



# Public Corruption Behaviors

*Empirically Linking Conduct to Enforcement and Control*

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CORRUPTION

**National Academy Workshop #5:  
Police Role in Combatting High-Level Corruption**

# 1. What is Corruption? It's how we define it in practice.

*10 statutes comprised 60% of all public corruption cases brought in 30 yrs in US (1986-2015)*

**Public corruption**, defined as corruption involving a **public official**.

*Corrupt exchanges between private citizens or corporations that do not involve public officials are not considered here.*



18 USC 201 - Bribery of public officials and witnesses

18 USC 666 - Theft or bribery in programs receiving Fed funds

18 USC 1951 - Hobbs Act (extortion)

18 USC 1001 - Fraud/false statements or entries generally

18 USC 641 - Public money, property or records

18 USC 1341 - Mail Fraud - Frauds and swindles

18 USC 371 - Conspiracy to commit offense or to defraud US

18 USC 287 - False, fictitious or fraudulent claims

18 USC 1343 - Fraud by wire, radio, or television

18 USC 1962 - RICO - prohibited activities



# The underlying behaviors behind the cases

Four major types of underlying behavior:

**Bribery** - a voluntarily exchange (solicitation or acceptance) of any benefit to influence an official act. Corrupt exchange between a public official & private business or citizen that benefits both parties.



**Fraud** is theft by deception (often of funds obtained and misused without authorization).

**Extortion** involves obtaining property using threats of future harm.

**Conspiracy/racketeering** – organizing, protecting, or extending ongoing corrupt activity

# Federal v. state and local corruption



- Cordis and Milyo (2016) conducted an extensive search of all newspaper and newswire coverage (1986 to 2014) for *any state or local cases involving any public employees.*
- Found: **910 total convictions** (outside federal courts).
- Over same period, **16,452 convictions in federal court!**
- Result: **94% of all public corruption convictions** in the U.S. occur at the federal level in federal court.
- **Take-away:** public corruption is rarely prosecuted at the local level. *Likely true elsewhere, globally?*

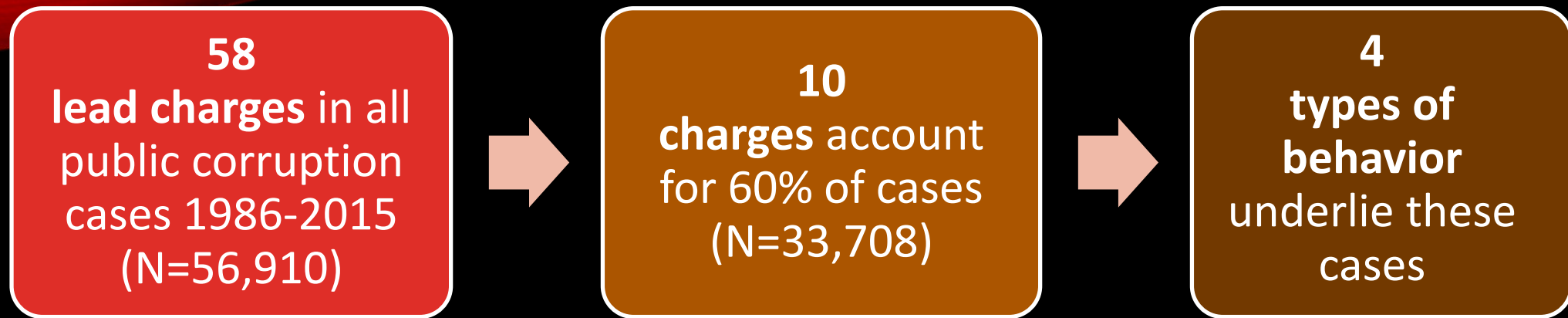
# Behaviors Underlying Corruption Convictions

Underlying Conduct	1986-2015 Convictions	Percent of Convictions
Fraud	13,685	40.6
Bribery	12,004	35.6
Extortion	4,255	12.6
Conspiracy/RICO	3,764	11.2
Total	33,708	100%

- Fraud is the most common (41 % of cases), followed by bribery (36 %), extortion (13 %), and conspiracy/RICO (11 %).
- These figures, representing 30 years of corruption convictions, illustrate how a **small number of behaviors** underlie corrupt conduct in practice.
- The mix (ordering) of charges brought against federal defendants is somewhat different for cases involving state and local public corruption.



## Summary: Lead Charges and Underlying Behaviors in Corruption Cases



### Corruption in practice: Fraud, Bribery, Extortion, Conspiracy/racketeering

Given the statistical, case document, and interview data, *a small number of underlying behaviors comprise the vast majority of corruption cases.*

*More effective attention needed for the circumstances of these corrupt decisions.*

# Drilling down - a typology: two categories of cases and behaviors

A. Public corruption as **appropriation**.

Goal: money or personal advantage

Typology	(common fact patterns)
<b>1 Receivers</b>	<u>Receiving bribes</u> = single payments for specific official action/inaction
<b>2 Solicitors</b> <b>2a Extorters</b> (threats)	<u>Soliciting bribes or extortion</u> = demands or threats for official action/inaction in exchange for payments. Continuum of force.
<b>3 Schemers</b>	<u>Contracting and procurement fraud</u> = long-term scheme of multiple payments/ kickbacks for single contracts
<b>4 Opportunist</b>	<u>Embezzlement</u> = theft of government funds or property. Excluded: SBA and Medicaid (unless fraud by public official)

B. Public corruption as **evasion or misuse of authority**. Goal: personal or political advantage, escape detection

Typology	(common fact patterns)
<b>5 Abusers</b>	<u>Official misconduct</u> = (abuse of authority of position, interfere w/primary official duty including elected officials, furtherance of crim. conspiracy, civil rights violations, bribe for vote)
<b>6 Liars</b>	<u>Obstruction of Justice</u> = (witness tampering, perjury, falsifying/ destroying official documents, covering up illegal acts) Excluded: lie to FBI (common!)
<b>7 Insiders</b>	<u>Violations of regulatory laws</u> = (nepotism, conflict of interest, campaign finance)



**Typology** - enables investigators, auditors, prosecutors to **train and focus** on particular kinds of corrupt conduct.

# Behaviors underlying corruption – by level of gov't

Underlying behaviors	Total (rank)	Federal (rank)	Local (rank)	State (rank)
Fraud	8742 (1)	5579 (1)	2051 (2)	1112 (2)
Bribery	8620 (2)	5129 (2)	2421 (1)	1070 (3)
Extortion	3413 (3)	535 (4)	1722 (3)	1156 (1)
Conspiracy/ RICO	2770 (4)	1420 (4)	896 (4)	454 (4)
<b>Total</b>	<b>23,545</b> <b>(100%)</b>	<b>12,663</b> <b>(54%)</b>	<b>7,090</b> <b>(30%)</b>	<b>3,792</b> <b>(16%)</b>

- Prosecutions illustrate the centrality of four kinds of conduct to corruption.
- The frequency of different kinds of corruption varies: fraud is the most common type of corruption at the federal level, bribery at the local level, and extortion at the state level.
- The bottom row shows 54% of all cases involved federal defendants, 30% local defendants, and 16% state-level defendants.





(Moving from what to *why*..)

## 2. Assessing Offender Motivations: 72 Interviews

Interviewee Backgrounds	N (%)
Former investigators (I)	18 (25%)
Former prosecutors (A)	22 (31%)
Offenders, victims, insiders, undercover, whistleblowers (E)	14 (19%)
Stakeholders, community activists, researchers (S)	18 (25%)
<b>TOTAL</b>	<b>72 (100%)</b>

- Assessing motivation: **72 individuals with direct experience in multiple corruption cases were interviewed.**
- The 72 interviews discussed hundreds of documented corruption cases spanning decades.
- Court documents do not focus on motivation, hence the interviews.

Approach to Causation	Primary Cause	Prevention Approach
<b><u>Positivist</u></b> (e.g., peer pressure, learning, opportunity)	External factors (usually social and economic) push an individual toward crime and corruption.	Reform by changing social and economic conditions, or by changing a person's reaction to them.
<b><u>Classical</u></b> (e.g., control, routine activities)	A free-will decision to commit corruption is guided by hedonistic tendency to maximize pleasure & minimize pain.	Deterrence through increasing the threat of detection, apprehension and punishment.
<b><u>Structural</u></b> (e.g., weak or authoritarian jurisdictions with unequal law enforcement)	Systemic political and economic conditions in a jurisdiction that create an environment conducive to corruption.	Legal, structural changes to elections, political power in a jurisdiction, enforcement of laws, ability to file complaints w/o fear.
<b><u>Ethical</u></b> (e.g., self-interested conduct; no recognition of harm, or wrongfulness)	Free-will decisions. Illegal conduct brings pleasure instead of shame due to its wrongfulness & harm to the victim & community.	Education, reinforcement of ethical decision making via education, training. Reduction of factors promoting unethical decisions.

## Causal Explanations and Coding

- **The research literature** often uses broad macro-level demographic, political and economic variables.
- **First-hand experience** crucial to for exposure to many different cases, contexts and defendants.
- **The interviews analyzed** using MAXQDA qualitative analysis software--permitting separation & grouping of themes.



Approach to Causation	Primary Cause Identified by Interviewees (excerpts from 97 separate cases)	Application to Corruption
<b>Positivist</b> (e.g., peer pressure, learning, opportunity)	<p>I went along to belong.. He tried to justify his actions by calling them scumbag dealers. We were the scumbag dealers. I wish I hadn't given in to peer pressure then. E08</p> <p>People grow up together in the area. This breeds a greater comfort for the trafficker to approach the cop. They're friends who went to school, and that makes it okay. A19</p>	<b>15%</b> of explanations by interviewees
<b>Classical</b> (e.g., routine activities)	<p>People become corrupt through seeing people making lots of money, and people are idiots. "Why am I not getting this?" S03</p> <p>One doesn't think that they are going to get detected. Even when you are detected, the penalties are not much. A12</p>	<b>19%</b> of explanations by interviewees
<b>Structural</b> (e.g., weak or authoritarian jurisdictions with unequal enforcement)	<p>It was a free-for-all in the mayor's office. It was like it was an open bank account with the police, Mayor, and schools. "Everyone is on the take, so why shouldn't I get mine too?" E01 He appeared to be mayor for life. E01</p> <p>Everyone was doing it. To get ahead as attorney, you had to play the game. E07 If a sergeant tells you to drink on the job, as a rookie, you can't say no.</p>	<b>28%</b> of explanations by interviewees
<b>Ethical</b> (e.g., self-interested conduct; no recognition of harm, or wrongfulness)	<p>The Kilpatrick family had a history of taking beyond their salary, and they don't think anything's wrong with that. S04</p> <p>The school principals took the bribes because no one thinks it's wrong. S04</p> <p>It comes back to the basic character of the individual – lie and cheat and steal at home, you are likely to lie and cheat and steal at work. S04</p>	<b>38%</b> of explanations by interviewees

# Offender motivation - summary

## Positivist

- Opportunity reduction -recruitment, supervision.
- Resistance to peer pressure/influence: creating a culture of reporting, whistle-blowing procedures.
- Training to demonstrate how corrupt conduct is rationalized with bad consequences.

## Classical

- Peer reporting: to improve odds apprehension.
- Penalties: occupation disqualification and other penalties to increase deterrence potential.
- Strengthen public official's identification with role & purpose -seeing corruption impermissible

## Structural

- Strengthen agency competence.
- Break-up fiefdoms: enhanced reporting, whistleblower protections.
- Higher visibility of decision-making -- financial and law enforcement oversight.

## Ethical

- Self-serving conduct - public officials often unaware of distinctions among self-serving conduct, conflicts of interest, ethics & corruption.
- Enhance recognition of harms and wrongfulness of conduct via knowledge of past corrupt cases.
- Mandated reporting required for public officials.

- *Different motivations for corruption require different prevention strategies.*
- *Recommendations flow from identified motivations.*



(Why not more high-level cases made?)

### **3. How does corruption become known?**

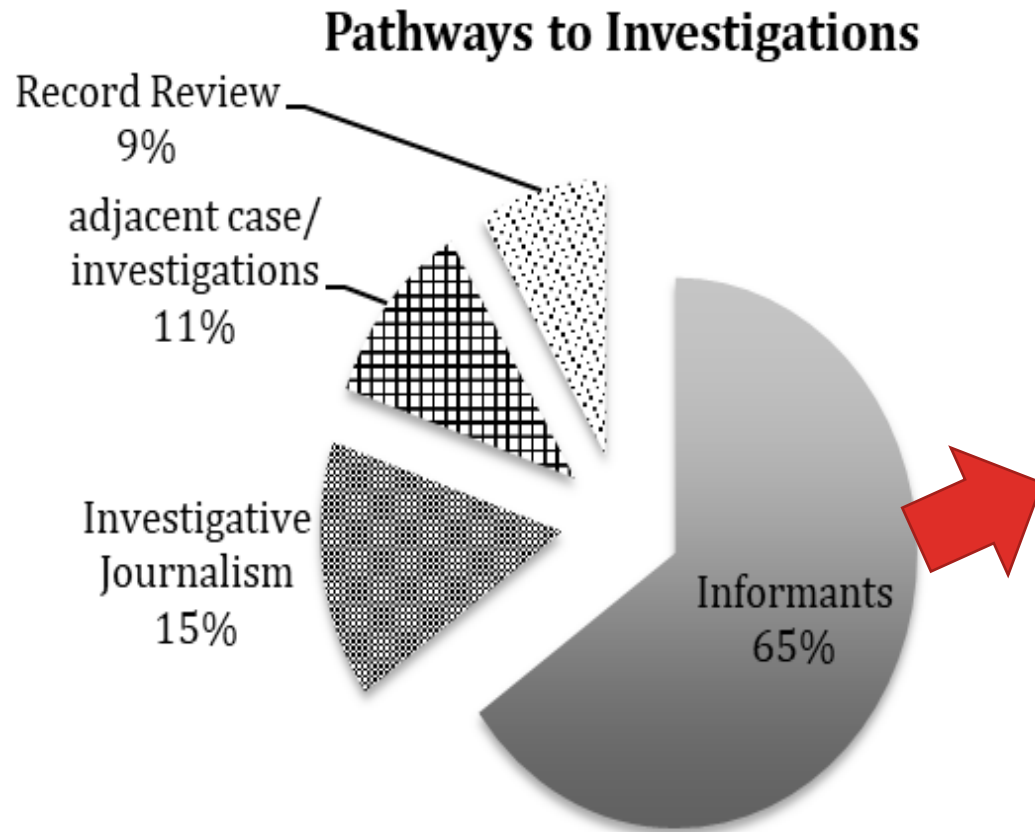
#### Data Sources:

1. Criminal case announcements from US Attorneys offices from 2013-2016 (n=2,419).
2. Text of indictments on public corruption cases using PACER.
3. Interviews (n=73).



<b>Interviewee Backgrounds</b>	<b>N (%)</b>
Former investigators (I)	18 (25%)
Former prosecutors (A)	22 (30%)
Stakeholders (S)	18 (25%)
Experienced (E)	15 (20%)
<b>TOTAL</b>	<b>73 (100%)</b>

# Pathways to Corruption Investigations



Type of Informant	N	Rate
Criminal Defendants	39	40 %
Anonymous Tips & Confidential Informant	27	27 %
Whistleblower	29	29 %
Witness	4	4 %
Total	99	100 %

Data source: Interviews and Court Documents



# Summary of case discovery

Methods of case discovery	Frequency	Issues Identified in Interviews & Document Reviews
Informants (defendants, tipsters, whistleblowers, witnesses)	65% of cases	<ul style="list-style-type: none"><li>• Barriers to coming forward</li><li>• Personal courage</li></ul>
Investigative journalism	15% of cases	<ul style="list-style-type: none"><li>• Fewer media sources exist to monitor state &amp; local corruption</li></ul>
Adjacent investigations	11% of cases	<ul style="list-style-type: none"><li>• Cross-case communication</li><li>• Police interviewing methods</li></ul>
Record review/audits	9 % of cases	<ul style="list-style-type: none"><li>• Using civil audits to build or discover illicit activities that may lead to criminal inquiries</li></ul>

**Human information is key** to starting investigations, but it is not the only way. Need for better police interviewing, more record reviews.

## 4. One more thing about making corruption cases: **agency leadership matters**

- **Leadership is a double-edged sword**: potential to spread corruption when activities are either tolerated, or cultivated.
- On the other hand, leadership has potential to curb corruption when others are trained, supervised, and held accountable.

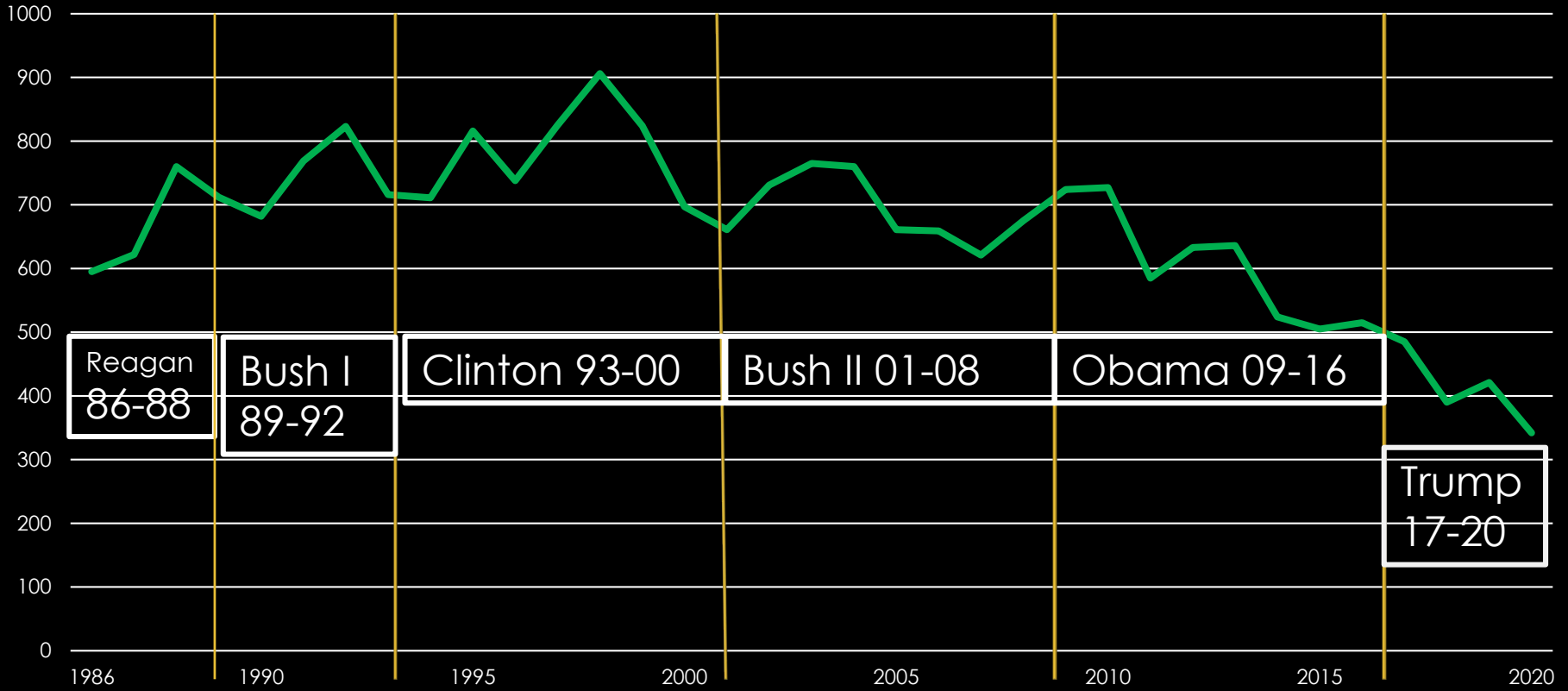


**But leadership from where?**

**Official corruption** – public corruption at the federal, state, local levels, including law enforcement, procurement, and program abuse.

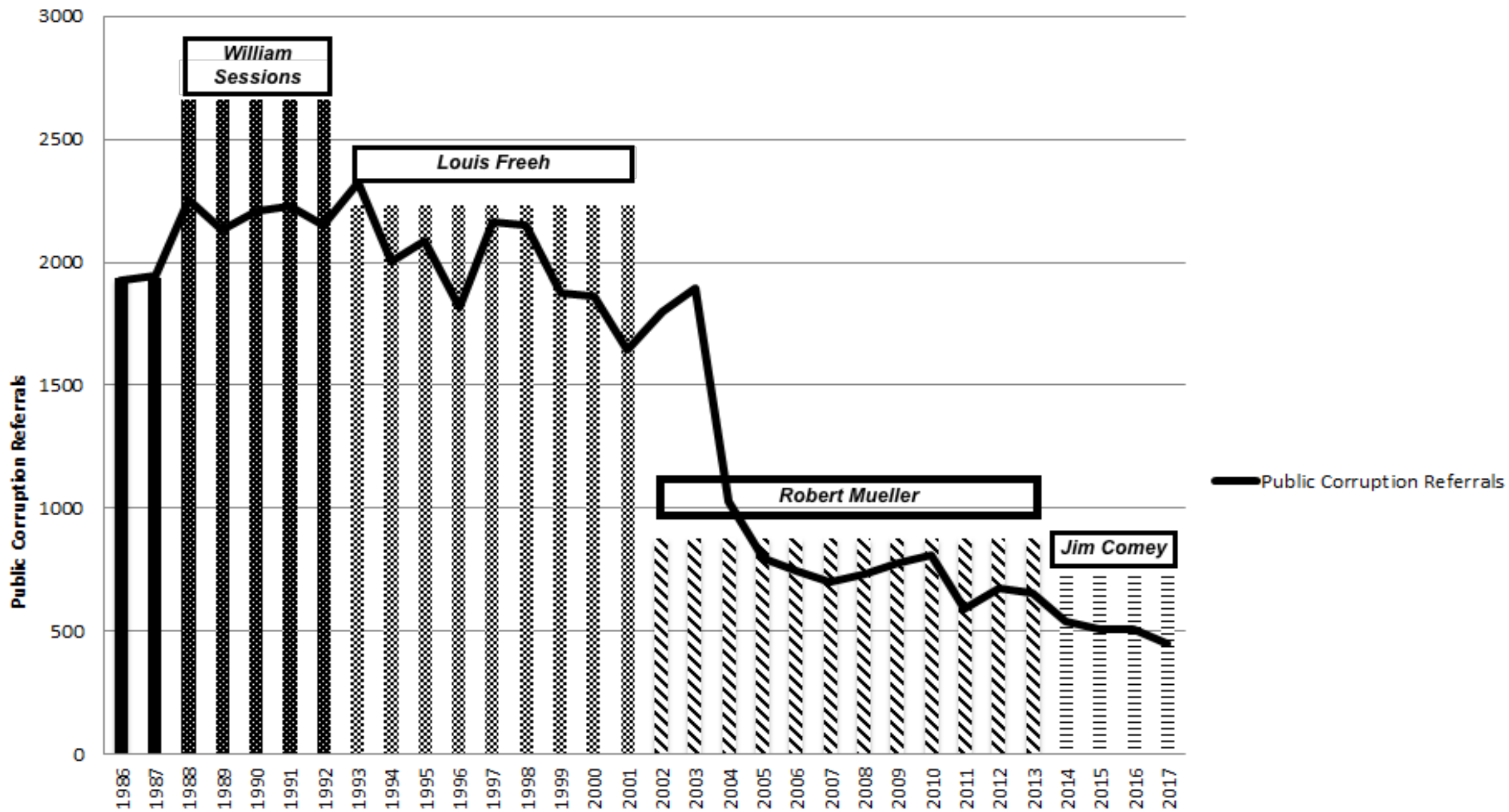
- Comments:**
- A high level of prosecutions (600-800 per year) that peaks in late 1990s.
  - But trend lurches downward after that to lowest levels in 35 years.

**Public Corruption prosecutions**





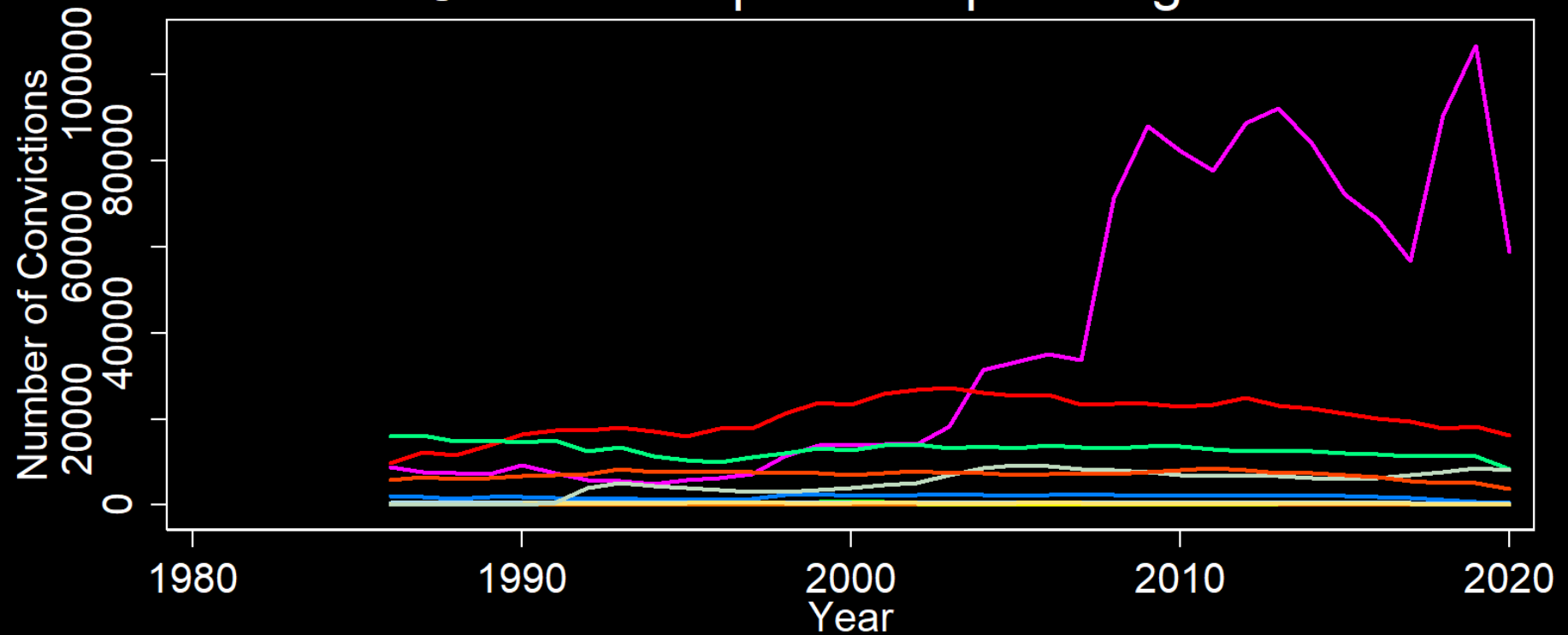
# Public Corruption Referrals by FBI Directors 1986-2017



### Comments:

- Convictions follow a similar pattern to prosecutions.
- Immigration criminal prosecutions now dominate the federal prosecution effort --- a trend that began in 2004 and skyrocketed in 2009.
- Together, immigration and drug convictions comprise two-thirds of all federal prosecutions 1986-2020.

## Convictions per Year per Program



# Summary & possible contribution (last slide)

1. Empirically, most corruption is limited to **a small number of behaviors** and offenses (making targeting easier).
2. **Method: a problem must be defined before it can be impacted.** *Careful review of known cases, combined with expert interviews* (experienced with major cases) are crucial to define the nature & motivations of offenders & offenses.
3. **Case discovery** can be improved by studying past cases, and how past detection avenues can be enhanced.
4. Some evidence exists that **agency leadership** is more important than gov't leadership in efforts at reform & control.
5. **Structural reforms are important, but not dispositive.** **Behavioral change more important** (via recruitment, repeated training, supervision, leadership and accountability) to spur ethics & loyalty to the anti-corruption mission.







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# Sources

- Albanese, J. (2021). "Organized Crime as Financial Crime: The Nature of Organized Crime as Reflected in Prosecutions and Research." *Victims & Offenders: An International Journal of Evidence-based Research, Policy, and Practice*, (2021) vol. 16, 431-443.
- Albanese, J. & Artello, K. (2019). "The Behavior of Corruption: An Empirical Typology of Public Corruption by Objective & Method." *Journal of Criminology, Criminal Justice, Law & Society*, vol. 20, (2019), 1-12.
- Albanese, J., Artello, K., & Nguyenh, L.T. (2019). "Distinguishing Corruption in Law and Practice: Empirically Separating Conviction Charges from Underlying Behaviors." *Public Integrity*, vol. 21, 22-37
- Albanese, J. & Artello, K. (2018). "Focusing Anti-Corruption Efforts More Effectively: An Empirical Look at Offender Motivation -- Positive, Classical, Structural and Ethical Approaches." *Advances in Applied Sociology*, vol.8, No.6, 471-485. (2018).
- Albanese, J. (2015). "Corruption Risks in Criminal Investigations," in *Corruption in the Criminal Justice Chain and Tools for Assessment*, R. Messick and S. Schutte, eds. (Bergen, Norway: Michelsen Institute, 2015). In English, French, and Russian.
- Artello, K. & Albanese, J. (2020). "Rising to the Surface: The Detection of Public Corruption." *Journal of Criminology, Criminal Justice, Law & Society*, vol. 21, 74-89.
- Artello, K. & Albanese, J. (2021). *Culture of Corruption: Prosecutions, Persistence and Desistence.* *Public Integrity*, (2021). (a journal of the American Society for Public Administration) <https://doi.org/10.1080/10999922.2021.1881300>
- Artello, K. & Albanese, J. (2019). "The Calculus of Public Corruption Cases: Hidden Decisions in Investigations and Prosecutions." (with K. Artello) *Journal of Criminal Justice and Law*, vol. 3, 21-36. .
- Artello, K. & Albanese, J. (2019). "Investigative Decision-making in Public Corruption Cases: Factors Influencing Case Outcomes." (*Social Sciences*, vol. 5 , 1-15. <https://doi.org/10.1080/23311886.2019.1670510>