

# CORRUPTION AND ITS IMPACT ON LAW ENFORCEMENT WORK

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## I. CURRENT SITUATION

The National Police of Panama has as its primary objective safeguard the life, honor, property and other rights and freedoms of all persons that are under the jurisdiction of the State, as well as to maintain the peace and security of all its inhabitants.<sup>1</sup> To run this mission, the police must interact with the society and be observers to the accomplish of laws, according to the standard the Constitution of the Republic of Panama.

The relationship between police and citizens must be informed by the ethical and professional principles that allow for the effective development of police work. One of the challenges to community police units is to maintain the integrity and the commitment to sustain the credibility deposited by the citizens.<sup>2</sup> All programmes designed to improve the quality of life and the citizen's security perception within communities depends of the image projected by the police officers enforcement.

It has been found through disciplinary audiences that police officers misconducts, such as abuse of authority, misuse of force, extortion and immoral behaviours have a negative impact to the public's perception of security. Any police officer's act of corruption has a direct impact on the image of the organization, as well as on the plans and strategies that are developed for the benefit of all citizens. Corruption causes the loss of citizens' trust toward police tasks.

Police officers of lower rank are commonly breaking the disciplinary rules. New generations seems to be more involved in disciplinary behaviours, also the responsibility and the ethical values that society requires, show not to be their strength. Currently, is not easily to find in the society, the human resource with the appropriate profile that is needed to work and run the role of authority and enforce existing laws and rules with the vocation of service. This issue is now a challenge for recruiting and selection process: hire the best and high qualified individuals for law enforcement duties, even when citizens' needs are upon more police officers presence on the streets to improve their security perception.

There is no doubt, a change in strategies and in security policies to faced corruption is obviously necessary. The main purpose must be focused on man empowerment: high values, skills and commitment for law enforcement duties. This will enhance the security organization in high standards capacities to enforce the mission given by law: protect and serve society. This means not be empowered as an authority to incurred in abuses and corruption and be served through illegal profits from society.

When a police officer is implicated in acts of corruption, the elements of proof become one of the main limitations for the disciplinary punishment. For the prosecution of acts of corruption committed by police officers, was created the Department of Professional Responsibility, as an office of internal affairs. This department is responsible for investigating violations of police procedures and the acts of corruption in accordance with the provisions of Article 119 of the Organic Law of the National Police.<sup>3</sup> These investigations may be initiated in the following manner:

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\*Commissioner, National Police, Panama.

<sup>1</sup>Executive Decree No. 204, Disciplinary Rules of the National Police, September 3, 1997

<sup>2</sup>United Nations Office on Drugs and Crime, *policing: The integrity and accountability of the Police*, New York 2006

<sup>3</sup>Executive Decree No. 204, Disciplinary Rules of the National Police (2012).

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PARTICIPANTS' PAPERS

- *Ex officio*, public complaint through a social media.
- Denunciation, complaint or telephone indictment, previous identification.
- Complaint through a signed letter
- Indictment or complaint of any member of the National Police

Sometimes the investigations are constrained by the need of information and evidences under the responsibility of the private sector and the judicial agencies, making it difficult the collection of information and evidence of the fact, and will therefore take a long time, thus leading to a long waiting period between the act of indiscipline and the punish that impose the Disciplinary Superior Board to this misconduct. This situation makes security strategies of the National Police more vulnerable to corruption, by the broad period for the exemplary disciplinary action to correct the action, which is a threat to the task of enforcing the law at all levels: organization, community and citizenship.<sup>4</sup>

## II. EFFECTS OF CORRUPTION

Corruption is one of the most convincing threats to security organizations, because it is a problem related to ethical. Corruption is usually generated from outside by the action of people that from their own perspectives, recruit and corrupt public servants to serve for their purposes and in many cases these activities are done in secrecy and cannot be easily detected.<sup>5</sup>

Currently the National Police is conducting retraining to different hierarchical levels in order to strengthen the ethical principles and values of all its members, to ensure the high degree of competitiveness and professionalism during the performance of their duties. Corruption not only breaks the moral principles and the institutional image but it promotes the feeling of fear and insecurity among the citizens.<sup>6</sup>

### A. Organized Crime

Each day the organized crime is looking for a way to penetrate the security institutions. Public servants who work in the judicial departments and law enforcement officers are more vulnerable by the organized crime through their bribes and extortion, even death threats, in order to obtain benefits and to continue their illicit activities. According to Americas Barometer (2008), police corruption is considered a critical problem in Latin America, known through the media news about the police collaboration and protection of persons from organized crime.

According to report conducted by the research organization, on results obtained through survey in 21 countries of Latin America and the Caribbean, 44% of the respondents said that their local police are involved in crime. Thirty-eight percent (38%) said that the police were protecting the citizens and 18% said that the police did not protect the people but was not involved in criminal activities.

The fight against organized crime has its center of gravity in the institutional legitimacy. No matter how greater the challenge is, terrorist or drug trafficker, the behaviour of those who enforce the law must be committed to the respect for the law and human rights. Otherwise, each time that a public servant is diverted from its performance, it is legitimizing the crime, putting in proof the capacity of moral integrity, dignity and ethics of law enforcement workers and all the security institutions of the nation.<sup>7</sup>

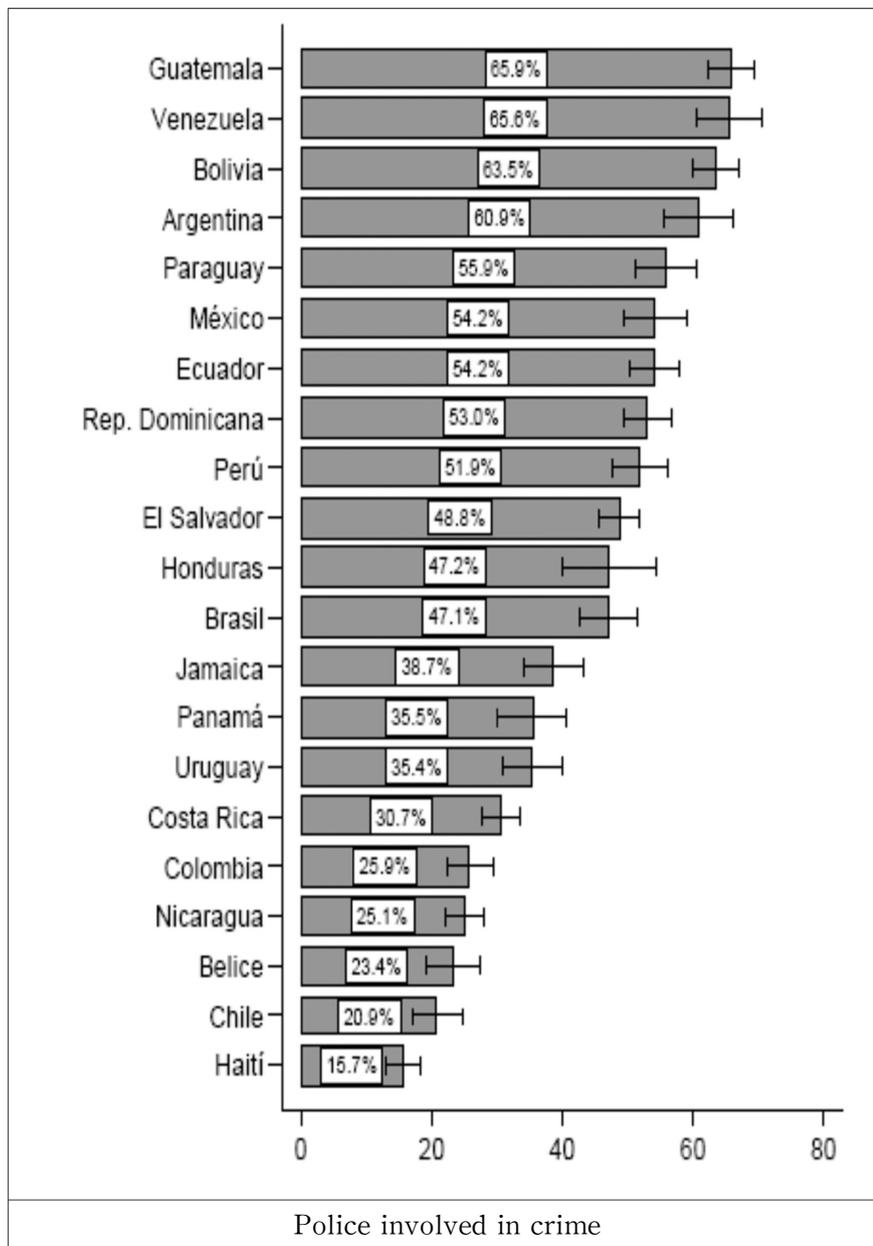
<sup>4</sup>United Nations Office on Drugs and Crime, policing: The integrity and accountability of the Police, New York 2006

<sup>5</sup>Lynch, Omar. Características de la corrupción administrativa en Panamá, actividades realizadas en la lucha contra la corrupción, resultados y perspectivas. Retrieved from <http://www.clad.org/documentos/otros-documentos/caracteristicas-de-la-corrupcion-administrativa-en-panama-actividades-realizadas-en-la-lucha-contra-la-corrupcion-resultados-y-perspectiva>, October 12, 2013

<sup>6</sup>Transparencia Policial en Colombia (2008). Retrieved from <[http://www.policia.edu.co/documentos/ascensos/tematicas\\_ascenso\\_pt\\_2013/Guia%20Policia%20Nacional%20por%20el%20Camino%20de%20la%20Eficiencia,%20la%20Transparencia%20y%20el%20Buen%20uso%20de%20la%20Fuerza.pdf](http://www.policia.edu.co/documentos/ascensos/tematicas_ascenso_pt_2013/Guia%20Policia%20Nacional%20por%20el%20Camino%20de%20la%20Eficiencia,%20la%20Transparencia%20y%20el%20Buen%20uso%20de%20la%20Fuerza.pdf)> 12 October 12 2013.

<sup>7</sup>Deontología Policial, Retrieved from <http://www.policia.cl/cidepol/biblioteca/deontologiapolicial.pdf>, October 12, 2013.

Perception that the Police are involved in crime, Latin America and Caribbean, 2008



Source: <http://www.americasbarometer.org>

Any police officer of the National Police detected having any relation with people of organized crime or of dubious reputation, denigrates the institutional image and is severely punished with the dismissed of the police career, previous investigation done by the Department of Professional Responsibility. This is important because if the citizenship notes the repetition of negative behaviours that are not sanctioned, concludes will be wrong, that all cops are well and that, in addition, are protected by their superiors, which reaffirms the perception of impunity and complicity.

**B. Perception of Security (Citizens feel secure during daily activities)**

According to the Public Security Ministry, the National Strategy for Citizen Security, whose cost is about of US\$37 million provided by the European Union until 2017, is based on enhancing the training of individuals from the Public Security Ministry, Education, Social Development, Labor and the National Police. This tends to exchange information between law enforcement agencies and to

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PARTICIPANTS' PAPERS

implement more prevention at the family level and in schools that are located in areas with high rates of youth violence, drug and alcohol use.<sup>8</sup>

Nowadays, the perception of security of the citizens must be the primary interest when a security strategy is designed. Indicators should be directed to the perceptions and expectations of quality of service the society and the country need. Moreover, indicators should evaluate the law enforcement work and its impact on the relationship police-community-authority.

In these times, the common citizen is not interested in knowing if their security depends on the community policing or investigation tasks of law enforcement officers, or the police relation with the prosecutor or the judge to ensure the security of them. The matter is now who cares of them during their daily activities and through its work can make them feel secure. The world today demands a high level of competitiveness, in the case of the National Police, the respect for the law, Human Rights, the effectiveness of their work and transparency in the activities of each of their members. It is necessary significant changes in the profile of police officers required to achieve law enforcement duties. It implies substantial changes for a contemporary police culture of transformations toward the respect for the rights and dignity of all individuals. And also, with the surveillance of the citizens, observing their police officers is honest, reliable, transparent and responsible for their actions in the community he/she serves. If this does not exist and are obvious acts of corruption during police duty, citizen will mistrust their police and will not collaborate or participate in any programme to reduce crime rates and improve perception of security in their communities.

Recent citizen's surveys pointed out the confidence and acceptance of the National Police. In January 2013 almost 1,201 people surveyed by the Borges and Associated Company declared having 55.8% good opinion of the National Police, placing it in fifth place in comparison with other organizations such as the Canal Authority (63.3%), Electoral Tribunal (61%), Social Communication (57.7%) and the Catholic Church (57%).

The corruption scandals related to drug trafficking, abuses of authority and high crime rates directly affect the mistrust that perceive the citizens on the National Police. On the other hand, in recent years, immediate actions of deputation and police reform carried out have improved levels of confidence.

### **C. Increase in Crime**

The police presence on the streets is closely linked with the perception of security of the citizens and the prevention for the actions of crime. It is thus that each police action in the operational or administrative area has a significant impact on the development of criminal activities.

One of the most questioned police actions in the internal administrative process are the absence to the service. In the last nine months, 52 police officers were destitute because they were absent from work more than three consecutive days without justification (desertion). In occasions from this situation, emerges the commission of other misconduct to the disciplinary regulations, as it is the counterfeiting or alteration of signatures or documents, when police officers try to justify the absence to the service through "questionable" documents that certify their inability for health reasons. During 2013, six police officers have been removed because of these practices. Additional, these cases were sent to the Anticorruption Prosecutors, to investigate this act of corruption.

The quality of service provided by the National Police is directly related to the results of the police presence for the prevention of criminal acts. Each time that a police officer is absent from the service with a medical justification, we should not think in the first instance that is an act of corruption but a right. But, so long as they comply with the procedures for reporting on time the absence from work and in such way, it allows adjusting security needs in relation to the human resources available. It is in this way that its responsibility for its absence is not in doubt.

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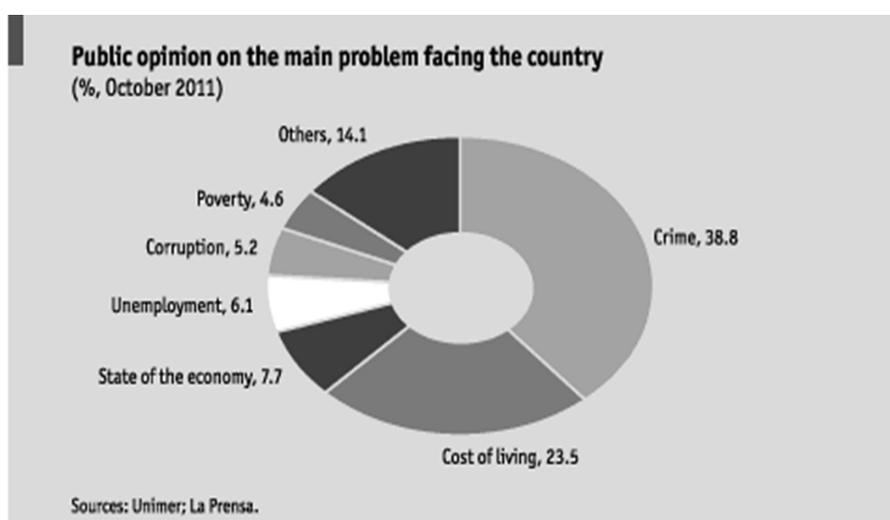
<sup>8</sup>Córdoba, María G. Panamá: Nueva estrategia de seguridad busca reducir homicidios. Retrieved from <http://www.infosur.com>, October 12, 2013.

In some cases, it has been detected that police officers were involved in criminal acts, performing other tasks for personal remuneration, which are absent to its service justifiably. These facts are the one to pay attention to, because it's linked to acts of corruption.

On the other hand, every action, decision and omission in law enforcement duties, the police officer has significant responsibility according to the results. In this year, 44 police officers were destitute due to denigrate the image of the institution. The majority of them were involved direct and indirect with criminal operations, omitting significant information for the persecution of the offenders and even subtracting evidence from the crime scene. The current risk of law enforcement work is more ethical than physical.

Whenever a police officer goes out to the street to fight crime, the challenges will be greater due to the factors internal and external determinants that encourage the development of the acts of corruption, which facilitates the increase in crime and the perception of insecurity. This feeling of insecurity not only applies to criminal acts but also to others that low the level of confidence because of the dissatisfaction of the system of justice, especially in cases of corruption.

**Graphic 1 Panamanian Public Opinion about the problems facing the country**



Source: The Economist Intelligence Unit. Country Report, November 2011

### III. MEASURES TO CONTROL CORRUPTION

According to the Article 18 of the Constitution, public servants are responsible for breaches of the Constitution and the law and also by overstepping of functions or by omission in the exercise of these. On the other hand, the Article 1996 of the current Judicial Code, says that every public employee who, in the exercise of their functions discover in any way that a crime has been committed to those where they are to be on its own motion, will promote to pass all data that are conducive and denounced to the competent authority, to proceed with the prosecution of the offender or offenders.

Police officers are public servants, and must reported to their superiors or to the corresponding authorities, those acts of those who had knowledge with reason or on the occasion of the exercise of their functions and that could cause harm to the State or constitute a criminal offense or violations of any of the provisions contained in the Code of Ethics (Executive Decree No. 246, September 15, 2004).

The members of the National Police should behave at all times in accordance with the highest principles of honesty, morality in the exercise of their functions. Police officers, in their professional and personal life, will be honest and respectful of human dignity and give the example in compliance with the laws and regulations of the law enforcement institution.<sup>9</sup>

<sup>9</sup>Executive Decree No. 204

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Some measures that can control the acts of corruption within the police force, are the following:

- Accountability to the community
- Implementation of strategies and clear policies against corruption
- Strengthen a culture of transparency
- Efficiency for the recruitment of police officers
- Improving accounting and auditing standards of staff, goods and services
- Develop training and ability of the police officer
- Implement and monitor appropriate manuals and procedures
- Promote and comply the rules of law
- Prosecution based on accurate facts and evidences that are needed by law
- Promote activities to encourage coordination between private sectors
- Punishments for corruption will be more severe. Sanctions will increase for corrupt acts.
- Use of a special telephone number. This line will provide legal aid to people who have been exposed to corrupt behaviour. A specialized police section will therefore be established.<sup>10</sup>
- Promote anticorruption campaign through a culture of integrity against corruption in the public service
- Enforce rule of law to fight corruption behaviour

#### IV. CONCLUSION

Police officers have as their primary mission to protect and serve society, while respecting human rights, equity and justice, as well as all the constitutional rights of the people living in Panama. But to comply this important task, always act in accordance to what is established by law, ensuring the security of citizens without accepting gifts or rewards for reasons related to the exercise of their functions.

To meet the cases related to corruption, the treatment must be encased, directing exemplary disciplinary punishment toward the misconduct and not toward those who committed it. This will help in making objective decisions, based on the laws and codes of conduct and ethics that govern the duties of all those officials who serve society and does not been served by it.

On the other hand, it is important to the training of police officers to strengthen their competitiveness in values and ethical to achieve his/her organization with absolute impartiality, without engaging in acts of corruption that denigrate the image of the institution and it is the duty of each one of them to keep a constant surveillance to combat corruption.

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<sup>10</sup> Anti-corruption measures. Retrieved from <<http://icv.vlada.cz/en/anti-corruption-measures-91528/>>. 13 July 2013.