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***Mainstreaming institutional integrity measures
into Criminal Justice Institutions, with a focus on
Counter Narcotics Units***

*7th Session of the Conference of the States Parties to
the United Nations Convention against Corruption
6-10 November 2017, Vienna, Austria*



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Unique Situation

States, with and without support of UNODC and others, increase their capacities to gather and analyse intelligence, detect and seize drugs, investigate and prosecute drug-related crime.



- Increased pressure on drug traffickers and organised crime groups to respond (e.g. infiltration, bribery and undue influence, threats, new trafficking techniques or routes); and
- Specific vulnerability of officers due to direct exposure to criminal organisations, including through informants, high amounts of money.



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Unique Situation (Cont.)

- Interplay of multiple institution: Mixed teams governed by different institutional rules (mainly police, customs and border forces)

Different administrative and operational authority (SOPS)

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In addition to general corruption risks:

Misuse of the public funds dedicated to the forces, security and equipment, recruitment based on favoritism not merit and integrity, lack of oversight and accountability measures, weak disciplinary measures and impunity, insufficient training and guidance



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Emerging topic / Increased focus

Mandates (examples):

- Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, Para 5 d)

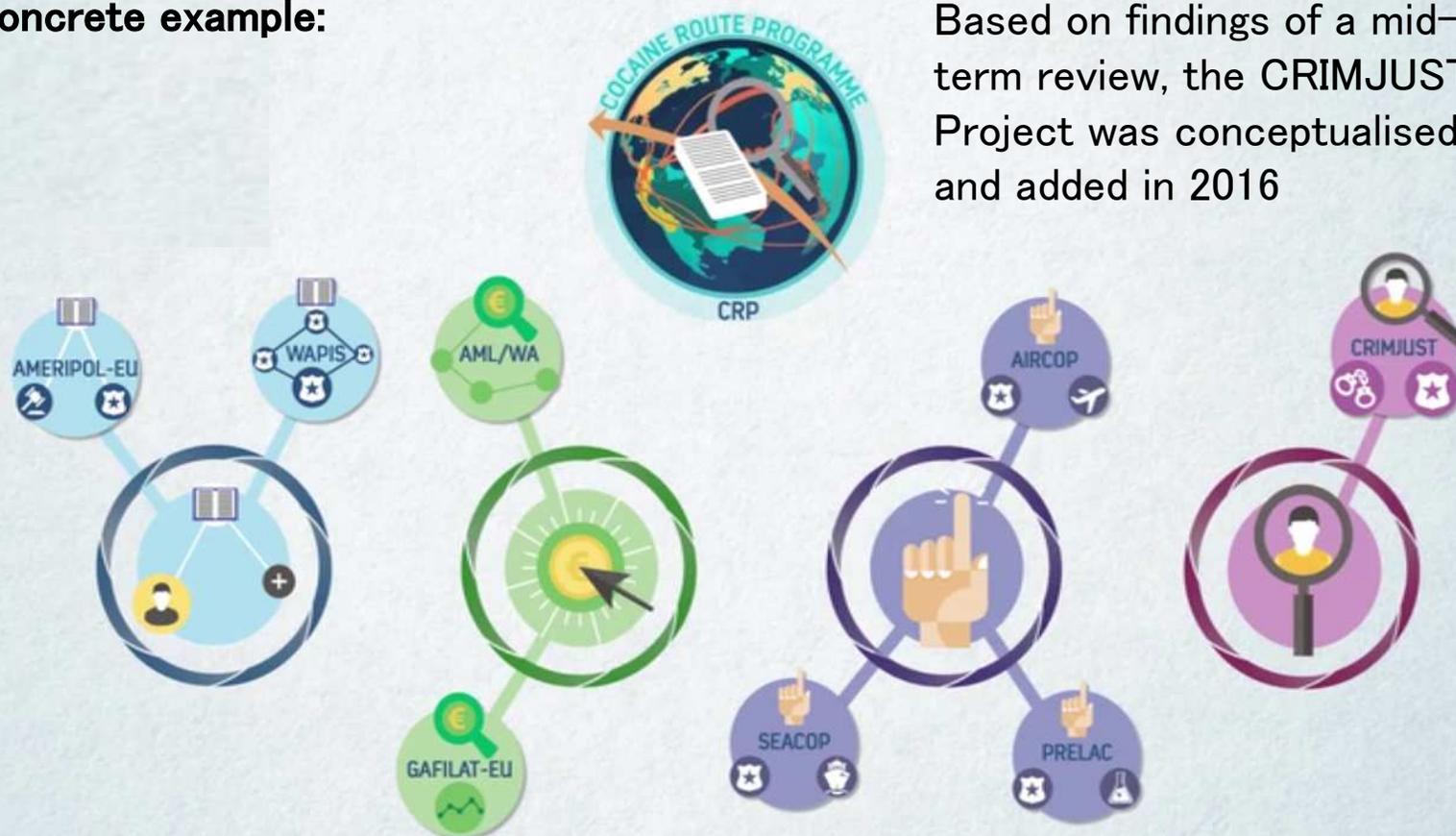
- Resolution 5/4, Follow-up to the Marrakech declaration on the prevention of corruption, OP 15 and resolution 6/6

The Conference called upon States parties to devote special attention to strengthening integrity across the entire criminal justice system, including the police, prosecution, (...)

- Resolution 6/6, the Conference expressed concern about links between corruption and other forms of crime, in particular organized and economic crime

Emerging topic / Increased focus (Cont.)

Concrete example:

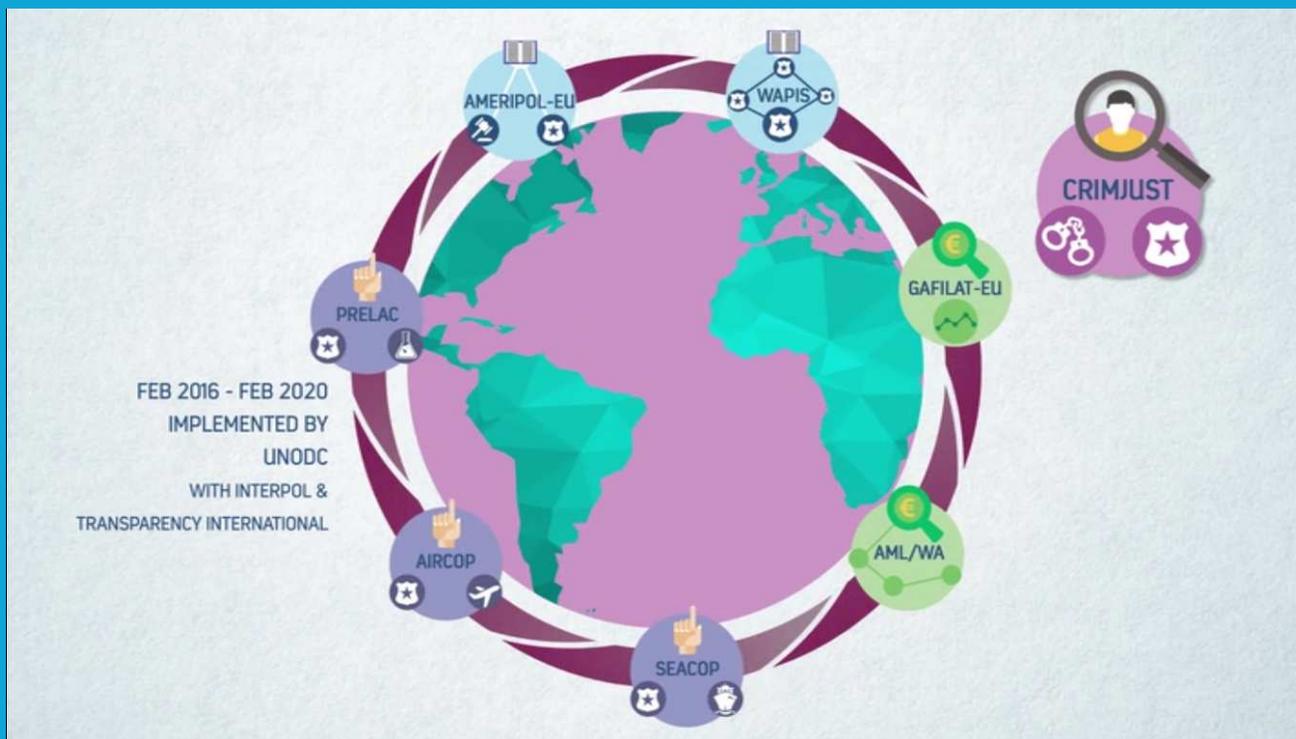


Based on findings of a mid-term review, the CRIMJUST Project was conceptualised and added in 2016



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- Designed to complement the other projects
- Unique collaboration on topics and with partners (INTERPOL and TI)
- Organised Crime / Law enforcement project with corruption components
- Increased interest by States / Potential to grow

« Enhance integrity and accountability of law enforcement and the judiciary with the active participation of CSOs, for more effective investigations, prosecutions and international cooperation in relation to OC. »

[Close coordination with outcome 4 (TI)]

Corruption as bottleneck to achieving sustainable results in the fight against organised crime & drug trafficking



Integrity and accountability measures as facilitators to achieve impact in the fight against OC and to (staff) security



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Focus areas of the anti-corruption work



Counter narcotics units



Prosecution
(specialised units)

Judges/Courts

Criminal Justice Chain



Specific context of work (e.g. detect / investigate drug related crime)

Source

- Cultivation, Production
- Preparation
- Sales

Transit

- Concealment
- Cross border smuggling
- Fraudulent documentation

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Destination

- Documentation
- Storage
- Consumption
- Sales

SUPPLY



DEMAND



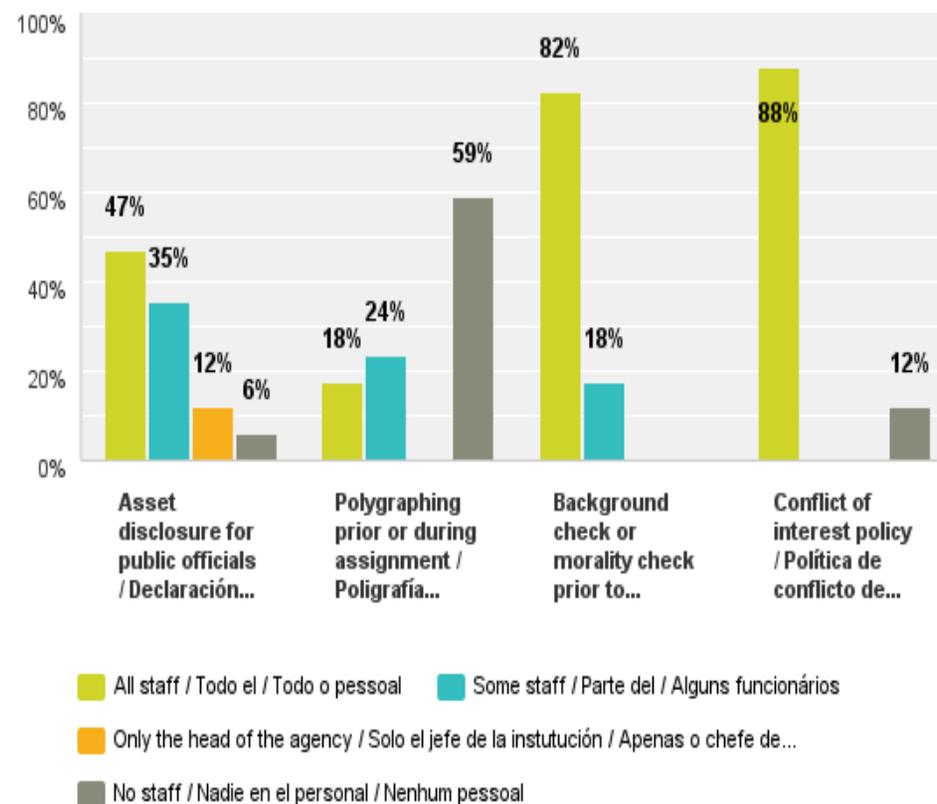
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1. Preliminary online survey in target and associate countries
2. Inter-regional workshop with concluding recommendations by participants (Q1 2017)
3. Additional research for an Institutional integrity report (project document)

Q3 Is the staff in your institution subjected to the following integrity measures? / ¿El personal de su institución está sujeto a las siguientes medidas de integridad? / O pessoal da sua instituição está sujeito às seguintes medidas de integridade?

Answered: 17 Skipped: 0





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Institutional Integrity: A key building block in strengthening criminal investigation and cooperation along the Cocaine Route

Inter-Regional Workshop

31 January – 1 February 2017

Panama City, Panama

50 participants from Latin America and West African





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1. Selection, training and vetting procedures

- Police and customs administration in charge of Human Resource management (standard rules don't seem to differ for recruitment in counter narcotics units)
- The majority conducts some background checks but no conformity as regards the scope
- Polygraphing is only used by some (as one of several means of vetting) – regularly?
- Though States seem to have some basic training on ethics, those often seem insufficient and requests for more capacity building and continuing tailored trainings are being made



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2. Case management and standard operating procedures

- Majority has no specific SOPs for counter narcotics teams but staff guided by their organisations SOPs. Under AIRCOP and CCP those are being developed (Panama and Dom. Rep, Ghana). Potential for further improvement and checking for corruption risks (*e.g. access rights and procedures to crime scene, databases, evidence storage, details of the examination of the containers or baggage, chain of evidence*)
- Specific corruption risk assessments at country level (airport/port level) might further help to develop concrete mitigation plans





Example – Risk assessment

	IMPACT/CONSEQUENCE		
CORRUPTION THREAT (e.g. weaknesses in systems, procedures, internal and external people)	Fulfilment of core mandate (Detection and investigation of drug related crime)	Financial and social (loss of funds, legal penalties, loss or injury of staff etc.)	Reputation
Unauthorized access to crime scenes / evidence storage (as this can lead to manipulation)	X		X
Theft/Loss of confiscated goods after conviction		X	X
Personal use of equipment (cars etc.)	(X)	X	(X)
Recruitment of staff with ties to organised crime	X		(X)
Police officers being bribed (e.g. to show lenience, to pass on information about investigation, witnesses or else)	X		(X)
False expense claims/invoices are produced and approved without controls	(X)	X	(X)
Procurement and recruitment/ promotion decisions based on personal interests and not quality/merit	X	X	X

Prioritization of corruption risks

There are three dimensions:

- Likelihood
- Impact

CORRUPTION RISK LEVELS		IMPACT/CONSEQUENCE			
		Insignificant/ minor	Moderate	Significant	Severe
LIKELIHOOD / PROBABILITY	Almost certain	Medium	Medium/High	High	High
	Likely	Low	Medium	Medium/High	High
	Possible/ Occasional	Low	Medium	Medium/High	Medium High
	Rare/ unlikely	Low	Low	Medium	Medium

And once these have been assessed

- Ability of the organization to act on the risk.



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3. Disciplinary procedures, reporting mechanisms and oversight

- Codes of conduct are common for police, less so for customs (bound by general civil servant codes).
- The disciplinary system to assure adherence varies
- Oversight committee for Good Governance (e.g. Colombia)
- Asset declaration systems vary in terms of their scope and procedures
- 3 countries have regulations protecting whistleblowers (Ghana, Brazil, Peru)



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Other conclusions

- ✓ Based on the survey, while the overwhelming majority of the responding participants confirmed having a disciplinary framework and oversight units, one third indicated that **no sanctions have actually been imposed**.
- ✓ Analysis of legislation indicated that selected countries have the basic norms in place, however, **detailed regulation and / or administrative measures are often missing**.
- ✓ Technical assistance may be devoted to **targeted regulation for anti-narcotic units**, including from the perspective of reducing vulnerabilities to corruption.
- ✓ **Multi-agency law enforcement teams** increasingly play a key role at selected ports and airports. Strengthening existing and future teams with SOPs against corruption can ensure the continuity of positive results.



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“INSTITUTIONAL INTEGRITY OF LAW ENFORCEMENT AGENCIES DEALING WITH ORGANIZED AND DRUG RELATED CRIME IN LATIN AMERICA, THE CARIBBEAN AND WEST AFRICA “

- Outcome document adopted in Panama City, el 1 de february 2017.
- The representatives of the participant countries convened to adopt institutional integrity measures within the anti-narcotics units that comprise:
 - Integrity of staff
 - Transparency and SOPs
 - Accountability mechanisms

Twenty-seventh Meeting of Heads of National Drug Law Enforcement Agencies, Latin America and the Caribbean (HONLAC) 2-6 October 2017, Guatemala

Observation:

“The implementation of integrity policies can improve trust among law enforcement, prosecutorial and judicial services”.

Conclusion:

“The effectiveness of the fight against organized crime, corruption and money laundering can be enhanced by adopting institutional integrity measures”.





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Recommendation in HONLAC' s report

“Governments shall implement institutional integrity measures addressed to judicial, prosecutorial and law enforcement institutions to enhance the effectiveness of anti-organized crime operations and build trust to boost inter-agency and inter-regional cooperation”.



Study visit on Best Practices to Colombia and Ecuador (Dominican Republic & Panama, Oct 2017)



Example: Integrity training in Ghana

UNODC is supporting the Ghanaian Police Service to develop training modules on integrity for the more than 200 detectives working in the Drug Law Enforcement Unit, in partnership with the Detective Training School of the Criminal Investigation Department.





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Next steps:

- **Assistance at country and institutional level (within limited resources)**
- **Continuous advocacy at the policy level (CoSP, CCPCJ, HONLEA meetings and at regional fora)**
- **Advocacy for added financial support from donors**
- **Feed-back loop(s) through inter-regional workshops**
- **Work on prosecutorial integrity**



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For more information:

www.unodc.org/corruption

www.track.unodc.org



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