

ANTICORRUPTION AND POLICE REFORM

Police corruption is a complex phenomenon, which does not readily submit to simple analysis. It is a problem that has and will continue to affect us all, whether we are civilians or law enforcement officers. Since its beginnings, many aspects of policing have changed; however, one aspect that has remained relatively unchanged is the existence of corruption.

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

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

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

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

While the individual sums of money involved in such acts of police misconduct may be relatively small, these acts take place with high frequency with serious, negative consequences for the overall integrity of the police force as well as public perception of and trust in one of the most visible institutions of the state. **Bureaucratic corruption**

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

Irregular practices can also occur in human resources management, including recruitment, promotion and task assignment, internal disciplinary and investigation processes, preferential shift, holiday and location assignments.

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

Strategies to address street-level and bureaucratic corruption

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

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

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

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

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

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

Strategies to address criminal corruption in the police. Tackling criminal corruption in the police forces poses a set of specific challenges, as many states find it difficult to compete with the resources available to organised crime. The USAID program brief recommends a two pronged approach to addressing criminal corruption, including the investigation, prosecution and removal of tainted police officers, as well as the creation of effective mechanisms to detect and punish police crime. This may involve strengthening the investigative capacity of the institution with specialised intelligence techniques, reinforcing internal disciplinary measures, as well as establishing permanent accountability mechanisms and integrity management systems across the institution.

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

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

Strategies to address political forms of police corruption. Addressing political forms of corruption implies taking into account larger systemic issues and understanding the social and political dynamics at play in a given country. To deal with highly politicised police forces, USAID recommends strengthening

external accountability mechanisms and promoting the police's operational independence from the executive. Creating an effective system of checks and balance may also be a critical component of such strategies by enhancing parliamentary and judicial oversight capacity, promoting transparency of police operations through access to information, limiting the use of broad exemptions for security matters, etc. This also may include interventions aimed at building public awareness, strengthening citizens' demand for change and mobilising political will for reform.

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

Police corruption is now increasingly understood as a product of both organisational weaknesses and larger systemic issues such as the lack of transparency, the absence of checks and balances, inadequate legal frameworks, weak rule of law and fragile institutions. This understanding has led to the development of more comprehensive approaches to fight police corruption, based on the recognition that successful anti-corruption strategies must integrate both punitive and preventative approaches and coordinate reforms that focus on issues of enforcement, changes in institutional design, as well as public education and participation.

Список використаних джерел

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