**Forum:** The Commission on Crime Prevention and Criminal Justice (CCPCJ)

**Issue #2:** Addressing corruption in law enforcement agencies regarding criminal organizations.

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**Introduction**

The issue of addressing corruption in law enforcement agencies regarding criminal organizations is a complicated and multifaceted issue. Corruption is a crime committed by an individual or a group of, abusing their role to procure gain for themselves or somebody else ([1](https://www.unodc.org/unodc/en/data-and-analysis/statistics/corruption.html)). Corruption takes a key role in the way organized criminal groups operate. Corruption facilitates the penetration of crime networks in all sectors of our societies, including law enforcement and politics. According to Europol, organized crime actors exert influence at levels of law enforcement structures and politicians in order to avoid investigation or detection and to impede ongoing judicial or investigative processes. In this manner, corruption networks are fabricated within the Judiciary ([3](https://ti-defence.org/wp-content/uploads/2016/03/1112_OrganizedCrime_Report.pdf)). Moreover, this collusion between politicians and law enforcement agencies is not the only type of corruption. Organized crime networks also utilize corruption in order to infiltrate the political system directly. Infiltration enables criminals to attain access to private information about looming law enforcement actions and operations.

Given this, the manner into which they come in contact must be mentioned. The law enforcement and politicians form part of the public administration, an area which plays a vital role in corruption present in the contemporary world. Citizens and households depend on the public administration which holds a vast array of services, ranging from health services, to the education system, to tax inspections or legal proceedings ([2](https://www.unodc.org/documents/data-and-analysis/statistics/corruption/Western_balkans_corruption_report_2011_web.pdf)). In fact, According to unodc.org, every six out of 10 (59.7%) businesses have had direct contact with these public officials and civil servants within the last 12 months. Though this may sound appropriate, a vast majority of these interactions occur under inadequate circumstances, where rules and regulations are vulnerable to manipulation in exchange for private benefit, resulting in corrupt and illicit transactions between the private sector service user and a civil servant ([2](https://www.unodc.org/documents/data-and-analysis/statistics/corruption/Western_balkans_corruption_report_2011_web.pdf)). Some examples of corruption aroused from direct interactions between officers and criminals are group trafficking (drug, arm, humans), engagement of organized crime and protection rackets.

Corruption in law enforcement agencies may exert a more profound impact than accredited. When corruption is infiltrated into the law enforcement, it undermines the foundations of justice and public safety regulated in the country. The consequences of these actions can be severe and have a direct impact on the lives of the individuals within the population of the country. A result of corruption within law enforcement agencies is the facilitation and promotion of growth and power for the criminal organizations. Thus, leading to an increase in crime rates as these organizations manipulate the weaknesses in the system to engage in illicit activities. Collisions between law enforcement and criminals diminish and threaten the safety of the public. A focus on the incarceration of these groups reflects a fault in the consideration of ordinary citizens, allowing their vulnerability and exploitation to various types of crimes. Furthermore, recognition from the public on the occurrence of police corruption may provoke citizens to lose faith in their law enforcement officers, which renders in the public unwillingness to assist law enforcement agencies in providing information about criminal acts, leading to their increase ([4](https://www.ippapublicpolicy.org/file/paper/593f4faf39b34.pdf)).

​​While progress has been made in the increase of awareness of corruption within the law enforcement, as well as an effective development in policies for dealing with these cases, further efforts are needed to fight corruption.

**Definition of Key Terms**

**Law Enforcement Agencies**

A government organization that is responsible for enforcing laws on citizens, protecting civilians, property, and people, and conserving public order. Examples of law enforcement agencies include, but are not limited to, federal agencies such as the FBI and DEA, police departments, sheriffs offices, etc.

**Police misconduct**

Illegal actions taken by police or other law enforcement that go against established policies and procedures. The most common forms of police misconduct are racial profiling, corruption, and sexual violence.

**Organized Crime**

Criminal enterprises and groups that plan and control criminal activities and often work to profit from the illicit activities carried out.

**Bribery**

The giving, receiving, offering, or soliciting of something of value in an effort to persuade someone holding a public or legal duty.

**Code of Conduct**

A set of guidelines for law enforcement officials outlining the ethical standards expected of the workers, as well as stating that those who exercise police powers must respect and protect human rights and dignity.

**Conflict of Interest**

A situation which occurs when an individual's personal interests such as family, financial, or social factors compromise their judgment, decisions, or actions in the workplace. Government agencies take conflicts of interest incredibly seriously and make sure to regulate them in the workplace.

**Whistleblowers**

An employee who collects and reveals information about illegal, unethical, and fraudulent activities within an organization.

**Independent Oversight Authorities**

All state-established institutions and organizations with an independent legal mandate to oversee specific aspects of governance, service delivery, and public life

**General Overview**

Corruption in law enforcement agencies is an ongoing issue that challenges public trust, human rights, legal violations, and proper justice. The definition of corruption has been commonly agreed on globally as the use of public office or the abuse of entrusted power for private gain (UNODC). Not only does corruption threaten the ethics of and how trustworthy the justice system truly is, it also supports the existence of ongoing organized crimes and criminal groups. It is incredibly crucial for criminal enterprises to be able to carry out corruption properly in order to uphold themselves. It allows organizations to remain protected from law enforcement and engage in criminal activity without interference. According to the UN, the global cost of corruption is at least 5 percent of the global GDP. Over the last 35 years, official corruption cases have increased dramatically, bringing more attention to the ongoing issue. In order to maintain international security and equal justice, the issue of tackling corruption is of utmost importance.

**Law Enforcement Agencies**

A common way for law enforcement to be subdued into aiding criminal organizations is through bribery. It is the most common type of police corruption. The crime of bribery includes a wide scope of wrongdoing by both the briber and the receiver. Bribery includes bribes that are given and received in the form of money, goods, services, favors, or anything else of value, whether they are given in the present moment or in the future. They are usually offered by people who deal with gambling, prostitution, illegal use of drugs, etc. Bribes are often given indirectly through third parties, and the mere offering or soliciting of a bribe is enough to result in legal complications, even if the transaction was never carried out (HG Legal Resources). This type of corruption is often exacerbated by the inadequate salaries in law enforcement agencies. Officers are generally underpaid, undervalued, and simultaneously disrespected by the citizens they aim to protect every day, providing a conflict of interest. Even when officers are well salaried, many believe they are not remunerated to match their responsibilities, thus engaging in this type of corruption (MDPI). These underlying issues in law enforcement agencies lead to officers accepting bribes as a way to make more income through their job. A prime example of bribery and police corruption is in the National Civil Police (Policia Nacional Civil, PNC), in El Salvador. Various sources claim that the National Civil Police has been infiltrated by criminal organizations. Forbye, according to a study held by the Transparency International Global Corruption Barometer, 18% of the respondents admitted to bribing PNC officials, while 87% deemed the PNC to be “extremely corrupt”. The US Department of States Country Reports stated that there have been numerous reports of police corruption and complaints against the police for arbitrary arrest and detention.

**Gang Violence and Terrorism**

Non-state armed groups use violence to rule the daily lives of the populace in the Venezuelan state of Apure and the eastern Colombian province of Arauca. They impose their own rules, and in order to ensure adherence, they threaten civilians on both sides of the border, punishing those who disobey with fines, forced labor, or even execution. Fear permeates the daily lives of citizens. The groups often exercise their control on both sides of the border through different forms of punishment such as child recruitment, sexual violence, murder, and kidnappings, among others. Two organizations have control over the citizens of Arauca; the “Martin Villa 10th Front”, a group that was formed after the demobilization of the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, La FARC), and a guerrilla group originally founded in the 1960s known as the National Liberation Army (Ejército de Liberación Nacional, ELN). Both groups have been known to harshly enforce a large set of rules onto residents including curfews, prohibitions on rape, theft, murder, and regulations on daily activities. On the other hand, members of these groups are not held to the same standard themselves. Moreover, they extort money from virtually every resident who has carried out economic activity. Residents complain that local authorities and security forces frequently work together with armed groups and that impunity is the norm. Venezuelan and Colombian forces have brutally mistreated civilians, and are suspected to be working with these guerrilla organizations. According to a police officer who spoke to Human Rights Watch, the guerrillas "are the police" (HRW). There is a known history of police corruption regarding these armed groups, especially in Colombia, with deputy commanders providing the groups with private intel and security information designated to police only.

**Drug Trafficking**

Drug production, distribution, and sales all fall under the broad illegal industry known as "drug trafficking." In addition to steady increases in drug use across a wide range of regions, drug cultivation has been skyrocketing over the past three years. It is an incredibly successful business that brings in billions of dollars annually for all parties involved. It involves the distribution of a range of drugs, including marijuana, methamphetamine, cocaine, heroin, Xanax, and Adderall among others. These substances are commonly produced in one concentrated area and then illegally transported globally. Police corruption creates an environment for drug traffickers to carry out their actions without impunity. Whether law enforcement is protecting criminals or ignoring their activities, the officers involved in corruption are also known to be involved in other sorts of crime, such as stealing and selling drugs themselves and lying about their searches under oath. Profit is a common goal shared by corrupt officers, along with power and vigilante justice as additional strong driving forces. Although there are many different approaches that can be taken to combat drug trafficking, everyone involved in law enforcement, government, and society organizations must work together if we are to see results.

**Major Parties Involved and Their Views**

**The United States**

The United States of America holds law corruption to a very high level. Like in any profession, there are some people who abuse their position of authority and commit crimes. However, a sizable number of law enforcement officers and professionals have continued to commit misconduct or engage in illegal activities. The scope of wrongdoing has greatly increased during the past century. These improper and illegal actions have resulted in unfair convictions, civil rights breaches, and a decline in public confidence. From October 2019 to September 2020, 1,779 law enforcement officers were detained for a variety of offenses, including corruption and bribery, according to data from the US Department of Justice.

**Mexico**

"Mexico's police forces have a notorious reputation for engaging in corruption, torture, violence, and having connections to organized crime," as stated by José Miguel Vivanco. According to a study published on nature.com, a significant percentage of Mexican citizens, ranging from 72% to 77%, believe that most or all police corporations are corrupt. The problem of corruption and illegal activities within Mexico's law enforcement agencies, particularly the police, is a pervasive issue that affects nearly the entire population. Mexico has two primary federal law enforcement agencies: the National Guard, which is a uniformed paramilitary force, and the Policía Federal Ministerial, which is a civilian investigative force. Despite their intended purpose of providing protection, these officials are frequently involved in criminal activities. Examples of corruption and illegal activities involving Mexican law officials include collusion with drug cartels, human rights violations, bribery, extortion, and impunity. In Mexico, death at the hands of police, arbitrary detention, torture in police custody, and collaboration between police and criminal cartels occur regularly, despite their supposed role in preventing such operations. Furthermore, 92% of all crimes go unreported, uninvestigated, and unpunished in Mexico, as investigated by theowp.org.

**Brazil**

Brazil is listed amongst one of the countries exhibiting the highest rates of official and criminal collusion. Officers in the country have been accused of accepting and engaging in criminal activities such as; accepting bribes in exchange for providing a variety of services to criminals, including protecting drug traffickers, providing them with weapons and even carrying out kidnappings on their behalf. The country has been in ongoing attempts to eradicate any corrupt officers from the workforce and according insight crime.org, it was reported that on the 29th of June 2017, commanding authorities in Rio de Janeiro issued warrants for the arrest of 96 active and past military police officers. In spite of this, the issue still remains highly prevalent, and their attempts have not exhilarated any significant changes.

**Colombia**

Colombia harbors a multitude of the most extensive drug cartels globally. As a consequence of this, law enforcement institutions in Colombia have gained notoriety for their involvement in the activities of these criminal organizations. It is known, worldwide, that these law enforcement agencies have engaged and actively participated in the illegal activities of these drug cartels, posing significant challenges to law and order in the country. According to transparency.org, multiple anti-corruption frameworks aiming to eradicate and criminalize active and passive bribery, foreign bribery, political corruption, and money laundering, among other crimes, have been enforced in the country. However, these attempts to tackle the issue are disregarded given the lack of state control and weak service delivery in remote areas of the country, as well as the inefficiency of the criminal justice system.

**Timeline of Events**

| **Date** | **Description of event** |
| --- | --- |
| 1970 | A series of illicit activities, cover-ups, and abuses of power that led to the resignation of President Richard Nixon. |
| 1994 | The revelation of the Zapatista Army of National Liberation in Mexico, which was a rebel group fighting against government corruption and economic inequality. |
| 1995 | The Rwandan Genocide was a systematic campaign carried out by the Hutu ethnic group in order to wipe out every possible member of the minority Tutsi group, executed through means of bribery, corruption, violence, and terrorism. |
| 2001 | 2001: The 9/11 terrorist attacks in the United States, carried out by Al-Qaeda. |
| 2008 | The beginning of the global financial crisis, also known as the ‘great financial recession’, was caused in part by corruption, bribery, and money laundering in the banking and financial sectors. |
| 2014 | The Ukrainian war commences, involving a wide spread of corruption and bribery in the government |
| 2016  | The Panama Papers leak occurred in 2016 from a Panamanian law firm known as “Mossak-Fonseca”. It was a giant leak of more than 11.5 million financial and legal records exposing a system that had enabled and hid the identity of clients involved in bribes, arms deals, tax evasion, financial fraud, drug trafficking, corruption, and wrongdoing of offshore companies all around the world. |

**UN involvement, Relevant Resolutions, Treaties, and Events**

The UN is aware of the serious impact that corruption in law enforcement agencies regarding criminal organizations has on human rights, sustainable development goals, and global security. As the issue of corruption has steadily surged in the past decades, the UN, in correlation, has increased its protection against and measures to address corruption, bribery, and misconduct in law enforcement.

* Commissions on Crime Prevention and Criminal Justice Program Resolution: Action Against Corruption
	+ Encourages member states to review their legislative policies and transparency, especially in regard to international economic activity carried out by corporate entities (UN). Also suggest states to carefully consider the effect and problems posed by the international aspect of corruption.
* UN Resolution 55/61: United Nations Convention Against Corruption
	+ The convention extensively covers all topics ranging from bribery to abuse of functions to corruption in the private sector. It addresses five main areas: preventive measures, criminalization and law enforcement, international cooperation, asset recovery, and technical assistance and information exchange. Almost all United Nations members are parties to this convention, with it being the only universal legally binding anti-corruption document.
* United Nations General Assembly Special Session (UNGASS) on Corruption
	+ Adopted a declaration in order to discuss challenges and to resolve issues, put policies into place to stop corruption, and strengthen international cooperation, including by improving journalist safety and promoting public access to information. The Declaration, which marked the first-ever UNGASS devoted to preventing and combating corruption, called for effective global cooperation and more robust preventive measures to safeguard those who work to report, denounce, and combat corruption. It also emphasized the crucial role played by law enforcement officers, prosecutors, and judicial authorities in upholding the rule of law, enforcing anti-corruption laws, and promoting transparency.
* The United Nations Office on Drugs and Crime
	+ Uses its platform to address and educate on corruption in law enforcement and their relation to organized crime. Helps make the world safer in relation to drugs, organized crime, corruption, and terrorism, problems of which are all intertwined within each other.

**Past action**

The United Nations has been actively involved recently in order to solve this issue. They have released multiple guidelines and adopted various resolutions. Although these policies released are necessary to systematically disrupt and criminalize international criminal activities, they are often too basic. Whilst they do call for attention on the issue, promoting global recognition, they do not offer ways to ensure that these methodologies will be implemented. They also do not focus on the lack of transparency in the government, which is an important issue, seeing as most of these corrupt interactions are internalized within governmental officials themselves. The lack of specificity is not the problem with the previous attempts to solve the issue. Another awe is a lack of action. Awareness of the guidelines and resolutions is the main way in which the United Nations tries to solve this, but fails to call for action to ensure that they will be taken into account.

**Possible Solutions**

**Strengthen Training and Professionalism**

Governments should aim to make it their top priority to strengthen their training and recruitment of police officers. All law enforcement training, specifically police training, should include instruction on law ethics, human rights, and the consequences of corruption and engagement in organized crime. Furthermore, law enforcement agencies should intend to have strict and selective screening procedures when recruiting officers, assuring that whoever is hired will be fully committed to maintaining professionalism in and outside the workplace.

**Implementing Whistleblowers**

Whistleblowers play an increasingly important role in today's society, providing transparency in a modern and technologically advanced world. Few countries such as New Zealand, South Africa, Ghana, and South Korea have comprehensive laws regarding whistleblowing. By establishing whistleblowers in law enforcement agencies, all officers will be carefully observed by professionals, making sure that they follow the law and ethics of their jobs. This would play a critical role in exposing police misconduct and corruption. Not only this, but it could lead to solving other important illegal cases within law enforcement agencies. Governments should also make sure to create whistleblower protection laws in order to protect them from getting targeted due to any information released about corrupt or illegal activities.

**Establish Independent Oversight**

Independent oversight agencies increase transparency and accountability, allowing corrupt officers to be held accountable for their actions. Furthermore, these organizations heavily investigate complaints of law enforcement misconduct and corruption, leading to the prosecution of dishonorable members of the law agency. Through discovering different forms of corruption in each specific law enforcement agency, the independent oversight body will also be able to suggest different policy and practice changes in order to ensure it does not occur again. Consequently, by this surge in transparency, public trust would be built for officers, allowing them to carry out their jobs properly with a higher sense of respect and certitude, reducing the motives behind agreeing to corruption.

**Sustainable Development Goal (SDG)**

This issue is closely related to the United Nations' Sustainable Development Goal (SDG) 11, which aims to promote inclusive, safe, resilient, and sustainable cities and human settlements. The global urban population is growing rapidly, and unfortunately, the safety of communities within these cities is being compromised due to misconduct within the government and police forces. These inappropriate actions put women, men, children, and the elderly in extremely vulnerable situations during times of conflict, as they cannot be certain of placing their trust in their presumed law enforcement officers. This safety threat affects individuals of all backgrounds and is a pressing issue on a worldwide scale.

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**Appendix**

1. Introduction to the United Nations Convention against Corruption and what the convention consists of.
	1. <https://www.unodc.org/unodc/en/treaties/CAC/.>
2. An overview on the concept of corruption and the rises in corruption incidents.
	1. <https://brill.com/view/journals/grot/43/1/article-p55_004.xml?language=en.>
3. A report on organized crime worldwide, including statistics and case studies.
	1. <https://ti-defence.org/wp-content/uploads/2016/03/1112_OrganizedCrime_Report.pdf>
4. Statistics on Corruption in different countries by the UN
	1. <https://www.unodc.org/unodc/en/data-and-analysis/statistics/corruption.html>
5. General Assembly Special Session on Corruption
	1. <https://www.unesco.org/en/articles/un-general-assembly-special-session-corruption-commits-protect-journalists-and-fundamental-right#:~:text=On%2028%20May%202021%2C%20the,promote%20public%20access%20to%20information.>
6. Analysis of the cycles of corruption in the Americas.
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7. Types of police corruption and preventative approaches
	1. <https://knowledgehub.transparency.org/assets/uploads/helpdesk/247_Anti_corruption_police_reform.pdf>