.

In reference to control, managers must:
- Define the objectives of control in line with the strategy.
- Define the methods, forms and frequency of control.
- Allocate the responsibilities and make sure that adequate training is provided.
- Communicate and explain the system.
- Exploit the results of the analysis and take follow-up measures.

Senior managers must give strong signals to ensure the success of the system of control in the struggle against internal corruption. They must let their support be known very clearly to the police service, they must show that they do not tolerate wrongdoings and unethical behaviour and they must themselves act as role models. They must make the system transparent and be ready to take measures at all levels of the service.

3.2.6.2. Line managers

As in many other organisations, middle managers or line managers are responsible for effectiveness and accountability in a police service. It is crucial that line managers understand the purpose of the control system and control criteria, and that they adapt their leadership style accordingly. A police officer's direct superior is responsible for both administrative and professional supervision, and is either a positive or a negative role model. Effective supervision is important for accountability and good governance. Police managers who know about departmental policies and procedures, understand the laws, regulations and policies, and enforce and support them are valuable assets of any police department. When managers overlook or fail to enforce regulations, performance will suffer. Line managers must receive adequate training, allowing them to achieve these objectives.

3.2.6.3. Individual police officers

Although can come from the top, but success starts with people and changing behaviour is ultimately a personal decision. The primary responsibility for corrupt behaviour or an act of abuse of power can only rest with the individual officer, and similarly to some degree internal control is the responsibility of each individual in the police service. Many police agencies could do more to help protect officers from the temptations that lead to illegal acts (see Chapter 4 for more on this subject). It is the individual officer who makes the decision to become corrupt or abusive. Very few officers, regardless of their background, begin their police career with the objective of becoming corrupt. Most are idealistic young people dedicated to public service. This is why education and training of police officers are crucial and central in maintaining and feeding that initial attitude. Such training should focus on encouraging integrity and ethics, and provide tools for building and maintaining an internal control system based on an organisational culture of integrity, transparency and accountability. This type of training is not a one time event but a continuing requirement over a police officer's professional career.

3.2.6.4. Peers and peer pressure

It may be strange to consider peers in discussing control responsibilities, But peers play an important role in that context. Police officers work under the eyes of their fellow officers and can help to prevent wrongdoing or at least inform their managers. In that sense they exercise a control function. Peers can also have a negative influence and encourage corruption within a group or a police service.

Example 3: Monitoring corruption propensity in the Miami Police

In the early 1980s the Miami Police Department experienced a decrease in the number of reprimands and punishments given out to officers, although the actual rate of misconduct probably increased in that time. A study of the situation found that certain changes in management practices, put in place in the early 1980s, had loosened internal control and may have helped corruption to flourish.[75] An example of the weakened internal control was that police officers who had been promoted to managers lacked experience, and only thirty-five per cent had a minimum of ten years of experience.

3.2.6.5. Internal auditors

Many police services have internal audit units (sometimes called internal control units) as a way of monitoring compliance with internal control procedures. Such units evaluate procedures, organisation and general discipline with the goal of finding weak points and making recommendations on how to eliminate them. Internal auditing needs to be independent, and internal auditors should be able to conduct their work objectively. Internal audit units should be located directly under the police chief or equivalent. Internal auditors should be operationally independent, independent from management, independent in reporting and independent as individuals.

Example 4: Unannounced fuel audit in Bosnia-Herzegovina[76]

An unannounced audit was carried out regarding the fuel consumption of duty cars. There had been no prior suspicion of wrongdoings. Prior to the audit, the inspection team asked for a list of cars that were deployed at three police stations, and for the protocol that local state border police should follow when refilling cars. The hief adviser to the state border police had been informed about this. On the day of the audit, the inspectors appeared at the three stations, waiting for the station commander and officers of the EU Police Mission. The inspectors checked all the cars parked at the stations, noting their mileage, registration plates and papers. Further, the inspectors requested, by fax, copies of the same data from the local motor transportation unit and local gas stations. All of the stations' registered cars that were on outside duty were requested to return to the station for these checks to be performed.

In the following days, the inspectors, using copies of all the documentation obtained, cross-checked all relevant data to ensure they were consistent and calculated the average consumption for each car, as a useful reference point for future inspections.

Example 5: Unannounced audit of the traffic police in Bosnia-Herzegovina

A countrywide unannounced inspection was carried out targeting devices used by the traffic police. The inspection teams tested electronic speedometers and breathalysers, checking the electronic memories of the devices and comparing the results with the register of fines. Court archives were also checked, to see how many fines had actually been transmitted to court.

The inspection made several findings:
- Some officers had not transmitted fines that had been incurred by their relatives to court. Instead these fines had remained in their offices.
- The number of fines registered in police documentation did not match the number registered by the electronic memories of the speedometers and breathalysers.
- Most police officers used devices without an electronic memory.
- The Ministry of Interior lacked the correct software to check those devices that were equipped with electronic memory.

After the report was sent to the head of the EU Police Mission and the minister of interior, the police decided:
- to forbid the use of devices without memory and buy the software needed to check the devices' memory
- to conduct further investigation of suspicious traffic police officers and their supervisors, which resulted in three redeployments, five suspensions and two criminal prosecutions
- to conduct a test among all traffic police (more than five hundred officers) about traffic laws and regulations; all officers who did not obtain a minimum test result were redeployed as regular uniformed officers and received additional training.

One important factor regarding this inspection, and contested by the police, was that the inspection reports should be sent directly to the minister of interior or equivalent. It was not common practice for Bosnian police officers at field and regional offices to communicate directly with the top management. As emphasised earlier, it is vital not only for the credibility and independence of such units, but also for ensuring that their results and reports of activities are not manipulated or delayed, and that there is a direct line between the absolute top management and internal oversight units such as audit and investigation.

Internal audit units, inspectors general and similar departments provide a vital tool for the management if their work is carried out professionally and independently. It is crucial that managers do not interfere with the conduct of audits and investigations, and provide sufficient resources for these functions. The appointment process for inspectors general and heads of disciplinary and audit departments is especially important. Appointments must be credible and generate confidence in the control system, thus appointment processes should be transparent and include some level of external oversight.

Further information on the work of internal auditors is provided in Chapter 7.

Box 6: Best practices for setting up a sufficient internal control unit

Here is some advice on how to set up a successful internal control unit.[77]

When recruiting for an internal control unit, focus on senior police officers with a good reputation, high formal education and long and varied experience. Not only will this kind of officer serve as a role model for other police officers, but they will also be credible in discussions within an assignment and be more successful in detecting problems and proposing realistic solutions.

- Let the first assignments of the unit be simple, with a high probability of success in finding irregularities. Avoid politically sensitive areas at the beginning.
- Be prepared for challenges to the mandate of the unit and officers involved. Make sure that the top management understand that they need to respond immediately and directly to those who question the mandate of the unit or the individual police officers.
- Do not assign inspectors to inspections that involved their previous units or beats: this would create unnecessary challenges to the objectivity and independence of the inspectors.
- Pair up with a police service from a different region or province to do peer reviews on similar topics or areas and exchange lessons learned.
- Present and market the reports and activities of the internal control unit both internally and externally. The purpose of this is twofold: 1) to spread information about the unit, who they work for and the methods they use; and 2) especially internally, to market the senior officers of the unit in order to promote role models.
- After their tour of duty in the internal control unit, promote the senior police officers to higher positions compared to those they had when they were recruited to the unit.
- Define internal investigation as the height of an officer's career, so that an officer who is on the way up wants it on his/her record.

3.3. Challenges to internal control in a police service

There are four important types of challenges. The first relates to the environment in which controls are carried out, the second to the design of the system, the third to the skills needed and the fourth to the exploitation of the results of controls.

1. The police environment challenge

The police service is a hierarchical organisation with a clear chain of command; its activities need to be accomplished with respect for the law and procedures. These two characteristics facilitate the obedience of management by police officers and to all the rules which frame their daily activities. The police service is also a closed society that tends to separate the world into two segments: 1) the service itself and 2) the outside world considered as being mainly foreign or hostile. This can lead some police officers to think that the ends justify the use of unlawful methods, or to tolerate certain behaviours because their denunciation might affect the group. The implementation of a system of control is not only difficult in such surroundings, but may also be distorted by police officers who consider it as a danger.

2. The design of the system challenge

A control system goes beyond helping to identify discrepancies; it gives signs. It transmits a sense of what the organisation stands for and how it wants results to be achieved and police officers to conduct themselves. Officers will quickly notice any discrepancies between what is proclaimed and what is really done, and their support for the system will be defined accordingly. There must be coherency between the strategy and the criterion of control. The example of community oriented policing has shown how important it is to adapt the criterion of control to support new policy. Strategic coherency can only be achieved if the control system fits with the overall objectives. The coherency requirements are naturally larger, and leadership styles, training, delegation of authority, etc. must be adapted. There are psychological aspects to control. Irrelevant issues will soon be recognised by police officers, and will reduce their initiative and increase their possible defiance.

Another requirement is what needs to be controlled is clearly defined and the necessary basis exists. For example, police officers must know the line between what is considered acceptable and what is corrupt. It is not always easy to define this limit: can a police officer accept a free coffee, a free meal, a present? All these elements can be sources of petty or big corruption, and therefore it is part of the responsibility of the management to clarify situations.

Over-control is a real risk in developing a system of control. The tendency to require more and more information may lead to the development of administrative measures that will prompt police officers to complain about charges that prevent them from devoting their time to their core missions.

In this context, control must focus on elements and areas that present risks for the organisation in terms of corruption.

- Police officers can exercise a discretionary power towards members of the public. The best example here is the traffic police, as accepting bribes is easy.
- Abuse can easily occur during the interviewing of suspects. Gender and ethnic minorities are particularly exposed to such behaviours.
- Certain subgroups, like SWAT teams, can develop specific cultures that can lead them to believe laws do not apply to them as long as results are produced.

Police officers, for example members of drug and vice squads, are frequently in the company of offenders.

3. The skills needed challenge

Evaluation of results presupposes specific skills. Therefore much attention must be devoted to the explanation of the system and the training of those, especially line managers, who will be responsible for its success. Communication skills at the management level are essential to explain the reasons why the control system is important, so that members of the organisation support it. They must understand that the system aims at improving the service and facilitates the work of its officers.

4. The exploitation of the results of control challenge

It already has been mentioned that controls must help to take corrective measures at different levels: ongoing operations, the possible adaptation of the objectives and/or reforms aiming to modify the strategy, the organisation, the processes or other key mechanisms. This only can be achieved if adequate analysis and debriefing procedures are set up.

3.3.1. The dangers of over-control

It is important to explain the drawbacks and dangers of over-control. There are costs of having too much control in a police service and costs of having too little. One obvious danger when improving internal control is the tendency to 'over-centralise', keeping control and supervision higher up in the organisation and further away from the individual police officer instead of relying on written policies and monitoring activities to check on compliance. It also important to be aware that implementing control measures can send wrong signals to the police service. Control measures can be regarded as signals of mistrust, and not wanting individual officers to take personal responsibility. One way of avoiding this interpretation is to place efforts in communicating to police officers why different control activities are being implemented, and promote a control environment that encourages a positive attitude towards controls as being 'the honest police officer's best friend'. Finally there is the danger that too much focus is put on procedures at the expense of performance. All these challenges can have a negative influence on the motivation and initiative of police officers. It is up to each police service to be aware of and watch out for these negative consequences and stand ready to readjust and improve the control system, since the best driving force in any police reform is motivated police officers.

4. Control in specific contexts

The system of control in a police service depends largely on the country. The independence and honesty of the judiciary and the public's attitude towards corruption play a role. On the other hand, the efficiency of control depends heavily on the resources available for its implementation, the skills of the controller and the readiness of the authorities and management to exploit its results.

The tasks assigned to the control function will also evolve in relation to the contexts in which they take place. At the beginning, control focuses on respect for human rights by the police; it aims then at addressing the different forms of corruption of police officers and within the police service; and enlarges its function gradually to assess the management of the police. Table 5 is a tentative representation of the situation in different contexts. It does not claim to be complete; its objective is to outline a model which should be further developed.

Table 4: Example of context specificities of internal control

Context	Main problems	Focus of control
Post-conflict countries	• Political authorities, justice and police may need to be totally reconstructed. • Demobilisation of former soldiers is a difficult challenge. • High level of corruption by all actors in the security sector. • Lack of strategic international help. • Lack of human and financial resources to implement a control system.	• Use of funds provided by international donors. • Human rights violations by police. • Discrimination of different minorities. • Systemic corruption. • Control is mainly carried out by international organisations.
Transitional countries Countries in transition from centrally planned to market economies and from authoritarian to democratic systems	• Reforms of security sector actors must achieve three main goals: democratisation, demilitarising police and border guards, professionalisation. • Level of corruption is high. • Lack of human and financial resources; weakness in adequate skills.	• Human rights violations. • Corruption among different actors of the security sector: individual, collective, systemic.

Developing countries Countries with low gross national income (can also include transitional countries)	• Resources for developing system of control are generally lacking. • Corruption is high.	• Human rights violations. • Respect for equity between different components of society. • Different forms of corruption at different levels of a police service.
Developed countries Countries with high gross national income	• Control functions are enlarged and address more and more managerial issues.	• Human rights violations. • Diversity, anti-discrimination. • Organisational efficiency.

4.1. Internal control in the Macedonian police: a post-conflict situation (2005)

The internal service of control was centralised at police headquarters, but had decentralised correspondents in the country. The service dealt with:

- Conducting background checks on police officers, including criminal checks.
- Investigating complaints launched by researchers or the public.
- Analysing the complaints and breaches of discipline.

A section tasked with quality control and a section devoted to internal audits were in preparation.
The focus of control was thus placed on instances in which police officers had broken standard norms. The managerial aspects of control were not, at this time, developed. Such a step would constitute a further development of the functions of control.

4.2. Internal control in the Romanian police: a transitional country (2005)

At the level of the Ministry of Interior, the control body was tasked with the inspection and control of the seven departments of the ministry. The control body examined whether objectives were achieved, the efficiency of the work and the climate within the inspected units, and also assessed the image of the police among the public. The controls were done according to a manual developed for that purpose and a report was addressed to the minister after being submitted to the head of the unit that was the object of the report.

Another service audited the use of public funds attributed to the Ministry of Interior.

The police had a specific service of the inspectorate, which was tasked with different controls and audits –

specific or general – within the service. Each police district also had a team of three inspectors to conduct audits and investigations into offences committed by police officers.

The Romanian police, during the same period as the Macedonian police, were more advanced in the implementation of a system of control, although the system remained largely theoretical due to its novelty and the lack of professionalised resources.

4.3. Internal control in the French police: a developed country

France has enforced a very complete and sophisticated system of internal control. Its control service (L'inspection générale de la Police nationale) has evolved from its initial focus on discipline to encompass today a broad set of activities:

- All disciplinary issues concerning police officers whose conduct has infringed the law or the ethics of police.
- Evaluation of the police services through analysis, audits and assessments.
- Development of prospective studies for helping top management to take decisions.
- Advisers and consultants working for the different police services.

5 ▪ Practical tools

This section offers some suggestions for practical tools.

The checklist gives an example of what kind of questions should be asked when evaluating the existing internal control of a police service. A checklist should address the most problematic areas in relation to integrity building and anti-corruption. Effective use of such a checklist will strengthen controls, improve compliance and reduce the risk of corruption within the police service.

Box 7: Checklist on questions related to the control environment

- Have management established a mission statement, set goals and developed plans to meet their objectives?
- Are the performance targets realistic and achievable?
- Are there policies or principles established in the police service regarding internal controls?
- Are the police officers and support personnel familiar with these policies and principles?
- Do the management set an example of high integrity and ethical behaviour?
- Is there a code of conduct specifically for the police or a general code for government employees?
- Is the code of conduct reinforced by training, top-down communications and requirements for periodic written statements of compliance from key employees?
- Do management demonstrate the importance of integrity and ethical values to personnel and are they familiar with the code of ethics, if it exists?
- Are plans and performance periodically assessed?
- Is ethics integrated ("woven into") the criteria used to evaluate individual and police unit performance?
- Do management react appropriately when receiving bad news from subordinates and police units?
- Are job descriptions, operational procedures and support procedures updated?
- Does employee morale appear to be at an acceptable level?
- Are there time, tools and resources to accomplish the mission and objectives effectively?

Questions related to monitoring
- Do management routinely monitor control in the process of running the police service's operations?
- Do management clearly assign responsibilities for training and monitoring of internal controls?

Questions related to operations
- Are there policies and routines established in the area of police operations?
- Have these policies and routines been distributed among the individuals operating in this area?

- Have the individuals operating in this area been informed of policies and trained in routines?

Questions related to internal audit
- Does the internal auditing have the complete support of top management?
- Is the organisational relationship between internal auditing and senior executives in the police organisation appropriate?
- Are internal audit reports covering the right subjects, distributed to the right people and acted upon in a timely manner?
- Do the key audit executives possess an appropriate level of expertise?
- Questions related to human resource management
- Are there policies and routines established for human resource management (HRM)?
- Have these policies and routines been distributed among the individuals working with HRM issues?
- Have the individuals working with HRM issues been informed on the policies and trained in the routines?
- Are the appropriate criminal background checks being performed when required by position?
- Are duties related to processing and approving personnel actions segregated?

- Are performance evaluations conducted by immediate supervisors and submitted to the personnel or HRM department on a timely basis?
- Are procedures in place to ensure reporting of outside employment activities, and any potential conflicts of interest?

Questions related to payroll
- Are there policies and routines established in the area of payroll?
- Have these policies and routines been distributed among the individuals working with payroll issues?
- Have the individuals working with payroll issues been informed on the policies and trained in the routines?
- Are the duties of approving job actions and time separated from the duties of distribution of pay cheques and payment into salary accounts?
- Are time and labour entries approved by direct managers to ensure that worked hours correspond to paid hours?
- Do management review and sign the final pay list to ensure that personnel are paid according to wage contracts and terminated employees are not paid?

5.1. Example of a holistic analysis of the internal control system – the case of safeguarding resources

Large amounts of secret or sensitive information are stored on computer media in police agencies. In this fictional case IT controls are neglected and consequently have numerous deficiencies. Police officers are selling sensitive information to the media and are also suspected of manipulating records in return for bribes. Below are suggestions for how to address this problem, looking at all five components of the internal control system.

5.1.1. The control environment

Management must dedicate commitment to competence and proper behaviour involving IT, provide training in this area and establish a positive control environment for IT issues among the personnel that should be reflected in human resource policies.

5.1.2. Risk assessment

The risk assessment showed that at the general control level the police service has not:
- Limited user access only to users who need it to perform their duties.
- Developed adequate system software changes.
- Documented software changes.
- Segregated incompatible duties.
- Protected its network from unauthorised traffic.

5.1.3. Control activities

The police service can:
- Implement logical (e.g. passwords) and physical (e.g. locks, ID badges, alarms) access controls.
- Deny the ability to log in to the operating system for application users.
- Limit access to the production environment for the application development personnel.
- Use audit logs to register all access and commands to detect security violations.
- Screen personnel before providing access to systems that handle sensitive information.

5.1.4. Information and communication

Concerning information and communication, the following could be considered.
- Procedures in IT control should be available and software changes should be documented before the software is placed in operation.
- Policies and job descriptions supporting the principles of segregation of duties should be developed.
- Audit logs on access attempts and unauthorised commands should be periodically reported and reviewed.

5.1.5. Monitoring and evaluation

Some suggested activities to monitor and evaluate the internal control system in this area could be:
- Performing an IT audit.
- Conducting a disaster simulation exercise.
- Monitoring the web server activity.

6. Implementation

This Section 6 of Chapter 5 presents suggestions on how to distribute the contents of this Chapter 5 through seminars and workshops. The suggested exercises are only examples designed to give ideas and inspiration; they should be tailored to the specific needs and contexts of individual police organisations. See Box 8, below, for suggested topics:

Box 8: Suggested topics for a seminar on internal control

Workshop 1: Building a solid control environment

Objective:
Get the top management to understand the importance of the control environment and their role as senior leaders in creating a fruitful control environment.

Content:
What is the control environment?
Why is the control environment important?
What measures can be taken to improve the control environment?
How do you measure and assess the quality of the control environment?

Target group: Senior management

Workshop 2: How to do a risk assessment

Objective:
Enable the middle management to conduct risk analysis of their operations

Content:
What models and tools exist to identify, assess and address risks in various scenarios and context?
How do I apply these models and tools in my organisation?
How can risk analysis be used as a basis for organisational development and improvement?

Target group:
Middle management

7. Conclusions – Chapter 5

Solid internal control depends on a small number of important values that need to be present at all levels of an organisation. These key values are clarity, honesty, transparency and simplicity. From these values flow a coherent strategy, a coherent structure and a coherent management.

For internal control to be effective, senior managers need to demonstrate their belief in internal control and be role models in its execution. Managers set the tone and culture of a police organisation. The management are ultimately responsible and should assume ownership of the internal control system.

Good internal control means that control measures are built into daily organisational routines, as well as into the performance of exceptional tasks. Regular information about and training on internal control measures for all personnel is important for it to be upheld sustainably.

A good internal control system has to address the individuals who operate within it and support and encourage integrity and a positive attitude towards control measures. Internal control is the responsibility of everyone in the police service, and should be an implied or precisely and clearly expressed part of everyone's job description. Police services that do not provide protective policies and procedures and other vital control activities on a systematic basis not only fail their police officers but also fail the public trust.

Investing in preventive measures, especially related to recruitment and in-service training, with a strong focus on integrity, ethics and internal control, is money well spent, since very few police recruits begin their police career with the intention of becoming corrupt. Many are idealistic young people dedicated to public service, and with proper education, training and supervision they will continue with that attitude.

The factors of success in the implementation of a system of control can be summarised as:

- coherence between strategy, structures, processes and control
- clarity, honesty, simplicity and transparency
- economy of the system through concentration on key areas and exceptions
- exploitation of the results in order to improve the organisation
- support of senior management.

SELF ASSESSMENT TABLE

Chapter 5 ▪ Internal Control

Having read this chapter, what is your reaction? Was there new information in this chapter that you could use to improve your police service? Are there changes that could be made in your police service?

Please find below a self assessment that will help you answer these and other questions. This basic assessment is intended to help you evaluate the situation in your own service, determine what, if any, changes should be made, and brainstorm means for implementing these changes. To develop a more comprehensive approach for applying the concepts learned in this chapter, training sessions or working groups could be organized to complement and build upon this assessment. In addition, it may be helpful to seek the assistance of national or international experts on matters of tackling corruption.

Issues / Questions	What can we do to make up for Weaknesses?	How to do it?
Have we assessed the internal levels of control to prevent and detect internal corruption? See Table 1	If not, we can: • Assess where control should be addressed • Define the frame of internal control • Decide on actions to take	We can: • Appoint an internal expert • Appoint a working group of managers • Communicate within the organisation to ensure transparent processes • Establish a comparison between the current situation and Table 4 • Decide new instruments to be added
Are we using adequate instruments of internal control according to Table 4?	If not, we can: • Assess instruments we use • Assess if we should add other instruments • Prepare implementation plan	
Are responsibilities of management and personnel clearly defined such that internal control has acceptance within your organisation?	If not, we can: • Define Terms of Reference of managers and personnel • Improve decision expertise • Reform and build structure of internal control	We can: • Change the structure by integrating internal audits • Control decision making of mangers • Communicate internally taken decisions and responsibilities

Are we aware of challenges of internal control such as over-control and its consequences?	If not, we can: • Assess potential risks • Define clear rules for managers to avoid over-control	We can: • Engage specific expert to work out possibilities of over-control • Discuss within the working group for internal control
Is internal control throughout the organisation accepted by management and personnel?	If not, we can: • Make decisions and reactions transparent • Assess vulnerabilities and internal criticism of internal control • Develop clear rules	We can: • Engage expert/auditor • Bind manager and personnel to rules **Remark: tools described in Chapter 9 may be useful**

External Oversight and Control

Hans Born, Aidan Wills, Gabriel Geisler, and Matthias Erny

1. Introduction to Chapter 6

The police are empowered to detect and prevent violations of the law. It can prove challenging for the police to detect and prevent such violations occurring in their own services. For this reason, there are external oversight and control bodies that monitor the police to ensure they comply with the law. This Chapter 6 explains how that monitoring process works in relation to tackling corruption in police services. It does so by explaining which external institutions engage in oversight of the police and examining comparatively what these institutions do. This chapter provides practical real world examples of how oversight is exercised over police services in order to prevent corruption, and how that oversight process could be improved.

This chapter uses the definition of corruption outlined in Chapter 1, which defines it as 'the abuse of public office for private gain'. The concept of 'systemic corruption' is also used here. Systemic corruption is the involvement of all, or the majority, of the police service in corrupt activity, and may involve a complete reorientation of the roles of the police. Systemic corruption may undermine the ability of a police service to prevent crime. This type of situation is particularly pertinent to a discussion of external oversight and control bodies, because if a police service is corrupted systematically, only an external body can effectively counter corruption.

Links with other chapters

Certain topics discussed in this chapter are also developed in more detail in other chapters:

Chapter 5 provides complementary information on internal controls, and
Chapter 7 on investigation presents supplementary information on inquiries.
See also Chapter 1.

Specific links will be indicated in the text.

2. What are external oversight and control?

This Chapter 6 addresses both external *control* of police and external *oversight* of police. External *control* involves the direction and management of police operations. It is external to the police chain of command, yet is able to direct police activity, such as when a political executive orders a police service to prioritise an issue (for example narcotics) or when a judge approves a warrant for a police officer to conduct a search. These controlling functions are design features of police procedures and allow for external bodies to regulate police conduct and compel police to behave accordingly.

External *oversight* is concerned with the review and monitoring of police behaviour by institutions that are outside the police. It is aimed at preventing and identifying misconduct so as to improve the service the police provide to the public. Oversight generally consists of *ex post* review, but also involves ongoing monitoring. Examples of institutions that perform purely an oversight function are parliamentary committees, the media and civil society actors (NGOs and INGOs) such as Transparency International and the American Civil Liberties Union. These organisations are not integrated into the police chain of command and only externally monitor police activity for corruption or other abuses. External oversight is distinct from external control in so far as control implies integration into the police chain of command, with a concomitantly direct capacity to modify police behaviour.

Within the scope of this chapter, it is considered that external bodies comprise all institutions which are both organisationally and operationally independent from the police. The chapter examines the executive, parliament, the judiciary, specialised police oversight and anti-corruption bodies, *ad hoc* inquiries, civil society organisations and the media. It discusses the role and function of each of these institutions, as well as giving examples of best practices.

External oversight and control institutions monitor not only the police but also each other. This makes external control institutions more immune to corruption than internal control mechanisms. For example, if a police chief is taking bribes he or she may intentionally subvert internal anti-corruption mechanisms. When this happens, the police chief must be stopped by someone external to the police, such as the executive. The executive also may be corrupt, using the corrupt police chief to silence political opposition. If this occurs, however, one could still depend on the prosecutors to tackle corruption, the parliament to impeach the failed executive and civil society and the media to ensure the corruption is exposed. If one external oversight body fails to tackle corrupt practices, there are many others that could intervene to stop the corruption and restore the rule of law.

The success of external oversight bodies rests upon the fact that, taken together, they monitor police services, to ensure they are not corrupt, and each other, to ensure each institution is performing its job properly. This ensures that each institution's power over the police is not abused.

3. Why are external oversight and control bodies important for tackling corruption?

The following subsections provide arguments for the critical roles of external oversight and control bodies in tackling corruption.

3.1. Strengthening democratic governance

It is a widely accepted norm that the public should have control over their government and public services, such as the police. This is essential for ensuring that public services respond to the needs of the public and police do not engage in activities harmful to the interests of the public (such as corruption). In democratic countries, the public primarily controls the police (and other government agencies) indirectly, through their elected representatives. The fact that the police are monitored by institutions that are either directly elected (e.g. parliament) or appointed by a directly elected body (e.g. specialised police oversight bodies) makes oversight essentially democratic. By establishing, appointing and reviewing the work of police oversight bodies, parliaments create a link between the public and the police. Democratically monitored police oversight bodies play an important role in making the police more responsive to the needs of the public they serve.

3.2. Promoting public confidence in the police

Experience across a range of countries has demonstrated the public often do not trust the police to conduct proper internal investigations into allegations or complaints about misconduct, such as corruption and the use of excessive force. In many cases these concerns have been proven correct by external public inquiries into the activities of the police.[78] Inquiries have consistently shown that internal investigators often do not conduct themselves in an effective and impartial manner because they are influenced by fellow officers and the idea of police loyalty or solidarity.[79] These problems are particularly relevant in investigations of systemic corruption, where bosses, managers or investigators themselves may be engaged in corrupt practices.

Furthermore, even if some police services are capable of conducting fair and thorough internal investigations, the public may not be aware of this and may rightly wonder whether internal investigations are biased. Since effective policing depends upon the confidence of the public, it is very important that police services make a strong effort to be transparent. One way of appearing transparent is for police services to be monitored by external oversight bodies, thus credibly demonstrating to the public that the police have nothing to hide. If the public know that the police are overseen by an external body and that complaints can be submitted to, and independently investigated by, this body, this helps to promote public confidence in the work of the police.

3.3. Ensuring compliance with international standards on policing and corruption

External oversight of police services is important for enabling the state to fulfil its international legal obligations. In particular, international human rights law requires states to ensure that institutions exist to hear individuals' complaints about the violation of their human rights by the police and, if necessary, to provide them with a remedy.[80] This role is normally performed by a court, but other institutions such as ombudsmen, human rights commissions and specialised police complaints bodies are also involved in the investigation of alleged human rights violations by the police.

Corruption by police officers often involves human rights violations. For example, police officers may arbitrarily detain someone or use excessive force against a person in order to extract money. This is an example of corruption and a violation of the rights to liberty and (potentially) the right not to be subject to torture or inhumane and degrading treatment. Alternatively, some police officers may accept bribes to ignore allegations of abuse against a person perpetrated by another police officer or a member of the public. Hence there is a clear link between human rights violations and corruption.

Many countries have also made international commitments in the specific area of anti-corruption. These include the commitment to establish independent, external institutions to investigate allegations of corruption by state officials, including police officers.[81]

3.4. Improving police services

External oversight is essential for helping the police to improve the service they provide to the public. This includes the legality, effectiveness and efficiency of their service. External oversight can help the police to identify and address weaknesses and problems with their work. For example, external oversight institutions may uncover problems with a police service's system for detecting corruption among its officers or with the screening of prospective personnel. In response, the oversight institution can recommend new policies or procedures to be adopted by the police. Often, an external institution is better placed than an internal body to identify problems in the policies and procedures of the police. This is because an external body can evaluate the work of the police without being influenced by the police hierarchy, loyalty to colleagues or the institutional culture.

4. What is the role of external oversight and control bodies in the struggle against corruption?

There are six different actors involved in the external oversight and control of police services:

- The executive
- The parliament
- The judiciary
- Specialised police oversight and anti-corruption bodies
- Ad hoc inquiries
- Civil society organisations and the media

This section describes the role of each of these six actors in tackling corruption and outlines their strengths and weaknesses as anti-corruption mechanisms.

4.1. Types of external oversight and control

The six institutions listed above exercise two types of oversight and control: 1) proactive and 2) reactive.[82] Proactive oversight functions exist to prevent police corruption from occurring, and typically focus on identifying and addressing systemic factors leading to corruption and resolving them through legislation, policy and management.[83] Table 1, below, shows the various functions related to proactive police oversight. Reactive police oversight systems are in place to address cases of corruption once they occur. A reactive oversight approach to police corruption can be characterised as responding to complaints or allegations and, if corrupt practice is determined to have taken place, sanctioning and investigating the individuals involved and/or recommending reform. (See Table 1, below,) Reactive oversight systems can also prevent police corruption, as the detection and punishment of officers deters other members of the service from soliciting or accepting bribes.

Table 1: Overview of various functions of proactive and reactive police oversight

Proactive external oversight and control functions	External actor(s) involved
Developing and enacting anti- corruption legislation	Parliament and the executive
Establishing accountability & supervision systems	Parliament, executive, specialised police oversight and anti-corruption bodies

Establishing official anti-corruption policies	Executive, parliament, anti-corruption bodies
Providing resources to deal with corruption	Executive, parliament
Disseminating information about corruption policy	Executive, civil society and the media, specialised oversight bodies, ad hoc inquiries
Investigating systemic factors leading to corruption	Specialised police oversight and anti-corruption bodies, ad hoc inquiries
Reactive external oversight and control functions	**External actor(s) involved**
Disciplining and punishing corrupt police	Judiciary, executive, prosecutorial services
Disseminating facts about police corruption	Specialised police oversight and anti-corruption bodies, civil society and the media, parliament, ad hoc inquiries
Responding to complaints about corruption	Specialised police oversight and anti-corruption bodies, prosecutorial services, ad hoc inquiries
Detecting and investigating corruption	Specialised police oversight and anti-corruption bodies, ad hoc inquiries, prosecutorial services.

4.2. The relationship between external control and internal control

External oversight and control institutions function in parallel to internal control systems. (See Chapter 5.) External mechanisms are dependent on effective internal control mechanisms to maintain standards of professionalism and transparency. Internal controls include vetting during the recruitment process, supervision by line managers, investigation of alleged cases of corruption by internal anti-corruption bodies, taking disciplinary measures against corrupt police officers, monitoring the propensity for corruption among police officers and promoting a police culture that is intolerant of corruption.[84] These internal controls implement and enforce the external controls, laws and policies.

External oversight and control have four main roles in relation to internal controls:
1. To ensure that internal controls are established.
2. To monitor internal controls within the police function effectively.
3. To provide public with an independent mechanism for complaints about police corruption.
4. To deal with police corruption cases which cannot be handled by police services themselves, either because of the severity of the case or because of conflicts of interest.

The following subsections address each of the six major external oversight and control institutions. The role of each institution and issues that are common to the particular oversight institution are outlined, as well as some key recommendations to improve the effectiveness of each institution.

4.3. Executive

4.3.1. The role of the executive

The executive establishes overarching policies and provides strategic direction for the police.[85] Depending on the structure of a country and the delegation of powers, executive oversight of police services may occur at various levels: the minister of interior or home affairs at the national level, the provincial governor at the regional level and the mayor at the city or town level. In some countries police services are considered to be part of the ministry of interior (as is the case in Russia); in others executive oversight of the police is decentralised to cities, regions or provinces (e.g. Switzerland). In other countries, police services report directly to the head of state or head of government as no ministry of interior exists (e.g. Indonesia). This arrangement can often lead to excessive political interference in policing.

The executive is responsible for establishing a process for overseeing the police, including tackling corruption. While exact practices may vary from country to country, the executive commonly employs three strategies to tackle corruption in the police. See Table 2, below:

Table 2: Three strategies executives can use to curb police corruption

Strategy	Description
Showing political willingness to curb police corruption	Successful anti-corruption policies need backing by government & particularly responsible ministers. Executive must show public & police it is takes corruption seriously. The executive can show commitment to tackling corruption through policies and actions. Government corruption white papers typically address causes of corruption and measures to prevent, detect and prosecute corruption in the public sector.[86] The executive can implement its policy prescriptions by enforcing anti-corruption standards, thus credibly demonstrating its commitment to tackling corruption.
Creating oversight institutions	The executive can set up institutions that are tasked with providing independent oversight of the police service. These institutions may include specialised police oversight bodies. Government ministries[87] or police authorities/boards/ commissions are headed by civilians (i.e. not police officers) tasked to oversee police, including anti-corruption policy. In many countries they exercise oversight over police on behalf of elected officials.

	Inspectorates are tasked with inspecting police compliance with the law, policy and codes of conduct. (e.g. Her Majesty's Inspectorate of the Constabulary – UK,[88] Inspection de la Gendarmerie National, Inspection Générale des Services and Inspection Générale des Services de la Police Nationale – France,[89] Inspecção Geral Da Administração Interna – Portugal[90] and Rijksrecherche – Netherlands.[91]) These oversight institutions function as a buffer between elected political officials and the police, thereby minimising undue political interference by the executive in police affairs.
Supervising resource management procedures	As part of its policy setting role, the executive can devise or revise criteria used in recruitment, selection and promotion of police. The executive may prohibit recruits convicted of corruption or other crimes. For example, in Kenya, on the basis of an investigation by the Anti-Corruption Commission, the government cancelled the recruitment of three thousand new police officers and suspended sixty officers for taking bribes from new recruits to let them join the police service.[92] The executive can monitor pay policies and ensure funding allocations are properly distributed. Research shows in some countries salaries of police officers are frequently not paid, delayed or used by management, equipment is not provided and police officers need to pay out of their own funds for uniforms, gear, petrol and phone calls.[93] A lack of sufficient salary and equipment is one of the main drivers of corruption. The executive's power to supply and monitor funds and salaries is an important tool against corruption.

4.3.2. Challenges

Of all external oversight bodies, the executive possesses the greatest discretion and the greatest capacity to influence the police. It is important that a clear distinction is made between the executive's and the police's areas and responsibilities. This matters because political interference may permit or even encourage corruption, e.g. blocking legitimate peaceful demonstrations against the government, requesting the police not to arrest politicians or other elites who are suspected of committing a crime, or promoting police officers because of political party affiliations.[94] One way of understanding the distinct mandates of the executive and the police is that executives have 'policy responsibility' and police have 'operational responsibility'.[95] Democratic countries try to rigorously maintain this distinction, as it ensures that the police pursue policies desired by the public and that the executive does not intervene in operations, thus jeopardising the independence or efficacy of the police.

4.3.3. Recommendations

The rule governing relations between the executive and the police should be that in all matters relating to specific operational or law enforcement decisions, the police exercise discretion based upon their professional judgement. In all matters pertaining to overall policy, they are controlled by a democratically elected executive.[96] This distinction can be difficult to discern and it is probable that grey areas will exist. The following recommendations represent ways in which the relationship between the executive and the police can be formulated so as to reduce ambiguity and maximise police accountability while minimising executive interference in operations.

Create a clear legal framework. Often both police and politicians are aware of the necessity of separating their areas of responsibility, but will be unclear on the specifics of which issues fall under the mandate of which body.[97] The clearer and more specific the legislative framework is, the easier it will be for executives to know where their control ends and police expertise begins.

Transparency of executive-police relations. Any policy or other directives that come from the executive to the police should be sent through formal channels with a record of the decision making procedure that led to the policy formulation. This aids in *post facto* (after the event already happened) analysis of specific policies and prevents conflicts of interest that may occur when policies between executives and police chiefs are concluded privately or in informal settings such as social events.

Strict maintenance of chain of command. The executive should never disregard the official police chain of command and attempt to communicate with lower ranking police officers or direct policy towards them while circumventing police leadership. Strict adherence to the chain of command avoids situations wherein the executive is able to influence policing policies over the objections of expert police commanders. If a fundamental disagreement exists between the police commanders and the executive, the proper channels should be pursued for the replacement of police leadership.

4.4. Parliament

Parliament has two main roles in tackling corruption: 1) legislative and 2) oversight.[98]

4.4.1. Legislative role

Perhaps the most obvious contribution of parliaments to police governance – and tackling corruption in particular – is the adoption of legislation which establishes the legal framework for curbing police corruption. This legal framework consists of four types of laws: 1) laws criminalising corruption, 2) laws promoting government transparency and accountability, 3) laws regulating the mandate and powers of the police and 4) laws establishing oversight institutions.

1. *Laws criminalising corruption*. This first category refers to punishing corruption. These laws can either be part of the general criminal code containing provisions that criminalise corruption or can be specific anti-corruption laws.

2. *Laws promoting the transparency and accountability of government.* The function of this second category is to prevent corruption from occurring. These are laws that promote the accountability and transparency of government, thus reducing the possibilities for corrupt behaviour. These laws typically regulate issues such as access to information, freedom of expression and whistleblower protections.
3. *Laws regulating the mandate and powers of police.* This third category relates to the mandate and powers of the police.[99] These laws may include activities prone to corruption, such as public procurement of equipment, gasoline, food and buildings (contracts) and the recruitment and promotion of police officers (careers).
4. *Laws establishing oversight institutions.* Parliament is responsible for enacting the legal framework that stipulates how the police will be overseen and ensuring the body that performs police oversight does its job effectively. Parliament exercises this power by enacting the legal framework that stipulates the mandate and powers of police oversight bodies.

4.4.2. Oversight role

The second important role of parliament is to oversee the government, including the police. In most countries, parliaments have various oversight tools, enabling them to hold governments accountable for their actions. They may also have committees dedicated to focusing on issues such as police corruption, as is the case of the UK House of Commons Home Affairs Committee. Box 1, below, gives an overview of the powers that may be used by parliament for overseeing the security sector, including the police.

Box 1: Parliament and the police: oversight powers[100]

General powers
To initiate, amend and approve legislation pertaining to police corruption.
To question members of the executive responsible for the police as well as senior police officers (under oath).
To hear independent experts on police corruption.
To carry out independent inquiries into police corruption scandals.

Financial oversight powers
To approve the annual police budget.
To review and amend budget proposals, including supplementary budget requests.
To check and certify past expenditures (on the basis of audit institution reports).
To have access to all budget documents.

Appointment powers
To confirm the appointment of top police commissioners.

In the context of corruption, parliamentary oversight should focus on two matters: 1) financial oversight of the police and 2) regulation of police oversight and complaints mechanisms.

Financial oversight. Financial integrity is central to tackling police corruption, therefore, it is important that parliament plays a strong role in the budget. This participation should include adopting and auditing the police budget.[101] In order to analyse parliament's different roles clearly, the analysis here is divided into the adoption of the budget and the audit of the budget.

Parliament's power to approve the budget can give it some scope to set policing priorities. It can demand the government prioritise tackling police corruption, fund police oversight mechanisms and initiate anti-corruption training and awareness campaigns for police officers. In addition, parliament can use audits to check whether money is spent efficiently and legally. These audits are crucial in curbing corruption because often funds for the police budget do not reach their intended destination. By ordering audit offices to conduct investigations and compelling the government to act upon the findings, parliament can play an important role in preventing corruption.[102]

A final important role of parliament in exercising financial control is the legislation of a transparent system for planning, programming, budgeting and evaluating police spending. Such a budgeting system should be able to track how funds are allocated and spent within the police service. Without a clear and transparent legal framework, the budgeting system is prone to theft, mismanagement and embezzlement.[103]

Reviewing the work of oversight institutions. Parliament uses its control of the budget to review the resources of police oversight bodies. In many countries, parliaments appoint the members of specialised police oversight institutions. Parliament also reviews the activities of oversight institutions to ensure they are fulfilling their mandate. For example, the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity examined governance structures and operational processes of the various Australian law enforcement integrity agencies. (See Example 1, below.)

Example 1: Parliamentary oversight of police oversight & complaint mechanisms: Australia[104]

In 2008–2009 a parliamentary joint committee examined the various state law enforcement integrity agencies in order to inform possible changes to governance structures and operational processes of the Australian Commission for Law Enforcement Integrity (ACLEI).

Mandate. The parliamentary committee reported on the responsibilities, powers and governance structures of the various state law enforcement integrity agencies. It also investigated their relations with other external bodies, including the state ombudsmen, parliamentary oversight committees and other relevant agencies. The terms of reference required the committee to look into existing state corruption prevention programmes and internal police anti-corruption mechanisms.

Methodology. The parliamentary committee advertised its inquiry extensively and encouraged individuals and organisations to submit complaints. In addition, the committee organised public hearings in various Australian cities and published the submissions, reports of hearings and lists of witnesses.

Findings. On the basis of the inquiry, the parliamentary committee urgently requested the Australian government to increase the funding for ACLEI, establish a prevention and education unit within ACLEI, create a national forum for law enforcement integrity agencies, establish an 'integrity inspector' to assist ACLEI, fund the establishment of infrastructure, strengthen internal whistleblower mechanisms and review existing arrangements for the suspension and dismissal of law enforcement employees.

4.4.3. Challenges

With the two roles of legislation and oversight, parliament plays an important part in tackling police corruption. Parliament also has some weaknesses as an oversight institution. First, as is the case with the executive, parliamentary oversight must not meddle in politics. Second, parliamentarians may be inexperienced in policing matters, which can lead to ineffective oversight. Third, oversight of the police is only one of many priorities of parliamentarians and may suffer from lack of attention. Finally, because of breaks between sessions of parliament, police monitoring may be intermittent.[105]

4.4.4. Recommendations for parliaments

These recommendations represent ways in which parliamentarians can contribute to the struggle against corruption via their legislative authority.[106] Corruption is a crime and should be dealt with through legal procedures. These particular legal safeguards make the detection and persecution of corruption easier.

- *Freedom of information (FOI).* Some countries have FOI laws allowing the public or organisations to demand the release of documents. These laws also help media organisations access information for reports. Strong FOI laws add transparency to government institutions and thus decrease the ease with which corruption can go undetected.
- *Whistleblower protection.* These laws shield those who reveal corruption from reprisals, thus encouraging police officers to denounce corrupt practices.
- *Conflict of interest law.* These laws specify the conditions under which conflict of interest can occur and when it must be controlled. The application of conflict of interest law can decrease opportunities for corruption and reduce its prevalence.

4.5. Judiciary and prosecutorial services

It goes beyond the scope of this Chapter 6 to discuss the differences between legal systems across the world (e.g. common law versus civil law systems). It is important, however, to consider how the roles of the judiciary and prosecutorial services differ among countries. In the context of this chapter, three possible roles of the judiciary and prosecutorial services are outlined:

1. Prosecution of corruption as a criminal offence
2. The role of the judiciary in hearing civil claims pertaining to police corruption
3. Judicial review.

4.5.1. Prosecuting corruption

In most states, corruption is a criminal offence which must be prosecuted regardless of who is involved. Accordingly, the prosecutor and the judiciary have a central role in tackling police corruption.[107] Some corruption may be dealt with through internal disciplinary procedures in a police service. When police officers are suspected of having engaged in activities which meet the threshold of a criminal offence, the prosecutor and the judiciary are responsible for investigating, prosecuting, judging and if necessary sentencing the individuals involved.

The prosecution and conviction of corrupt police officers serves a number of important functions. First, enforcing criminal law irrespective of the individuals involved is a fundamental requirement in any society based on the rule of law. The judiciary can ensure that there is legal accountability for the actions of police officers.

Second, by ensuring that criminal law is enforced against police officers, prosecutors and judges can help to tackle the 'culture of impunity' which surrounds some police services. A culture of impunity refers to the prevailing view among police officers that they can violate the law without being punished. The successful prosecution and conviction of corrupt officers serve as a deterrent against future corruption.

Third, by prosecuting and convicting police officers guilty of corruption, the prosecutor and the judiciary can send a clear message to the public that the police are not above the law and will be held accountable. This is particularly important in places where public trust in the police is limited; in the long term, the successful prosecution of police officers for corruption and other criminal offences can help to build public confidence in the police.

Fourth, the investigation and prosecution of officers involved in corruption can help to reveal more systemic problems within a police service, which can then be addressed by one of the other institutions responsible for oversight and control of the police. For example, a specialised police oversight body may use the conviction of one or more officers for corruption as a basis for initiating a broader investigation into a particular police service or unit; in this context, an oversight body may also review a police service's internal anti-corruption mechanisms.

4.5.2. Civil claims

Beyond its role in criminal proceedings relating to police corruption, the judiciary performs two additional functions with respect to tackling police corruption. The courts can function as a mechanism for dispute resolution for individuals seeking compensation in cases involving police corruption. The public may be able to sue national or local government or a police service for damages incurred as a result of corruption. They may be able to sue the police for damages arising from the failure of police officers to protect them – this could, for example, be the result of the police taking payments to ignore the activities of a criminal group. In

the US, the Supreme Court ruled local governments are liable if the police – through lack of training – display 'deliberate indifference' to constitutional standards of behaviour.[108] If courts award individuals damages for claims involving police corruption, this can have an important deterrent effect. Furthermore, local/national governments and police services are likely to take action to prevent reoccurrence of corrupt behaviour if they may be liable to pay substantial compensation arising from civil claims. This behaviour has already been remarked upon in the US, where some police departments are starting to take civil claims into account in the performance review of police officers.[109] Finally, civil claims involving corruption may lead to an internal or external oversight body investigating a police service's policies and activities.

4.5.3. Judicial review

The judiciary can provide an important independent check on the actions of the parliament and executive with regard to the police. In many states, the public and organisations can call for legislation and executive decisions to be reviewed by the judiciary to check their compliance with other laws, particularly the constitution and the state's international legal obligations. The judiciary may annul legislation or executive directives which it deems to be incompatible with the constitution or other relevant laws. This provides a valuable check on the parliament and/or the executive from taking action which could promote corruption or other illegal activities by police services.

Judicial review represents an important nexus between the role of the judiciary and civil society organisations in overseeing the police and government more broadly. It is often civil society organisations that request judicial review of legislation or executive directives.

4.5.4. Challenges

The ability of the prosecutor and the judiciary to tackle police corruption invariably depends on the quality of these institutions[110]. They cannot play an effective role in tackling corruption if they do not have adequate resources, are not independent from political groups or are themselves corrupt. The effectiveness of these institutions is also dependent upon the existence and quality of the laws in place, i.e. criminal law provisions on corruption as well as specific anti-corruption legislation.

The role of the prosecutor is crucial in controlling police corruption. It is often difficult for prosecutors to investigate offences committed by officers, as they normally have very close working relationships with the police.[111] This is inevitable, because in many countries prosecutors depend on the police when investigating criminal offences committed by the public. This relationship can make it difficult for prosecutors to handle investigations into police corruption in an impartial and independent manner. Furthermore, in many systems prosecutors need to rely on officers from the same police service to investigate criminal activities by their colleagues because they do not have recourse to alternative investigators. This may compromise the independence of such investigations, and – in police services where corruption is a systemic problem – it may be extremely difficult for prosecutors to rely on police officers to investigate offences fully. To avoid this problem some states, for example Austria (see Example 2, below), have established an independent prosecutor for dealing with corruption as well as a special agency responsible for the prevention and investigation of corruption, which is organisationally independent from the police. The existence or

establishment of independent investigative bodies has been crucial to the successful conduct of several inquiries on police corruption. When the Toronto (Canada) police investigated corruption among their officers, members of the Royal Canadian Mounted Police were brought in to form the bulk of the investigative team.[112]

When investigating police corruption, prosecutors typically rely upon testimony from members of the public, including recognised criminals who have witnessed and/or benefited from police corruption. Needless to say, it can be very difficult for prosecutors to get reliable testimony from such persons. Prosecutors are faced with additional challenges when dealing with cases arising from police departments that have problems of systemic corruption. In these cases officers may not collaborate effectively with investigations and prosecutors may get little useful information from internal oversight mechanisms. This can be the result of strong fraternal bonds between police members, an institutional 'code of silence' and/or concerns about reprisals from fellow officers.[113] Corrupt police departments are also unlikely to be good record keepers: they do not actively collect and record information about their practices, and there may be little available for prosecutors to gather and use as evidence.

The capacity of the judiciary (indirectly) to tackle police corruption through judgments on civil actions is highly dependent on the ability of members of the public to bring such cases before the courts. There are numerous obstacles to taking civil cases involving the police to court. Most notably, many people lack the resources and/or knowledge to take legal action, and may fear reprisals from the police.

Example 2: Anti-Corruption Public Prosecutor: Austria

In 2009, Austria created the Anti-Corruption Public Prosecutor housed in the Austrian Public Prosecution Service.[114] Its contribution to tackling corruption involves taking preventive measures and conducting investigations. It is mandated to investigate corruption in the public and private sectors, including abuse of public office. This prosecutor is organisationally independent from the police. The anti-corruption public prosecutor's powers are defined in the criminal code and include investigative and subpoena powers. The anti-corruption prosecutor reports to the public prosecutor; however, he/she need only report once a case has been closed. This provision gives the prosecutor some independence to pursue corruption cases free from interference.

4.5.5. Recommendations for the judiciary

There are several measures prosecutorial bodies can take to identify and prosecute police corruption more effectively. The most basic measure is the development of independent investigatory bodies that can support judicial inquiries. This recommendation was formulated in the UK as far back as 1929, in a report by the Royal Commission on Police Powers.[115] The Neily inquiry into corruption in the Toronto police demonstrated the utility of drawing on external police departments – in this case the Royal Canadian Mounted Police – to support prosecutorial investigations into corruption. The crucial point is that prosecutions rely upon good investigative work, and police investigators cannot always be counted upon to

investigate their colleagues fairly and thoroughly. Consequently, the establishment of independent bodies for the investigation of police crimes, including corruption, greatly facilitates the successful prosecution of corrupt behaviour.

4.6. Specialised oversight and anti-corruption bodies

Specialised oversight and anti-corruption bodies can provide ongoing scrutiny of the activities of the police. This can help them to be more effective than other external oversight institutions, as they devote the time and resources and develop the expertise necessary to oversee the police and tackling corruption successfully. Specialised bodies can be organised thematically, e.g. they focus on corruption, or by institution, e.g. they focus on the police or the security services. Some specialised oversight bodies are mandated to oversee the police in general, while others focus upon tackling corruption in general. In many countries both types of specialised bodies exist. For example, in Belgium the Office Central pour la Répression de la Corruption is charged with investigating allegations of corruption in general and Comité P is charged with police oversight in general. This subsection examines three different models of institutions which deal with police corruption: 1) general anti-corruption bodies, 2) specialised police corruption bodies and 3) specialised police oversight bodies.

General anti-corruption bodies. The advantages of a general anti-corruption body are widely recognised – internationally, for example, in the 2003 UN Convention against Corruption (UNCAC). Article 6 of the UNCAC requires signatory countries to ensure they have a well staffed and independent body or bodies to prevent corruption.[116] These bodies may be involved in monitoring or auditing for corrupt activity, formulating anti-corruption policy or investigating, arresting and prosecuting corruption.
There is no 'one-size-fits-all' model of anti-corruption bodies. Each country's particular experience with corruption will determine the shape its anti-corruption body is likely to take and reflect the country's approach to solving oversight problems.[117] Anti-corruption bodies can be divided into two main models: 1) general anti-corruption bodies, which focus on the public sector as a whole (and in some cases the private sector), and 2) bodies which specialise in tackling police corruption.

The first specialised anti-corruption body was the Corrupt Practices Investigation Bureau established in Singapore in October 1952.[118] The success of Singapore's model led to the creation of similar bodies in other states, and by 2006, thirteen specialised anti-corruption bodies had been established in Asia alone.[119] The Hong Kong Independent Commission Against Corruption (ICAC) is an example of general anti-corruption body which performs a number of these functions in relation to public sector institutions and agencies.[120] The ICAC defines its mandate as comprising three components: 1) law enforcement, 2) prevention and 3) outreach and education. (See Figure 1, below.)[121]

Figure 1: Three pillars of ICAC mandate
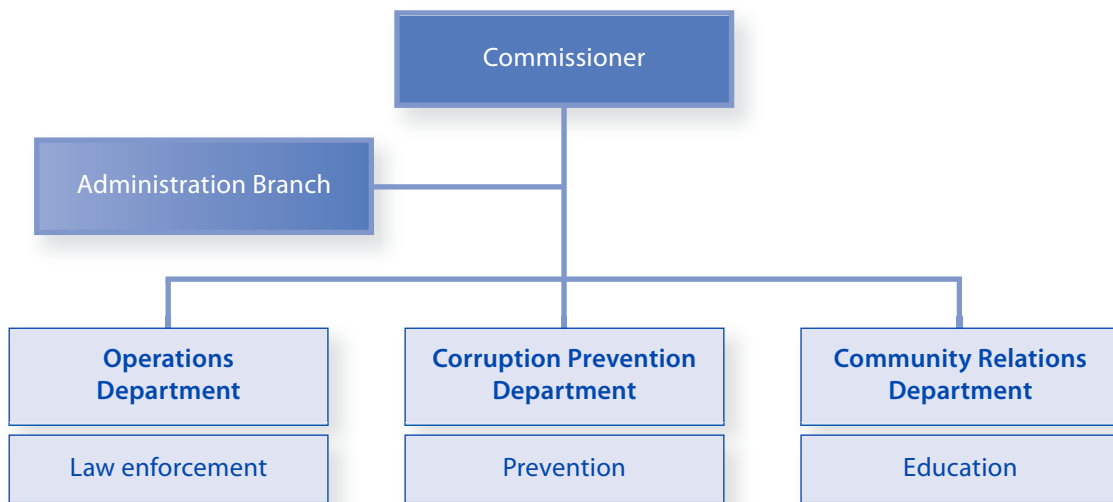
Within the ICAC, the Operations Department investigates specific allegations of corruption, while the Corruption Prevention Department examines public policy in order to recommend policy changes designed to limit corruption. The department also offers free technical consultations to private organisations seeking to formulate anti-corruption policies. Finally, the Community Relations Department both disseminates information to the public about corruption and provides a forum for the public to report corruption. Prosecution is *not* included under the ICAC's mandate, in order to 'preserve the checks and balances within the system'.[122]

Specialised police corruption bodies. A number of states have established bodies that focus exclusively on investigating and preventing police corruption. This type of body has the advantage of having the most targeted mandate. They are most likely to possess the necessary expertise and devote adequate time and resources to addressing police corruption. Examples of this type of organisation include the Commission to Combat Police Corruption in New York City and ACLEI. See Example 3, below.

Example 3: The Australian Commission for Law Enforcement Integrity

Background. In contrast to many anti-corruption bodies, ACLEI was not established in response to serious or systemic corruption in the federal law enforcement agencies; rather, the commission was established to enhance public confidence in Australian government law enforcement agencies and tackle police corruption.

Mandate. It is the role of the integrity commissioner and ACLEI to detect, investigate and prevent corruption in the Australian Crime Commission (ACC) and the Australian Federal Police (AFP).[123]

Investigatory powers. Information about corruption comes from members of the public, members of law enforcement agencies and ACLEI's own information gathering initiatives. The ACC and AFP are also obliged to report corruption issues. The commissioner can carry out coercive information gathering

hearings, has the right to intercept telecommunications and access data and can also pursue electronic and physical surveillance, use search warrants and scrutinise financial transaction records.

Reporting. Every corruption investigation needs to be recorded in the form of a report. It is the commissioner's duty to inform the minister, law enforcement agencies and complainants of how corruption allegations were dealt with. The integrity commissioner can make a recommendation in the report of whether the law enforcement officer be counseled, disciplined or dismissed. If the available evidence points to a breach of Commonwealth (i.e. federal / national), state or territory (i.e. sub-national) criminal law, the case needs to be referred to the relevant prosecution authority. A parliamentary joint committee examines the reports and monitors and reviews the work of ACLEI.

Organisation. The governor-general (the English Queen's representative in Australia) appoints the commissioner for a five year fixed term. The personnel of ACLEI are appointed or employed under the Public Service Act 1999.[124] ACLEI's average staffing level is between seventeen and nineteen people. The agency has an annual budget of approximately US$6–7 million.[125]

Specialised police oversight agencies. Specialised police oversight bodies may deal with all forms of police misconduct: investigating corruption is only one activity among many others. Corruption cases usually account for only a small proportion of all cases investigated by police oversight bodies. Their main objectives can be broadly summarised as ensuring that the police respect the rule of law and human rights; increasing public confidence in the police by ensuring complaints are properly investigated and acted upon; and enhancing the efficiency and effectiveness of policing. Examples of such bodies are the Independent Complaints Directorate (South Africa), the Independent Police Complaints Commission (UK), the Police Ombudsman for Northern Ireland (UK) and Comité P (Belgium). Specialised police oversight bodies emerge for many reasons; most commonly they are formed upon the recommendation of an *ad hoc* inquiry. For example, the Mollen Commission in New York City in the 1990s recommended the creation of the Commission to Combat Police Corruption, and the Macpherson Inquiry in the UK led to the creation of the Independent Police Complaints Commission.[126] Police oversight agencies may also be created as a condition set by international aid organisations or donor countries for the receipt of development assistance.

Example 4: Police oversight bodies: Comité P Belgium

Background. Significant civil unrest in the 1980s triggered fundamental modifications of police service and oversight. A special investigation committee came to the conclusion that internal police control was inadequate for controlling police misconduct, and recommended the creation of an external body charged with overseeing any officers with law enforcement powers.

Mandate. Comité P investigates the activities of the police, administrative bodies and civil servants entrusted with law enforcement powers. Its aim is to protect the constitutional and fundamental rights of Belgians to enhance the efficiency and effectiveness of the police services.

Investigatory powers. All people who are directly involved in a police intervention can make a complaint; police officers may also submit complaints. Comité P can initiate investigations on its own initiative, or upon the request of parliament, a police authority, a minister or any other public authority. Comité P has the power to subpoena persons and documents, request experts and interpreters, seize objects and information and conduct on-site investigations.

Reporting. The reports include how investigations were carried out and the conclusions drawn by the committee. All reports are passed to the Chamber of Representatives, and if necessary to the Belgian Senate. The committee can make recommendations, but does not have the power to issue binding orders.[127]

Organisation. Comité P consists of five members, a recording clerk and an investigation service. Members of Comité P are appointed by the Chamber of Representatives, which also has the power to dissolve the committee. Comité P's annual budget is approximately US$11 million.[128]

The strengths of specialised police oversight bodies are their strict focus on police conduct and their capacity to put police corruption within the broader conduct of police activities, recognising where patterns of corruption and other forms of abuse, such as human rights violations, occur. Often these specialised bodies, however, do not have the resources to focus on police corruption because they are preoccupied with other matters, such as investigating excessive or unnecessary use of force. This is particularly likely if an oversight body's mandate includes handling complaints from members of the public. Processing and investigating complaints are resource intensive and may detract from the ability to conduct investigations into *inter alia* corrupt practices.

4.6.1. Recommendations for specialised external oversight bodies

There is no clear answer as to which model is most effective in tackling police corruption; ideally a country should have both. The defining characteristics of successful external oversight bodies are that they are institutionally independent, well resourced and have enough expertise in the area they are overseeing and the necessary powers to investigate police activities.[129]

- **Independence**
  This Chapter 6 frequently stresses the vital importance of maintaining the independence of oversight bodies, independent both from the police and from political interference. The following suggestions are institutional arrangements that strengthen the independence of an oversight body:

  Membership. The independence of an oversight institution can be strengthened if it does not include any members of the police and its membership is democratically appointed. When police are seconded or former police officers appointed to an anti-corruption or police oversight body, extra precautions should be taken to ensure that the institution's independence is not compromised. For example, the oversight institution may wish to require such persons do not work on cases arising from the area in which they

worked as a police officer. It also may be advisable to avoid staffing an oversight body with persons drawn from government service,[130] and for members of oversight institutions to have fixed terms of membership; this should be accompanied by clear regulations regarding the grounds upon which a member can be dismissed, as well as the procedures for doing so. These measures are essential for safeguarding the independence of overseers because they prevent the executive from using the threat of dismissing overseers to disrupt or influence investigations.

Resources. Funding should be allocated via democratic channels and administered independently by the oversight body. Providing sufficient funding to the body should be a legal obligation. Ideally, budgets should be approved by parliament and then administered by the oversight agency without further executive interference.[131] This is essential to ensure that investigations are not compromised by interventions by the executive or the police concerning budgeting, e.g. by the executive withdrawing funds to make it harder for an oversight institution to continue its investigations.

- **Powers**
  Oversight bodies must have sufficient and specific investigatory powers in order to be effective.[132] Effective powers constitute the following:

  Investigative powers. Conferring these powers on police oversight bodies strengthens their capacity to enforce anti-corruption policy, which makes them more effective.
  Access to information. Oversight bodies should have access to all information necessary to fulfil their mandate. This is essential for oversight institutions to review police activities effectively and produce binding recommendations.[133]

- **Reporting and transparency**
  Effective oversight bodies should be visible and accessible to the public. They should regularly record and publish their activities and the status of their investigations. This ensures the oversight body is functioning in accord with its mandate and helps to publicise the corruption it has uncovered. The following recommendations are designed to enhance the transparency of oversight bodies and strengthen their reporting:

  Regular reporting. Reporting should happen frequently and should be comprehensive. The agency should publish at least an annual or biannual report detailing its activities and findings. It also should engage in ongoing communication strategies such as maintaining a website and organising awareness raising and training sessions.[134]
  Audit information. The oversight body should demonstrate its transparency by making available publicly audit information such as its annual budget and expenditures.[135]

4.7. Civil society organisations and media

Civil society encompasses all the organisations, institutions and individuals not working for government or private enterprise. This definition includes non-governmental organisations (NGOs), registered charities, academia, think tanks, community groups, faith based organisations, professional associations and social

movements. The media can be both a special category of civil society actor and a private enterprise, depending on their institutional mandate. Some media outlets are run for profit and some for the benefit of the public, although usually all media outlets will stress their important watchdog role in relation to the government. Both civil society and the media are fundamental in exposing corruption where it occurs and fostering expertise about how to prevent corruption.

The nature of corruption makes it difficult to discover.[136] For example, bribe payers may not wish to divulge the fact that they have participated in corruption because they fear the consequences of being convicted of bribery, because they fear retaliation from the law or because they paid the bribe to avoid a more onerous penalty such as jail and are satisfied with the result. Furthermore, because of the secretive nature of corruption, third party witnesses are rare. If an incident of corruption goes unreported it cannot be effectively addressed. It is for this reason that robust civil society organisations and independent media outlets that can publicise and investigate corruption are of such vital importance. They are both crucial factors in eliminating systemic corruption in public institutions.[137]

4.7.1. The role of civil society

Civil society organisations mobilise the resources of the public outside formal state institutions. These groups of people then can use their combined resources to advocate issues they believe in strongly, such as tackling police corruption. Strong civil society organisations can coordinate the preferences of many people and use their position to put pressure on politicians. They can draw on the combined experience of their members to analyse anti-corruption policies critically and suggest improvements or alterations. A further advantage of civil society is that it can organise the resources of the public internationally across state boundaries. The international character of civil society means that in societies where domestic social institutions are weak, external civil society actors can support domestic groups in addressing needed reforms.[138]

Example 5: Anti-corruption civil society organisation – Transparency International

Transparency International (TI) was founded in 1993 and is now a global civil society organisation committed to the struggle against corruption. It has developed a global network of national affiliates that work to promote transparency in public and private organisations in order to reduce incidence of corruption.

TI is credited for its advocacy efforts in putting anti-corruption on the global agenda, making anti-corruption central to the policy positions of the World Bank, the UN and the International Monetary Fund.

TI helped in the formulation of the UN Convention against Corruption and the African Union Convention on Preventing and Combating Corruption. It also was involved closely in establishing the OECD's Anti-Bribery Convention.

Since the term 'civil society' encompasses such a broad range of actors, it is difficult to distil their core functions. Civil society does many things, and from country to country its roles will be different. This Chapter 6 highlights four key areas of activity that contribute to tackling corruption in the police.

1. *Capacity building and knowledge sharing.* Civil society organisations often have special skills or specialist expertise which could be of use in the prevention and detection of corruption. For this reason, other external oversight bodies often find it useful to cooperate with civil society organisations to build skills, share knowledge and exchange good practices. For example, Altus (www.altus.com) is an alliance of academic centres and well established NGOs from five continents. It provides a platform to disseminate knowledge about safety and justice, cross-cultural research methods and anti-corruption tools. Altus's main aim is to provide NGOs around the world with substantive information so that they can work more effectively with governments and play a larger role in shaping rights based solutions to injustice.[139] Additionally, various advocacy organisations and academic institutions have developed handbooks and guidelines – such as this Toolkit – which distil expertise on police accountability and anti-corruption.[140]

2. *Raising awareness.* International NGOs such as Amnesty International and Human Rights Watch working with in-country groups have focused on police malfeasance for many years. One strategy is to write so-called 'shadow reports' which are sent to UN bodies to record the facts and challenge government versions of events presented to the committees that monitor the implementation of treaties.[141] NGOs have the opportunity to form international and national coalitions encouraging governments to establish and implement effective anti-corruption laws, policies and programmes.[142] Civil society organisations can also 'name and shame' corrupt officials, highlighting their misconduct and advocating for redress. This can cause embarrassment on the international level, and domestically it may motivate the public to force their elected representatives to act.

3. *Triggering executive, parliamentary or judicial action*. Sometimes the revelation of corrupt practice is enough to force a government body to act. When civil society organisations name and shame corrupt officials or conduct campaigns to raise awareness about the problem of police corruption, they may precipitate public inquiries. The most spectacular cases are when corrupt bureaucrats or office holders are impeached, prosecuted or forced to leave their jobs after their offences are exposed to the public. In countries with especially robust civil society institutions and open access to information, politicians may attempt to reform institutions before allegations have been aired, on the assumption that malfeasance cannot be effectively concealed.[143]

4. *Initiate public debate.* Some issues relating to police corruption do not have a single correct answer, and each society needs to determine how it wishes to address the issue. For example, the precise balance between police operational independence and democratic control may differ from country to country depending on historical experience of policing. Civil society may present platforms where these delicate issues can be debated, such as academic conferences, magazines or journals, or the publications of NGOs and other interested parties.

4.7.2. The role of the media

The media are a special type of civil society organisation – one that is dedicated to discovering information and publishing it. The media have historically played a very important role in exposing police corruption and advocating for reform. Revelations by media organisations were instrumental in establishing the Mollen Commission in New York City, and the media are often the front line in exposing corrupt practice. In this way, they have a symbiotic relationship with other external oversight institutions. The media are also important for amplifying the message of oversight bodies and inquiries, such as when the *New York Times* wrote about the Mollen inquiry, thus transmitting its findings to the public.[144]

Media can be private and run for profit, as is the case with most newspapers and TV stations, or they can be public and run as a non-profit, as is the case with the BBC in the UK and the National Public Radio in the US. There is no single answer as to whether public or private media are better, as they both have strengths and weaknesses. With private media, it is easier to ensure that they will be independent from government manipulation, but they may be subject to private business interests and investors, and have a disincentive to spend money for high quality investigative journalism if selling entertainment is more profitable.[145] Private media may have greater resources at their disposal to enable them to produce high quality investigative journalism. Non-profit media organisations have the advantage that their organisational mandate may be to maintain an informed public; hence they will focus on issues of public interest. If the media are financed publicly, however, they risk that governments may interfere with the news content. In general, the most important characteristic of the media of any country is that they should be plentiful and diverse, and ownership should be diffused. Concentrations of ownership in the media can create opportunities for abuse or betrayal of the public trust.

4.7.3. Challenges

Both civil society workers and journalists can face difficult and dangerous obstacles when they work to identify police corruption. NGOs that criticise the police can face harassment or even imprisonment of their activists. In Jamaica, for example, human rights defenders have been accused of illegal interference, labelled as enemies of the police and described as criminals by public officials.[146] In Cameroon, NGOs have been denied the right to operate and have occasionally been eliminated by decree.[147] For this reason, the work of civil society actors can be dangerous in societies where the rule of law is not firmly established or basic civil liberties are routinely violated.

A second obstacle to civil society workers can be the denial of information. Since civil society members often lack official standing, invocations of confidentiality or state secrecy can be used by the police to block scrutiny of their activities.[148]

Journalists face similar obstacles when trying to investigate police corruption. First there is the risk that journalists may be dissuaded from investigation through physical intimidation by police fearing exposure. For example, the NGO Reporters Without Borders says that in Mexico "it is very dangerous for the media, especially the local media, to try to cover allegations of government corruption, collusion with drug traffickers or human rights violations by the police or armed forces and… since 2000, sixty-one journalists in Mexico have been murdered and nine have "disappeared.""[149]

A second problem is that reporters who interact frequently with the police and depend upon officers for information about cases and quotes for stories may come to identify with the police, which hinder them from writing articles criticising the conduct of the police.[150] Furthermore, if these journalists do write critical stories about the police, they may suffer professionally if officers refuse to cooperate with them in the future. This strategy, known as 'regulating access', involves the police giving particularly good 'exclusives' to journalists who present the police's work in a favourable light and punishing critical journalists by denying them interviews and information.

A third problem confronting journalists is the protection of their confidential sources. Countries without strong legal protections allowing journalists to conceal confidential sources can pose obstacles to a robust press for two reasons: 1) reporters risk being compelled to testify, or imprisoned if they fail to reveal the identity of their sources; and 2) journalists will have difficulty convincing sources to be forthcoming if they cannot guarantee anonymity.

Example 6: The media and widespread corruption – the case of Vladimiro Montesinos Torres in Peru

In the 1990s Peru was run at the behest of President Alberto Fujimori by his secret police chief, Vladimiro Montesinos Torres. Montesinos developed one of the most elaborate systems of bribery ever recorded. Its effect was to undermine completely the functioning of Peruvian democracy.

Montesinos systematically bribed the police, the judiciary, the media and anyone opposed to him. He used secret funds, channelled through military budgets, to keep the wheels of his elaborate machine greased. Exceptionally, each time Montesinos bribed someone he video taped the transaction. With so many bribes, he needed an accounting system to keep track of where the money went, and this proved effective. Stanford economists John McMillan and Pablo Zoido reviewed those tapes and analysed the cost of bribing the various checks upon the police chief's power. Ultimately, Montesinos was not thorough enough, and the leaking of a videoed bribe to the last remaining independent media outlet precipitated the government's downfall. McMillan and Zoido write:[151]

> Just three and a half months after the election, the Fujimori government fell, after one of Montesinos's videotapes was broadcast on television. Montesinos was seen paying opposition politician Alberto Kouri US$15,000 per month to switch sides and support the president. Other videotapes subsequently were broadcast, becoming Peru's own distinctive form of reality television. The tapes, which came to be called the vladivideos, revealed the breadth of Vladimiro Montesinos's reach. They showed him, for example, offering Alipio Montes de Oca, a Supreme Court Justice, the presidency of the National Elections Board plus an extra $10,000 monthly salary, medical care, and personal security; bribing Ernesto Gamarra, a member of a congressional committee investigating Montesinos's sources of money, to direct the investigation away from Montesinos; and assuring the owner of Lucchetti, a Chilean pasta company, of a favourable judgement in a legal dispute over the construction of a factory.

That a system as elaborate as that could be undone by one media outlet publicising the evidence of corruption is a testament to the power of free media.

4.7.4. Recommendations for civil society

Given that civil society includes a diverse set of actors, it is difficult to distil a set of core recommendations. Much of the legal protection that forms the basis for a robust civil society is the defence of basic civil liberties such as the right to freedom of expression, freedom of belief, freedom of association and protection from arbitrary arrest or imprisonment. Legal provisions that increase public right to information, such as freedom of information laws, also aid civil society organisations in performing their monitoring role. There are several activities NGOs can engage in to strengthen their monitoring of police corruption.

- Civil society organisations often find strength in numbers, and the formation of NGO networks or broad aggregations of professional associations can amplify the message of one NGO across a network. This can increase the pressure civil society actors can bring to bear upon elected officials and the police.
- Civil society organisations can mobilise their expertise to interpret and translate complex police activities or technical documents for a wider public, thus increasing the public's engagement with police activities.
- Wherever possible civil society organisations should strive to be consulted on matters that relate to the interaction of the police and the community they are policing. Furthermore, police should strive to consult regularly with civil society at the community level, as this both enhances democratic oversight and improves policing outcomes.[152]
- Overseers and legislators should consult with relevant civil society actors who may have useful expertise.

A core principle for avoiding the cooptation of journalists by the police is the maintenance of a strict professional code by journalists regarding sources. Journalists should maintain a policy where sources for stories are granted anonymity only if they meet the criteria whereby a disclosure of their identity would pose personal or professional risks. Journalists should not permit requests for anonymity by officials seeking to disseminate unattributed opinions, nor should they accept 'off-the-record' backgrounders designed to shape their understanding of a story. Strict rules about the granting of anonymity mean that important sources and whistleblowers can be assured of protection, but police officers will find it more difficult to have journal articles slanted in their favour.

There are a few key laws and institutional arrangements that contribute to the functioning of a free and effective media that can contribute to anti-corruption.[153]

- Strong anti-censorship and freedom of expression laws.
- Strong anti-trust laws, preventing the concentration of media ownership in the hands of a few people.
- No licensing or other restrictions on entry into the field of journalism or the establishment of a media outlet. Requiring journalists to obtain licences in order to operate effectively functions as a mechanism for controlling media content, since critical journalists can be denied a licence.
- Journalists should maintain strict codes of conduct concerning the anonymity of sources.
- There should be clear legal standards regarding the confidentiality of journalists' sources.
- Police should hold press conferences and inform the media about their activities in so far as is consistent with operational safety.

4.8. Ad hoc inquiries

Bodies to review or investigate particular events, practices or policies are known as inquiries[154] or commissions of inquiry. Inquiries not only examine what has happened in the past, but are often requested to make recommendations on amending policies, practices or institutions to prevent the (re)occurrence of the problems they identify. In the past forty years there have been numerous inquiries into police corruption. They have normally been initiated in response to allegations made by members of the public, the media or the police themselves.

Inquiries are normally established for a fixed period of time and given a very specific mandate. They are often given extensive powers to collect information relevant to their mandate, including the power to subpoena and hear testimony under oath. Inquiries normally have recourse to law enforcement authorities to assist them in securing the cooperation of relevant persons. Inquiries into police corruption often gather information from a broad range of stakeholders, including members of police services (often including both whistleblowers and members of the police who have engaged in corruption), members of the public (in many cases this includes criminals who have benefited from police corruption), civil society organisations and the media.

Inquiries have most commonly been carried out by commissions appointed by national or regional executives; however, there also have been judicial inquiries and parliamentary inquiries into police corruption. Regardless of the type of inquiry, they are conducted by persons who are not currently personnel of the police. See Chapter 7.

4.8.1. Role of ad hoc inquiries

The functions of an *ad hoc* inquiry depend on which body established it, what its mandate is and what powers it possesses. Inquiries into police corruption perform three general functions which contribute to external oversight of police:

The main role of inquiries into police corruption is to *identify patterns of corruption*, as well as the factors contributing to corruption within a police service. Inquiries normally focus on systemic corruption; they do not usually focus on individual cases unless this is to illustrate broader trends of corrupt practices.

While inquiries usually do not investigate individual cases and do not have the power to prosecute members of the police suspected of being involved in corruption, some are able to *recommend that public prosecutors investigate* the activities of certain police officers.[155]

Inquiries *raise awareness of corruption* within police services by publicising the findings of their investigations. This ensures that civil society organisations, the media and the public retain an interest in tackling police corruption and pressure the executive and their elected representatives to take action to prevent corruption.

4.8.2. Challenges

Police services often make internal changes in the aftermath of an inquiry on the basis of its recommendations. It is a challenge to ensure that the findings and recommendations of an inquiry have a lasting impact on tackling police corruption.[156] The Mollen Commission (which examined corruption within the New York Police Department) and other inquiries in the UK, US and Australia have sought to ensure that they had a lasting impact on tackling police corruption by recommending the creation of a permanent external oversight body to prevent and investigate police corruption.

4.8.3. Recommendations for ad hoc inquiries

Ad hoc inquiries are by their very nature particular to a given set of circumstances. There are, however, several general recommendations:

- Ad hoc inquiries should have enough investigation powers, including independent investigators and subpoena powers.
- Ad hoc inquiries should try to select investigators who do not have strong loyalties to the departments they are investigating, have no conflicts of interest and are independent of political influence.
- Ideally, ad hoc inquiries should be able to make binding recommendations or be party to the reform procedures precipitated by the investigation.[157]
- Ad hoc inquiries should have a broad mandate to pursue corruption. The Mollen Commission's success was due in part to its ability to investigate corruption in any area of New York City and at any level. It concluded that one of the drawbacks to previous anti-corruption investigations had been their narrow scope, confined to particular officers or units.[158]
- Ideally there should be a legislative basis to public inquiries, stipulating their powers and procedures.

5. Conclusions – Chapter 6

This chapter reviews the principal bodies involved in external control and oversight of the police. The intention is to underline the vital importance of all external oversight institutions in tackling police corruption, and illustrate their roles in complementing each other in overseeing the police. It aims to offer practical advice on how the external oversight of the police is, and can be, conducted. External oversight and control not only promote respect for the rule of law and human rights, but also increase the efficiency and effectiveness of police services, as they can operate with the confidence and respect of the public they serve.

Investigation

■ Gerard Snel

1. Introduction to Chapter 7

This Chapter 7 addresses the investigation of police corruption. It examines how a well structured investigation can help prosecute unethical behaviour. It discusses the requirements of internal and external investigative bodies and identifies the challenges of camaraderie among police officers as well as the importance of developing investigation strategies. This chapter provides both a theoretical framework and, using examples from real life situations, serves as a practical guide.

This chapter also gives a framework for categorising the different forms of police corruption and explains the various investigative strategies that can be used, and it provides background information on investigation – including the seven golden questions – as well as some principles to be observed in managing investigations. Some examples of successful anti-corruption agencies are presented for consideration.

Corruption can occur at all levels of society, but government, businesses and civil society will be affected differently. Context is important in the effective investigation of police corruption. This chapter offers practical models and recommendations and their application in specific contexts.

1.1. What is investigation?

Investigation is the process of examining facts related to criminal offences and other misconduct committed by police officers. Investigation includes the activities a service conducts after receiving a complaint alleging police misconduct, and the purpose is to determine whether the complaint has merit. Investigations by police services or (independent) anti-corruption bodies can be initiated on the basis of complaints submitted by either the public or police officers, both of whom could be participants in or observers of corruption. Internal control mechanisms (see Chapter 5) and proactive investigation could also initiate this process of investigation.

This Chapter 7 highlights the characteristics of an investigation strategy. An *investigation strategy* is a way to gather evidence that will confirm an allegation or find it to be unfounded. Strategies could identify ways to collect information. A strategy is a well developed approach to a certain problem and defines lines of inquiry. It is more than deploying a single investigative method: it is a combination of considering the opportunities as well as the limitations, obligations and risks; as a result of these considerations, a way to solve a particular case is defined.[159] Strategy is a way to ensure that transparency, due process, and honest treatment are maintained.

Links with other chapters

Certain topics discussed in this chapter are also developed in more detail in other chapters:

Chapter 1 provides complementary information on the different forms of corruption;
Chapter 4 deals with behaviour of police officer which cannot be considered as corrupt, but must be addressed as it infringes upon the rules of ethics; and the topics of Chapters 5 and 6, internal and external controls, are related to the present chapter as controls can provide elements that guide the investigative process.

Further information can also be found in Chapter 3.

Specific links will be indicated in the text.

2. Why is investigation important in the struggle against corruption?

This section puts forward reasons why the investigation of offences committed by members of police services is important for the prevention and reduction of corruption.

2.1. The police must be trusted

To be effective, the police must be trusted by the public. Police corruption is destructive to this trust. Investigation of offences and abuses committed by police officers is a condition for establishing public confidence in the police.

Addressing police corruption is fundamental since police activities offer many opportunities for corruption. Police officers can divert information from the intended purposes and use it for blackmailing people, etc. Information on criminal acts can be "covered up" to help protect the perpetrators. The physical control of suspects also can be a source of abuse.

On a larger scale, police corruption can affect directly economic growth through illegal "taxation" of small enterprises or transport, in much the same manner as a mafia organisation[160], and this also has a negative impact on foreign investments.

2.2. Criminals have an interest in corrupting police officers

Research shows substantial police corruption is a condition for large scale organised crime to develop.[161] Criminal organisations have a serious interest in corrupting police officers due to the unique position police officers hold: their access to confidential information and their ability to protect illegal businesses such as prostitution, drugs, pornography and so on.

In the relationship between police corruption and organised crime, the amount of money involved is substantial for the criminal while corrupt police officers often receive only small sums for their compliance. For these relatively small amounts of money, police officers, for example, open gates where they should stay closed, protect brothels where they should close them and guard drug transports. These actions (or inactions) facilitate criminal enterprises. It is not only criminals who have an interest in corrupting police officers; terrorists, politicians, warlords, etc. all have their own motivations to corrupt police officers for a particular purpose.

Example 1: 'Mafia cops'

In 2006, two retired New York detectives, Louis Eppolito and Stephen Caracappa, were convicted of criminal offences that occurred from 1979 to 2005. They lived double lives as informants and hired killers for the mafia Lucchese family and crime boss Anthony 'Gaspipe' Casso. The two detectives were convicted of eight murders. The pair received payments of $4,000 a month for supplying information, with payments of up to $75,000 for murders. Other charges included money laundering, kidnapping and obstruction of justice. In one instance it was revealed that the duo supplied wrong information on a target that led to the death of an innocent man. They tipped off the mafia to police informants and on one occasion arrested a member of the mafia, then handed him back to the mob, that tortured and killed him. The men were also convicted of trading in methamphetamines while in retirement in Nevada.

2.3. The self-protective nature of police services

Closed organisations such as police services develop a culture that is self-protective. This culture can be described as the so called *blue code* or *blue wall of silence*, which is the unwritten rule among police officers not to report on a colleague's errors, misconduct or crimes. If questioned about an incident of misconduct involving another officer it is standard procedure to claim ignorance. This mechanism facilitates corruption and is an obstacle to its investigation. Police officers depend on each other for their safety and well being, and they often work under extreme circumstances, being confronted with violence, poverty and the "dark side" of society. This puts a lot of pressure on them and encourages camaraderie. It is this camaraderie that encourages the secrecy of police officers, who lie or look the other way to protect other officers.

Box 1: How to deal with the blue wall

Measures to cope with the blue wall in corruption investigations
- Accept that this phenomenon exists: do not deny it.
- Emphasise personal responsibilities.
- Reward police officers who break away from the culture.
- Protect police officers who step forward to deliver information on corruption.

This phenomenon should not be underestimated: it has a devastating effect on effective investigation of corruption. The blue wall of silence is reinforced by two observations of police officers:

1. Police officers believe reporting other corrupt officers will not automatically lead to convictions or harsh measures against these officers. There are good reasons to believe so, as it is hard to find cases in which investigations of corruption have indeed led to successful legal action. This deters police officers from reporting misconduct and delivering evidence.
2. There is a strong belief among the police that reporting corrupt officers will ruin their own careers. There are good reasons to believe this; there are many examples of police officers who have lost career prospects because of reporting corruption or misconduct.[162]

3. How investigation can be integrated into the struggle against corruption and unethical behaviour?

This section provides an operational framework that can help police services engaged in the struggle against corruption to develop tools and mechanisms for investigating offences committed police personnel. The following will be undertaken:

- Identification of the type of corruption.
- Development of an investigation strategy.
- Investigation techniques.
- Management of the investigation process.
- Investigation decision making.
- Role of the prosecution.
- Dealing with police misconduct.

3.1. Identification of the type of corruption

Understanding the appearance of corruption is a first step in creating strategies, mechanisms and processes to integrate investigation into the struggle against corruption and unethical behaviour. The background and level of development of the police service largely determine the appearance of corruption.

The hardest forms of corruption to investigate are those encouraged by economic and political principles. The Economics concepts of supply and demand apply to illegal behaviour where corrupt police officers act upon the opportunity to profit from these activities. In the long term, this helps to create economic networks that protect and support illegal activities. These illegal industries benefit from police officers who engage in opportunities for personal gain.

Forms of corruption that affect the entire judicial system require a different investigative approach than in cases where, for example, a police officer accepts a bribe during a regular traffic control. Systemic forms of corruption (see Chapters 2 and 6) last for decades and do not disappear once reform starts. In fact, systemic corruption most likely increases during periods of transition, when criminals, lobby groups and others use the unstable situation to enlarge their businesses or increase their influence. For more on the forms of police corruption, see Box 2, below.

Systemic, organised corruption is more likely to be found in transitional and developing countries than in post-conflict or developed countries, where widespread individual misbehaviour or deliberate corruption takes place.

> **Box 2:** Forms of police corruption
>
> Police corruption appears in many forms. For the purpose of this Chapter 7, distinctions should be made among:
>
> - *Classical forms of corruption* (graft), conducted by either individuals or groups, such as bribery or any other form of gain for personal benefit.
> - *Process corruption,* meant to influence the outcome of the investigative and judicial process.
> - *Misconduct:* deviant behaviour of police officers that does not directly benefit their material needs but is detrimental to the image of policing, including internal misbehaviour.
>
> See Chapter 1 for more discussion on the different forms of corruption.

3.2. Development of an investigative strategy

Several factors help develop a strategy for investigating police corruption. Upon identifying what type of corruption is at work in the police service, developing an investigation strategy requires analysing the nature of the identified forms of corruption.

There are two characteristics by which corruption can be classified in such a way so as to help develop effective investigation strategies:[163] the extent to which corruption is *organised* or *pervasive.*

At the lowest level of organisational collusion, *disorganised* corruption is like the rotten apples in a barrel. Not all the apples in the barrel are contaminated. Corruption of this type is characterised by individual acts of misconduct which are not connected to others. The best way to tackle disorganised corruption is to identify the individual perpetrators and then undertake methods that uncover evidence on an individual basis. For example, a police officer who delivers information from a database to a criminal organisation may leave digital traces behind on the computer, such as log-in information, data that have been retrieved and so on. A concise and fast undercover operation focused on the individual might be effective in this case.

At a higher level, *disorganised pervasive* corruption implies a more widespread range of corrupt activities embedded in the operating culture (all or most of the apples are rotten or "rotten orchid"), but still at an individual level. Strategies to identify individuals in an environment with widespread corruption are more difficult. Strategies should be developed to identify the rotten apples and leave the good apples out, or use the good apples to identify the rotten ones.

Organised pervasive corruption departs from random corrupt activities and refers to the planned and structured nature of corruption, which often involves top management. In such cases the corruption is so extensive that the barrel itself can be regarded as rotten. This requires analyses of relationships, as some of the corrupt officers might operate as groups and commit offences for the same criminal organisation. Strategies to investigate this effectively would contain witness protection programmes and involve long term undercover operations.

Three additional factors[164] are useful in determining a strategy in a corruption investigation.

1. Number of police officers involved.
   – The larger the number, the harder it is to conduct certain activities such as undercover operations.
   – The larger the number, the more 'ears and eyes' in the organisation (hard to keep investigation concealed).
   – The larger the number, the greater the chance that one of the suspects will cooperate with the investigative team.

2. Political involvement.
   – Requires extra measures to screen and protect the investigation.
   – Requires extra measures to ensure a fair trial.
   – Presents the possibility that politicians might have sources available within the police that reveal important information to them.
   – Requires that witness protection programmes are in place.

3. Media attention.
   – Witnesses and evidence can become less useful once journalists start their own investigations.
   – Witnesses can become fearful because of media attention.
   – The case can become a political issue with more media attention.
   – Media attention may increase pressure on the investigation.

3.3. Investigation strategies

Having examined the nature of the corruption in question, appropriate investigation strategies can be followed. The following presents a non-exhaustive list of investigative strategies:

3.3.1. Intelligence probe

The majority of investigation strategies are based on an individual model of corruption. They are intended to identify and apprehend individual police officers committing offences. This approach tends not to consider patterns and trends in corruption, and by focusing on individuals rather than groups or networks, it runs the risk of 'tipping off' others who may be involved in corruption.

A broader approach is the so-called 'fishing expedition'. It always looks for patterns in corruption –focusing on 'arrangements' rather than 'events' – and its objective is to identify the greatest number of corrupt officers possible. As a strategy it allows investigators to postpone making arrests until the optimum amount of evidence has been collected. The disadvantage of this strategy is suspected police officers commit offences while the investigation continues, raising ethical issues.

3.3.2. Focus of investigation

Criminal investigation strategies often focus on the criminal rather than the environment in which offences occur; and this also applies to corruption investigations. The starting point of the investigation is often a complaint or the result of intelligence gathering by informants. Investigation strategies are usually centred on the perpetrator, and the investigators aim to collect evidence against the suspect. Due to the secretive nature of corruption it is often difficult to collect evidence: police officers are extremely cautious, they leave little trace and their activities are often too concealed to notice.

There are two alternatives to this approach:

1. *Criminal organisation as the central point*. Instead of focusing on the suspected police officer, the investigative efforts are put on the criminal organisation that is believed to be supported by corrupt officers. During the inquiry, detectives of the anti-corruption unit participate in the investigative team. Their task is to detect corrupt police officers and make sure that sufficient evidence is gathered without risking the entire investigation. The chance of encountering corrupt officers during such an investigation is significant; this is an effective approach to investigating corruption.

2. *Specific business as the central point*. Some businesses have more interest in corrupting police officers than others. Transport businesses, for example, could benefit from having officers corrupted for transporting illegal goods. The inquiry focuses on illegal activities of the specific enterprise or branch, and detectives from the anti-corruption unit participate in the inquiry. The focus of the inquiry is to analyse the (business) process; by doing so, the supporting activities of corrupt police officers become visible.

3.3.3. Other important strategies

3.3.3.1. Communication strategies

Corruption investigations, by definition, attract a lot of media attention. This is a threat to the investigation if not managed effectively; nonetheless, it is also an opportunity to show transparency and reassure the public. Communication or media strategies should not be underestimated, for they are a necessary factor for effective investigation.

Box 3: Questions about the media in an investigation strategy

When defining an investigation strategy some issues regarding the media[165] should be included:

- Has a press liaison officer been appointed?
- What level of authority for media disclosure has been set?
- What is the overall media strategy?
  - External media.
  - Internal media (to keep the police service informed).

- What information can be released to or withheld from the media?
- Is media coverage being monitored?
- What media appeals have been organised?
  - What specific questions should be addressed to the public?
- What type of positive message should be communicated?
- Should specific community groups be addressed?
- What are the risks of disclosing information?
- If certain information is not disclosed, will it be uncovered by the media?
- Will a press release be a warning to an accomplice?
  - What needs to be anticipated?

3.3.3.2. Financial strategies

Some of the most incriminating and persuasive evidence in a public corruption case is evidence of a public official benefiting financially from alleged corruption: for example, evidence that a public official or employee deposited large sums of cash in a bank account, purchased expensive items with cash or spent significantly more money than can be attributed to legitimate sources of income.

Focusing on the financial benefits of suspects, therefore, is a successful strategy in following the 'money trail'. Receiving and spending money leaves a trail behind that can be investigated and has opportunities for identifying a person's location and their spending or saving habits. Valuable information can be collected by tracing credit card payments, internet bookings, et cetera.

Forfeiture of illegally gained assets. 'Crime should not pay': An effective strategy in curbing crime is the forfeiture of illegally gained assets. Any benefit that is derived from criminal or corrupt act should be forfeited or returned. This strategy has three important elements: 1) it ensures that corrupt officers will not benefit from their activities; 2) it recovers money that belongs to the state or any other person or institution; and 3) it enhances public trust because there is a sense of justice in this measure.

An important prerequisite for the forfeiture of illegally gained assets is a legal framework that enables the investigation of personal assets and the forfeiture of any valuable goods to ensure that whatever needs to be paid back will be available and secured for this reason. The so-called *provisional attachment* is a powerful means ensuring that illegally gained assets will not disappear before a judge can order the offender to pay back all that was illegally acquired.

3.3.4. Investigative techniques

3.3.4.1. Covert operations

Coverts operations refer to investigations involving a series of related undercover activities over a period of time conducted by law enforcement agencies to deter and detect corruption and gather information for future arrest and prosecution. Certain aspects of covert operations may raise ethical questions and therefore they must respect these conditions: proportionality and approval by the competent judiciary authority.

3.3.4.1.1. Undercover

The investigation of corruption increasingly involves 'undercover' techniques. The FBI definition of *undercover activities* is any investigation involving the use of an assumed name or cover identity by an employee of the police or other law enforcement organisation.

Undercover techniques include long term infiltration, body microphones, surveillance (audio and video), wiretaps, all kinds of telecommunication interception (e.g. internet and e-mail) and disguised situations. These very intrusive means should be deployed only if there is a proper legal basis (generally contained in a criminal procedure act). If this legal foundation is lacking (e.g. a warrant issued by a judge), the results of the undercover techniques, which often infringe upon human rights and privacy regulations, might not (and should not) be considered by the court and could lead to acquittal or discharge from further prosecution.

Techniques like covert (human) surveillance, wiretaps, audio and video surveillance and the interception of electronic communication are effective means in corruption investigations. They can provide solid evidence about one person's involvement in corruption, but are also helpful for identifying other perpetrators, networks and acquainted or involved people. These covert techniques provide a major source of information for analysts. Several corruption commissions have concluded, after their inquiries, that the use of electronic surveillance was the single most important factor in achieving investigation breakthroughs. Surveillance has become an important strategy, as corrupt police officers know how to circumvent standard investigation techniques. Traditional, more overt forms of investigation, like interviewing suspects and witness testimonies, will have a lesser impact on the suspect than confrontation with evidence such as video footage.

Example 2: Operation Greylord

In 1978 an FBI agent was investigating a case of corruption in the Chicago (Illinois, US) Police Department. During the investigation, he came across evidence of corruption in the judicial system. After eighteen months, the Washington Bureau approved a sting operation to uncover a suspected extensive system of bribery and corruption in the Cook County, Illinois judicial system. The sting operation lasted for about three years and its repercussions were felt for many years after. The sting is described as follows:

The government fabricated cases, involved dummy defendants, tape recorded conversations, tapped telephones and, for the first time ever, planted a listening device in a judge's chambers. Undercover agents, or 'moles', infiltrated the system and various deals were made with defendants in return for their cooperation.

3.3.4.1.2. Integrity tests and sting operations[166]

Integrity tests are not meant specifically to collect evidence, although a lot of the tests automatically generate evidence in cases where individuals fail them. The purpose of integrity tests is to identify corrupt individuals or groups Random integrity tests may be difficult to justify, particularly if there is no specific suspicion. (See Chapter 5 for more on integrity tests.)

The purpose of 'sting' operations is to infiltrate corrupt groups or approach corrupt individuals, collect evidence and identify and arrest offenders. Sting operations could be best described as a construction made by the police in which they offer people opportunities to commit a crime (corrupt activity) with the purpose of catching the offender 'in the act'.

Sting operations have four basic elements:

1. An opportunity or enticement to commit a crime either created or exploited by the police.
2. A targeted likely offender or group of offenders for a particular crime type.
3. An undercover or hidden police officer or surrogate or some form of deception.
4. A 'gotcha' climax when the operation ends with arrests.

Box 4: The importance of witness protection in investigating corruption

Witnesses of police corruption can be both the public and police officers. Members of the public who participated in corrupt activities are one of the best sources of information. Their willingness to report the offence to the police, however, is usually low. Reporting a corrupt activity in which a person engaged for his/her own benefit would mean this person also must admit involvement in an illegal activity. There is a high risk of being arrested as a result of the complaint. The situation, of course, is different when the complaint concerns incidents like physical abuse or extortion by the police.

Members of the public who witness corrupt transactions are in a better position to recognise the behaviour they have witnessed. Their motivation to report the misconduct depends on the level of acceptance of corruption by the community. It is quite uncomfortable to walk into a police station and file a complaint about police corruption; people prefer to go to an independent institution to file a complaint. It is the same for a police officer who wants to report misconduct. Breaking the blue code of silence requires a lot of courage: the police officer who wants to report misconduct puts himself/herself in a vulnerable position.[167]

There is a need, therefore, to establish witness and whistleblower protection programmes. The best witnesses in police corruption investigations are predominantly police officers themselves.

Article 8 of the UN Code on Loyalty and Whistle-Blowing states:

Law enforcement officers who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter (i.e. corruption offence) to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

This article recognises the pressure of solidarity in police work. Police officers who witness misconduct become torn between their duty to reveal the truth and help stop corruption and group pressure to keep silent. Indemnities for police officers who report on corruption but are also involved in the commission of the offences themselves can be effective; however, this must be considered against the legal rules in each country. No matter what the position of the witness – member of the public, informant, police officer, whistleblower or suspect – the fact that witnesses can become victims because of their crucial role in the investigation of corruption never can be ignored. Therefore solid protection programmes need to be developed, addressing the possibilities of covert operations such as safe houses, alternative identities, bodyguard like protection, secure transport and other means. These are very costly operations and the financial means to support threatened witnesses must be available. High level witness protection programmes are extremely resource intensive and should be adequately considered before they are undertaken. The crucial criterion, however, is the safety and well being of the witness.

3.3.4.2. Scenario planning

It is the role of investigators to detect crimes and also to investigate the circumstances that led to the crime. They investigate information that confirms the suspect's involvement as well as information that suggests the suspect's innocence. To do so in a proper way, it is necessary to develop tools to identify lines of inquiry that support these efforts.

Investigating teams will try to create an image of what has happened or is going to happen in the inquiry. This must be built on facts and reasonable assumptions, but also requires some imagination. The interpretation of facts by detectives and analysts is not necessarily the absolute truth; it is therefore wise to spend some time developing scenarios of what could have happened or is likely to happen in the future. This process is called *scenario thinking* and is used to develop ideas about what is most likely to happen. *Reactive scenario thinking* is used to reconstruct what has happened.

In theory, these scenarios enable detectives to think in broader terms than the actual facts would allow, giving them the opportunity to discover new lines of inquiry and new evidence or different approaches. A scenario in this sense is like a storyboard that is used to plan how a movie will be shot. Sequential drawings are created and laid out to establish the best way to imagine what has happened or will happen.[168]

This more or less creative process to develop scenarios is bounded by some rules.

- Scenarios are built upon facts, evidence, analyses and limited assumptions, and as a result of this combination a storyboard emerges that helps to identify possible lines of inquiry.
- Scenarios can be helpful tools to manage an investigation and set priorities, but managers should never forget that the scenario is imaginary.
- Scenarios best can be logged in policy files, allowing managers to be held accountable for their efforts.[169]

3.3.5. General investigative principles

Investigating criminal offences and establishing scenarios for that purpose are about answering seven basic questions in order to structure the process. (See Table 1, below.)

Table 1: Seven golden questions in investigating criminal offences

What	What has happened? The first question to be answered is a crucial one. *The formal what* Is the case or incident at hand a criminal offence, or is the police misconduct a breach of the ethical rules but not necessarily punitive? *The material what* This question is the starting point of every investigation: what exactly is going on here? The facts of the actual incident or ongoing corruption need to be investigated. Questions on what is being investigated will reveal leads in the inquiry as the investigative team tries to understand what happened. This will elicit new questions.
Who	Who committed the crime(s)? This second question is essential: if it remains unanswered there will be no trial. Cases are only considered solved if the 'who' question is answered. *The formal who* Investigators search for evidence that connects a person to a certain event. Before an individual can be deemed a 'suspect' there must be a reasonable suspicion that this person was indeed the perpetrator. This so-called 'probable cause' requirement prevents individuals from becoming victims of arbitrary judgement by police officers. *The material who* Individuals who commit crimes usually are not willing to admit they did so. They hardly ever step forward to report themselves to the police. Denial and efforts to lose or hide evidence are quite common. A significant amount of the collected evidence in cases concerns the 'who' question. *Forensic evidence* There is no stronger evidence than forensic physical evidence, but it is only valuable if put into context. It is the detective's job to bring place, time, suspect and offence together. This can be done by interviewing, but also by testimonies of eyewitnesses, expert testimony and so on.

Where	In terms of corruption inquiries the 'where' question is often harder to answer than any other. It is hard to think of crimes that are more concealed than corruption. Thinking in terms of where the actual offence took place tends to be limited. 'Where' refers to crime scenes that present a rich source for forensic evidence. Crime scenes can also tell a lot about the 'what' question, by reconstructing the actual crime based on traces of evidence found at the scene. Nowadays crimes leave traces behind at more places than the actual crime scene, if there is any at all. Modern technology and contemporary banking allow detectives, for example, to search for traces of evidence on the internet in e-mail accounts and money transfer information.
When	In legal terms the 'when' question is very important. Indictments always point to a certain moment in time when events have happened. Although ongoing corruption cases span a longer period of time, courts would like to see some specific events proven by actual facts such as date and time. This is particularly difficult if the investigation is carried out long after the offences took place. Paper and money trail investigations can be extremely valuable to identify dates and times. Work e-mail accounts, in and out boxes of personal e-mail accounts and historic data of internet use provide investigators with precise information.
Why	The actual motive for most crimes tends to keep detectives busy, as it is the most difficult line of inquiry to investigate. Generally there are five predominant motives identified for corruption. • Financial motives. • Political motives. • Family ties (particular action against family members or enemies of the family, as well as inaction in order to allow relatives to commit certain crimes). • Friendship (it is hard to refuse requests from friends). • Revenge.
How/ with what	The modus operandi (MO) of corruption cases will certainly differ from the MO characteristics found in burglary inquiries or murder cases; however, the basic knowledge that can be derived from analysing the MO remains valuable. Investigating the MO can also reveal other cases of corruption where the offence is known but the offender is not. The MO can often be seen as a personal signature of the offender. People tend to repeat their successes, and if corrupt police officers are successful in committing certain crimes in a particular way, they will most likely do it the same way again if they decide to continue their behaviour. Asking the question 'with what?' refers to the means used to commit the crime and can often reveal new forensic opportunities. In corruption inquiries one should consider computers, e-mail traffic and telephone interception rather than weapons of opportunity, as is the case in murder investigations. There are good reasons to investigate the 'with what' question seriously because the answer might not only identify new lines of inquiry or forensic opportunities, but could also reveal some background information on the perpetrator.

3.4. Management of the investigation process

The investigative process can be divided into different phases: initiation, preparation and planning, implementation and completion. Each phase addresses specific issues in structuring actions and using adequate techniques. The investigative process must not be seen as a linear process but as an interactive one. These investigation phases are explored further, below, in Table 2:

Table 2: Phases of the investigation process

Initiation: collect & assess information / complaint[170]	This assessment is done using various intelligence tools and techniques for analysing the information or complaint. • Collection of information. • Classification (reliability of the source of information). • Confirmation of the information by other sources if available. • Usefulness of the information (information is not useful if it identifies the *confidential* source). • Risk assessment • Suggestions for investigative strategy and objective. • Seriousness and prevalence of the type of corruption. • Legal nature of the alleged corrupt activity. • Related cases in the past, to establish precedence. • Probability of a satisfactory outcome.
Planning & preparation: articulate strategy & action	• Acknowledge uncertainties. • Determine lines of inquiry. • Ensure that all efforts are directed to gather evidence that can be presented in court. • Make sure all means to carry out activities are available. • Select appropriate methods for investigation, keeping three factors in mind: – *The case is a puzzle*. Whether it is the reconstruction of an incident or the file of an ongoing case of corruption, it is often impossible to establish the whole picture of the puzzle. Investigators put together as many pieces of the puzzle as they can – enough to present the judge with a picture of the crimes committed. It is up to the judge to decide if the puzzle is clear enough to condemn the suspect. – *Think like the prosecutor*. The role of the prosecutor is to present the case to the judge. In the best possible situation the prosecutor is generally involved in the decision making process and can give direction to the investigative team.[171] It is important for investigators to be constantly aware of the role of the prosecutor. – *Think like the defence lawyer*. The purpose of investigation is to gather evidence. Evidence can be described as the collection of facts related to the offence. These facts are often collected to support the hypothesis that the suspect committed the crime in question. Defence lawyers will promote the idea that there must be evidence in favour of the defendant in the presented file as well.[172]

Implementation: carry out tasks	• Stick to the plan. • Prepare the activities carefully (make an interview plan, check addresses and backgrounds, etc.). • Brief and debrief detectives; make sure they are well prepared and informed before they carry out their tasks. After completing their work, debriefing ensures that all the gathered information and evidence are secured. • Analyse the results of the various activities so that new lines of inquiry can be identified.
Completion: the final step	In this phase all investigative activities have been completed and the evidence is gathered. Although all evidence should be disclosed in court, there are circumstances that prohibit disclosure. Evidence that is gathered through covert operations, although legally obtained, might be unsuitable. This could be the case if it reveals the identity of a confidential source or the method for gathering evidence and it is judged that this should be kept confidential. There could be appropriate reasons to keep certain methods confidential; however, this should be assessed in the early stage of the investigation. Evidence that is gathered through wrongdoing or is the result of police misconduct or unfair handling should not be presented to court. In fact, cases that contain such evidence present a measure of doubt and senior officers should decide not to present them in court.

3.5. Investigation decision making

The investigation decision making process is important to structuring the corruption investigation within a police service, particularly the way decisions are recorded. To ensure quality and prevent tunnel vision, some techniques and methods have been put forward: the use of peer review techniques and the PLAN (proportionality, legality, acceptability and necessity) methodology. This subsection presents suggestions on how to undertake investigation decision making.

Record decisions. To ensure transparency and support peer review and scrutiny it is necessary to record important decisions during the investigation. These records should summarise the hypothesis and scenarios that are investigated, the lines of inquiry, the inclusion or exclusion of suspects and the application of covert techniques, search warrants and so on. The senior investigating officer is responsible for recording the decisions. Senior investigating officers will be held accountable for their decisions, hence keeping a record of decisions made will help in understanding the justifications of these decisions. The rationale behind the decision also should be recorded.

Box 5: Collecting, preserving and recording evidence

Attention must be paid to the way evidence is collected, preserved and recorded. Evidence must be continuously accounted for, from the time of its discovery until its presentation in court.[173]

The greater the number of people handling the evidence, the greater the chance the chain of custody gets disrupted. Any disruption of the chain may cause evidence to be inadmissible. To improve the chain of custody the following points of interest should be recognised:

- Have the least number of people handling the evidence.
- Mark all evidence; each individual piece of evidence should at least be marked with the date and location of the acquisition.
- Number or code each piece of evidence; this unique number or code will not change during the investigation and is used in every (forensic) report concerning this piece of evidence.
- Use labels to mark evidence or use envelopes or plastic bags or plastic containers with an enlarged labelling surface.
- Create a safe storage and appoint a custody officer who records delivery and retrieval of the pieces of evidence.

The PLAN methodology can help in justifying the decisions made. All decisions should comply with these four requirements:

1. *Proportionality*   Is it proportionate, can the investigating officer do with less?
2. *Legality*   Is it legal/is there a law that allows the investigating officer to do so?
3. *Acceptability*   Is it reasonably acceptable to do so/is it cost effective?
4. *Necessity*   Is it necessary to do it, can the same things be achieved in another way?

Peer reviews. Recorded decisions are a very helpful tool for peer reviews. The peer review technique is applied in many countries to ensure investigative quality. Although the nature of corruption investigation is quite different from murder investigation, peer reviews can still be applied. Peer reviews help to prevent tunnel vision, identify lines of inquiry that are overlooked by the investigation team and ensure transparency and legality of the investigation.

Preventing tunnel vision. In every criminal investigation, whether it is a murder case, an organised crime inquiry or a corruption case, there is always a risk of tunnel vision. Tunnel vision or confirmation bias exists under all circumstances and is hard to prevent. There are complicated psychological mechanisms that encourage tunnel vision to emerge. *Confirmation bias* refers to the tendency for the investigator to favour information that confirms his or her hypothesis rather than plain facts.

Police officers may tend to formulate their opinions narrowly or jump to conclusions on the basis of the available information. In extreme cases, their biases may lead to counterfeiting evidence to support their opinions.

Investigators should be aware of "groupthink". Group processes can generate wrong ideas and put individuals under pressure to accept the general opinion.

Preventing tunnel vision is a joint responsibility of both the detectives and the investigation leaders and prosecutors. At all levels, awareness of this phenomenon should be encouraged. The inefficiencies of justice that are a result of tunnel vision have a devastating effect on police legitimacy and trust. For a summary of some good practices for preventing tunnel vision, see Box 6, below.

Box 6: Good practices for preventing tunnel vision[174]

- Raise awareness of the threat of tunnel vision.
- Create a culture where investigators feel safe to share ideas.
- Stick to aims and objectives of the investigation.
- Identify lines of inquiry based on hypothesis and apply verification and falsification techniques.
- Keep open all investigative options.
- Analyse the results of all investigations and then draw conclusions.
- Create a transparent decision making climate.
- Record your decisions.
- Apply peer review techniques.

3.6. Role of the prosecution

Research has shown the relationship between law enforcement and prosecutors is essential to successfully curbing corruption.

Of particular importance is the relationship between the institution(s) charged with tackling corruption and the prosecution and judiciary. They are essential for corruption cases to be brought to court and tried. Thus if attention is not paid to strengthening the capacity of the prosecutors and the courts, efforts to tackle corruption are likely to fail.

The role of the public prosecutor varies from country to country: the prosecutor can have investigation powers and be involved in decision making processes; in other systems the public prosecutor has an entirely independent role and is not involved in the investigative process.

Close cooperation with the public prosecutor is advisable as it enhances the efficacy of the investigation. Joint ideas of what needs to be presented to court and shared knowledge of the case in question increase both the efficiency and the efficacy of corruption investigation. Police officers should nevertheless remember that public prosecutors could be involved in corruption affairs as well. This is particularly the case in protracted, systemic forms of corruption.

3.7. Dealing with police misconduct

Police misconduct and police corruption are not necessarily the same and should not be addressed the same way, and police misconduct should not be treated as a crime unless the misconduct is actually of a criminal nature. Unethical behaviour should be regarded as a management/remedial issue. Internal investigation units and anti-corruption units increase their legitimacy if they concentrate on distinctive corruption issues rather than on so-called administrative misconduct. A distinction between administrative investigation and criminal investigation should be made to enhance the trust that police officers have in their own internal procedures. It must be clear that misconduct is unacceptable, but as long as no criminal offences are committed, it can be handled within the organisation. Criminal investigation into corruption is regulated by the rules of criminal procedure and evidence. Internal administrative investigation is regulated by labour contracts and the code of conduct.

Police services have two means available to deal with minor incidents and allegations:

1. *Mediation*. Mediation is a process where accused police officers are given the opportunity to reconsider their action. A neutral mediator helps to bring parties together in a way that is mutually satisfactory. Accused police officers may accept the complainants have genuine reasons for feeling aggrieved. This is an appropriate way to deal with minor allegations, and usually a satisfactory response to complaints that have to do with rudeness or inaction. It could be applied to more serious allegations such as harassment or false arrest, especially if corroborating evidence is lacking. As a result of the mediation process police officers can become more self-aware and improve their behaviour; it also allows their managers to signal early warnings.

2. *Managerial resolution*. Police managers should have the authority and discretion to deal with minor allegations in a managerial way, allowing for solving small problems without the burden of prosecution. Small incidents could then be managed with remedial solutions like counselling, guidance, retraining or close supervision. Administrative sentencing like a formal warning or cutting down paid vacation days is an effective way to deal with small problems. There must be a legal basis to do so, however, because punitive actions by managers often are beyond their discretion.

The managerial response to minor incidents could also address systemic issues in the workplace and to a certain extent set standards for future incidents. This has both a positive and negative side and the consequences should be considered seriously. Chapter 4 provides an elaborate approach on how to address these types of problems at the level of the police service when the behaviour of officers is unethical but cannot be considered corruption.

4   Investigating corruption in specific contexts

This section discusses specificities to be taken into account in dealing with corruption in different contexts. Chapter 1 provides a grid illustrating the main forms of corruption relating to these contexts. This Chapter 7 highlights the specific problems and difficulties in investigating corruption in these situations, and presents recommendations.

4.1. Post-conflict countries

4.1.1. Problems and difficulties

- Entrenched corrupt practices.
- Police, justice, legal and political systems are disorganised and their level of corruption is high.
- Past conflicts have fostered tensions among groups – ethnic, tribal, clans – and particular interests that prevail over national interests.
- The international community exercises pressure to investigate crimes committed during the conflict.
- Many police officers have been involved in the conflicts and are viewed with suspicion by the public.

4.1.2. Requirements and recommendations

All of these are discussed in more detail in the other Chapters.
- Develop a legal framework.
- Establish independent prosecution and anti-corruption agencies.
- Conduct a vetting process to hire new personnel.

4.2. Transitional countries

4.2.1. Problems and difficulties

- The transition to a market economy has fostered opportunities for organised crime to increase profits and power.
- The links between politics, economy and organised crime facilitate the development of systemic corruption and make investigations difficult.
- Difficulties are increased by the absence of adequate legislation and resources.
- Petty corruption is endemic within the police.

4.2.2. Requirements and recommendations

- Develop adequate legislation.
- Establish anti-corruption agencies which have prosecutorial authority and can use specific investigation powers such as seizure of assets. The Croatian model in Example 3, below, presents an interesting example.

Example 3: USKOK, Croatia
Law enforcement type institute (specialised prosecution service)

The Croatian Office for the Suppression of Corruption and Organised Crime (USKOK) performs duties of the Public Prosecutor's Office in relation to money laundering and corruption offences, as well as several other typologies of offences related to activities of organised crime. USKOK's procedures and regulations are similar to those of the prosecutors' offices. The Ministry of Justice issues the internal rules and approves the personnel schemes of the office. The head of USKOK is appointed by the chief public prosecutor, after obtaining the opinion of the minister of justice and the panel of national public prosecutors. The characteristic of a specialised anti-corruption agency is given to USKOK by the presence within its structure of an anti-corruption and public relations department, responsible for informing the public about the damages caused by corruption and the methods and means to prevent it. It also directs the activities stipulated in the action plan of the National Anti-Corruption Programme, prepares reports and analysis on the form and causes of corruption and proposes amendments to existing legislation. USKOK is evolving as a law enforcement service, and its function of preventing corruption seems to be losing relevance in the Croatian institutional framework.

4.3. Developing countries

4.3.1. Problems and difficulties

- Minor forms of corruption are prevalent.
- Corrupt practices are common in business and politics.
- There is no sense of urgency to tackling corruption.
- The absence of adequate governance and legislation as well as anti-corruption police units.

4.3.2. Recommendations

- Develop a functioning and comprehensive system to tackle corruption.
- Focus on cases that allow building on successes and enhancing the trust of the public through communication of these successes.

4.4. Developed countries

4.4.1. Problems and difficulties

- Police and judiciary corruption is low.
- The police service is trusted.
- Organised crime, drug and human trafficking and money laundering increase the risks of corruption.
- Some forms of corruption are hard to detect as they use sophisticated mechanisms.
- Autonomy of the different state agencies (finance, taxes, social, police) and the prominence of the private sphere prevent cohesive actions.

4.4.2. Recommendations

- Amend legislation to allow for the integration of all the necessary information to conduct investigations of corruption cases within a larger context.
- Hire high level specialists in areas where sophisticated forms of corruption may happen (finance, for example).
- Develop highly trained anti-corruption units within the police.

5. Practical examples of programmes, models and approaches relating to the topic

This section provides examples of programmes, models and approaches that have been undertaken in various contexts. The information is intended to guide the adoption of anti-corruption methods by observing how various police institutions have used investigative models, methodologies and programmes in the struggle against corruption.

5.1. Independent investigative approach

There are numerous anti-corruption institutions worldwide; within the scope of this section, two main categories will be discussed: 1) *multipurpose agencies with law enforcement powers* and 2) *law enforcement type institutions*.

1. Multipurpose agencies with law enforcement powers

This model is an example of a single agency approach based on the tackling and prevention of corruption through policy, analysis and technical assistance in prevention, public outreach and information, monitoring and investigation. Multipurpose agencies are given broad powers, though prosecution remains a separate function in order to maintain checks and balances within the system.[175]

Example 4: a multipurpose agency with law enforcement powers[176]

Latvia – Corruption Prevention and Combating Bureau

The Corruption Prevention and Combating Bureau (Korupcijas novēršanas un apkarošanas birojs – KNAB) is a multipurpose anti-corruption body set up in 2002. Its mandate combines prevention, education and investigation of corruption. KNAB's activities range from investigating corruption offences and controlling activities of public officials and financing of political parties to education and training on corruption risks. It also serves as a focal point for the national anti-corruption policy. KNAB is an independent institution within the public administration system, endowed with investigatory powers. Since its establishment, KNAB has been gradually strengthened with more financial and human resources. In February 2006, there were one hundred twenty-seven personnel, the majority of whom work on criminal investigations. In 2005 KNAB's budget amounted to approximately €4.7 million. In 2005 KNAB was named one of the most trusted public institutions in Latvia.

2. Law enforcement type institutions

This model involves various forms of specialisation and can be implemented in detection and investigation bodies, as well as in prosecution bodies. Law enforcement type institutions also allow for the combination of specialised anti-corruption detection, investigation and prosecution in one body.

Example 5: Law enforcement type institution

Norwegian Authority for Investigation & Prosecution of Economic & Environmental Crime

The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Den sentrale enhet for etterforskning og påtale av økonomisk kriminalitet og miljøkriminalitet – Økokrim) was established in 1989. It detects, investigates and prosecutes all major, complex and serious cases related to economic and environmental crime, including corruption. The service is institutionally a part of the National Police Directorate, but in individual cases it can be subject to the authority of the Public Prosecution Service. It is noteworthy that Økokrim has evolved from two independent institutions and today represents an integral part of them – it is a special police service and a specialised prosecution service.

What these models have in common is they investigate all cases of corruption in the public arena and are not limited to police corruption or misconduct. The models of anti-corruption agencies described above encompass three kinds of functions:

1. Investigation and prosecution of high level and other cases.
2. Prevention work such as developing registers of interest for political classes.
3. Promotion of anti-corruption public education programmes.

There are advantages and disadvantages of having an independent anti-corruption agency: Table 3, below, gives a non-exhaustive list.

Table 3: Advantages and disadvantages of an independent anti-corruption agency

Advantages	Disadvantages
• Sends a signal that the government takes anti-corruption efforts seriously. • Allows a high degree of specialisation and expertise to be achieved. • Supports a high degree of autonomy that can be established to insulate the institution from corruption and other undue influences. • Provides a measure of distance in which the institution is separate from the agencies and departments that it is responsible for investigating.	• Higher administrative costs. • May result in isolation, barriers and rivalries between the institution and those with whom it needs to cooperate, such as law enforcement officers, prosecution officials, auditors and inspectors.

- Allows the possibility of a completely new institution that enjoys a 'fresh start', free from corruption and other problems that may be present in existing institutions.
- Has greater public credibility.
- Can afford better security protection.
- Encourages greater political, legal and public accountability.
- Provides greater clarity in the assessment of progress, successes and failures.
- Encourages faster action against corruption. Task specific resources are used and officials are not subject to the competing priorities of general law enforcement, audit and similar agencies.
- Incorporates an additional safeguard against corruption in that it is placed in a position to monitor the conventional law enforcement community and vice versa, if the agency itself is corrupt.

- May cause a reduction in perceived status of existing structures that are excluded from the new institution.
- Could generate competing political pressures from groups seeking similar priority for other crime related initiatives.
- May be vulnerable to attempts to marginalise it or reduce its effectiveness by underfunded or inadequate reporting structures.

5.2. Internal investigative approach

It is possible to overcome police corruption from within the police service by establishing a local anti-corruption unit. There are, however, some limitations. It is rare to find such a unit within a police service separated from the internal affairs unit. Internal affairs and anti-corruption investigations are so similar and closely related that a distinction is difficult to make.

Various problems that might occur with the internal investigative approach should be acknowledged. These problems often have to do with allocation and resources, but also with professional standards and recruitment.

From an operational point of view, the most likely hurdle is the temptation for investigating officers to give a suspected officer the benefit of the doubt. During interviews they may suggest alibis, provide excuses or disclose information. There is also the problem of the public perception of biased investigations. Few people who file a complaint against a police officer at an internal investigation unit desk feel that their complaints have been dealt with fairly.

Conflicts of interest are more likely to occur if investigations are conducted within the police service: the chance of investigating officers meeting acquainted colleagues and old friends is significant.

Internal affairs investigations are conducted under the normal chain of command, and thus the risk of interference with the investigation is high. The risk of leaking information and thereby damaging the investigation at an early stage is also a possibility. Suspected police officers often have access to the same database as the investigating detectives and can easily check if they are being investigated. Unintended leakage of information can create rumours within the service that will eventually reach the suspected officer.

Allocation and resource issues play a role in internal affairs investigations. Often internal affairs is not the best equipped unit of the service. Police management have to prioritise internal affairs and prevent these units from

becoming under-staffed and poorly equipped. As mentioned above, substantial financial resources are necessary to establish well functioning internal affairs units.

Due to the sensitive nature of the investigations, the investigating officers should be the best detectives of the service. Unfortunately, internal affairs carries a stigma and is therefore not an attractive option for many talented detectives. To change this, and to recruit the best person for this job, various measures can be taken:[177]
- Detectives should be highly experienced and successful in investigations in other areas prior to transferring to internal affairs.
- Internal affairs detectives should receive specialist training.
- Detectives should be psychologically tested regarding managing stress and resisting pressure from colleagues.
- Incentives in pay and status should be utilised.
- It should be made mandatory that investigators seeking promotion need to work in internal affairs for at least two years.

Example 6: Example of a poorly functioning internal affairs unit

In the late 1980s an Australian judge led a two year investigation into police corruption in Queensland. The far reaching inquiry led to the conviction of the police commissioner and implicated senior politicians and police officers. With regard to the police service's internal investigations unit, the inquiry found that:

The Internal Investigations section has been ineffective, hampered by a lack of personnel and resources and crude techniques. It has lacked commitment and will and demonstrated no initiative to detect serious crime. The section has provided warm comfort to corrupt police. It has been a friendly, sympathetic, protective and inept overseer. It must be abolished.

To increase the credibility of internal affairs units they should only investigate serious criminal offences and serious misconduct matters that warrant termination. Other ethical misconduct should be regarded as a management/remedial issue and not be investigated by internal affairs. A second recommendation is that by changing their investigative strategies and recruiting 'the best person' for the job, internal affairs units can increase the number of successful convictions/terminations.

More information on this topic can be found in Chapter 5 on internal control.

6 ◾ Implementation

This section provides suggestions on how to enhance the capabilities of tackling corruption within a police service by the implementation of training measures.

6.1. Seminars

To develop effective investigative strategies, countries implementing anti-corruption programmes would benefit from seminars[178] where knowledge can be shared and developed. The best potential subjects of these seminars are listed below:

- *Oversight.* Key to the development of effective strategies is knowledge about the magnitude and appearance of corruption. The level of pervasiveness and organisation needs to be determined.
- *Risk assessment.* Implementing investigative strategies carries many risks, and they have to be identified and commonly agreed upon. Strategies to cope with these risks should be an outcome of these seminars.
- *Theory.* A theoretical introduction on how to create a framework of knowledge should be part of a seminar. Issues to be addressed would be:
  – recognition of the blue wall of silence
  – strategies and tactics
  – investigative transparency (tunnel vision) and decision making
  – basic investigative theory (seven questions methodology).
- *Good practices.* In many parts of the world anti-corruption strategies have been successful; seminars are an excellent way to share good practices.

According to local standards and restrictions, two day seminars would be effective. Local training is necessary to implement the application of (newly developed) investigation methods.

6.2. Training

To enhance decision making capabilities and professionalism, training programmes have to be developed for police officers who hold commanding responsibilities in the decision making process. An effective way to train people in decision making processes (including media strategies, peer review, preventing tunnel vision and recording decisions) would be a 'hands-on' exercise. This exercise should be the pinnacle of a training programme, including theory and practical exercises. Such training should include a case study of a corruption investigation where the decision making process has been transparent and led to successes.

6.3. Organisation

To establish an anti-corruption agency and an effective anti-corruption programme, the role of investigation should be addressed during brainstorming seminars and initiation meetings. Partnership projects with countries that have successful anti-corruption programmes or have knowledge and experience of them are advisable.

7. Conclusions and Recommendations – Chapter 7

Legal framework	Tackling corruption without additional investigative and prosecutorial powers is almost impossible. Therefore the penal code and criminal procedures code should be developed further with extra focus on determining what acts are to be investigated and how.
	The more intrusive an investigative method is, the stricter the regulations should be to which the police and anti-corruption agency must adhere.[179]
	Regular criminal procedures should allow the possibility to seize assets, search premises, intercept telecommunication and deploy undercover techniques. If these procedures are not sufficient to investigate police corruption, additional procedures should be developed.
Independence	In post-conflict, developing and transitional countries the best way to organise the investigation of police corruption is to establish independent anti-corruption agencies, such as the Croatian model. Oversight committees to ensure independence are necessary (see Chapter 6). Multitask institutions are likely to be successful because they can integrate investigation, prevention and education.
Strategies	The dominant factors that determine investigative strategies are how corruption is organised and whether it is pervasive. Local characteristics should be taken into account while developing investigative strategies. Advanced techniques are likely to be successful; however, they require extensive training and legislation as well as a structure in which the security of participants can be ensured. Short lasting, concise strategies that require little resources are more likely to be successful than long lasting intrusive methods.
Culture	The closed culture of police organisations is an important factor during the investigation of police corruption. The blue wall of silence that keeps police officers from 'ratting' on other officers is a serious problem. Positive measures to break with this culture include upgrading the position and image of internal or anti-corruption investigators and investigating only serious offences. There are managerial resolutions available to deal with minor misconduct.

Decision making	Investigating police corruption requires transparent decision making processes. The results of the investigation must be reviewed regularly, and investigators will be held accountable for their decisions. This is necessary to enhance the legitimacy of these investigations and the public's trust in policing. Recording the decisions supports both the decision making process and its accountability.

SELF ASSESSMENT TABLE

Chapter 7 ▪ Investigation

Having read this chapter, what is your reaction? Was there new information in this chapter that you could use to improve your police service? Are there changes that could be made in your police service?

Please find below a self assessment that will help you answer these and other questions. This basic assessment is intended to help you evaluate the situation in your own service, determine what, if any, changes should be made, and brainstorm means for implementing these changes. To develop a more comprehensive approach for applying the concepts learned in this chapter, training sessions or working groups could be organized to complement and build upon this assessment. In addition, it may be helpful to seek the assistance of national or international experts on matters of tackling corruption.

Issues / Questions	What to do to make up for Weaknesses?	How to do it?
Is there a strategy in place or only professional rules and specialised techniques to investigate?	If not, we can: • Develop a strategy of investigation • Assess the results of rules and techniques • Develop special investigation model for internal corruption cases	We can: • Build working group with investigation experts • Engage auditor to assess results • Develop protection rules for internal investigators
Is there a close relation between police and prosecutors and what are their roles in corruption cases?	If not, we can: • Assess the relation to prosecution • Define mutual duties of investigation • Develop clear rules for when to resort to prosecution	We can: • Communicate with prosecution to deepen relationship • Determine internal rules with prosecution • Change internal rules
Do we have clear rules to ensure distinction between misbehaviour of personnel and corruption?	If not, we can: • Assess internal rules • Develop different rules on misbehaving and corruption • Develop clear reaction to incorrect behaviour and corruption	We can: • Build working group to determine mutual and different facts • Decide and communicate new rules

		• Communicate reaction as understandable decisions
What is our investigation role depending on internal or independent investigations? What is our role in corruption cases?	If not, we can: • Assess legal rules and governmental policy • Develop clear responsibility of investigation • Change to sort out investigation and responsibility if necessary	We can: • Build working group • Discuss with Government and Prosecution this issue • Define clear roles of organisation and leadership in corruption cases

Capacity Building

Alan Beckley

1. Introduction to Chapter 8

This chapter addresses capacity building as it relates to tackling police corruption. It examines how capacity building can help a police service raise awareness, among its officers, of the problems of corruption and provide methods to deal with its challenges. The objective of this chapter is to reinforce an anti-corruption culture in the police service through various capacity building measures.

This chapter also provides guidelines for establishing a capacity building programme with focus on ethics and policing. It offers ways of building resilience and a solid framework to resist corruption. This can be undertaken through a variety of approaches using tools and techniques in an overarching framework of legislation, codes, policies, practices and procedures.

1.1 What is capacity building?

Capacity building is identifying and strengthening attributes of an organisation to tackle a specific problem (such as police corruption). Capacity building can be used to accomplish a variety of goals of organisation, such as developing leadership or fostering diversity.

The official definition of capacity building from the UNDP is: 'The ability of individuals, organisations, and societies to perform functions, solve problems, and set and achieve objectives in a sustainable manner.'

Readers should note that the usual meaning of the phrase '*capacity building*' is that of 'developing countries'[180] which have a need of developing certain skills and competence in a specific or general area such as that provided[181] by Ict4d (Information and Communication Technology for Development):

> Capacity building often refers to assistance which is provided to entities, usually developing country societies, which have a need to develop a certain skill or competence, or for general upgrading of performance ability. Most capacity is built by societies themselves, sometimes in the public, sometimes in NGOs and sometimes in the private sector. INGOs, often in the UN system, have provided capacity building as a part of their programmes of technical cooperation with their member countries. Capacity Building is, however, not limited to international aid work. More recently, capacity building is being used by government to transform community and industry approaches to social and environmental problems.

In addition, as the above definition adds, capacity building is now understood to be more of a thematic process, for example there are capacity building programs in health and well-being and education.[182] An example in the health sector is:

Capacity building is a process of building capabilities in individuals, groups, institutions, organisations and societies at the local, national and international level to more effectively prepare for and respond to public health threats of a crisis in a sustainable manner. This process is designed to reinforce or create strengths upon which communities can address weaknesses resulting from emergencies and disasters.

This Chapter 8 will examine capacity building in the police, but most of the published material is in other disciplines, with some notable exceptions.[183] A good example and resource which will serve to illustrate the process of capacity building is in the health sector.[184] Published materials caution against glib use of the phrase 'capacity building' as its common usage has led to misunderstanding and imprecision in its terminology; it has been said (Potter & Brough, 2004) that 'the phrase has become so "all-encompassing a term as to be 'useless' from an analytical and practical point of view"'. Other authors have said that the term has been devalued to refer merely to training and development. By the end of this section the meaning of the phrase should be clearer to the reader.

Potter and Brough (2004) appear to agree that capacity building is a much wider term encompassing the holistic and strategic development of an organisation, its departments and sections and the individual personnel within the organisation. They refer to nine component elements of capacity building; see Box 1 below.

Box 1: Nine component elements of systematic capacity building

1. **Performance capacity:** Tools, money, equipment, consumables available to do the job. E.g. vehicles, firearms, personal protective equipment.
2. **Personal capacity:** Making the staff sufficiently knowledgeable, well trained, skilled and confident to do the job. E.g. staff have knowledge of the latest legislation.
3. **Workload capacity:** Ensuring there are enough staff with broad skills to cope with the workload. E.g. Specialist staff are available '24/7' to deal with all types of emergencies.
4. **Supervisory capacity:** Ensuring that there are effective monitoring and reporting systems in place. E.g. Staff know who to refer to when they have a problem.
5. **Facility capacity:** Ensuring that there are facilities to carry out the policing function effectively. E.g. there are enough police stations or alternative facilities within a reasonable distance for effective policing and community liaison.
6. **Support Services capacity:** Ensuring that there is effective back-up for front line services. E.g. Personnel / support functions, training, forensic examination services.
7. **Systems capacity:** Ensuring that there is effective information management, ICT and timely information flows, adequate finance and financial management.
8. **Structural capacity:** Ensuring that the organisation hierarchy is the optimal model: as few layers of management as possible and devolved decision making. The Headquarters function should be to support and facilitate the operational arm – not the other way round.
9. **Role capacity:** Ensuring that individuals, teams and departments have been 'empowered' to operate effectively within the overall organisational strategy with devolved budgets and decision making to obtain optimum performance.

Box 1: Nine component elements of systemic capacity building adapted by the author into the policing context from Potter and Brough (2004), page 340

The overview of capacity building relates to five areas: 1) Tools 2) Skills 3) Staff and Infrastructure 4) Structures 5) Systems and Roles, as depicted in the following diagram in Figure 1, below.

Figure 1: Capacity Pyramid. Source: Potter & Brough (2004)

As the reader can see, this gives an overview of the process and that the five areas shown are reliant on each other and are all interdependent; therefore all capacity building projects are complex and require sophisticated management and control utilising management consultancy tools and techniques. The areas can be listed under the management language of 'hard' and 'soft' disciplines. For example hard areas would be equipment, ICT and facilities and soft areas, personnel issues, training etc. Typically, hard areas are easier to address than soft areas as will be explained in a later section. The following diagram depicts the links to the development of capacity building and how it relates to the nine elements articulated in the preceding box. The diagram is referring to a health sector setting which is translated into the police sector context in Figure 2 below.

Figure 2: Pyramid of effective capacity building.

In short then, capacity building incorporates a 'paradigm' shift for the executive, management and staff in an organisation. Some elements of capacity building which will be addressed within this chapter are:

- Personal and organisational growth
- Organisational resilience
- Multi-skilling of staff
- Enhanced team working

- Organisational agility
- Modernisation
- Greater staff:
  – Motivation
  – Involvement
  – Engagement

- Organisational:
  – Coordination
  – Cohesion
  – Communication
- Organisation & personnel work on common goals & continuous improvement

Police officers can envisage capacity building in their own organisations when changes are made such as 're-structuring'; the recent trend to reduce the number of divisions or sections in the police service to ensure optimum efficiency, effectiveness and economy. If the changes are made taking into account all of the factors contained in this Toolkit, the change programme should be a success; unfortunately many examples do not achieve success. The reasons for this will become apparent to the reader later in this chapter.

One of the objectives of this Chapter 8 is to provide specific capacity building measures to reduce or mitigate the effects of police corruption. This can occur by building capacity in the police service to foster the ideal ethical police service and set the right example as a role model for other organisations in the public and private sectors.

Capacity building necessitates commitment from the top of the organisation and changes to the organisational culture. Anti-corruption should be incorporated in 'the way we do things around here'; in other words, it needs to be something that is built into everyday work activities as normal behaviour and accepted work practice, and it should be embedded into the organisation's culture through the identification and implementation of new organisational vision and values.

Links with other chapters

Certain topics discussed in this chapter are also developed in more detail in other chapters:

Chapter 1 on forms of corruption,
Chapter 2 on values, rules and behaviour,
Chapter 3 on organisation,
Chapter 4 on support for officers,
Chapter 5 on internal control and
Chapter 9 on instruments.

Specific links will be indicated in the text.

2. Why is capacity building important in the struggle against corruption?

This Section 2 of Chapter 8 discusses why capacity building is important in the struggle against corruption by analysing some aspects of the nature of policing: at the individual and organisational level, in developing an anti-corruption culture and in the ability of police services to fulfill public expectations.

2.1. Capacity building is relevant in addressing police corruption

The need for police services to address corruption with capacity building measures stems from the very nature of policing. This is largely due to the inherent moral vulnerability of police work and the many causes and temptations of corruption within the police service.

2.2. Capacity building can deter individuals from corruption

The struggle against corruption should focus on the individual, the police officer. Capacity building presents a process in which anti-corruption measures can address the individual officer in several ways:

- Helps police officers who are increasingly facing situations involving pressures or temptations in the area of corruption and conflicts between values and norms.
- Raises awareness among police officers about the issue of corruption and allows them to understand the limits between acceptable and unacceptable conducts.
- Increases the ability to resist corruption individually and in a group.

2.3. Capacity building contributes to diminishing the corruption vulnerabilities of the organisation

The work environment of police officers can influence corruption. Activities, culture, organisational weaknesses, control and styles of leadership are some of the factors which can foster or hinder corruption. It is necessary, therefore, to address the issues of how the police service is organised and managed. Further information can be found on this topic in Chapter 2, which deals with the culture of organisations, in Chapter 3, which addresses issues relating to the functioning and managing of an organisation, and in Chapter 5, which handles the control system. Taken together, they provide a comprehensive approach to dealing with corruption at the organisational level.

Capacity building must be seen as a global framework that can encourage improvements in all areas of the organisation in order to reduce its possible weaknesses, which may be the source of unethical or corrupt behaviour.

2.4. Capacity building helps strengthen an anti-corruption culture

Capacity building as a process in changing police culture can contribute to a cultural rejection of corruption by officers. The problem only can be addressed in a comprehensive, cohesive, organisation-wide, strategic approach which involves all personnel ('sworn' and 'unsworn'). This also entails knowing and understanding what corruption is and how to recognise its many forms, how conflicts of interest could affect judgement and how to avoid them, what to do and where to go to report instances of corruption or potential corruption and having access to guidance, support and occupational welfare.

2.5. Capacity building helps the police to meet public expectations

Public expectations of the police reflect the ability of the police to gain and maintain the trust of the public by living up to their expectations of security and justice. Police services need support, respect and assistance from the community to do their jobs well. The community's perception of the credibility and honour of their police service and the trust which exists among the parties will affect how effectively and efficiently the police can carry out their role and responsibilities. See Chapter 7 Section 2.1 for more discussion on this issue.

3. How capacity building can be integrated into police struggling against corruption?

This section provides tools to develop a systematic approach to integrating capacity building into anti-corruption measures within a police service. It does not seek to focus on any particular style of policing, but rather to set out the principles of good governance and the methods to employ to build capacity in police services and foster anti-corruption measures in a general manner.

3.1. Elements to concentrate on in capacity building

3.1.1. Preparing the organisation for the programme

The first measures of a capacity building programme should concentrate on getting the organisation into a positive frame of mind in relation to anti-corruption. To ensure the success of any change –relating to the measures aiming to strengthen the organisation against internal and external corruption – a critical mass favourable to these measures must be created. Resistance to change must be addressed.

The critical mass should start from management and reach to police officers and personnel, in order for the influence of the capacity building programme to be widespread. Experience shows that at the beginning of any important change within an organisation around ten per cent support it, ten per cent oppose it and eighty per cent are undecided. Success thus depends on convincing this large majority.

The following subsections outline how police personnel will follow the lead of the executive if a capacity building programme is successfully implemented, which will lead to an assignment of responsibility at all levels of the service.

3.1.2. Incorporation of elements in a capacity building programme

The process begins with an accurate assessment of the current state of the organisation in the area of anti-corruption. What are the values of the service? How are they translated through codes and other documents? What kind of training is provided? How and to whom? What are the relationships within the organisation? What are the leadership styles, decision process and communication? What are the weaknesses of the organisation in terms of corruption? Chapter 2 discusses the issues of values, rules and behaviour and their translation into a code of conduct; Chapter 3 provides many elements concerning the organisational aspects of the struggle against corruption. Readers should turn to these chapters to get complementary information to that discussed here.

A sound basis for capacity building must be first created through five phases.

1. Preparation: assessment of organisation and the needs to be covered.
2. Documentation: code of conduct (values and rules).
3. Structure: effective training and development.
4. Change management planning: culture of change and leadership.
5. Project/programme management: techniques and methodology.

These five phases are summarised below, and explored in further detail immediately thereafter.

3.1.3. Overview of a capacity building programme

This sub-section presents an operational process of integrating capacity building into the struggle against corruption, broadly developed through five phases. These phases are summarised immediately below and outlined in an extensive box on the following pages.

Phase 1: Preparation
- Assessment of the organisation
- Assessment of anti-corruption risks
- Where does the organisation want to go?
- Developing an action plan

Phase 2: Documentation
- Legislation relating to corruption
  – Is there independent oversight/scrutiny with sufficient powers?
  – Internal documentation
- Oath of office, code of conduct, statement of values

Phase 3: Structure and human resource implications
- Structure of the organisation – centralised versus decentralised
- Recruitment and selection, promotion
- Training and development
- Organisational learning

Phase 4: Change management planning
- Consistency of approach
- Adopt internal change champions
- Allocation of appropriate resources
- Reasonable length of time allowed
- Characteristics of an unsuccessful and a successful change management process

Phase 5: Project/programme management
- Project/programme management techniques
- Training programme

Phase 1: Preparation

Step 1: Assessment of the organisation

The first thing that must be done is an in-depth assessment and evaluation of the service, to gain information about it on a number of dimensions, including the culture and the 'ways of working around here'. This will determine its openness to anti-corruption measures.

Many different instruments have been used to achieve a detailed analysis of an organisation during this initial assessment process, but one recognised widely is the McKinsey '7S' system of assessing organisational culture. This technique uses the '7S' perspectives of 'hard' (strategy, structure, systems) and 'soft' (shared values, style, personnel, skills).

Chapter 2 discusses the importance of values for a police service and how to translate them into rules and behaviours. Change is also affected by culture, and the organisation should be assessed in terms of readiness for change and whether there is a positive or negative attitude towards change.

Figure 3: Generic risk management process and risk management matrix

Generic Risk Management Process
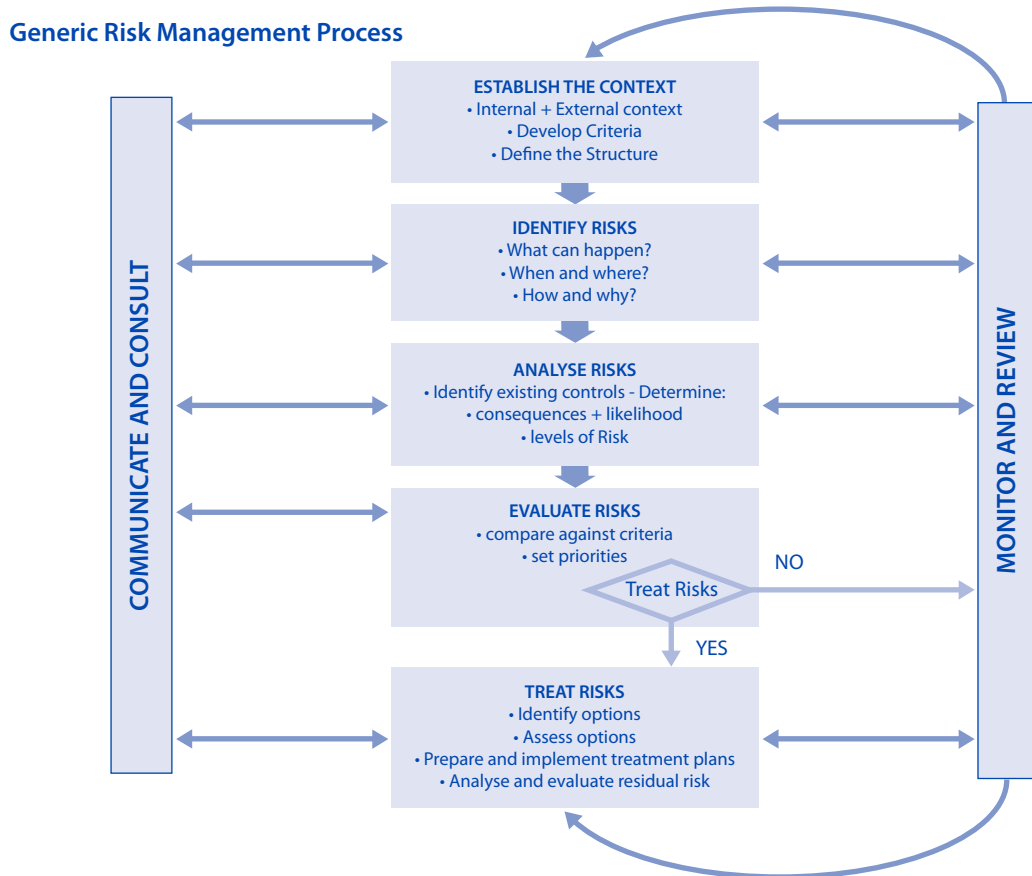
Risk Assessment Matrix

CONSEQUENCE:
1. Negligible
2. Low
3. Moderate
4. Major
5. Extreme

LIKELIHOOD:
1. Rare
2. Unlikely
3. Possible
4. Likely
5. Almost Certain

CONSEQUENCE

5					
4					
3					
2					
1					
	1	2	3	4	5

LIKELIHOOD

Step 2: Assessment of corruption risks

Secondly, the organisation must assess and evaluate its actual situation in relation to corruption. This is a very difficult and possibly painful operation, and many police services have simply refused to believe corruption exists among their personnel. This process can be regarded as a normal management task similar to risk assessment, and must be conducted in relation to the organisational and individual weaknesses of the police service. All officers are familiar with the most risky policing operations in relation to corruption. Each element of police work should be systematically assessed and evaluated using a risk assessment tool (Figure 3, above, shows two risk assessment tools.)

Once risks have been identified, they should be assessed against two dimensions: 'consequence' and 'likelihood'. When the resultant scores of the analysis of these dimensions are multiplied, the total can be placed on a matrix to indicate the seriousness of the risk to the organisation.

Options about what to do regarding specific risks

- Risk transfer
- Risk deferral
- Risk reduction
- Risk acceptance
- Risk avoidance

The organisation can put into place contingency plans or countermeasures in relation to specific risks where their severity dictates that action is needed, and log risks in a risk register while prioritising them and allocating responsible management of them to particular individuals. Once there is clarity about the characteristics of the organisation, decisions can be made as to what plan is necessary to address the cultural and corruption aspects of that specific police service.

Step 3: Where does the organisation want to go?

Once the second part of the process has been completed, the service must decide on what sort of organisation it would like to be and identify development activities that will achieve that objective. Chapter 3 gives more detail of the different models of policing and the reasons for their development.

Table 1, below, describes three types of police service and how the organisation in question might like to place itself on some sort of spectrum between a 'military' style and a 'community policing' style of police service.

Table 1: Three types of police organisation

1. The enabling force	2. The crime fighters	3. The social engineers

– High value professional service
– Low cost private community service or volunteering encouraged, particularly patrol and public reassurance
– Budget cuts/competition/ private sector
   – Higher educational standards?
   – More specialised roles?
	– High value 'leading edge' crime management
	– Call handling strategy
	– Resolve problem by phone – no deployment
	– CCTV + intelligence
	   – Lower expectations of public via media?
	   – Erosion of trust?
		– 'Omni-competent' patrol officers and small teams of specialists
		– High quality IT for crime/ incident handling
		– Problem oriented policing – mediation/negotiation by problem analysis
		   – Unable to deal with demands of the public?

'Crime fighter' is inappropriate for a police service that is focusing on tackling corruption. It has been found that mixing and matching organisations with a strong crime fighting approach has reduced the effectiveness of anti-corruption measures; there is evidence that this approach has nullified the good intentions of reform.

Step 4: Developing an action plan

An action plan for achieving the decided upon objectives must be undertaken in the fourth part of the process. Once the goal has been stated, the strategy and the action plan must be prepared. The action plan should state who does what, when, how and with what. [186]

Phase 2: Documentation

Legislation

The analysis of the organisation must take into account the anti-corruption legislation of the state. Is it adequate in helping to tackle police corruption? Are there oversight mechanisms which ensure that the police are respecting the legislation? What can be done by the police to make up for any deficiencies in existing legislation?

Box 2: Independent oversight

One important element in tackling police corruption is the independent oversight of police activities. In most countries that operate rights based law systems there is a requirement for independent oversight of police activities. In some countries this is made even tighter by the requirement that the independent oversight body must actually investigate using its own investigators in very serious cases such as deaths in police custody. Chapters 5, 6 and 7 provide more details on these topics.

Internal documentation

An assessment also must be made of the internal documents. The central part of any anti-corruption strategy should be an emphasis on 'ethical policing' and a document listing its own ethical values or principles. For that purpose, every organisation should have its own documentation[187] on ethics: a statement of values, codes of conduct and other such documents. See Chapter 2 for an extensive discussion of this organisational documentation. Figures 4 and 5, below, provide examples of such documents that could be incorporated into the code of conduct.

Figure 4: Role of police – key principles

Role of Police - Key Principles

Oath of Office

Statement of Values

Code of Conduct & Ethics

Role, Mission & Functions

Legislation & Police Policies

Keep the Peace

Social calm/social order. Bring about the social conditions in which people's rights are respected and supported
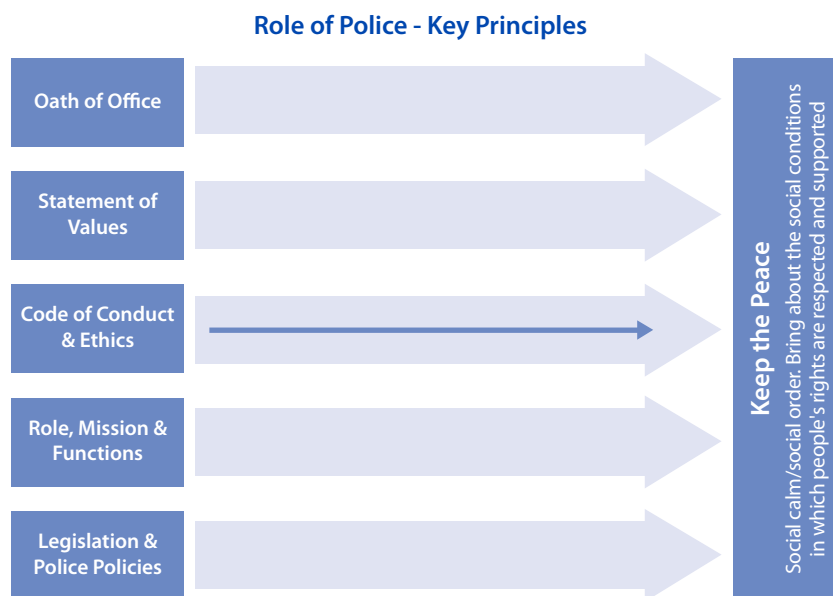
Figure 5: Example of a statement of values[188]

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Statement of Values

Excellence	Having the highest professional standards and integrity
Trust	Promoting community faith and confidence in the police
Honour	Acting with pride and admiration for the policing profession
Impartiality	Fair and objective decision making without prejudice
Commitment	Dedication and devotion in the performance of your duties
Accountability	Acknowledge ownership and being answerable for your actions
Leadership	Acting as a role model for the community and your colleagues

</div>

These various documents should be assembled into one code of conduct and police personnel must be able to refer to it to give them the necessary ethical framework to assess their actions and decisions according the following factors:

- What does the law require?
- What does the organisational policy require?
- What does personal ethics require?

Phase 3: Structure and human resource implications

Structure of the organisation

The structure of the police service could be an issue when undertaking an anti-corruption policy (see Chapter 3 for details). The traditional 'command and control' hierarchical, military style model that police services have historically favoured may not be the most appropriate style of organisation to encourage openness, honesty and communication, which are needed to tackle corruption. What is proposed is a more devolved, locally managed organisational structure where the centre (Headquarters and specialist functions) supports the operational arm of the police service; the local Districts, Divisions or Sections. The structure should be as 'flat' a hierarchy as possible to remove unnecessary layers of management, bureaucracy and administration. A leaner and flatter organisation is suggested and this structure calls for greater devolvement of decision making and ideally, financial and some or all personnel (human resource) functions. In this way, police officers are closer to the community they serve and there is a greater ability to monitor and supervise front line police officers in their everyday policing activities. The most common example of this approach is the move in recent years to forms of 'community policing' which was popularised[189] in the 1970s in England

by the former Chief Constable of Devon and Cornwall Police, Mr John Alderson[190]. Every police service in the UK is now policed on the 'Neighbourhood Policing' (as it is now known) principle.

The exact philosophy or approach behind the policing ideology, however, is not so important here as the acceptance of the fact that the prime purpose of the police is to protect the public and its communities and not the State, as was the case in totalitarian or former communist regimes.[191] The approach should be aiming for good standards of service to the public with excellent customer service for members of the public and persons coming into police custody.

Recruitment, selection, promotion
Police services must ensure that new recruits and officers selected for promotion are not involved in or linked to any corrupt action. Most police services have standards and requirements for recruits. They also complete "psychometric" tests, criminal name checks and background checks. An example is the process through which West Midlands Police[192] in the UK assess candidates, using seven competencies:

1. Respect for race and diversity
2. Effective communication
3. Personal responsibility
4. Problem solving
5. Team working
6. Community and customer focus
7. Resilience

The police service can build anti-corruption into the promotion process by making it clear only corruption free officers may apply for promotion.

Box 3: Early warning system and integrity testing

Other measures to deter corruption and detect potential corruption are the 'early warning systems' in place in many police services around the world, and the integrity testing introduced in the last few decades. There is much literature on these subjects which gives information on the exact way they work and how to implement them; only their basic principles are explained here.

Early warning and early intervention systems are put in place by the police service using measures relating to individual officers, such as the number of complaints against them compared to other factors. Some systems are complex, using a number of statistics which are intended to balance out negative factors for hard working officers and bring greater sensitivity and rigour to the process. When a police officer hits a certain trigger point in the system, s/he is approached and counselled to find out if any problems can be identified with professionalism or standards of policing. Various methods of intervention can be implemented at that stage.

There are some wide interpretations of the meaning of integrity testing. It can mean simple regular urine or blood tests of police personnel to ensure they have no problems with drugs or alcohol or other health issues. Or it can mean the deliberate 'baiting' of an operational police task with money or other desirable objects to find out if suspected personnel is in fact open to corruption. These types of integrity tests can become quite complex and are very revealing of the corrupt activities taking place. These tests are video recorded routinely and can produce solid evidence of corruption.

The introduction of a safe, secure reporting system and a witness protection process to ensure that witnesses feel able to come forward and report their observations of corrupt or unethical policing practices may also help to disclose corrupt officers. Some police services have introduced 'helplines' and anonymous telephone lines to aid this process.

Box 4: Handling complaints against the police

It is essential that the police service allocates adequate resources to the investigation of complaints against the police and internal discipline matters. The numbers of complaints can vary from year to year depending on the number and types of operational policing incidents dealt with, but a high level decision should be made to ensure there are sufficient high quality personnel to deal with complaints in an effective and timely manner. This may mean at times that local line managers are asked to deal with local minor matters while the professional standards or internal affairs department investigates the more serious matters.

Training and development
Capacity building is a much wider approach to the problem of solving corruption than just training and development. Training, however, is a very important factor in the success of an anti-corruption approach. This topic will be further developed in the section on practical models and examples.

Organisational learning
When introducing anti-corruption measures in an organisation, it is necessary to build in two factors: 1) the ability to learn from mistakes or experiences of police officers who have either been involved in corruption or resisted it; and 2) protecting police personnel who report unethical or corrupt behaviour by their colleagues.

In the first case, the organisation should build in a learning mechanism through which police officers who experience corrupt behaviour can share that information with others and thereby the organisation learns and grows from it.

> **Box 5:** Application of debriefings
>
> The results of a debriefing system can lead to three types of measures (actions).
>   1. Corrections at individual levels.
>   2. Corrections at the level of the processes.
>   3. Corrections in the organisation.

Organisations where this attribute manifests itself have been called 'learning organisations'.[193] Becoming a learning organisation is widely recognised in commerce and industry as best practice for companies which go through considerable change in a constantly demanding environment; that is, being an organisation which facilitates the learning of all its members and continuously transforms itself. There are several potential benefits of the learning organisation model.

- Ensures long term success of the organisation is by continuity/succession.
- Makes continuous improvement a reality.
- Ensures success and best practices are transferred and copied.
- Increases creativity, innovation and adaptability.
- Attracts better people to and retains best people in the organisation.
- Ensures that the personnel are able and willing to meet the current and future needs of the organisation.

Where organisations are open to learning and encourage their personnel to report malpractice, unethical behaviour and corruption, it is necessary for the organisation to protect the reporters (commonly called whistleblowers) to ensure their personal safety and that they are not ostracised by colleagues. It is an extremely courageous act to report a colleague for bad or criminal behaviour, given the factor of the 'blue wall of silence' which has been mentioned several times in this toolkit. Typical police culture is for all officers to protect each other and not report poor ethical behaviour or professional standards; therefore measures must be taken to ensure that persons who do report such behaviour are given adequate protection and, where possible, anonymity. Effective policies and/or legislation should be in place to protect whistleblowers, for example the Public Interest Disclosure Act 1998.[194]

> **Phase 4:** Change management planning

Consistency of approach

To push through reforms and changes, leaders must be consistent in their approach. They also must be continuously role models in the organisation from whom their personnel can take a lead; the good role model extends good anti-corrupt behaviour and messages in both public and private life. Please see Chapter 9 for more discussion on change management as well as Chapter 3 Box 12.

Box 6: Prepare the leaders

A powerful way to start an anti-corruption, capacity building programme is to link it to a process of leadership development in the organisation where the leaders can demonstrate their belief and commitment to change and resistance to corruption. A good type of leadership development would be a capacity building programme linked to the attributes of 'emotional intelligence', including self-awareness and empathy which will be necessary to conclude such a programme successfully.

Emotional intelligence – domains and associated competencies[195]

Personal competence	**Social competence**
Self-awareness	Social awareness
Self-management	Relationship management

Developing a programme for enhancing the capabilities of a police organisation to tackle corruption demands change management. As the 'change pyramid' in Figure 6, below, illustrates, the most difficult things to do in any change management programme, and carrying the highest level of discomfort, are changing the behaviour of staff and changing the culture in the organisation.

Figure 6: Change pyramid[196]

Change Pyramid

Burtonshaw-Gunn, S.A. (2008) *The Essential Management Toolbox.* John Wiley & Sons
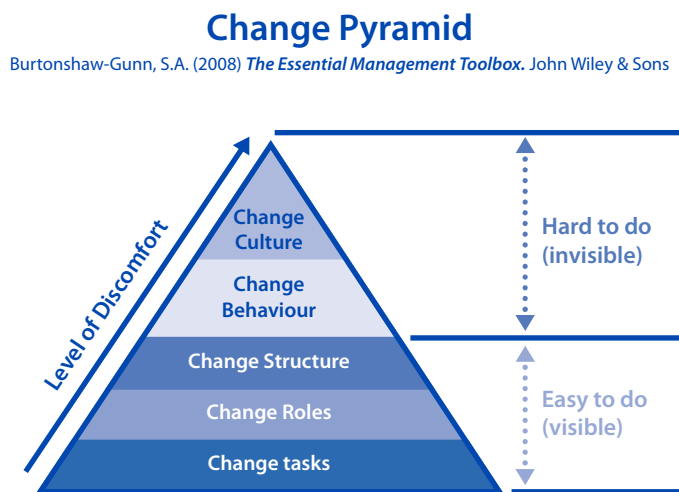
In terms of change management, lessons learned have shown that diverse factors contribute to success or failure. With good planning and execution, however, a change management programme can be successful. Box 7, below, suggest six rules for successful change, which should be read in relation to the different phases of successful change presented in Chapter 3 Box 12.

Box 7: The six rules of successful change management

1. Clarity of vision
2. Good change skills of managers
3. Planning for change
4. Change is multidimensional
5. Measurement of change/outcomes
6. Communication

It is important to measure and evaluate the changes in the organisation so that the success of the programme can be monitored, reviewed and redirected, if necessary.

Figure 7: Four step process of change[197]

Process of Change

```
┌──────────────────┐
│   1: Assess      │
│  (prepare for    │
│  new design)     │
└──────────────────┘
          │
          ▼
    ┌──────────────────┐
    │   2: Design      │
    │  (develop &      │
    │  plan design)    │
    └──────────────────┘
              │
              ▼
        ┌──────────────────┐
        │  3: Implement    │
        │  (transition to  │
        │  new design)     │
        └──────────────────┘
                  │
                  ▼
            ┌──────────────────┐
            │   4: Embed       │
            │  (review &       │
            │  sustain design) │
            └──────────────────┘
```
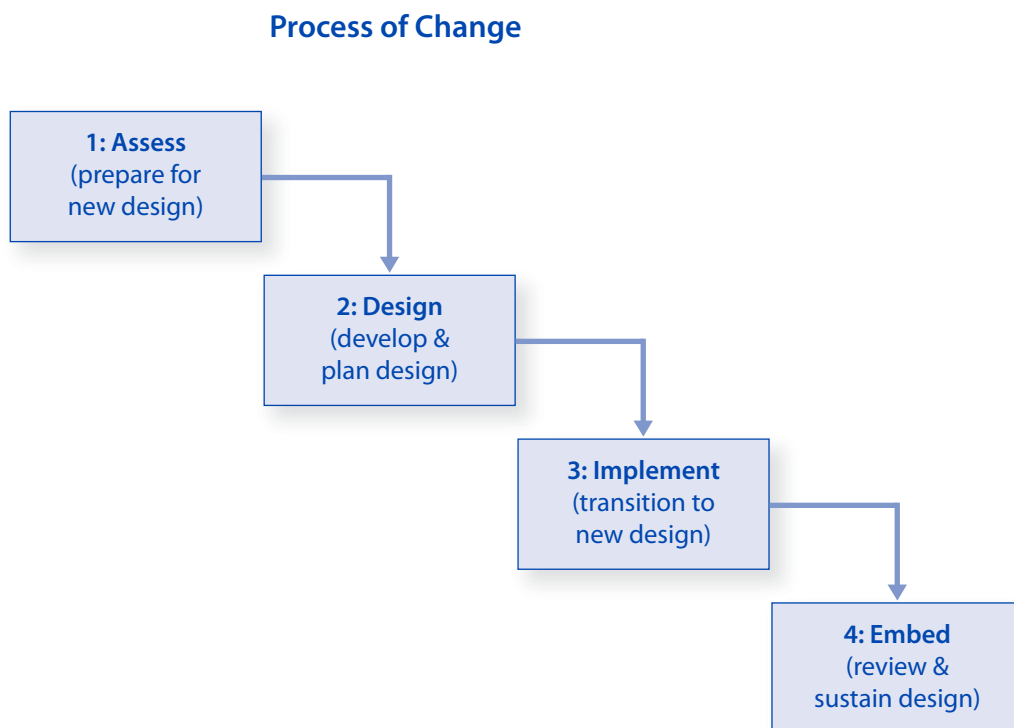
How do the actors involved ensure that change management is more acceptable?

- Awareness of impact on personnel/ organisation
- Consultation where appropriate
- Redundancy – financial and human implications

- Redeployment, training, costs, competencies
- Retirement – short /long term costs
- Preserve the dignity of personnel

'The greatest difficulty in the world is not for people to accept new ideas, but to make them forget about the old ideas.' John Maynard Keynes, economist (1883–1946)

Adopt internal change champions[198]

It is typical to use the technique of appointing 'change champions' to assist the process of change management in difficult circumstances. The champions should be personnel who are enlightened about the efficacy of the change and will effectively 'sell' the idea to their colleagues at all levels of the organisation. The champions should be rewarded in some way for their efforts, even if it is only extra praise or thanks from senior managers or extra training or a promise of development pathways for good champions. The whole picture of a large management programme to change the culture and values in an organisation resembles Figure 8:

Figure 8: Change management

Change Management
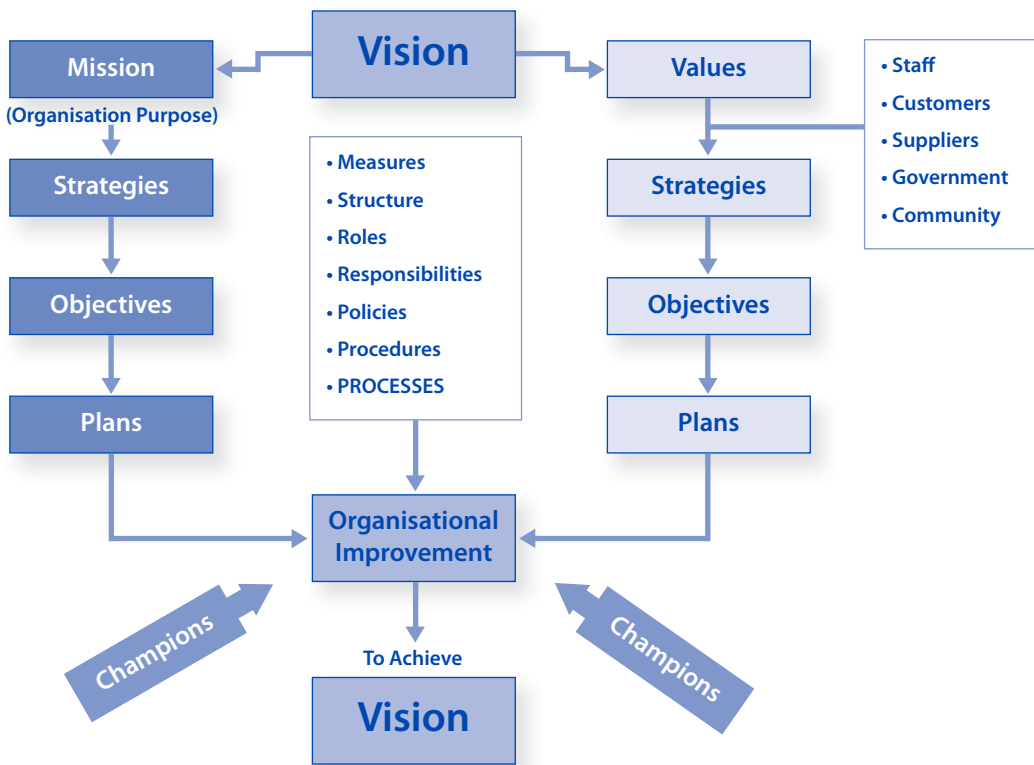
Allocation of appropriate resources
Change can only succeed if there are necessary resources for its implementation. This means that the organisation may need to reassess its priorities to be able to direct the financial, material and human means needed for the change project.

Reasonable length of time
In planning organisational change it is a mistake to try a 'quick fix' solution. The organisation should ensure that a realistic timeframe is decided upon and extra time should be built into the process.

What are the characteristics of successful and unsuccessful change management processes?
Change management programmes should be subject to rigorous evaluation which is open, transparent and communicated effectively to all stakeholders.
- Quantifiable measurement – before, during and after measurements.
- Continual assessment – at pre-specified intervals.
- Communication – a communications plan should be formulated from the outset.
- Training and education – developing people:
  – positive experience
  – good morale
  – recognition and reward.

Table 2: Characteristics of unsuccessful and successful change management programmes

Characteristics of unsuccessful change management programmes	Characteristics of successful change management programmes
There has been some useful research into why change management programmes go wrong. [199] The characteristics of failed change management programmes as synthesised from a survey of 150 managers were: - Lack of commitment from top. management - No follow through. - Resource constraints. - Change of leadership. - No clear directions and purpose conveyed to personnel at all levels. - Constantly changing performance indicators. - Changing priorities.	On the other hand, the managers surveyed in the research came up with six rules of successful change management. - Clarity of vision. - Good change skills of managers. - Planning for changes was effective. - Change is multidimensional – the need to coordinate interdependencies. - Measurement – evaluation of outcomes. - Communication – both upwards and downwards.

Phase 5: Project/programme management

Project/programme management techniques

The management of a project goes through (five) different phases, as shown in Figure 9.

Figure 9: Stages of project

Stages of Project
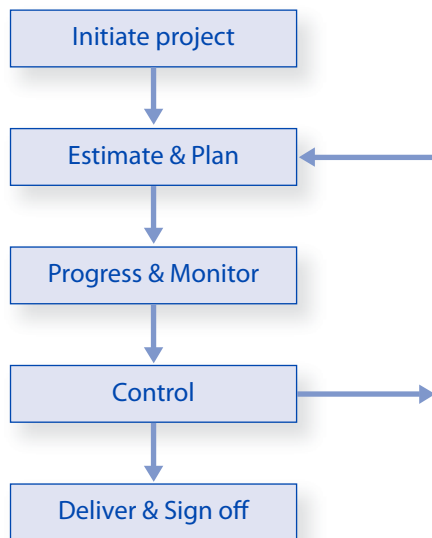
Box 8: Example of documentations to manage a project effectively

- Project initiation document: introduction; case for establishing a new approach; project objectives; project outcomes; project scope; project overview; project resources – people; project resources – physical; project resources – financial; project reporting structure; project timescales; communications plan; assumptions; constraints and risks; conclusion.
- High level plan, showing elements of the project, milestones and delivery points.
- Working project plan, showing elements of the plan broken down into tasks; "critical path" of the plan (Gantt chart) showing dependencies, specific responsibilities and exact resources.
- Risk register, listing and prioritising risks and showing who is responsible for managing or mitigating the risk, the countermeasures and contingencies (if any).
- A quality plan (if appropriate) stating what quality standards are in place or how the project will be subject to scrutiny and products will be signed off and approved to be of the specified standard.
- Communications plan, identifying and analysing relevant stakeholders in the project, how they impact on the project and how the project team will keep the stakeholders advised of progress and key issues.

For *whom* is the capacity building?

The capacity building programme should be designed so that it is inclusive of all personnel of the police service; there should be a role in the activities for anyone who volunteers or who can assist in successful execution. Personal development and fulfilment should be possible for all who take part; the engagement and involvement of everyone should be encouraged to ensure 'buy-in' and reach the critical 'tipping point' of successful change in the direction of anti-corruption measures.

Where should capacity building take place?

It is beneficial for some preparation and planning to be done away from the normal place of work to ensure innovative and creative thinking without the interruption of everyday work. For change management to take effect, it is necessary to ensure it is happening in police headquarters, in the police training school, in every region, every city, every work site and every department.

When should capacity building take place?

Capacity building should take place throughout the different phases of the career of a police officer; however, police personnel (whether sworn or unsworn) at different levels have differing and specific roles and responsibilities, therefore the training and development (capacity building) for each of those categories will be different. Ethics should, of course, be incorporated across all policing operations from the low impact of issuing a simple parking ticket to causing the death of a suspect through the use of lethal force.

Training programme

This subsection examines the training and development for capacity building in the organisation to foster anti-corruption; this will be discussed at all levels of the service.

Executive: Executive level officers need training and development in many areas, such as appropriate forms of leadership development, empathy and active listening. They should set the strategy (following the detailed assessment and analysis), bring in supportive policies, practices and procedures that do not undermine efforts and ensure their correct interpretation and operation.

The executive should also have training on how to run disciplinary hearings or tribunals, how to hear cases effectively, bearing in mind the rules of natural justice and of evidence, and how to apply consistent but humane sentencing.

The executive should discuss the need for openness and transparency and carry out good liaison with oversight bodies while welcoming criticism. He or she should ensure that rigorous risk assessments with countermeasures and contingencies have been completed, and should have a thorough media management policy.

Senior managers: Senior managers need to support the executive and lead their area of the organisation in a similar way to the executive. They need to be open to evidence of corruption and act quickly on it, to investigate it and eliminate it; therefore they need to be trained in this and be

able to deal with personnel effectively. A senior manager might be the person who needs to investigate, and should be thorough and not too quick to dismiss claims/information from the public or internal informants. Senior managers need training on how to investigate such sensitive issues, and whether specific circumstances warrant informal resolution or should be subject to a full formal investigation.

Middle managers: Middle managers must be open to information passed to them on unethical or corrupt practices within their team. These managers should be trained on how to deal with complaints and what sort of incident can be dealt with by way of informal resolution and when the matter should be referred to a higher manager or professional standards department. They should be "customer focused" when dealing with complaints from members of the public and handle them professionally and efficiently.

First level managers: The first level manager is the most influential and important person in the organisation to manage police corruption effectively. The manager can observe the corruption being carried out under his or her command. The approach that the first level manager adopts towards anti-corruption is crucial in the process towards an anti-corruption capacity building programme. There should be training on how to spot corruption through use of scenarios in a practical operational policing setting – for example 'deals' made in the cells to obtain intelligence from prisoners in return for more lenient treatment or process corruption.

Recruits: recruits often start with good intentions and high ideals, but if they encounter corruption they will become involved unless they are resilient. Recruits need protection against the never ending nature of policing and natural cynicism. There is a need for thorough preparation of recruits before they enter the police 'front line', and expert guidance at the start. It is best to use police trainers or ex- officers to train police recruits, as they will have the experience and knowledge to offer sound advice and preparation for the difficult task of being a police officer.

Recruit training should be linked to all policies, practices and procedures in police professional ethics while explaining the rationale of the policy; the amount of academic ethical theory and philosophy should be limited to the minimum necessary. Police organisations and managers should bear in mind that fresh eyes are frequently the catalyst for spotting and reporting unethical or corrupt behaviour; therefore their information and complaints should be treated seriously. The recruits should be given simple but effective decision making guides that they can relate to on a personal level such as the following:

- Is it legal?
  – Will I be violating criminal or civil law, or force policy?
- Is it balanced?
  – Is it fair to all concerned in the short and long term?
  – Does it promote win-win situations?

- How will I feel about myself?
  – Will it make me feel proud?
  – Would I feel good if the decision was published in a newspaper?
  – Would I feel good if my family knew about this?

Refresher training: From time to time, when the organisation deems it appropriate, police personnel should have the opportunity for refresher training on corruption so their knowledge of current incidents or changes in policy, practices and procedures is up to date.

3.1.4. Personal and professional development

Individual capacity building is also part of the capacity building process. Historically, police officers and support staff have not taken responsibility for their own self-development[200] and have merely accepted training provided by the organisation to assist their personal development. This situation must change to the best practice whereby police staff do take responsibility for their own self-development. This is a necessity in any professional post, especially where the policies, practices and procedures change at an ever-increasing speed; everyone in policing knows this to be the case in their setting. Publications have underlined other implications such as the increasing complexity and technological changes in policing.[201]

Also, a necessity in all professions (to which the police service aspires), such as the medical and legal professions, is the requirement to complete 'Continuous Professional Development' (CPD) in order to maintain appropriate levels of current knowledge and understanding within the context. Failure to complete CPD results in removal of the practitioner's name from the professional roll and results in the inability to practice; policing in the UK now requires police officers to complete CPD to retain certain posts (such as 'Senior Investigating Officer'). It is best practice in commerce and industry and recommended (or required) by professional bodies that individuals maintain a professional (or personal) development plan containing personal development goals or objectives.

Personal Development Goals

It is quite unusual for police officers to maintain an accurate, current and effective personal development plan (PDP), but this is essential to maintain learning during a busy career and for lifelong learning.[202] It is important to note that a personal development plan does not only contain information about courses that the officer attended. All forms of learning should be planned and recorded, for example, participation in a project (such as a 'capacity building' project), attachments to specialist roles, vocational or occupational reading, 'shadowing' another member of staff etc. Much has been written[203] about personal development in the police service over the years and this chapter will confine itself to the overview of the situation and the good practice recommended. For example, Goleman, Boyatzis and McKee (2002)[204] offer advice on the construction of personal development goals as set out in the following Box 9, below:

Box 9: Personal development goals

The findings include the following:

- Goals should build on one's strengths, not on one's weaknesses.
- Goals must be a person's own – not goals that someone else has imposed.
- Plans should flexibly allow people to prepare for the future in different ways – a single "planning" method imposed by an organization will often prove counterproductive.
- Plans must be feasible, with manageable steps: Plans that don't fit smoothly into a person's life and work will likely be dropped within a few weeks or months.
- Plans that don't suit a person's learning style will prove de-motivating and quickly lose his attention.

Personal Development Plans should be reviewed continuously and methodically to ensure that the learner is making appropriate progress. Systems should be in place to review them with a line manager at six-month intervals.

Of course, the PDP of each member of staff should sit inside and be compatible with, the departmental, and organisational objectives. If the organisational objectives are related to anti-corruption, then all the staff in the organisation will be working towards this objective. Please see Figure 10, below.

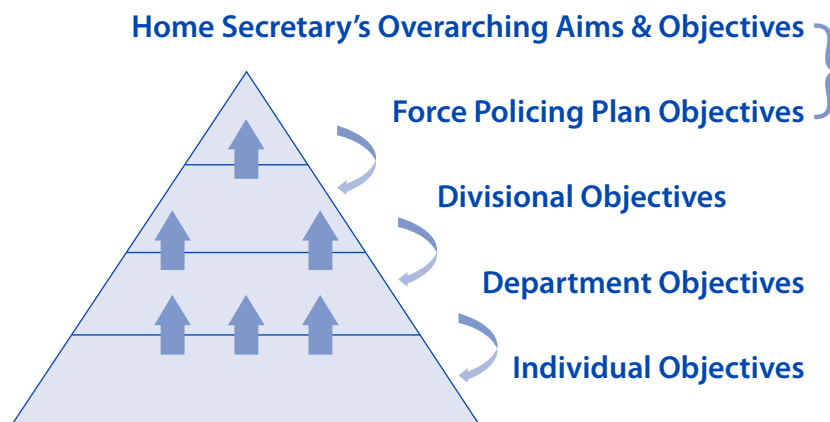**Figure 10:** Objectives

Figure 10: Example of how CPD is integral to the performance management system within a police force in the UK.

The diagram above shows how the personal development plan and its objectives should fit into the department plans, the divisional objectives and force level strategic objectives, which, in turn are set by the Government Minister with responsibility for policing.

4 ∎ Integrating capacity building in specific contexts

The possibilities of developing or implementing programmes, models, methodology and actions to enhance the capabilities of police services to tackle corruption depend very much on national or local situations; differences relating to the context must be taken into consideration regarding what can be done and how. The forms of corruption and the vulnerabilities of police organisations may be affected by the economic situation, social and political conditions, specific values to be found in certain contexts and means and ways to tackle corruption. Chapter 1 defines these specific contexts and discusses their links with corruption. This section provides some examples in different contexts. The implementation of the measures presented in previous sections, or more generally of all measures to be taken within a programme of enhancing capabilities, will have to be assessed and decided taking account of the specific situations.

4.1. Post-conflict and transition countries

Example 1: An example of creating some order in the chaos

Insufficient salaries are a powerful factor in the development of corrupt practices by police officers. Post-conflict countries and countries in transition are heavily confronted with this problem. One officer of the St. Petersburg militia in Russia spoke very honestly at a meeting of Western police chiefs held in Sweden in 1996 on how his service tried to limit the negative effects of such a situation.

Police officers were not able to support their families on their salaries beyond the twentieth day of a month. If the spouse had a job or they had other facilities such as cheap rent or a garden which supplied vegetables and fruit they could cover their expenses, but many had great difficulties. Those who were really in deep trouble could go to their superior. The superior addressed the situation by allowing them to keep a part of the fines they collected.
This attempt to 'moralise' corruption is interesting, as it shows that the police service did not accept corruption as a fact of life but was conscious that officers were compelled by their low salaries to find other incomes; the police top management did not close their eyes, but tried to keep the phenomenon within certain limits.

Example 2: Ethics course which does not focus on the correct questions

This example characterises the situation of the newly independent former Soviet republics some years ago. Ethics was taught at police academies and during refresher courses. Students had already been taught ethics during their previous studies, but the courses which were given could not provide police officers with the ethical framework they needed in their daily life.

The general move from the authoritarian model of policing to the community approach means that police officers are empowered to solve problems and take decisions. They cannot always refer to their superiors and are often faced with difficult decisions to take. Rules and regulations may not help them in certain situations. Thus they must be able to rely on a clear set of values which will help them to define their actions.

The teaching of ethics, therefore, must be practical if its purpose is to help police officers to take decisions. This means the teaching must rest on real cases and examples showing the problems encountered by police officers in their daily activities. Another issue is that the values taught in courses must be incorporated in documents such as codes of conduct, which can be used for the teaching.

The teaching of ethics in these police academies did not match with these requirements.
- The teaching of ethics was replaced by the teaching of philosophy.
- The tutors were all senior officers who had left the terrain many years ago and were disconnected from the reality of the police world.
- There were no codes, charts or other necessary instruments.

Consequently, ethics courses were essentially theoretical and not linked to the types of problems which would be faced by police officers graduating from the academies. Measures in such a situation must address not only the core of the teaching, but also those who teach and the instruments necessary.

4.2. Developed countries

A good example of a capacity building programme in a police service specifically aimed at reducing or eradicating corruption is in the New South Wales Police Force (NSWPF) in Australia. A new police commissioner was appointed to carry out the reform of the NSWPF; he was a senior police officer from the UK who was brought in specifically because he was an outsider and would bring necessary objectivity and impartiality to the process. He explains the process in Example 3, below.

Example 3: Reform of the New South Wales Police Force

The new police commissioner described his plans for reform as follows:

'Essentially, the NSW Police Force has to regain public confidence and trust in its ability to effectively deliver quality policing services with honesty and openness. That requires fundamental change in what it does and how it is led and managed. The Royal Commissioner has identified many things which need to change. My own appointment is one significant change, as is the recently announced change to the powers of my Office. More change will follow, while much needs to be done. I intend to make changes in a measured and methodical way to cement the reforms in place. There are no quick fixes. The need for reform goes to the core of the service: its management and operation. Officers need to understand where the service is headed and what part they can play in the process. Service-wide discussion is key to this outcome.

My approach is based on drawing a line in the sand and moving forward. Informed by the past – but not bound by it. I will build a corporate team which acts in unison to drive the reform process. I also seek to create an atmosphere where every member of the service can be involved in some way in the reform. The Government and Royal Commission are constructive and supportive. The community expects reform. The major challenge lies ahead for all members of the service.'[205]

In terms of the reform of the NSWPF, much was learned through the process, but unfortunately many of the objectives were not achieved due to classic change management problems.

The commissioner's report dated December 2000 states: 'Public confidence in the police, our honesty and professionalism has all increased substantially since I arrived in 1996.'[206] The evidence for this was cited from a survey of the public in 1999 (Table 3).

Table 3: A survey on public confidence in the police[207]

Survey item	1996	1999	% change
Have confidence in police	69%	80%	+11
Most police are honest	65%	70%	+5
Police perform their job professionally	69%	78%	+9

5. Examples of programmes, models and approaches relating to police corruption

Where the capacity building is to help tackle corruption, its ultimate success lies in the incorporation of a training and development programme for all personnel members. This will aid in changing the culture of the organisation towards rejecting corruption and reporting suspicious activities and incidents in a safe working environment. There is no easy answer as to which training tool or technique will work in a given situation; it is a question of making a judgement on the specific organisation and the organisational culture that prevails. A decision must be taken about what will be most effective in that organisation; the answer to the question may change over time, and therefore programme and project managers must be sensitive to changes in requirements and adjust their actions accordingly.

5.1. Police professional ethics training

The ideal situation is that police ethics training is given priority in terms of its contribution to professional practice and standards in the police service, particularly where the organisational objective is to reduce corruption or foster anti-corruption measures. What is necessary is that police ethics is taught at all levels in the service so there is a clear understanding of the expected standards of behaviour in the organisation and the management actions that will follow if they are not upheld. Training does not fix all[208] corrupt behaviour, and must be incorporated into a capacity building programme to achieve the best effect.

This Chapter 8 has outlined the various roles and responsibilities of each rank of police personnel to foster anti-corruption measures in a capacity building programme. Ethics should be taught by officers who have been specifically trained for that purpose, and courses should state course aims, objectives, learning outcomes, lesson plans and methods of delivery. A key condition of success of courses will be their relation with the reality of the daily activities of police officers. Cases discussed in the training should thus be based on experiences drawn from interviews with personnel, oversight bodies, courts, inquests, public inquiries and disciplinary cases. Such cases must allow police officers to highlight what went wrong and discuss what should have been the correct attitudes and how the specific problems could be avoided.

Box 10: Example of police ethics training programme (NSWPF)

Police professional ethics – topics and structure[209]
- Introduction and role of police: role, functions, oath of office, statement of values, code of conduct
- Discretion

- Ethical decision making
- Law, morality and human rights
- Power, authority and coercive force
- Corruption and moral vulnerability
- Corruption resistance
- Reporting misconduct and loyalty
- Conflicts of interest
- Professional practice

The rationale for the programme should be made clear to recruits in a simple message, as follows.

Why study professional ethics?
- It is *not* about making police recruits 'ethical' people.
- It *is* about what the organisation requires of the police recruit, and this can sometimes conflict with his or her own values.
- There is an apparent conflict or tension between rule of law and discretion.
- Police recruits will have immense authority: absolute power corrupts absolutely.
- You need to develop the "emotional intelligence" to cope in often complicated and complex policing situations.

5.2. IACP programme and toolkit

Another example of an internationally respected training programme on police ethics is the International Association of Chiefs of Police (IACP) 'Ethics Toolkit', which is available in its entirety online (see 'Useful websites'). This useful guide provides a great deal of information about the subject of police ethics, including advice about individual responsibility as paraphrased in Box 11, below.

Box 11: Individual responsibility and maintenance of integrity

Developing and maintaining a high standard of integrity in a police department ultimately depends on the commitment and will of the individual officer. Personal integrity and a conscious decision to do the right thing even in the face of sometimes overwhelming pressure to do otherwise, is where the rubber hits the road in the ethical decision making environment. Affirmations of integrity and formal adoption of a code of conduct, statement of values, or other declarations are important. But these are meaningless unless these precepts are internalised and practised on a daily basis by all members of the service. A moral and ethical working environment requires everyone, from the chief to the recruit, accept and integrate the precepts of moral and ethical behaviour into his or her daily life and recognises personal responsibility in meeting these responsibilities. Every member of the department must make a conscious decision (a) to determine what is or is not appropriate conduct and (b) to accept the responsibility for ensuring that, in any given situation, that individual, and his or her fellow officers, will do what is right.

From the same IACP website it is possible to download sample policies, such as a model policy on standards of conduct and other very useful material to achieve the objective of fostering anti-corruption in a police service.

5.3. Methods of training delivery

As the subject is a sensitive topic that is likely to provoke strong emotions in some people and perhaps denial or rejection, it is important to use appropriate and relevant methods of training delivery and pedagogy, to ensure that all participants gain the optimum learning outcomes from the programme, while offering a safe and productive learning environment where all attendees feel able to contribute and do not feel threatened by opinionated or prejudiced personnel. (Chapter 9 explores learning methods.)

In the implementation of training and development activities relating to difficult subject areas such as professional ethics or anti-corruption,[210] it is important to utilise active learning[211] approaches.

- Presentations and discussions
- Vocational visits/speakers
- Using media based stimulus response activities
- Group/pair investigations and feedback
- Role play
- Analysis of industry data
- Problem solving activities
- Work shadowing/work experience
- Cross-curriculum activities, such as 'walk-throughs' and live exercises

It is important to employ a wide range of teaching and learning strategies, but it is also necessary to recognise the need to cover the lesson content comprehensively; in some topic areas this may mean an imbalance of styles.[212, 213] It is good to stimulate all the senses as far as is practicable while providing an atmosphere without undue pressure and stress, with a degree of interest and presenting a series of new challenges that are neither too hard nor too easy. It is advisable to encourage social interaction for a selected time during the activities, promoting the development of a broad range of skills and interests that are mental, physical, aesthetic, social and emotional, all the while encouraging the learner to be an active participant rather than a passive observer.

5.4. Learning and teaching theories

Teachers (trainers) are taught to take into consideration the differences of right and left brain thinking and the preferred learning styles of those who favour auditory, visual and kinaesthetic (doing) learning.

While these suggestions are relevant, it is important to create an impactful and memorable learning experience which will encourage the police officer to enhance his or her learning in this area through thoughtful practice.

5.5. Evaluation and review of learning outcomes

Training and development must be effectively evaluated for effectiveness. It has been said that it is impossible to quantify the effects of anti-corruption training.[214] In spite of this, a rigorous and robust evaluation such as the Kirkpatrick four levels of evaluation could be invaluable. (See Figure 11, below.)

Figure 11: Kirkpatrick's levels of evaluation[215]

Kirkpatrick's Levels of Evaluation
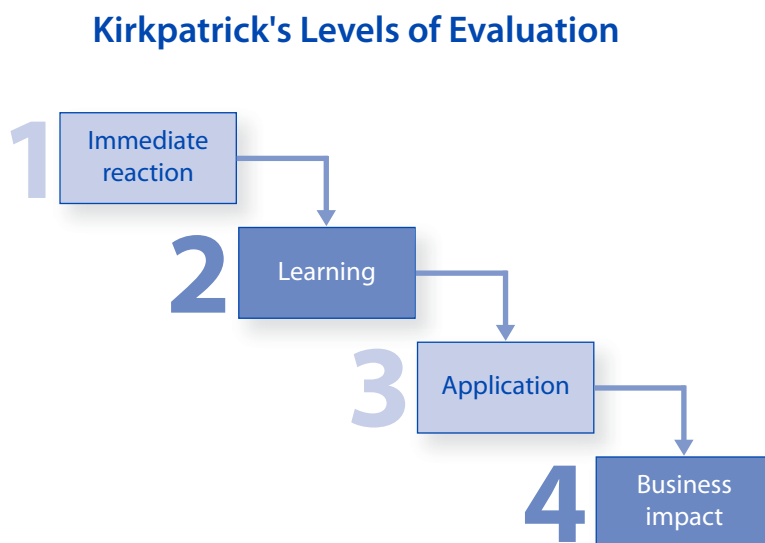
The objective of the four stage process of evaluation is to follow the learning of an individual police officer through to its logical conclusion: how it is utilised in the practical setting of the workplace. Most training programmes are not evaluated to this level; they evaluate immediate learning at levels 1 and 2 in Figure 10, which is the 'happy sheet' handed out at the end of training. This level of evaluation does have some worth, providing it is used to develop the contents of the training continuously for a subsequent course, but it cannot check if the knowledge and skills gained by the students are actually put into practice and used in the long term. The Kirkpatrick method looks deeper and on a longer term basis than the normal superficial evaluation of learning outcomes.

- Level 1 – Reaction: what is the immediate response of participants to the programme?
- Level 2 – Learning (acquisition of knowledge and skills): what have individuals learned?
- Level 3 – Application (performance): what changes in behaviour are demonstrated as a result of the programme?
- Level 4 – Business impact: what is the impact on the organisation as a result of the programme?

While levels 1 and 2 are relatively easy to establish and use in a summary of the outcomes of a programme, levels 3 and 4 are more difficult. Questions relating to levels 1 and 2 can be asked during an interactive session and constantly monitored throughout a training programme as it is being delivered.
Level 3 of the evaluation can only be assessed when police officers have returned to the workplace where they can put the newly learned skills and knowledge to use in a practical setting.

The final level of learning (level 4, business impact) evaluates what the training achieved in terms of the 'bottom line' business benefits. In the context of police ethics and anti-corruption, the evaluation must examine how the training assisted in the eradication or mitigation of harmful effects on the organisation and work force by reducing corruption and enhancing trust and good working relationships within teams. This is difficult to measure and it is necessary to examine a number of factors, including feedback from customers (members of the public), to evaluate this elusive measurement effectively. It also might be necessary to go back several times at different intervals to measure how the learning is being utilised and how effectively it is being remembered by students.

In addition to this evaluation, experienced trainers know it is essential to keep a record of the individual personnel who were trained and any specific comments or concerns about individuals in this sensitive area. The fact that individual personnel was or was not trained in professional ethics might be important in any subsequent inquiry or complaint against police; that information could even be important at a later date to establish corporate or individual fault or blame or whether the organisation succeeded in its 'duty of care' towards personnel or otherwise.

5.6. Implementation

There are many examples of programmes that have failed completely or fallen short. Care must be used when planning and introducing capacity building programmes, particularly where they are intended to foster anti-corruption behavior and values.

To enable the most effective anti-corruption measures, using the methodology of the change programme suggested earlier this Chapter 8 is recommended. The proposed methodology[216] suggests four ways in which corruption can be overcome.

1. Recruiting the right people.
2. Reducing opportunities for corruption.
3. Good detection and deterrence.
4. Reinforcing the motivation to do what is right.

Many practical points[217] about lessons learned[218] have been listed in this chapter, but it is useful to note some of the points from the NSWPF capacity building programme highlighted in previous sections. The Wood Commission[219] made one hundred seventy-four recommendations, some of which were not activated by the reform programme introduced by the police commissioner[220]: the progress of the reform was criticised by the external evaluation process[221], and in the end the reform was not completed for several reasons. The programme, though conceptually sound, was inefficient in its implementation, as pointed out by an audit undertaken of the reform. The audit involved the key reform areas:

- Effective leadership and management
- Changing culture and values
- An honest service which repels corruption
- Effective planning

- Performance management and quality
- Focus on personnel and teamwork
- Building a new human resource system
- Breaking down outmoded systems
- The local area command as the service hub
- Implementation of effective structural change
- In-depth analysis – strategic leadership and culture
- In-depth analysis – selection and appointments.

These audit areas strongly resemble the constituent parts of the reform programme recommended in this Chapter 8. The secret of success in delivering such a programme is careful and sensitive implementation. The following points may be useful during the implementation phase:

- Do not be defensive and refuse to believe the allegations or extent of corruption within your organisation when it has been drawn to your attention.
- Ensure that all major elements of the capacity building reform process are effectively completed.
- Ensure that the strategy, culture and ways of working decided upon in the capacity building programme are adhered to, right to the end of the programme, and let the personnel know there is no going back to previous malpractice.
- Ensure that internal reforms coherently fit with the spirit and overall culture and objectives of the programme.
- Pay attention to and act upon the findings of the external assessment programme, if in existence.
- Ensure that sufficient funding is guaranteed for the capacity building programme and also have some contingency funds.
- Ensure that the executive maintains the confidence of all personnel and leads the service through the process of capacity building successfully.
- Where police officers are investigated because of corruption, ensure the rules of justice are adhered to in disciplinary or tribunal hearings.

6. Conclusions – Chapter 8

Enhancing the capabilities of a police service to tackle corruption is necessary. No police service is free from this kind of problem, even if its forms may vary and affect police organisations differently.

The situation of the country in which the police service develops a capacity building programme will strongly influence it. Its goals and objectives, the curriculum and the methods of training will all have to take the specific conditions into account.

If the goals differ (it would be ineffective, for example, to fix overly ambitious goals for a police service where the salaries of the police officers do not provide them with an adequate living), there are a certain number of important elements which will always directly influence the impact of the programme. They can be summarised as follows:

- There must be a real will to do something on the political level as well as on the operational level of the service in order to provide the necessary support to the project.
- There must be a clear plan stating realistic objectives and allowing the resources needed for achieving them.
- An action plan setting the actions to be undertaken, the responsibilities, the resources and the deadlines is indispensable.
- Training is a key element in the programme. It can only succeed if it corresponds with the reality of police life and provides practical answers to the questions that are faced by officers in their activities. That is why training must rest on practical cases and be delivered by trained police officers.

SELF ASSESSMENT TABLE

Chapter 8 ▪ Capacity Building

Having read this chapter, what is your reaction? Was there new information in this chapter that you could use to improve your police service? Are there changes that could be made in your police service?

Please find below a self assessment that will help you answer these and other questions. This basic assessment is intended to help you evaluate the situation in your own service, determine what, if any, changes should be made, and brainstorm means for implementing these changes. To develop a more comprehensive approach for applying the concepts learned in this chapter, training sessions or working groups could be organized to complement and build upon this assessment. In addition, it may be helpful to seek the assistance of national or international experts on matters of tackling corruption.

Issues / Questions	What to do to make up for Weaknesses?	How to do it?
Have we assessed a solid and sustainable structure to resist corruption to initiate and enhance capacity building?	If not, we can: • Assess structure to ensure capacity building processes • Adapt capacity building program to the structure	We can: • Engage auditor to assess structure • Build working group for mutual enhancement of structure and program
Does our management completely support a capacity building program?	If not, we can: • Train managers for project management expertise • Integrate champions in training • Train managers in ethical values	We can: • Develop strategy and action plan • Design a training program for managers • Enhance mission statement for capacity building
Have we fully or partly implemented the described five phases to develop the program: preparation, documentation, structure, human resources (HR), change management and program management?	If not, we can: • Assess the current situation to develop program • Enhance expertise of managers • Improve recruitment and HR planning	We can: • Give clear engagement to the working group to develop a comprehensive program • Develop Terms of Reference of managers and

	• Change rules and structure towards programme setting	personnel for recruitment • Train managers and specialise members of working group
Do we have a model of risk assessment in place to develop the program?	If not, we can: • Create a risk assessment model for organisation • Assess abilities of risk assessment for anti-corruption processes	We can: • Appoint expert • Train managers for expertise in risk assessment • Appoint working group
Is management fully aware of adequate methods and capacity for project management? See Figures 6 & 8	If not, we can: • Assess adequate methods for organisation • Ensure awareness of ethical values in processes • Build capacity using adequate methods	We can: • Train managers for expertise • Define ethical values and communicate • Define objectives of methods and train **Remark: tools described in Chapter 9 may be useful**

Instruments

■ Andrew Goldsmith

1. Introduction to Chapter 9

This Chapter 9 presents instruments and methods that can be used in the practical implementation of the measures outlined in other chapters of the toolkit. It focuses on strategic assessment techniques, directed at identifying problems faced by police services and potential solutions to those problems, and learning interventions intended to contribute to organisational change. A range of instructional and training methods is examined within this component. The information presented serves as a practical guide, but it is informed by the literature on organisational change and direct experience from the field.

Links with other chapters

Certain topics discussed in this chapter are also developed in more detail in other chapters:

Chapter 1 on an anti-corruption climate
Chapter 2 on organisational culture and on assessment
Chapters 5 on internal control and audits and on strategies
Chapter 6 on external control
Chapter 7 on oversight
Chapter 9 on behavioural change

Specific links will be indicated in the text.

2. Why is the topic of this chapter important?

This Chapter 9 is important because it provides instruments to implement the content of the other chapters of this toolkit.

Strategies for addressing corruption and unethical behaviour in police services inevitably will be concerned with one or more of three levels of analysis and policy implementation.

1. *Individual* (personal attributes, competencies, etc.).

2. *Organisational* (workplace groups, organisational culture, administrative structures and arrangements, etc.).

3. *Environmental* (wider political, economic, social and technological factors).

A holistic assessment of police corruption and the development of a strategy for dealing with it ideally should look at all three levels. Police corruption is rarely, if ever, explicable in terms of the 'rotten apple' theory (individual). 'Rotten apples' can be found in 'barrels' or 'orchards' that allow them to become or remain rotten; to address problems at the individual level, some kind of organisational response (whether minor or more substantial) is required.

'Rotten apples' and 'rotten barrels' frequently exist within a broader organisational or socio-political environment. In many cases of corrupt police and negligent or complicit police organisations (in both developed and developing countries), factors in these broader environments play a role in enabling corruption and misconduct to occur. In some cases it involves active political corruption supporting police corruption (what Maurice Punchwould call a 'rotten orchard'). [222]

2.1. Different instruments of implementation

There is a range of instruments for responding to the problem of police corruption. The three analytical levels discussed above point to the possibility of developing interventions at each level, though it is important to see the levels as linked to each other and not treat them in isolation for assessment or implementation purposes.

At each analytical level, there are a number of potential areas of anti-corruption reform.

1. *Individual:* selection, recruitment, initial training, mid-service training.

2. *Organisational:* structures of supervision, lines of responsibility, oversight, workplace culture, levels of remuneration, particular functional areas (e.g. traffic, police records, informant handling).

3. *Environmental:* political and legal structures, economic and social conditions and forces.

Each of the instruments discussed below makes its contribution to the holistic approach. Training is usually a vital component. Change management and effective communication can also play a role in building support for more effective anti-corruption measures. There will almost always be environment level questions of political will and capacity that need to be addressed if some of the individual and organisation level instruments discussed here are to be fully effective.

3 How to use these instruments in the practical implementation of this Toolkit

3.1. Assessment

In this section, 'assessment' will focus on:
- Strategic assessments
- Learning intervention assessments, in particular training need assessments.

Strategic assessments are directed at establishing an overall assessment of the problems facing an organisation, looking at the characteristics of that organisation and the environment in which it operates. Outside expertise is often required in the early reform stages to assist in assessment.[223]

Police services facing widespread corruption issues will usually have a range of organisational challenges that require assessment and the setting of new strategic directions. Assessment of the issue of corruption is most likely to arise as part of a general police strategic assessment. A broader assessment than simply the corruption issue is required. Amount of salary, for example, relates to recruitment and other work force planning issues, yet will often be linked to corruption issues.

A strategic assessment concerned with police corruption seeks to look at present levels and forms of corruption, where corruption occurs and the factors or drivers producing the corruption. It would also examine the effectiveness of current anti-corruption strategies, and look at ways of addressing the problem in light of the information produced through the assessment and the best advice and ideas for preventing or reducing the problem.

Strategic assessments typically have three main objectives.

1. To obtain a realistic appreciation of:
   a. the environment (political, economic, cultural, etc.) in which the police work
   b. the police organisation as it is presently structured to deal with issues of crime, order maintenance and matters of police integrity.

2. To identify:
   a. key areas of potential risk to integrity (organisational weaknesses) and current threats to integrity within the external environment and the police organisation
   b. resources currently available for dealing with police corruption
   c. additional resources required to tackle corruption more comprehensively and effectively.

3. To identify particular strategic interventions, including but not limited to learning interventions, useful for bringing about improvements in integrity performance.

Risk assessments are one example of strategic assessments, where the focus is upon identifying vulnerabilities within the organisation to particular risks, as well as threats to the organisation within its environment.

Learning intervention assessments refer to assessments of officer learning needs, usually based upon the identification of the need to train personnel in particular skills, attitudes and values as part of a strategic development goal such as the reduction of police corruption. Not all remedial or preventive action identified as necessary as part of an anti-corruption strategy will result directly in training outcomes. Other actions taken (e.g. introduction of new management arrangements, functional reorganisation of high risk areas within the service) will often require some kind of training to prepare personnel for the organisational changes to be introduced. Training is an important means of internal communication, as well as a skills building method. (See the discussion on communication below.)

3.1.1. Conducting a strategic assessment

An assessment exercise of this kind requires the collection of relevant data, and analysis and production of an assessment from those data.

3.1.1.1. Data collection

The scope and particular agenda for the strategic assessment will determine what data will be required. They may be related to a wide whole-of-organisation assessment, or limited to a particular area of the organisation's activities (e.g. involvement of police in corrupt practices).

It is crucial to obtain as much data as possible relating to the present operation of the area being assessed. This is important to define what problems exist and set the benchmarks for future improvement. The assessment should draw upon external as well as internal sources, and upon unofficial as well as officially generated data. These sources can be approached via the use of data collection methods such as surveys (including online surveys), focus groups and interviews to capture data relating to problems of police performance.

It can be difficult to obtain 'sensitive' data. On a topic such as police corruption, some individuals/ organisations that might be potential sources of data may be frightened to come forward. This makes it even more important for those conducting the assessment to obtain such data. It will be important to find ways of reassuring these sources so that their contributions are included in the assessment process. The collection of anonymous data will often be necessary. Anonymous free phone lines might be used, so the persons providing information will not fear exposure. Increasingly, particularly in developed countries, social network sites on the internet are being used to register information about police practices, and can thereby provide rich sources of data. This potential source should be considered even in those countries where there is only limited internet access.

The most important sources of information will be those working closest to the problem or issue being examined. Police officers are often best able to observe and comment on problems in their workplace. They are often witnesses to corrupt practices in those services in which corruption is widely practised.

It makes sense to involve employees in problem identification as well as problem solution. Getting police officers to talk frankly without fear often will present a challenge in countries where the police and political leadership are themselves implicated in corruption and will be likely to oppose change and punish whistleblowers. It may be necessary to use outside (i.e. foreign) experts, or teams of researchers from international non-governmental organisations (NGOs) or multilateral bodies (e.g. Organisation for Security and Co-operation in Europe, UN, EU), to ensure that police officers cooperating with such data collection exercises are not exposed to undue risks (see the discussion of change agents below).

Oversight agencies such as ombudsmen and anti-corruption commissions (in those countries where they exist) as well as NGOs working in areas such as human rights and conflict prevention (e.g., Amnesty International, Human Rights Watch, International Crisis Group) will often store data and produce publicly accessible reports that cast light on problematic policing performance.

3.1.1.2. Data analysis

Once a wide ranging and comprehensive data collection process has occurred, the assessor should be well placed to identify current organisational capabilities as well as shortcomings in relation to performance. In undertaking a holistic approach to assessment, the assessor will also focus upon the range of external forces, official and unofficial, which impacts upon that performance.

In analysing an area such as corruption, there should be a focus upon several issues described in the following subsections.

Nature and extent of the problem

The problem of corruption may be revealed through the study of particular cases, but from a risk management perspective, it is better analysed in terms of *hazards* or problem areas.[224] As noted earlier, organisational strategies against corruption need to target vulnerable areas of operations, rather than responding in an ad hoc manner to particular instances of corruption. The latter approach is reactive rather than intelligence led, and ultimately wasteful of resources. A better approach is to reveal such hazards through the discovery of patterns or aggregations of cases in which corruption is exposed.

It is possible to look at patterns of recorded non-compliance through official criminal, disciplinary and complaint records where they exist. Patterns can refer to where corruption seems to be occurring (geographical area, rank, functional area), as well as trends over time.

Another analytical task of a strategic assessment is to identify the drivers of non-compliance, and to assess fully the scale and character of those drivers and other factors contributing to the problem of corruption.

These can be expected to occur at any of the three levels described earlier. Various tools may be used for this purpose, including SWOT (strengths, weaknesses, opportunities, threats; see Glossary and Chapter 2) analysis, influence mapping and force field analysis (discussed below). Data drawn from different sources can help in identifying key drivers and factors contributing to current corruption levels and assessing their relative contribution. In all police services there are areas which are more prone to the development of corruption than others. Some examples are given in Box 1, immediately below.

Box 1: High risk areas of policing

- Criminal investigation and process corruption.
- Criminal investigation and handling of informers.
- Traffic patrols and opportunistic bribes.
- Watch houses and assaults and deaths in custody.
- Motor vehicle patrols and high speed pursuits.
- Special tactics squads and excessive force.
- Drug squads and on-selling drugs, shakedowns of dealers.
- Police databases and misuse of official information.[225]

Analysis also should be attentive to the consequences of particular patterns or problem areas. The harms caused as well as the ongoing risks presented by the problems identified through the assessment process need to be flagged for the purposes of devising appropriate interventions.

'Consequences' refers to operational consequences, but also to the effects upon the public standing (legitimacy) of the organisation. Legitimacy is a crucial dimension of good policing. It refers to the degree of public support for what the police do. A police services actively engaged in corruption and other forms of abuse is likely to experience high degrees of public mistrust and lack of cooperation. Strategic assessment of police corruption risks and hazards must consider the consequences of ongoing public mistrust.

In addition to public legitimacy, the focus on the harmful consequences of police corruption to others is useful in building support for reform efforts. Documenting these negative outcomes provides a foundation for bringing pressure upon the significant political forces likely to obstruct or support positive change.

Scope and effectiveness of existing anti-corruption prevention and control strategies

Analysis of the effectiveness of prevention mechanisms within the organisation can be achieved by adequate data collection. The first step is to identify what those mechanisms are. This can be done by drawing upon organisational charts, relevant laws and regulations, annual reports and other internally produced documents. Other methods such as interviews will help complete the picture where documentation is unavailable or unclear.

In examining effectiveness, annual reports of the police service itself may provide information of this kind. Other official sources such as ombudsmen reports and those of anti-corruption or oversight bodies are also

very important potential sources at this stage. It is important to include data from police officers interviewed or surveyed, and from media reports and other unofficial data sources.

Analysis of the effectiveness of current prevention and internal control mechanisms is crucial to strategic development in anti-corruption, as it provides a basis for identifying where procedures are working well (or not), and what might need to be changed or be added to strengthen those procedures (see Chapter 5 for further information).

Available reform strategies and methods

Having analysed the data in terms of risks, hazards and consequences, strategic assessments then seek to provide a direction for change and ways of moving in that direction. In an anti-corruption assessment, the broad direction for change will be pretty obvious. How to get there will often not be so clear cut.

Several things should be considered when searching for effective anti-corruption mechanisms:

- There may be anti-corruption methods already being used within the organisation that would work in other areas of the service. Extending them, suitably adapted, may be feasible. The extension of audit practices from finance to other areas of police operations is an example.
- In attempting reform in many developing and post-conflict countries, a simple adoption of 'best practice' from developed countries will often result in unaffordable and unsustainable methods being tried and failing. It is preferable to consider options that have a reasonable prospect of success given the particular circumstances of that country or setting. For example, it might be more practicable to focus on supervision practices (and devise relevant training) than to introduce a new computerised early warning system that depends upon the collation of data from different sources. In many such cases the latter would not be feasible in the short term, and probably not even in the longer term.
- Despite quite different environments and challenges, police services can still learn from each other. This is particularly true where the methods being considered are not especially expensive or difficult to implement. Improved supervision practices and the establishment of an internal informant scheme are examples here, as neither necessarily depends upon massive injections of funds or technology for its implementation.

What kind of output can be expected from the assessment process?

- The process typically results in a formal report, consisting of an account of the data collection methods used, the findings from the data analysis and a series of recommendations of what feasibly might be done to rectify or improve police performance in the area examined.
- In relation to police corruption, the analysis would be expected to identify particular points of vulnerability within the organisation, as well as the specific elements of the environment in which the police work occurs that generate concentrations of corrupt behaviour.
- The report might also make suggestions about reorganising aspects of police operations to reduce risk in current high risk areas.

Box 2: Traffic police and corruption

In a country with a particularly big problem with traffic police and corruption, it might be suggested, for example, that this work be given to another agency. If this is not politically or practically feasible, the report might recommend closer supervision of those police officers, or the abolition of traffic police as a distinct unit and their merger into general duties policing.

Reports should remain realistic about what can and should be done. They must reflect accurately upon the various forces defining the field of possible reform in any particular assessment setting, and hence the limits of what may be achieved. Recommendations should be based upon available evidence, rather than a mere hope that things might improve.

Strategic assessments should set directions and goals for organisational change, but these should be accompanied by practical, achievable steps. As studies of capacity building confirm, substantial change is not achieved overnight. Real, lasting change often requires many years or decades. To sustain momentum for change, a good strategic assessment will include recommendations for short term goals, so that the pay-offs from undertaking reform do not appear to be delayed for too long.

Example 1: Setting new directions – Serbia's vision document

Having an overall strategic blueprint of where the police service is headed, as one output of strategic assessment, can bring about significant change. During the police reform process in Serbia, such a 'blueprint' was attempted and a vision document created.

The vision document has been described as a 'frank internal perspective into the problems encountered by policing in Serbia'.[226] It was the product of fourteen different functional area work groups set up by the Ministry of Interior, each contributing a chapter to the document.

The approach taken by the Ministry has been criticised for being too 'top down'. Few 'stakeholders' were consulted during the document preparation, including rank and file police officers. The criteria for measuring success were vague. The vision document itself needed considerable further development in terms of a strategic planning process before it could be implemented.

A considerable step forward in the police reform process would be to produce a broader based version of this vision document, with greater stakeholder participation and consultation, and assistance from the international community in developing its strategic plan. The same is true for any country lacking a tradition of strategic assessment exercises in the security sector.

3.1.1.3. Who should conduct strategic assessments?

Assessors might be chosen from several categories:

- Members of the police service trained to undertake assessments.
- Ministry of Interior personnel.
- Special government task force.
- External bodies (e.g. commissions of inquiry) or expert individuals (such as consultants) with special knowledge and capability in monitoring and evaluating police services.
- Community groups and members of the public.

As a general rule, assuming the basic objectivity and capacity to undertake the task, the selection should take into account the political sensitivities of the issue. Police corruption is a sensitive issue everywhere, such that the selection of an external body or individual will often be unavoidable if there is to be general acceptance that the assessment process will be objective (i.e. not biased or loaded with preconceptions).

In many transition, post-conflict and developing countries, foreign experts or agencies may be required to act, either alone or on a joint assessment basis (as agencies such as the UN Development Programme adopt) in which national representatives work alongside international representatives with the relevant expertise to conduct such assessments.

3.1.2. Risk assessments

A risk assessment broadly resembles the steps of the strategic assessment approach, and it typically examines:

- The harmful consequences associated with particular risks arising in the organisational environment or within the organisation itself.
- The probability of those harmful consequences occurring.
- The measures that are available and practicable for reducing or eliminating the risks assessed as unacceptable by the organisation.
- The effectiveness of current measures to reduce or eliminate risks identified.

Police services face a range of actual and potential risks from corruption. Risks can be measured in financial loss, injury to personnel and other people, damage to property and reputational damage. Inevitably, the areas posing the greatest risk should be highlighted first and prioritised. Mapping the extent and severity of different risks is fundamental to prioritising what needs attention.

Police corruption also puts others at risk. A thorough police corruption risk assessment should examine risks to the police service, and risks posed by the organisation to others. Some of these risks, and the people or sections of organisations most vulnerable to them, are identified in Table 1.

A practical and holistic approach to police corruption risk assessment tends to focus on hazard areas rather than the actions of individuals. While some risks may be organisation-wide, potentially affecting all areas and

police officers, most high risks of corruption will be found in particular geographical areas, types of duties and levels of professional experience. For assessment and risk reduction purposes, these are the hazard areas which should be the major foci.

For example, in some countries traffic and border police units prey upon the public at roadblocks on a regular basis, and these interactions inevitably shape public perceptions of police integrity. Thus this would be a fruitful area in which to undertake an assessment.

A *risk assessment matrix* of some kind can be useful. It can take different forms.[227] In terms of identifying particular hazard areas and the level of associated risk, an assessment tool might seek to examine the following aspects.

In a police corruption context, the *volume of relevant transactions* often refers to the incidence of reports or formal complaints regarding a particular police station or specialised policing unit. The involvement of technology often signifies the capacity to cause serious harm (e.g. an armed police special unit), or risks associated with the ability to access police databanks. The nature of the benefit will often vary significantly, and thus one should consider its motivational strength and the temptations associated with it. The relative profitability of participation in drug trafficking, as compared to taking bribes during traffic duties, is an example of how important it is to look closely at this factor.

The three factors listed above are sensible in terms of learning from past experience in the organisation and from other relevant organisations. The state of a police service's integrity culture can be assessed by a number of means, including how complaints are handled after they have been made, the operation of internal control and supervision arrangements, and surveys of the public regarding the standing and trustworthiness of the police.

Table 1: Possible police corruption risk assessment matrix

Risk to	Source of risk	Impact from risk	Probability of risk	Severity of risk
Police organisation	Political corruption	Reputational harm; impact on police morale; liability in civil law	High	High
Police personnel	Petty corruption	Loss of public trust; ineffective policing services; liability in criminal or disciplinary actions	High	Medium

The public in police work (informers witnesses suspects)	Intimidation	Loss of cooperation	High	Serious
Victims of police corruption	Petty corruption	Loss of cooperation and trust in police	High	Medium
Community	Police brutality	Failure to provide intelligence	Medium	Medium
Government	Political corruption	Financial loss; loss of reputation	Medium	High
Private businesses	Bribery	Financial cost of doing business	Medium	Low

This is a basic matrix. The categories suggested could be expanded or modified according to need and circumstances. For example, it would be possible to expand upon the 'risk to' categories, so as to differentiate more within the police organisation.

There are different approaches to risk assessment in policing. Box 3 shows an Australian example, directed to risks associated with drug law enforcement.

Box 3: Risk assessment in drug law enforcement[228]

Desire X confidence = intent

Resources X knowledge = capability

Intent X capability = likelihood of threat

Likelihood of threat X consequences/harm = RISK

3.1.3. Learning interventions: training needs assessment

A training needs assessment (TNA) is a step that usually (though not always) occurs before any training is attempted. It allows the development of appropriate training programmes that target required areas of personnel learning and organisational change. Training undertaken without a TNA runs the risk of wasting time and resources. What TNAs involves, and ways of conducting them, are described below.

Box 4: The purpose of ethics training

'Any ethics training programme must aim to achieve two outcomes: programmes must actually enable participants' personal abilities to begin necessary change processes, and they must strengthen participants' understanding of why such reforms are necessary and possible.'[229]

Conducting a TNA, can be useful in identifying: [230]

- Organisational goals, and the organisation's effectiveness in achieving those goals
- Gaps or discrepancies between employee skills and the skills required for effective performance
- Problems that may not be solved through training
- Conditions under which the training and development activity will occur.

Conducting a TNA also provides a baseline against which the effectiveness of the training programme later can be evaluated.

Various methods can be used to gather data from different sources in order to determine needs. These include survey questionnaires, interviews, performance appraisals, observations, tests, focus groups, document reviews and advisory committees. It makes sense to gather information about areas of training need from members of the public as well as from police and other government officials and experts. For example, if it is believed that traffic police are corrupt, motorists and other road users should be approached for information.

TNAs may focus upon the organisation as a whole, on tasks or on individuals. Given the problem of systemic police corruption in many countries and the widely accepted relevance of organisational culture in explaining the persistence and seriousness of such corruption, adequate assessment should occur at the organisational level as well as looking at tasks and individuals.

Task analysis is also useful[231]. A good task analysis identifies:

- tasks that need to be performed
- conditions under which tasks are to be performed
- how often and when tasks are performed
- quality and quantity of performance required
- skills and knowledge required to perform tasks
- where and how these skills are best acquired.

Once the TNA is complete, the next step is to develop the training proposal. This proposal should make the case for training, and outline the results to be expected from training, the persons to be trained and the likely consequences if training does not occur.

3.1.3.1. Specific instruments and methods that can be useful

The methods discussed here can be useful for strategic assessment purposes and for learning interventions, particularly in the delivery of training and running of seminars. Some methods, as indicated below, play a role for both purposes.

The instruments will be described according to the following elements:

- Why (purpose).
- What (presentation of the instrument).
- How (to use it).
- Who (audience).
- When (to refer to this instrument).
- Where (in which context is the instrument best used).[232]

3.1.3.2. Strategic assessments

A range of instruments is considered in this section. Each instrument offers ways of examining police corruption in a particular context. In most cases they provide a way of looking at the problem at different levels, and of linking the immediate problem to broader organisational and environmental factors. An effective anti-corruption strategy can only emerge if *all* relevant factors contributing to the present problem are identified and their significance properly evaluated.

SWOT analysis

This is a strategic planning tool. As its name indicates, it is intended to be used for the identification of strengths, weaknesses, opportunities and threats in particular organisations or settings. Strengths and weaknesses are features of the organisation under consideration, while opportunities and threats are features of the environment. This activity is typically conducted using a blackboard or large sheets of paper where a seminar leader notes the thoughts and contributions from participants under each of the four headings. For more on SWOT, see Glossary and Chapter 2.

Gap analysis

This exercise is another kind of strategic assessment and development instrument, in some ways resembling the SWOT tool. Participants are invited to reflect upon their own organisation and country, identify current gaps and problem areas related to a particular issue and propose particular solutions for meeting those gaps and addressing those problems. In the context of anti-corruption, persons from different parts of the organisation could reflect upon and discuss the issue of corruption vulnerabilities within their organisation, and share their suggested ways in which those gaps might be filled (through greater auditing, more supervision, etc.).

One method that can be used in this approach is to develop and fill in a three column chart, with the three headings shown in Table 2. [233]

Table 2: Example of an approach to gap analysis

Threats	Examples of response to threats	Gaps
Corrupt political leaders	Support for prosecution of main offenders	Prosecutors not skilled, not supported in bringing corruption prosecutions
Police culture hostile to reporting corrupt activities by police	Create new offence of failing to report corrupt activities	Government unlikely to support legislative reform of this kind
Organised crime groups have influence over police chiefs	Establish special unit within Ministry of Justice to target organised crime	Ministry of Justice lacks appropriate personnel for investigating organised crime

Force field analysis

This technique examines the forces that explain group behaviour, and is a method associated with *change management* (see below). It is particularly suited to the *unfreezing* and *moving* steps in Lewin's three step model.[234] It is a strategic assessment tool with potential application to the development of anti-corruption strategies in policing. With this method, present behaviour can be understood in terms of two sets of forces: one set opposing or resisting change, the other set driving, prompting or supporting change. These forces can be individuals, groups and organisations. The goal is to identify, plot and determine the strength of these forces to assess why it is that individuals, groups and organisations act the way they do, but also to work out which forces would need to be removed, neutralised or strengthened in order to effect change in behaviour. The strength of forces might be located in their numbers, their political influence, their popular support base, their capacity to intimidate or buy influence, or their resource levels. As in the example discussed below (*influence mapping*), this exercise should aim to produce a map (*force field diagram*) of the various forces identified in the setting under analysis. Once the forces have been mapped, the group conducting the exercise can consider what actions are needed to overcome the forces opposed to desired change, and what supports and resources are needed to achieve change. This might lead, for example, to publicity campaigns directed to awareness raising and building citizen coalitions, or to direct lobbying of members of the government.

The utility of force field analysis to the police is suggested by the well established empirical record of active opposition to and covert undermining of anti-corruption reform efforts. This opposition can come from different quarters of the community, the government and the police force itself. Knowing who can, is or is likely to assist or obstruct the desired change is critical to organisational change.

Influence mapping

This exercise examines the web or network of persons and other entities that have an influence over activities and accomplishments. An influence map is a visual model that requires the identification of those

who exercise influence, the relationships that exist among the different stakeholders identified and the amount and direction of influence exercised over activities and decisions. It requires the identification of all influences, not just the formally recognised ones.

It is only by identifying all the relevant players in a particular issue that one begins to develop feasible strategies for reducing police corruption. Another value of this method is that it captures the strength of influence at any one particular time. As influence can change over time, influence maps can be repeated later as a means of charting those changes and assessing the impact of organisational reforms produced and implemented since the first influence map was prepared to identify particular problems.

3.1.3.3. Learning interventions

Learning is not the same thing as training. Organisations and individuals can learn without undergoing a formal course of training, for example through experience or self-instruction and examination. Training, however, is a common response in tackling police corruption. The discussion below examines the different methods available for training.

Lectures

The lecture is the most common traditional training tool. Its strength is the economic delivery of information to large groups of trainees. Lectures tend to be one way (speaker to group) deliveries of information by a qualified or experienced person. Depending on how they are structured, there can often be only limited opportunity for class discussion and interaction. They are, still, convenient ways of providing basic or advanced information to groups of police officers undergoing education or training. The lecture is a good way to begin education or training on a particular theme. It can usefully set the scene for subsequent discussions, by putting current problems into context. Lectures are best accompanied or followed by one or more of the other methods below.

Focus group discussions

These are group discussions centred upon a particular question or set of questions. They can be used for training purposes as well as strategic planning. Focus groups have a facilitator, who introduces the question and leads the interactive discussion that follows. In this sense, they are structured exercises that follow a defined agenda. They are interactive in nature, allowing all members of the group to make a contribution to the discussion. Active learning of this kind is more likely to lead to knowledge retention by students. Focus group discussions can be useful in bringing out different perspectives within the group.

Plenary panels

Plenary panels are composed of a number of experts on a particular issue, or a range of persons reflecting different perspectives on a problem. They are particularly useful in presenting different perspectives, thus setting the scene for other themes for further discussion in seminars and workshops. They are suited to large audience environments, so can be offered to large class groups of fifty, one hundred or even more. The

workshop or set of classes can be concluded with a plenary panel, as it enables general observations to be raised. Ideally, participants should have the chance to address questions to panel members before the conclusion of the workshop.

Poster presentations

This refers to a graphic display (poster) or PowerPoint presentation of material chosen and organised visually by workshop participants. The main role of poster presentations, therefore, is related to the topic of training.

Case studies

Case study presentation is a commonly used method in adult learning and education. A key strength is that case studies are based on real life examples of the issues in action. The details of cases are sometimes notorious and well known among the students, enabling them to bring their own knowledge to the group discussion and exchange views and information. Students see case studies as relevant to their working situations because they are based on real cases, making them an engaging teaching tool.

Box 5: Limits of traditional training programmes
Training programmes are useful for imparting the rules and procedures required for skills and knowledge, but it is not necessarily the case that trainees are taught to make better judgements or decisions.[235]

Role play

Role play engages students in enacting lifelike scenarios in which they play a role as a participant (police officer, defendant, victim) or observer (witness, bystander). The roles are assigned to students, who are expected to perform their assigned role without prior preparation. Other members of the class serve as the audience for the play enactment. Role plays are widely used to generate general group discussion after the enactment.

Example 2: Cross-cultural police training in the Philippines
A recent study of cross-cultural police training in the Philippines points to the value of getting police officers to assume the role of non-police actors, so as to gain new perspectives on situations and challenge long established police conceptions of their role and ways of doing police work.[236]

Simulations

Simulations are similar to role play and offer many of the same benefits (skills development and attitude change). The difference in the simulation is that greater effort is put into simulating the actual conditions of real life examples of the problem being addressed. In other words, they are more 'lifelike' than role play. For

example, a student may be confronted with a real superior officer, or an actual member of the public, in a simulation exercise in which the offering of a bribe to a police officer is the dilemma being examined. Experts can play an advisory role in developing the simulations and providing feedback on the participants' contributions. The more 'lifelike' character makes the learning experience potentially more intense and long lasting. Simulations require more effort to organise and run, compared to other change instruments.

Tactical decision games/scenario based training[237]

This is a form of highly realistic simulation that has a particular focus on the psychological environment in which officers work.

Such an approach has evolved largely in response to the need to train personnel in critical incident responses. It focuses on non-technical skills of judgement and decision making, and looks to recreate stressful situations in which officers will be expected to make decisions about what to do. It also enables the development of staff members' mastery of their work through the practice opportunities provided as well as feedback on the exercise.

There are six stages in the tactical decision games/scenario based training approach:

1. *Definition of purpose*. What is the main focus of the exercise, and what are the key roles to be involved?
2. *Choice of dilemmas*. Choose a critical situation, including location, severity, stage of the incident and the resources available. Ensure that there are several possible solutions to the dilemma and that non-technical skills can be practised in this setting.
3. *Input from subject matter experts*. Include information on situational factors, relevant technical information and possible scenario development trajectories for the dilemma selected.
4. *Development of scenario background*. This should draw upon the inputs mentioned above, but include ambiguous or misleading information. It should also omit some relevant information.
5. *Preparation of script, including materials and visualisation*. The scenario should be prepared in story form. There should be a clear indication of what the participants in the exercise are expected to do: for example, provide a briefing to others, or give an account of the decision making process and the actions taken.
6. *Identify performance criteria*. A scheme of appropriate actions needs to be devised, so that particular behaviours demonstrated can be classified as appropriate or inappropriate. The scheme should focus on the display of particular skills, rather than a conception of 'the right answer'.

Brainstorming[238]

The goal is to generate a large number of different and even challenging ideas on a theme or subject in a very quick timeframe. This technique is useful for challenging 'groupthink' and provoking participants to consider new ideas that they have not previously encountered either in past training or in their work environments.

As well as encouraging groups to generate new ideas on particular problems or issues, it also permits them to organise the ideas generated into themes and discuss issues arising from the themes.

Participants should be treated equally, and differentiations of rank should not influence the process or the emergence of ideas. Criticism of others' contributions should be avoided, so as not to stifle new and often provocative and challenging perspectives. Generating new ways of thinking about issues and finding new ways of considering and tackling problems are the key successful outcomes in this exercise.

The activity normally requires a facilitator who ensures that everyone has a fair chance to contribute, and someone who can record the contributions in writing or by other means. This means that the group has a permanent record of its deliberations. A limited time (ten to fifteen minutes) should be set for this exercise. In addition to the facilitator, a person from a different background to the other participants is often a useful inclusion in brainstorming groups, as that person can bring a fresh, outsider point of view to the discussion. Brainstorming groups should not be so large as to limit participants' opportunities to contribute (maximum of ten to fifteen participants). At the end of the idea generation phase, ideas should be reviewed by the group and organised into themes, using whiteboards or large posters to present the ideas under thematic headings. At the conclusion of the initial idea generation phase, a representative of each group presents the results of their group's brainstorming efforts to the larger group.

3.1.4. Seminars

This section addresses different elements to be considered when preparing, conducting and evaluating a seminar.

3.1.4.1. Purposes of a seminar

Seminars provide a learning and training platform that can play a vital role at different stages in the development of anti-corruption strategies and interventions. They can be used for strategic planning purposes, as well as for interventions in the form of training. The stages discussed here are drawn from *change management* (discussed below), in particular Lewin's three step analysis: *unfreezing*, *moving* and *refreezing*.

At the beginning (*unfreezing*), seminars can play a role in soliciting the views of organisational members and external stakeholders about needed and desirable organisational change, helping to build consensus about the key strategic directions to be adopted and the operative values of the organisation for the future. This can be done through activities such as brainstorming and focus groups.

Lectures are an important component of the seminar agenda. They can be used to give information to organisational members and stakeholders regarding the present position in which the organisation finds itself, and the various options that might be pursued to bring about change. The lecture provides fundamental information to subsequent group based SWOT exercises directed at strategic planning.

At the second step (*moving*), seminars can be used for developing approaches and instruments for implementing change, such as designing structures and processes to support the reform goals established in the first phase. Seminars can play a vital role in moving organisational members and groups, as well as their stakeholders, in the direction of positive reform. Strategic forums, task forces, focus groups and discussion panels can adopt the seminar format in undertaking these tasks.

Seminars can also be used after the development of strategy or at the completion of an intervention, to clarify or reinforce messages developed or delivered at earlier stages (*refreezing*), and for the purpose of obtaining feedback on earlier sessions.

3.1.4.2. Who should attend seminars on police corruption?

This is an important preliminary question for planning purposes. It is difficult to decide upon appropriate content and delivery methods without a clear idea of the audience, Experience shows those who attend seminars and training courses are selected because they want to go (perhaps not always for the right reasons), or because the sponsor of the seminar or training programme has created a certain number of places on the course and wants to fill that number. It is important to identify the training needs of particular units or sections of the police service, and target the audience for training.

Attendants should be selected according to:

- what the seminar can bring to them in their area of work or expertise
- what the organisation will get from them when they return; this means that individuals sent to seminars should be in a position to disseminate within the organisation what they have been taught.

3.1.4.3. Planning a seminar

The objectives for a seminar should be clear and should direct the seminar planning phase. These objectives will normally emerge from the determination of particular strategic or training needs, following the assessment process described above.

Elements of training typically seek to bring about change in one or more of three domains.[239]

1. 'Head' – cognitive (knowledge).
2. 'Hand' – psychomotor (skills).
3. 'Heart' – affective (attitudes).

There should be components of the seminar that provide information and allow an opportunity for conceptualising experience in terms of material (*knowledge*), opportunity for participation and the practice of new skills (*skills*) and reflection upon what is learned (*knowledge*, *attitudes*). Reflecting this balance, a range of instruction methods should be used to achieve these ends. Adult learners require more than straight lectures to keep them engaged and to obtain benefits from education and training.
Planning should take account of the following elements:

- *Context analysis*. What is the need that the training is attempting to meet; who will decide whether the training is provided; what other training has the group had?
- *User analysis*. Who are the potential participants; what skills do they currently possess; what limits of time and resources apply to training this group?

- *Content analysis*. What material is relevant to training; what current information do participants have; what extra information or skills are needed; what learning styles are relevant to the group?
- *Training suitability analysis*. How does the proposed training link to gaps identified in organisational performance; will the return from training exceed the costs of providing it; are there sufficient resources available to conduct the training?
- *Setting objectives*. What will the learner outcomes from the training be; what will the trainer do during the seminar?
- *Monitoring and evaluation*. How will this be done; will it be done during as well as after training?[240]

3.1.4.4. Conduct of seminars

A number of points about how to run seminars are generally applicable across the various training options discussed above.

First of all, they should be held in environments that are comfortable and conducive to the training objectives. They should be supplied adequately with teaching and training materials, and have spaces for small group work as well as large lectures. Where particular technical skills are involved, specialised facilities for such training should be provided conveniently (usually on the same site) in addition to general seminar facilities.

As adult learners, participants should be treated in a collegial manner, and valued for their practical experience and past professional training. Valuing the participants' expertise and experience is important to improved training outcomes. While trainers and lecturers bring their own expertise, they should be respectful of what the participants bring to the seminar.

At the beginning of any training seminar, the particular objectives of the training should be made clear to participants. This understanding can often be strengthened by the prior circulation of seminar agendas and some preliminary reading that participants should complete before the seminar commences.

It is a common mistake to provide too much information in education and training delivery. Often the important points are relatively few, and warrant repetition and clarification. It is preferable to concentrate on addressing a limited number of key points in any presentation or teaching exercise rather than to try to convey more than participants can reasonably digest.

There should be adequate rest and refreshment breaks throughout the seminar schedule. Providing time for informal discussion in addition to formally scheduled sessions can allow for peer-peer learning, and will introduce group questions into the next training session. In effect, informal discussion allows a participant feedback mechanism, as well as an opportunity for lecturers and trainers to clarify issues and answer questions arising from earlier sessions.

The use of visual aids, including charts, posters, diagrams, photos and video materials, offers variety in the seminar environment, and can be used to generate discussion and summarise key ideas. A common mistake with posters and tools such as PowerPoint slides is to put too much material (quotations that are too long, detailed diagrams) into them. It is better to use PowerPoint slides to make key points succinctly.

The delivery of seminars should always reflect the specificity of the particular participants involved. The choice of examples, problems etc. should ideally fit with the environments in which participants usually work and the tasks that arise from their work in those environments. Seminar participants will usually be interested in 'what is in this for me?', and being responsive to this question through the selection of content and methods in seminars is more likely to lead to maintained interest and the achievement of the education and training outcomes set at the planning stage.

Showing the connection between the training being provided and organisational goals and strategies also contributes to the seriousness with which training will be treated by participants.

Efforts should be made to sensitise participants to the values behind the behaviours being introduced, so as to deepen their commitment to the appropriateness and relevance of these behaviours in their working lives. Thus, for example, police officers might be asked to role play a vulnerable person asked by a corrupt officer for a bribe or sexual favour, or a mother of a young man who has recently died in police custody.

There should be time at the end of the training seminar for a 'wrap-up session' in which the trainers can point to the connections between the material presented and the objectives that were set for the seminar in advance. These sessions can also provide a last opportunity for participants to raise any questions or concerns arising from the training.

Box 6: Nine ways to instruct trainees

- Gain the attention of the trainees.
- Inform trainees of goals/objectives.
- Review prior knowledge of trainees.
- Present the material.
- Provide guidance for learning.
- Elicit performance (practice).
- Provide informative feedback.
- Assess performance.
- Enhance retention and transfer of information.[241]

3.1.4.5. Evaluation of seminars and follow-up

It is not unusual to carry out pre-training as well as post-training evaluation exercises. Pre-training evaluations allow the trainer to get a good measure of the participants' current skill levels and educational needs, and thus tailor the content and delivery of material accordingly. Post-training evaluations are designed to elicit feedback from the training course, and this can guide revisions to the course in the future to avoid or overcome difficulties identified by the feedback.

Questionnaires are commonly used in assessing training courses, and time should be scheduled within the seminar agenda to allow participants to complete these. Low rates of return of questionnaires can be

expected if participants are allowed to take the forms home with them after the training has finished. Another method is to hold evaluation discussions with a sample of the students. This can provide qualitative and more reflective feedback not obtained through the questionnaire method. Topics covered in post-training evaluation exercises include the amount of content covered, the level of content, the appropriateness of the methods of delivery (timing, speed, chance for participation), the provision of feedback to participants (did it occur; was there enough provided; was it helpful?) and comments on the venue (accommodation, catering etc.).

Completion of the feedback questionnaires will not be the conclusion of a properly designed training programme. Follow-up sessions may be planned, designed to build upon the training provided in this first stage. The transfer and maintenance of new skills and attitudes will often require follow-up assessments of how and whether participants are putting those skills and attitudes into practice. This will often be combined with the provision of further training to reinforce the achievements of the earlier sessions.

3.1.4.6. Example – risk assessment seminar

The following is a simple outline of what a risk assessment seminar might look like. Chapter 3 also contains a model of a seminar devoted to assessing the organisational vulnerabilities of a police service in the field of corruption.

In many countries, police corruption has been associated with improper relationships between police officers and members of criminal organisations and groups. The police leadership in the country of Kleptonia is concerned about the risks involved. It decides to organise a seminar on this topic, with a view to identifying the extent and nature of the risks involved in improper associations of this kind; raising police officer awareness of the harms associated with these corrupt practices; and developing organisational strategies for reducing this corruption. The ultimate goal is to contribute to the strategic aim of greater police integrity in this area.

Planning begins. A seminar in three phases is mapped out. In order to show the risks from this practice, a number of case studies from prior experience are drawn up. Senior police trainers prepare to present these case studies to the audience. An expert in the field of police corruption from a university or anti-corruption agency in another country is enlisted to provide an overview of the harms that can arise from police corruption. These include not only the legal and disciplinary measures that might be taken against officers, but a more comprehensive range of harms, including those against persons outside the police service. A presenter from outside the service is selected to show the impacts upon others; she works for a NGO that focuses upon the problem of impunity of state officials for disappearances and other serious abuses. Another presenter is appointed to introduce the idea of risk assessment and familiarise the seminar audience with the approach. A risk assessment matrix is developed for the group, which will be open to them for comment and revision during the seminar and will become a tool for later phases in the seminar.

In the second phase, the seminar plan indicates a move from large group presentations to small group work. A range of methods is planned at this stage, including small group work, poster sessions and role plays, based (again) on actual past cases or scenarios, realistic in nature, constructed by experienced police trainers.

This phase seeks to contribute to raising awareness of the extent and nature of the problem; identify ways of reducing the incidence of, and harm from, this form of corruption; and use particular forms of training exercises (e.g. role plays) in which participants can practise techniques for resisting and responding to these improper relationships.

The audience selected for this workshop are police from large urban stations in cities where close links between police and members of criminal groups have been identified. The seminar is held in a church seminary building, away from police stations and other government buildings. The idea is to establish a neutral ground where different people feel free to speak and divergent points of view can be safely shared. The small groups are facilitated by persons outside the police service, so that rank does not affect the dialogue. Groups engage in poster sessions to elicit personal experiences around the seminar theme. They are also given risk matrices to frame group discussion around areas of risk and their relative probability and harmfulness. Role playing exercises are used to get participants to recognise how these risks can arise in everyday police work, and how they can respond with integrity to challenges of this kind. Senior police coaches observe and comment on these role plays at their completion, to assist in the lesson drawing and training objectives set for the seminar.

In the final stage, the seminar audience as a whole review the risk assessment matrix and a facilitator draws some conclusions about relative risks, as well as key lessons from previous discussion and group work about measures for risk reduction and promotion of greater integrity. Participants are surveyed about the usefulness of the seminar, in terms of both their knowledge and awareness and the development of useful techniques for managing risk. Participants are told they will reconvene as a group in three months to review how the seminar has changed their approach to their work, if at all, and what else might be necessary to realise the goals of the seminar.

3.1.5. Communication

Effective communication is a fundamental part of good policing. It is essential to sound police practice as well as to the standing of the police with the wider community. Sending and receiving clear messages are the two sides of effective communication. Communication occurs within the police organisation (*internal communication*), and among police, the public and other agencies (*external communication*). Each requires the ability to listen carefully and speak clearly. Effective communication of both kinds is vital to an effective anti-corruption strategy.

3.1.5.1. Internal communication

From an organisational and operational point of view, police must be able to communicate effectively with each other, across ranks, down the ranks and up the ranks. Communication in part relates to effective operational policing, ensuring that the right policies are implemented in the right ways. Communication is therefore important in controlling what police do, and ensuring that different elements of the police cooperate with each other in ways that result in operations that are effective, efficient and accountable.

Communication within organisations can occur in several ways:

- Informal face-to-face meetings, encounters.
- Formal speeches and statements (ceremonies, briefing sessions).
- Official documents, such as strategic plans, mission statements, annual reports.
- Administrative circulars (hard copy and electronic).
- Induction programmes.
- Training programmes.
- Press releases and media statements.
- Organisational websites, social networking sites.

Some of these measures also have a role in communicating with the public about corruption or other policing issues.

Police services must be able to receive communications from their own members, whether the communications are complimentary or critical in character. Organisations generally have not accepted internal criticism very well, and the record of mistreatment of police 'whistleblowers' in many Western countries is a long and dishonourable one in the history of policing. Finding ways of protecting and rewarding genuine whistleblowers remains an important challenge for all police services truly committed to two way communication and organisational learning.

Box 7: Internal control mechanisms and communication

Demonstrations of the effectiveness of the police's own internal control mechanisms (disciplinary, administrative) will assist in communicating the message that the organisation is opposed to corruption and credible in the eyes of the public. A pattern of police failure to take effective action against officers who are the subject of credible complaints regarding misconduct will undermine public faith in the organisation's message that it is strongly opposed to such behaviour. In matters of corruption and integrity, police services cannot rely upon 'talking the talk'; they also have to show their audience that they are 'walking the walk'.

3.1.5.2. External communication

To assist the goal of police integrity, communication with the public needs to be open to criticism and negative feedback. Identifying areas of organisational risk within policing will often occur as a result of public communication with the police or another agency regarding an incident in a particular area of police operations.

Having organisational systems in place for receiving negative messages and dealing with them constructively is important in terms of channelling relevant information on police performance as well as providing reassurance to the public. Complaint and anti-corruption *telephone hotlines* are one method by which police can receive information, even anonymously, from people reluctant to come forward to make a formal complaint. These are often useful in countries where, historically, the police have not been open or responsive to public complaints,

and people, therefore, have feared making public their complaints about corrupt or abusive policing. In these environments, new *external oversight agencies* can also play a valuable role in strengthening the police's listening capacity to complaints from members of the public (see Chapter 6).

On the contrary, police also need to be effective communicators of their public opposition to corruption and misconduct by police officers, by sending a clear message that such behaviour is unacceptable and contrary to the organisation's values.

3.1.5.3. Communicating an anti-corruption strategy

A police service could effectively communicate its position on corruption through the following elements of an anti-corruption strategy.

- Have an organisational plan and strategy and make it accessible to all members, the media and the public.
- Undertake induction and regular in-service training for all police officers to make them aware of the organisational strategy and the way it has been implemented within the service. They should be made aware not just of the applicable standards and the procedures put in place to enforce them, but also of the positive support within the organisation for police who come forward to report misconduct and corruption.
- Publicise the outcomes of internal processes in relation to allegations of police corruption within the organisation and publicly.
- Establish and publicise procedures for internal informants (whistleblowers) that ensure those who report in good faith suffer no prejudice through reporting wrongful conduct by police officers. Other steps should be taken to support behaviour of this kind, including rewarding officers who report cases or patterns of serious corruption and other forms of misconduct.
- Establish and/or support and publicise procedures for members of the public to make reports on police corruption and other forms of misconduct, ensuring that those making the reports in good faith are protected in relation to their actions. They should also be informed of the outcomes of investigations and disciplinary actions.
- Have a regular audit or put in place an oversight arrangement that ensures these elements of a police communication strategy on corruption are working effectively.

Effective communication is also critical to effective training and education in this area. This topic has largely been dealt with in the section on seminars above.

3.1.5.4. Sending the right signals

Communication is more than a matter of using words; it can also occur through images, gestures and actions. Film footage, for example of a police officer accepting a bribe, if broadcast publicly communicates a message about the officer, and indeed about the police organisation for which he or she works. Another important measure of a police service's commitment to anti-corruption is the willingness of its leaders to

take tough decisions on ethical and corruption matters publicly. The public and rank and file officers will judge police often by what they see police commanders saying and doing in response to allegations and proven instances of bad police behaviour. There is a need for 'conspicuously ethical leadership'.[242] A police leader who publicly supports a genuine police whistleblower, in part by ensuring that his or her career does not suffer as a consequence of reporting police misconduct, sends an important anti-corruption message to the public and other officers, and would be an example of conspicuously ethical leadership.

3.1.6. Change management

Change management is a method or technique for undertaking significant organisational reform, in particular by clearly planning for the implementation and monitoring progress made along the way. This section examines this method in some detail, and suggests ways in which a police service might undertake anti-corruption reform itself, using change management tools. (Further discussions on this topic are found in Chapter 8 in relation to the enhancement of anti-corruption police capabilities.)

3.1.6.1. What is change management?

Change management is concerned with planning for and implementation of change within organisational contexts. Lewin's[243] three step model is one early but still influential approach in this area. According to Lewin, successful organisational change involves three steps.

Step 1 – Unfreezing

Old behaviours need to be 'unlearned' before change is possible. Lewin recognised that getting people to cast aside old ways of thinking about and doing things is easier said than done. Resistance to change can be caused by loss of security and a reduction in the employee's sense of autonomy and self-control.[244]

Box 8: Unfreezing old behaviours

In order to get people to 'unfreeze', there needs to be recognition that the present state of affairs is no longer valid or acceptable; a feeling of guilt or anxiety within those undergoing change about the present state of affairs; and the creation for those organisational members of a sense of psychological safety about leaving the past behind and embracing change.[245] As noted below, in many instances a crisis or scandal will precipitate the 'unfreezing' required for change to begin. Otherwise, or in addition, a convincing narrative that combines the three elements is required. A focus on the harmfulness of past or present practices and the improvement in working conditions if things change for the better lies at the heart of any narrative that will promote change. (See Box 9 on defining a moral order for change.)

Step 2 – Moving

One way of getting people to change positions lies in an exploration of possibilities and the adoption of a trial and error approach. Studying the environment in which change is being attempted includes recognition of the various forces at work, and enables the selection of options for change that are more likely to be effective. In this way options emerge that have the support of the personnel involved in the change. Movement is more likely if the directions proposed have rank and file support. Achieving some 'quick wins' in terms of early steps taken (e.g. ensuring that police salaries are paid on time) can help build confidence in the reform process and ensure forward movement overall.

Step 3 – Refreezing

The goal now is to stabilise the group or organisation so that the new behaviours achieved through moving are securely in place for the time being, and the chances of reversion to the old ways are minimised. Securing change depends upon some degree of congruence between the changes sought and the rest of the behaviour, personality and environment of an individual member (officer or employee). If the 'barrel' remains 'rotten', in other words, 'apples' cannot be expected to remain 'fresh'.

Without a transformation in group norms and routines, changes at the level of individual behaviour are unlikely to be sustained.[246] This observation fits well with recent analyses of police organisational change which draw attention to the need to change police culture as part of any anti-corruption strategy (see Chapter 2 on this topic).[247] Persuading members of groups to move their position and support new commitments to more ethical policing is more likely to lead to sustainable change. A conference model is suggested below that would enable the kind of group work seen as essential by Lewin.

3.1.6.2. Change agents

Change agents are 'the people responsible for directing, organising and facilitating change in organisations'.[248] Under Lewin's model, the change agent is a facilitator. There can be more than one change agent; they can play a range of different roles, and be involved in any of Lewin's three steps. They may be insiders or outsiders, but should be credible in the eyes of those they are asked to work with. Given the resistance typically associated with major organisational change, there will often be an advantage in using an external champion to lead key elements of the reform programme. This will deflect much of the hostility away from members of the police service who are also involved in organisational change.

As noted above, courageous police leadership also has a critical role in achieving successful and lasting change. Successful organisational change depends upon there being one or more *change champions* or *change leaders*. These are key individuals who serve as change agents by being publicly associated with the change, acting as persuasive and influential advocates among other organisational members who are confronting the prospect.

3.1.6.3. Change and politics

Police reform is always political. The active and visible support of relevant political leaders, as well as of key police managers, is crucial to the change process.[249] If there is a lack of political will, it may need to be found through motivating the public to demand change in their police. Political leaders need to see that there is popular endorsement for improved policing.

3.1.6.4. Reinforcing and institutionalising change

Old habits and patterns may re-emerge without ways of entrenching the new practices. Several steps should be taken to ensure that change is not temporary. One step is to provide ongoing communication of the successful changes achieved during the reform process. This helps to keep members of the police service informed about the benefits of the change process.

Reinforcement implies rewards for new behaviours as well as actively incorporating these behaviours into the day-to-day operations of the organisation.[250] Performance review and promotion systems should incorporate these principles. Finding appropriate reward structures may not be straightforward, as personnel perceptions may change over time regarding the value of particular rewards, which will differ in terms of their attractiveness among members.

Another way of entrenching change is to develop a narrative for the police service that links corruption reduction to the histories, traditions and new strategic objectives set for the service.

Box 9: Defining a moral order for change

Sometimes resistance to change in police organisations may not reflect individual anxiety related to cynical self-interest, but rather a shared commitment among employees to the old 'moral order' of the organisation: the accepted and shared way of doing things among members of the police service, managers and employees alike. When this is the case, it has been suggested that 'an important change management aspect is to provide a new setting and a desired state which enables the creation of a new moral order in which people in the organization can project meaning'.[251]

A moral order is important to organisational stability, operational consistency and compliance with particular values, principles and rules. These are important elements in any anti-corruption strategy. As part of effective change management in anti-corruption, promoting a new moral order consistent with a rejection of corruption is thus important.

Finding the right change agents for this purpose and ensuring conspicuously ethical leadership from the police command level are crucial to the success of this strategy. Engaging the rank and file in the strategic assessment phase, and in planning for implementation, is also important in terms of shaping and inculcating the new moral order.

3.1.6.5. Checklist for effective change management

- Find a powerful reason to justify significant change.
  - A narrative for changing the old moral order within the police organisation is required. This might also be considered a vision statement. It does not go into as much detail as a strategic planning document (see next step).
  - Members of the organisation must be persuaded that things need to be changed for their own sakes as well as for the sake of members of the public.

- Identify the concrete steps needed to implement the new narrative.
  - This will first require a detailed consideration of the areas in which change is needed, and the ways in which the changes can be brought about. A strategic planning exercise, including a risk analysis, will be useful in this regard.
  - Once these have been done, it will be easier to decide upon the steps to be taken to implement the changes identified as necessary to reduce corruption and improve integrity.
  - Part of the task at this point is to identify the resources (financial, physical) and support (political, community) necessary to implement the change phase. A clear list of organisational change objectives should be drawn up, and the means for achieving each of them identified. Finding and selecting change agents for the change process should take place at this point.

- Begin particular projects at the institutional and operational levels that implement key objectives of the change process.
  - Project teams should be established and given projects that target particular areas of high risk, as identified through risk analysis. Some 'quick wins' in terms of early positive changes are widely viewed as essential to keep the reform process on track.

Box 10: Recruitment and selection of personnel

Recruitment and selection of personnel typically require urgent attention early in the police reform process. In police services where there is evidence of substantial corruption or misconduct, a vetting procedure for past police employees seeking to continue in their jobs should be undertaken. Giving police officers who cooperate with, and pass, the vetting system a bonus or pay raise helps to reinforce the importance of change and ensure greater rank and file cooperation. Changes to the curriculum in police training academies and ensuring systems for regular payment of officers are important projects in many police services requiring reform that might also provide early encouragement, and help convince sceptics that the reform process is worthwhile.

- Take active steps to 'solidify' the new reforms.
  - Institutional procedures need to reinforce the changes introduced by rewarding new practices and punishing old ones. *Internal audit and other control systems* (see Chapter 5) should focus upon the new reform agenda and, by monitoring compliance and taking action where there is non-compliance, play their role in keeping the reforms on track. On the job training and professional development programmes need to reinforce the new agenda.

- Good mentoring and supervision arrangements are essential to ensuring that changes in personnel behaviour become entrenched and are sustainable.
- External scrutiny and oversight can play a vital role in monitoring progress towards change and improvement. *External control arrangements* (see Chapter 7) will need to reflect the new reform agenda. Free and critical media, as well as an informed and active public, should also be encouraged, so as to ensure that there is feedback to the police about their practices. Where police practices revert to the 'old ways', there need to be mechanisms in place whereby these reversions can be reported and the police can take action to put things back on track.

● Create an independent means of monitoring progress in reform and reporting shortcomings and problems in the reform process.

● Governments must be responsible for the broader reform environment.
  - Police reform should be part of broader governmental and bureaucratic reforms. While not the only part of government to be critical to the success of police reform, the Ministry of Interior must be part of the reform process given its critical responsibility in many countries for policing policy and administrative support. Police reform can only succeed and be sustainable if there is positive change in the wider environment. If political leaders continue to act corruptly, for example, there is little reason or incentive in that context for police officers to act with integrity.

4 ▪ Practical implementation in specific contexts

Reforms do not take place in a vacuum. Every reform exercise takes place in particular national and organisational contexts. These are, and should be, significant considerations when it comes to choosing a particular anti-corruption strategy (see Girodo, below).[253] Past experience in transition and post-conflict societies confirms 'there is often no serious attempt to modify course materials and course methodology to ensure that local culture is respected and adopted', and often 'there is no coordinated plan to ensure (appropriate and relevant) cooperation in the development and delivery of training'.[254] This is a frequent mistake by foreign aid agencies, which too often promote a 'one-size-fits-all' approach to police training. Training materials and methods therefore need to reflect local conditions and priorities, as well as being consistent with strategic objectives set for the organisation.

This means that training needs to reflect particular social challenges (including illiteracy) if there is to be progress in anti-corruption. Thus, for example, if the previous history of policing has been that one ethnic or social group has dominated the police service, and members of other groups have felt victimised and exploited by police, then training (and other) strategies will need to deal with these tensions and reflect the implications for the theme of police corruption. Devising methods for reducing corruption must necessarily reflect these past tensions and come up with strategies for minimising their impact upon the proper conduct of police duties.[255] Ensuring that no single ethnic group dominates key positions within the police organisation and that positions are awarded on merit rather than kinship or nepotism is an important step in this direction.

Strong incentives for continued police corruption will remain in places where broader structural incentives remain (e.g. opium cultivation in Afghanistan; smuggling opportunities along border zones in transition states). These incentives need to be dismantled as a precondition for effective training and change management. Social and economic development opportunities also have a vital role to play in removing opportunities and temptations for continuance of police corruption.

Given that the momentum for change from within local police and the government itself will often be slow, weak or even non-existent, building support for change within *civil society* is particularly important, especially in

transition and post-conflict states, if there is to be a political climate favourable to anti-corruption reform (see Chapter 1 on this topic). Those who have experienced the negative side of police corruption should be assisted to generate political pressure for change. While persuading them of the harmfulness may not be difficult, motivating them to campaign publicly for and provide support to anti-corruption measures will be more challenging. They will often feel intimidated and fearful, or even just unsure about what to do to support changes of this kind.[256]

Improving policing services will thus often require educating and supporting the public as well as providing training to members of the police. This includes raising awareness of the nature of the problem, providing support for the formation and operation of grassroots community groups and supporting institutional and process reforms that address anti-corruption and encourage members of the public to report instances of corruption.

Many political elites in countries pursuing police reform will not be wholeheartedly committed to the process, given that they will often have vested interests in the old ways. Building support for change among international donors will be necessary where there is little or no local political interest or capacity. International donor organisations often provide support for these activities. In Indonesia, for example, donors have supported the public run Police Watch organisation, which educates and organises people on corruption issues and campaigns for changes to improve police accountability.[257] Finding and encouraging domestic political and police leaders to stand up for anti-corruption reforms should be a mid- to longer-term objective of donors where it is not possible in the immediate or short term.

4.1. The challenge of illiteracy

One challenge confronting police reform, especially in developing and some post-conflict countries, is that of police illiteracy. Literacy of police officers should not be taken for granted by those involved in police training. For example, it has been estimated that around seventy per cent of the Afghan National Police are not functionally literate.[258] Some national contingents of UN peacekeeping missions have been found to have low literacy levels among their personnel. Until literacy levels are improved, all training endeavours will be severely impeded. Anti-corruption training in settings of significant police illiteracy should therefore be planned on the basis of ensuring a threshold level of literacy among the target group before the delivery of programmes specifically on the topic of anti-corruption.

What can be done? In other training areas, such as safe work practices training among illiterate workers, hands on practical demonstrations that allow for oral explanation and questioning by those being trained have proven of some worth. Experiential based training methods, involving simulations and role play, may provide some options in anti-corruption training. For example, traffic police might undergo a role play or simulation exercise in relation to traffic stops, in which the focus is the solicitation of bribes from road users. Such an exercise could include an oral discussion of the rights and wrongs of the situation, and explicit reference made to the various (almost certainly written) sources of guidance that define such situations as wrong.

There remains the basic limitation that unless police can refer to and comprehend written materials such as relevant rules, regulations or codes of conduct, they will not have access to the basic normative guides for good ethical police practice. Anti-corruption planning in those countries with low police literacy levels must thus address the prior question of functional literacy.

4.2. Corruption's connections to other issues

Organisational change to reduce corruption must reckon with other societal challenges. For example, unless police are relatively well paid and paid regularly, they will be more vulnerable to corruption even if they have undergone anti-corruption training. Most police officers who act corruptly know they are doing so; it is just that they have decided to act in this manner anyway. This could be because there is a lot of money at stake, or there is intimidation from powerful groups in the community or within their own organisation. Hence addressing problems of political governance and organisational leadership, and tackling threats from organised crime groups and warlords, will often be vital in setting the terms in which reduced police corruption becomes humanly possible. Political leaders must demonstrate the importance of acting with integrity, and respond by ensuring that the governance systems in place support police doing the right thing. This will often mean disassociating themselves from known forms of private sector corruption and organised crime, and showing commitment to wider economic and social changes that reduce opportunities for police corruption.

Chapter 1 presents a table which identifies some key characteristics of police corruption in each of the four country settings; interested readers can refer to this for more information.

Box 12: Culture or control?

'While some cultures dialogue easily on morals, ethics and value based principles, workers in the development field find that in many post-colonial French-African cultures for example and in post-communist Eastern European countries as well, people have difficulty incorporating ethics principles to guide their work. More accustomed to rule by law, permission seeking, strict hierarchical bureaucracy – these familiar practices simply trump discretionary decision making… Strengthening compliance mechanisms, governance and external controls here will likely have a better yield.'[259]

5. Conclusions, lessons learned & success factors – Chapter 9

Progress in anti-corruption depends upon finding methods and techniques that make corruption harder, and remaining uncorrupted easier. In the area of anti-corruption there is scope for much more evaluation of what reduces corruption. It is possible to draw on evaluation studies from other sectors that may suggest particular instruments and approaches as more likely to be beneficial.

5.1. Strategic assessment lessons

- Police services facing major organisational problems such as systemic corruption are normally poorly placed to undertake strategic assessments, and will require outside help from international experts and foreign agencies with appropriate experience and skills.
- A broad evidence base is required for a proper strategic assessment, including informal as well as formal sources of data.
- A number of instruments are available to obtain as wide a range of inputs as possible. More than one instrument should be used to ensure comprehensive data collection. It is important to utilise instruments that provide data at different levels of analysis, and that look outside as well as inside the organisation.
- For analytical purposes, the focus should mainly be upon patterns and concentrations of particular behaviour of strategic concern. For risk analysis, the focus should be upon hazardous activities, locations and personnel profiles, and not dictated by notorious single incidents (though these should also be examined, in terms of how the organisation's reputation has suffered as a consequence of the adverse publicity of a single incident).
- Analysis should be holistic in nature, looking at all levels and at the different relationships and networks with which police are involved. Instruments such as influence mapping and force field analysis can assist in identifying and mapping significant forces and influences that affect the integrity atmosphere within and around police organisations.
- Risks to police in the area of anti-corruption are not just material but also reputational; effective communication strategies are therefore important in areas of high risk, such as corruption.
- Decisions about how to respond to particular risks and other strategic challenges should be made in terms of what is feasible, not just what may be 'best practice' in a global sense. Feasibility here refers to what is acceptable, affordable, practicable and hence sustainable.

Box 13: Setting up a strategic planning and assessment unit

'Any reform process requires a core group that will act as the engine for the implementation of the reforms. This group would be responsible for the coordination of strategies and initiatives.'

Police reform is a process rather than an end product, though the goals set for reform should continue to guide the process followed. A unit of this kind can play a role in monitoring progress, by obtaining feedback data from various strategies adopted, and thus informing any decisions about adapting or replacing those strategies according to how well those strategies are working.

5.2. Learning intervention lessons[260]

- Organisational change often requires a lot more than training. Training should be used where it can contribute to attitudinal and behavioural change.
- Include stakeholders in the design of training. Stakeholders may be resistant to positive change, so enlisting their involvement in the design phase of training is more likely to overcome or reduce resistance than if they are not included.
- Learning goals should be explicitly communicated to trainees. Setting goals that state specific behavioural objectives is more likely to motivate trainees and contribute to positive transfer of information.
- Setting short term as well as longer term goals for learning contributes to greater positive transfer than by relying only upon longer term objectives.
- Content relevance is crucial. Trainees are more likely to learn and develop skills if they can see a close relationship between the training objectives and their work tasks and working environment.
- Instruction should provide *practice* and *feedback* opportunities. Cognitive or mental rehearsal and practising desired behaviours assist the learning process and achievement of training goals. Role play and simulations are some techniques that serve this purpose.
- Too much information is a risk to effective learning. Learners can only learn so much at one time. Exclude extraneous information and only include information directly relevant to the learning objectives.
- Active training methods are generally preferable to the more passive lecture style. Demonstrating 'appropriate' and 'faulty' ways of performing tasks is useful, remembering that trainees learn through observation. Case studies and simulations can be used for this purpose.

SELF ASSESSMENT TABLE

Chapter 9 ▪ Instruments

Having read this chapter, what is your reaction? Was there new information in this chapter that you could use to improve your police service? Are there changes that could be made in your police service?

Please find below a self assessment that will help you answer these and other questions. This basic assessment is intended to help you evaluate the situation in your own service, determine what, if any, changes should be made, and brainstorm means for implementing these changes. To develop a more comprehensive approach for applying the concepts learned in this chapter, training sessions or working groups could be organized to complement and build upon this assessment. In addition, it may be helpful to seek the assistance of national or international experts on matters of tackling corruption.

Issues / Questions	What to do to improve on Weaknesses?	How to do it?
Have we developed and taught in our service the tools presented in Chapter 9?	We can: • Define which tools are used and known and which are not used or known • Decide on more developments & training • Decide who should be trained	We can: • For the assessment refer to the list of tools presented • Develop questionnaire • Organise brainstorming session/ workshop • Engage an expert or/and a working group
Are our managers aware of the issues involved in the struggle against corruption in our service?	We can: • Assess the overall situation • Identify the gaps • Prepare actions for filling them	
Have we developed adequate training programs for our managers in these areas?	We can: • Evaluate the knowledge of our managers • Evaluate our programs • Develop specific management courses	

Do we have we an adequate communication policy for awareness raising in our service in the area of corruption, for communicating our objectives in that area and supporting our reforms?	We can: • Evaluate communication policy • Distinguish the evaluation done at the level of officers, first line supervisors, middle and top managers • Prepare plans of action for addressing the weaknesses identified at these levels	
Have we integrated tools presented in this Chapter for assessing and implementing measures presented in Chapters 1-8?	We can: • Assess the state of the play • Identify gaps and weaknesses • Prepare plan for addressing them	

Glossary

Administrative control – Administrative controls consist of approved policies, procedures, standards and guidelines. They form the framework for running the police agency and managing its employees. They inform people on how the organisation is to be run and how day-to-day operations are to be conducted. Examples of administrative controls include hiring policies, security policy, password policy and disciplinary policies. Administrative controls form the basis for the selection and implementation of logical and physical controls.

Anti-corruption agency – A general description for (independent) bodies that conduct proactive, preventive and/or repressive activities to tackle police corruption. Police departments that have their own investigative unit for police corruption will often refer to this as 'internal affairs'.

Assessment – The purpose of an assessment is to measure something or calculate a value for it. Although the process producing an assessment may involve an audit by an independent professional, its purpose is to provide a measurement rather than to express an opinion about the fairness of statements or quality of performance.

Assessment process – The McKinsey 7S system of assessing an organisation is universally recognised. It looks at the organisation from the 7S perspectives of 'hard' – strategy, structures and systems – and 'soft' – shared values, style, staff and skills.

Audit – A methodical examination and review of an organisation's finances, management and performance.

Blue wall of silence – The unwritten rule among police officers not to report on a colleague's errors, misconduct or crimes. If questioned about an incident of misconduct involving another officer it would be standard procedure to claim ignorance.

Capacity building – The ability of individuals, organisations and societies to perform functions, solve problems and set and achieve objectives in a sustainable manner (UNDP definition).

Catalysts – Police officers specially trained in ethics who are called upon to act as advisers and mentors to the other members of the organisation.

Charter of values – Sets out and defines the core organisational values and enshrines them in the institution's mission; part of the code of conduct (see also Chapter 2).

Change management – A structured approach to transitioning individuals, teams and organisations from a current state to a desired future state as a result of internally determined or externally imposed strategic factors. In short, it is a process undertaken by the organisation, following strategic assessment and planning, to bring about the changes identified as necessary in the assessment and planning stages.

Civil claim – Beyond its role in criminal proceedings relating to police corruption, the judiciary performs two additional functions in tackling police corruption. The courts function as a mechanism for dispute resolution for individuals seeking compensation in cases involving police corruption; and civil claims involving corruption may lead to an internal or external oversight body investigating a police service's policies and activities.

Code of ethics – statement of the principles on which the organisation's mission, the values underlying its operations and its general principles of management are based. It is a guide to how police officers (on and off duty) are expected to conduct themselves, act and behave, mutually and towards their environment. It provides an answer to the question: 'How can we act in the best possible way?' In regard to corruption, the code of ethics underlines the importance for a police service to act with integrity. Part of the code of conduct (See Chapter 2 for more information.)

Code of deontology – A code of deontology governs the exercise of a profession (deontology) or an activity in order to guarantee respect for ethics. It is a set of rights and duties governing a profession, the behaviour of those who practice it and the relationships between these people and their clients or the public.

Detective control – Detective control includes policies and mechanisms which attempt to discourage malpractice and corruption through an increased emphasis on detection and punishment of wrongdoing. Investigating suspected misconduct is one form of detective control, and measures such as targeted integrity testing could be used in investigations of suspected wrongdoing. Investigations are covered in Chapter 7.

Detective – A detective is usually a police officer who has had specialised training in activities such as conducting interviews and interrogations, arrest, seizure and collecting evidence. Detectives are often deployed within a criminal investigation department and carry out investigations concerning crimes such as terrorism, car theft, organised crime, armed robbery and local crime or corruption. There are many specialists such as vice and forensic detectives.

Ethical decision-making – Assessment of decisions according to ethical criteria. Is it legal? Is it balanced? How will the decision-maker feel after having decided?

Ethical management – An approach based on the management of situations and of the values at stake in the situations encountered.

Ethics infrastructure – Consists of nomination of an ethics manager and ethics catalysts; the development of a charter of values, a code of ethics and a code of discipline; and implementation of ethics management committees.

Ethics manager – An officer trained in ethics who serves as an intermediary with the outside experts helping the organisation to implement its ethics infrastructure. The ethics manager also coordinates the work of the catalysts.

Ethics training – Training tied to the implementation of ethical mechanisms within a police service. It emphasises the development of the professional judgement of police officers, who must be able to recognise and read situations correctly in terms of their ethical dimensions.

Evidence – Evidence is everything that is permitted to be offered in court to prove the truth or falsity of the question(s) at issue. It is either testimonial evidence (a verbatim of orally given testimony by a witness), real evidence (any tangible object or exhibit offered as proof) or demonstrative evidence (chart, drawing, illustration), or a combination.i Evidence includes the results of a forensic examination.

Executive – The executive is responsible for establishing a process for overseeing the police, including tackling corruption. While exact practices may vary from state to state, the executive commonly employs three strategies to tackle corruption in the police: showing political willingness to curb corruption within the police; creating oversight institutions; and resource management procedures.

Expanded management committee – Ensures that decisions that are strategic in nature are taken in a participative way.

External control – External control refers to various measures, external to the police chain of command, that affect the police services' operations, which are not carried out by the service itself but rather by parliament, the judiciary, audit institutions, media or civil society, etc. (see also Chapter 6 on external control).

External oversight – Is concerned with the review and monitoring of police behaviour by institutions that are outside the police. It is aimed at preventing and identifying misconduct so as to improve the service the police provide to the public. Oversight generally consists of ex post review, but also involves ongoing monitoring.

Information system – The collection of data in order to assess situations, take decisions and disseminate information covers two main sectors. First, the intelligence function must evaluate the opportunities and threats of the environment, as well as the needs and expectations of the people; secondly, it must look at the way the organisation is managed in terms of efficiency and effectiveness.

Integrity testing – Operations meant to identify possible corrupt activities. Integrity tests are simulated events that place a police officer unwittingly in a monitored situation with an opportunity for unethical decision-making. Integrity tests are a useful means in preventing and detecting police corruption. They can be either random or targeted, and can form part of the police organisation's internal control system. Targeted integrity tests could also be an effective method to investigate police corruption.

Intelligence – Intelligence is analysed information and knowledge that enables decision-making processes within policing. In other words, intelligence is information put in a context. (Intelligence is normally not presented to court, and is for police use only.)

Internal control – This is the overall name given to internal procedures that ensure an organisation's security and minimise risky, illegal, corrupt and unethical behaviour by its employees. Internal control covers everything from procedures for handling money to securing doors and buildings, investigating complaints against officers and conducting regular audits.

Judicial review – In many states, citizens and organisations can call for legislation and executive decisions to be reviewed by the judiciary to check their compliance with other laws, and particularly the constitution and the state's international legal obligations. Judicial review represents an important nexus between the role of the

judiciary and civil society organisations in overseeing the police and government more broadly. It is often civil society organisations that request judicial review of legislation or executive directives.

Learning intervention – Planned steps taken to ensure greater awareness and capability development within an organisation so as to participate effectively in organisational change. In many instances, this will consist of training (see below) directed to knowledge, skills and attitudinal acquisition by employees. Other ways of organisational learning may also occur, e.g. through the introduction of auditing and monitoring systems such as 'early warning systems' to identify at-risk police officers.

Learning and teaching theories – These theories take into account the differences of right- and left-brain thinking and the preferred learning style of the students, which can be used to create more effective capacity-building programmes.

Lines of inquiry – Research lines or threads that possibly lead to identification of offenders or evidence. A line of inquiry is a line in the investigation to be researched because there is some indication that the person or good that is investigated is involved in the offence. Most likely the lines of inquiry are derived from the scenario that is being investigated.

Logical control – Logical controls (also called technical controls) use software and data to monitor and control access to information and computing systems. Examples of logical controls are passwords, network firewalls, access control lists and data encryption.

Method – Investigative methods or actions are single, legal activities that investigators deploy to gather facts or information. For instance a suspect interview is an investigative method, as is covert surveillance.

Offence – Acts of police corruption and misconduct can be offences that are recognised as violations of the penal code, but can also entail breaches of the internal rules.

Ombudsman – An official appointed to investigate individual complaints or bureaucratic problems especially as related to public officials.

Operational control – Operational control consists of approved policies, routines and standards ensuring that specific police operations and interventions are carried out effectively and efficiently within the legal and ethical framework.

Organisational learning – A debriefing system set in place to take the real-life experiences of police officers into account in capacity-building programmes.

Oversight of the police – A mechanism of management in which an internal or external apparatus is set up to monitor and evaluate the performance and operations of the police, as well as offer recommendations.

Parliament – Parliament plays two main roles in tackling corruption: legislative and oversight. The most obvious contribution of parliaments to police governance – and tackling police corruption in particular – is the

adoption of legislation which establishes the legal framework for curbing police corruption. The second important role of parliament is its capacity to oversee the government, including the police.

PESTL – Situation analysis in which politico-legal (government stability, spending, taxation, etc.), economic (inflation, interest rates, unemployment, etc.), socio-cultural (demographics, education, income distribution, etc.) and technological (knowledge generation, conversion of discoveries into products, rates of obsolescence, etc.) factors are examined to chart an organisation's long-term plans.

Physical control – Physical controls monitor and control the environment of the workplace and the environment in which police officers operate. Examples are doors, locks, heating and air conditioning, smoke and fire alarms, fire suppression systems, cameras, fencing and security guards. Separating workplaces and networks into functional areas is also a physical control.

Police misconduct – Deviant behaviour of police officers that does not directly benefit their material needs but is detrimental to the image of policing, including internal misbehaviour.

Preventive control – Preventive control refers to those policies and mechanisms that seek to change a police agency in ways that would serve to prevent errors, corrupt practices or unethical behaviour.

Project management – The discipline of planning, organising and managing resources to bring about the successful completion of specific project.

Risk assessment – The process of identifying risks in a particular environment that threaten its integrity or safety, determining what should be done to reduce or eliminate those risks and monitoring and evaluating the effectiveness of the risk reduction measures implemented.

Small management committee – Ensures that the heads of operational units participate in decision-making addressing operational issues.

Statement of values – A declaration of values that guide an organisation's intentions to carry out its various functions.

Sting operations[263] – The purpose of 'sting' operations is to penetrate suspected corrupt groups or approach corrupt individuals, collect evidence and identify and arrest offenders. They could be best described as a construction made by the police where they offer people opportunities to commit a crime (corrupt activity) with the purpose of catching the offender 'in the act'.

Strategic assessment – The process of determining where an organisation stands in relation to the effective achievement of its key business or functional objectives; whether those objectives remain feasible and appropriate; whether they should be changed; and the identification of necessary steps to achieve these outcomes.

Strategy – An investigative strategy is a way to gather evidence that will confirm an allegation or find it to be unfounded. Strategies could also identify ways to collect information. A strategy is a well-considered approach to a certain problem and it defines lines of inquiry. Investigative actions are part of the strategy.

SWOT – Situation analysis in which internal strengths and weaknesses of an organisation and external opportunities and threats faced by it are closely examined to chart a strategy.

Systems approach – Management thinking that emphasises the interdependence and interactive nature of elements within and external to an organisation.[264]

Training – An educational process involving the transmission and acquisition of knowledge, skills and attitudes.

Whistleblower – A whistleblower is as a person who reveals wrongdoings or malpractices that are taking place within the police institution. These revelations could be made either to the general public or to those who are in a position of authority. A whistleblower can make a disclosure of corruption, mismanagement, illegal activities or any other wrongdoing.

Additional resources

There are useful resources in the form of websites, literature, policies and legislation. These include handbooks, manuals, theoretical works and organisations (government, non-government and international associations) that are of relevance for internal control in general as well as for internal control in police services.

Useful websites

There are many websites for anti-corruption bodies and police corruption agencies that provide helpful information in terms of corruption reduction and prevention. Many of these sites allow downloads of free copies of their publications.

Change management tools and techniques: www.mindtools.com

Global Facilitation Network for Security Sector Reform: www.ssrnetwork.net

Global Integrity: www.globalintegrity.org

Global Facilitation Network for Security Sector Reform (University of Birmingham): www.ssrnetwork.net

Governance and Social Development Resource Centre: www.gsdrc.org/go/gateway-guides/anti-corruption

Institute of Internal Auditors: www.theiia.org

Interpol: www.interpol.int/Public/Corruption/default.asp

International Organisation for Supreme Audit Institutions: www.intosai.org

OECD Fighting Corruption: www.oecd.org/topic/0,3373,en_2649_34565_1_1_1_1_37447,00.html

OECD anti-corruption website: www.anticorruption.ie/en/ACJS/Pages/OECD%20Convention

Police Integrity Commission (New South Wales, Australia): www.pic.nsw.gov.au

Singapore Corrupt Practices Investigation Bureau:
http://app.cpib.gov.sg/cpib_new/user/default.aspx?pgID=21&action=clear

TraCCC (Terrorism, Transnational Crime and Corruption Center – USA): http://policy-traccc.gmu.edu/abouttraccc/personnelbios.shtml

U4 Anti-Corruption Resource Centre: www.u4.no

United Nations capacity building: www.capacity.undp.org

United Nations Office on Drugs and Crime: www.unodc.org/unodc/en/corruption/index. html?ref=menuside

USAID: www.usaid.gov/our_work/ democracy_and_governance/technical_areas/anti-corruption/

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