

Research report
BonaMUN

General Assembly 4



Measures to prevent police corruption in South
American countries

Neri Weevers (President)

Jules Webbink (Deputy-President)

Introduction

Corruption is a complex social, political and economic phenomenon that affects all countries. It undermines democratic institutions, erodes economies and contributes to political instability. Corruption attacks the foundation of democratic institutions by distorting electoral processes and hindering the rule of law.

'Police' corruption is such an important issue, because it puts people in difficult positions, and when they speak out about it, far too often they face retaliation.

The police need to be granted a degree of discretion to be able to act quickly and opportunely, especially when a crime is taking place. On the other side they come into contact with lucrative criminal actions, which heightens the risk of corruption.

In order to act fair against crime in a country the police must *protect, limit and enforce*. If the police fail to do so, governments should correct and help the police. The problem in Latin America is that, often, the government and its politicians are corrupt too.

Police corruption creates anxiety among citizens and is a reflection of institutional weakness.

Definition of Key Terms

Corruption of authority: When police officers receive free drinks, meals, and other gratuities, because they are police officers, whether intentionally or unintentionally, they convey an image of corruption.

Extortion/Bribery: Demanding or receiving payment for criminal offenses, to overlook a crime or a possible future crime. Types of bribery are protection for illegal activities, ticket fixing, altering testimony, destroying evidence, and selling criminal information. Bribery is one of the most common acts of corruption.

Theft and burglary: When an officer or department steals from an arrest and crime victims or corpses. Examples are taking drugs for personal use in a drug bust and taking personal objects from a corpse at the scene of a crime.

"Fixing": undermining criminal prosecutions by withholding evidence or failing to appear at judicial hearings, for bribery or as a personal favor.

Perjury: Lying to protect other officers or oneself in a court of law or a department investigation.

The "frame-up": the planting or adding to evidence, especially in drug cases.

Ticket fixing: Police officers cancelling traffic tickets as a favor to the friends and family of other police officers.

General Overview

47 percent of Latin American people say most/all of their police is corrupt. With Paraguay (69%) and Uruguay (20%) as the highlights.

16 percent of all Latin American people say they had to pay a bribe to a police officer once in their lives.

Possible Causes of Police Corruption

There are a lot of reasons why police officers in Latin America are corrupt, but these two are really important in order to understand the conflict

Low Salaries

The salary of an average police officer is not that high, that is why a lot of police officers need to supplement their salaries with bribes in order to make a living.

Pressure by Gangs

(Police) officers are often being pressured by gangs to tailor their actions to the gangs' needs; this leads to unfair and often dangerous decisions.

The Impact of Police Corruption

The impact of corruption in the police can be far reaching. When basic functions of law and order are compromised by corrupt practices within a police force, the state cannot legitimately prevent and punish violations of the law or protect human rights. Police corruption results in public mistrust of the police, rendering it more difficult for the police to perform what should be their primary task, countering crime. It compromises the institutional integrity of a policing system and undermines its legitimacy. Further, if the public is to respect the law, they must be confident that the police adhere to the law in general, and that, in applying the law, they treat people equally.

A serious result of police corruption is weakening ethical standards in society. If the public perceives the police to be benefiting from corruption, this could lower their own moral standards and make them more willing to engage in criminal behaviour. Police corruption can also damage a state's international reputation if, for example, there is evidence of police involvement in transnational arms, drugs or human trafficking. In short, police corruption can be harmful to democracy, the role of police in society and the community trust's in the police force. Further reading on the consequences of police corruption can be found in the Toolkit on Police Integrity.

Major Parties Involved

Mexico

Corruption in the Mexican police can take many forms. It ranges from taking bribes to ignore crimes to active participation in criminal activity such as extortion, drug-trafficking, and assassination. The Mexican police are notorious for their corruption that is evident on all levels of law-enforcement, local and federal. Many Mexican police officers enter law-enforcement not because of a genuine interest in policing but because of ulterior motives. Some join to escape criminal pasts in other states, others join to earn some money before moving onto other business ventures, while others join to increase their criminal networks, allowing them to boost drug and crime spread, connections, and distribution.

Paraguay

Police officers are frequently involved in crime. Paraguayan police have been described in a 2010 U.S. State Department report as “poorly trained, inadequately funded, generally corrupt, and shielded by impunity.” Policemen commit kidnappings, detain civilians in order to extort bribes, and conspire with prosecutors to commit blackmail and other crimes. Between 2008 and 2010, several police officers were arrested for or found guilty of various acts of murder and manslaughter. Some kidnappings have resulted in disappearances. Paraguayan law prohibits torture, but some police officers engage in it anyway. The State Department report mentions that “some security forces and government prosecutors” in Paraguay, “acting in official capacity but without government knowledge or support,” may have “occasionally killed individuals for personal gain.” In practice, corruption is rarely punished.

Argentina

Police corruption in Argentina is due to several factors. In the first place, poor salaries are an incentive towards petty corruption within the police. Similarly, budget constraints affect the police's ability to carry out their mandate, decreasing morale and commitment towards their mission within the law enforcement institution. These factors reinforce an already existing and widespread tolerance for corruption, which fuels this illegal practice. Moreover, a high rate of impunity for police corruption fails to act as a deterrent against this practice. Criminal proceedings against police officers are generally avoided because of a lack of resources or the lack of will to investigate police corruption cases. Lastly, the Argentine law enforcement lacks mechanisms for transparency and accountability, rendering the police force a very hard institution to control.

Previous Attempts to Solve the Issue

There are not a lot of attempts to solve the issue in Latin America, but there are a lot of attempts to stop police corruption in other countries/cities. New York tried to decrease their level of corruption, but the measures they took were not that affective:

1. Increasing salaries
2. More training and education
3. Developing policies which are intended to focus directly on factors leading to corruption.

The Mexican government has taken many steps to combat corruption, to include international aid, mostly from the United States. As a tourist, not carrying large amounts of cash and refusing to pay bribes can help to stop police corruption.

Possible Solutions

Human resources policies for new police should be more demanding, requiring a greater level of background checks into criminal records of the applicant and their family environment, and more rigorous entrance exams. The police career should be structured in all phases — entrance, development and retirement — around concrete objectives and results, with a transparent and competitive system of promotions. There should be professionalization and training programs covering distinct specialties, complemented by integrated and permanent pedagogical training that includes themes such as democracy, human rights, and ethical behavior standards. This should also be accompanied by pay schemes that guarantee a minimum standard of living for the official and his/her nuclear family.

The importance of strengthening capacity for prevention and investigation is one of the lessons learned from the police reforms of Hong Kong and New York. Control of dealing with corruption cannot be left in the hands of police when it comes to their own institution — there needs to be an independent body, under civilian control and with mixed police and civilian teams. These bodies develop preventive strategies to correct systemic failures that encourage corrupt practices, such as role playing situations in which agents that are subjects of investigations are presented with an opportunity to act in a corrupt way. This independent body can also carry out investigations into cases of corruption or physical abuse and administer punishments.

It is important to further political and social control, including parliamentary committees, oversight and political leadership from the government. This should be combined with a policy of rapprochement with civil society to generate greater accountability in order to restore confidence and generate the necessary support for institutional reforms. One example of success in this area is the British police, who routinely respond to requests for information and participate in meetings or talks with different sectors of society in order to respond to questions and evaluate the implementation of various programs.

No police force is free from the risk of corruption. Nevertheless, police reform processes with an integrated focus help minimize this risk as there is political leadership, policy guidance, inter-institutional coordination and commitment articulated by the authorities from the security sector.

Bibliography

Police Corruption in Mexico (2014-present) *Wikipedia*, Wikimedia Foundation
https://en.wikipedia.org/wiki/Police_corruption#Mexico

People and Corruption: Latin America and the Caribbean. *Global Corruption Barometer*, Transparency International. October 9, 2017
https://www.transparency.org/whatwedo/publication/global_corruption_barometer_people_and_corruption_latam

Brassen, Nicolas: What To Do About Police Corruption In Latin America. *Insight Crime* December 17, 2013
<https://www.insightcrime.org/news/analysis/what-to-do-about-police-corruption-in-latin-america/>

Corruption on the rise in Latin America and the Caribbean, *Global Corruption Barometer*, Transparency International. October 9, 2017
https://www.transparency.org/news/feature/corruption_on_the_rise_in_latam_and_the_caribbean

Police Corruption in Argentina, *Wikipedia*, Wikimedia Foundation
https://en.wikipedia.org/wiki/Law_enforcement_in_Argentina#Corruption

Human Rights in Paraguay, *Wikipedia*, Wikimedia Foundation
https://en.wikipedia.org/wiki/Human_rights_in_Paraguay#Institutionalized_corruption