

**Report to the ad hoc committee of the
National Academies of Sciences, Engineering, and Medicine**

A Workshop-based Consensus Study Series

***Understanding the systemic features needed to control high-level corruption
and how the police can have a positive impact***

European Research Centre for Anti-Corruption and State-Building (ERCAS)

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Table of Contents

1. Scope of work and methodology	2
2. A common framework to understand national contexts of corruption	2
2.1. How social sciences define corruption	2
2.2. Outlining high-level corruption.....	4
2.3. Expanding definitions to include context-dependency.....	5
2.4. Corruption control as an equilibrium.....	9
3. Addressing police independence: the principal-agent paradigm.....	12
4. The empirical evidence on anticorruption interventions.....	15
5. Lessons learned from past police reforms	19
5.1. Traditional approaches to reform: budget and personnel considerations.....	20
5.2. Alternative strategies for depoliticizing law enforcement	24
6. Conclusions and limitations	27

1. Scope of work and methodology

The National Academy of Sciences has commissioned this paper as part of the workshop series “Evidence to Advance Reform in the Global Security and Justice Sectors”. Its objective is to inform the State Department’s International Narcotics and Law Enforcement Bureau of capacity-building activities on strengthening police efforts to combat high-level corruption by reviewing the systemic features needed to control high-level corruption, understanding the context-dependency of institutional changes and the necessity to ensure police autonomy, as well as by compiling evidence on police reforms implemented in different countries and establishing the impact of the local background on their success or failure.

2. A common framework to understand national contexts of corruption

a. How social sciences define corruption

Defining corruption is not a simple task. The United Nations Convention against Corruption (UNCAC) for instance does not define “corruption” per se, but rather its opposites: what should good governance consist of, transparency, accountability, integrity, even consultation¹. The United States amended Foreign Corrupt Practices Act of 1977 is centered on anti-bribery and accounting provisions². Bribery is the most chased after form of corruption, but oftentimes it is just the tip of the iceberg. Corruption appears where power asymmetries are high, enabling abuse of authority and it can take on many different forms and variations across the many sectors and levels of economic and political development. For this reason, corruption cannot be spared of a plurality of definitions.

At the core of every definition of public corruption is the **sharp separation of private from public interest in the exercise of public authority**³. The private-power trespassing in the exercise of public authority has survived as the backbone of all corruption definitions in the past one hundred years, with the understanding that it is contextual to political development, and therefore refers to contemporary standards of governance.⁴ The unit of analysis of classic historical sociology, which defined notions such as patrimonialism, particularism or ethical universalism – which are still the backbones of our understanding of governance – was society

¹ United Nations. (2003, October 31). *United Nations Convention Against Corruption*, Retrieved February 13, 2022, from <https://www.unodc.org/unodc/en/treaties/CAC/>.

² The United States Department of Justice. (2017, February 3). *Foreign Corrupt Practices Act*. Retrieved February 13, 2022, from <https://www.justice.gov/criminal-fraud/foreign-corrupt-practices-act>.

³ Weber, M. (1978). *Economy and society: An outline of interpretive sociology* (Vol. 1). Berkeley, CA: University of California Press.

⁴ Nye, J. S. (1967). Corruption and Political Development: A Cost-Benefit Analysis. *The American Political Science Review*, 61(2), 417–427. <https://doi.org/10.2307/1953254>; Rose-Ackerman, S. (1978). *Corruption: a study in political economy*. New York, NY: Academic Press.

in itself, the permanent or structural (albeit changeable) features of social organization. Contemporary social scientists designate this set of features as quality of government⁵, institutional quality⁶, or governance⁷. They construct governance as a continuum, ending with two opposite ideal types largely derived from classic literature, even though each bring in their topical literature different labels⁸ (see Table 1). Unlike political economists from the Bretton Woods Institutions, who focus on the regulatory role of the state, political scientists focus more on power asymmetry and social contracts. Nevertheless, there is an understanding among them on the fact that societies with important differences in power resources across citizenry allow only a limited access to public resources, as well as economic and political opportunities, which are then distributed in a particularistic way, through processes that are not universal, impersonal, nor impartial⁹. Corruption is, thus, a major theme of political development and development in a more general sense, with the capacity of the state of enforcing public versus private interest becoming the major feature of governance, shaping social allocation and consequently development¹⁰.

The continuum from a state where personal interests monopolize authority to control economic opportunities to an open economy which allows perfect competition and equality of opportunity should be conceptualized as a variation within governance, and not necessarily as longitudinal evolution. There is no guarantee that states necessarily evolve into higher quality of governance. However, the nominal aspiration has never been higher, with UNCAC counting with 189 state parties¹¹ which denotes an international consensus around the desirability of ethical universalism (just and equal distribution of public resources) as opposed to particularism (which privileges certain individuals or groups) as the ideal scenario from which deviations should be prevented.

⁵ Rothstein, B., Theorell, J. (2008). What Is Quality of Government? A Theory of Impartial Government Institutions. *Governance*, 21(2), 165–190. <https://doi.org/10.1111/j.1468-0491.2008.00391.x>

⁶ For neo-institutionalists, political and economic development is built on “institutions”, a concept designating the set of rules that constrain behavior, either formally (laws) or informally (social norms). This concept is reflected in the United Nations’ Sustainable Development Goal 16.

⁷ Fukuyama, F. (2014). *Political order and political decay: From the industrial revolution to the globalization of democracy*. London: MacMillan.; Norris, P. (2012). *Making Democratic Governance Work: How Regimes Shape Prosperity, Welfare, and Peace*. New York, NY: Cambridge University Press.

⁸ Krueger, A. O. (1974). The Political Economy of the Rent-Seeking Society. *The American Economic Review*, 64(3), 291–303.

⁹ Mungiu-Pippidi, A. (2006). Corruption: Diagnosis and Treatment. *Journal of Democracy*, 17(3), 86–99.; Mungiu-Pippidi, A. (2015). *The Quest for Good Governance: How Societies Develop Control of Corruption*. Cambridge, UK; New York, NY: Cambridge University Press.; Acemoglu, D., Robinson, J. A. (2012). *Why Nations Fail: The Origins of Power, Prosperity and Poverty* (1st ed). New York, NY: Crown Publishers.; North, D. C., Wallis, J. J., Weingast, B. R. (2009). *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History*. Cambridge, UK; New York, NY: Cambridge University Press.

¹⁰ Mungiu-Pippidi, A., Hartmann, T. (2019). Corruption and Development: A Reappraisal. *Oxford Research Encyclopedia of Economics and Finance*. <https://doi.org/10.1093/acrefore/9780190625979.013.237>.

¹¹ Ratifications until November 18, 2021. United Nations Office of Drugs and Crime. *Signature and Ratification Status*. Retrieved January 28, 2022, from <https://www.unodc.org/unodc/en/corruption/ratification-status.html>

Author	<div> Undesired extreme CONTINUUM Desired extreme </div>	
Max Weber (1922-1978)	Patrimonialism; patriachalism; particularism	Universalism; impersonality of bureaucracy
Anne Krueger (1974) on rent seeking societies	Government restrictions on economic freedom	No government restrictions
Mungiu-Pippidi (2006; 2015) on control of corruption	Particularism (favoritism and venality)	Ethical universalism
North, Wallis, Weingast (2009) on social order and violence	Limited access order	Open access order
Rothstein & Teorell (2008) on quality of government	Favoritism/discrimination	Impartiality
Acemoglu & Robinson (2012) on prosperity	Extractive institutions	Inclusive institutions
Fukuyama (2014)	Personalism	Impersonalism

Table 1. Ideal types of governance by state's autonomy towards private interest¹²

b. Outlining high-level corruption

If the allocation of power resources in a society is at the heart of corruption control, it is worth noticing that the higher the position of the offender, the more opportunities to abuse office. High-level corruption is “*perpetrated, facilitated, managed or tolerated by persons in high levels of power, de facto or de jure, in or affecting the government*”, excluding corrupt actions performed by low-ranking officials¹³.

Although UNCAC starts by defining “public official” broadly without differentiating high-level from low-level officials¹⁴, further in the convention text, in the provisions against money laundering, a special emphasis is given to “persons with prominent public functions”¹⁵. The use of a different terminology denotes a higher concern with top-level officials in specific contexts – arguably the ones capable of resulting in greater damage.

The Financial Action Task Force (FATF) highlights the higher damage potential of corruption acts perpetrated by politically exposed persons, as their positions typically entail

¹² Adapted after Mungiu-Pippidi, A., Hartmann, T. (2019), op. cit.

¹³ Hava, E. (2015). Grand Corruption: Strategies for Preventing International Impunity. *The Indonesian Journal of International & Comparative Law*, 2(3), 481–521, p. 487.

¹⁴ United Nations. (2003, October 31). *United Nations Convention Against Corruption*, Article 2(a). Retrieved February 13, 2022, from <https://www.unodc.org/unodc/en/treaties/CAC/>.

¹⁵ Ibid., Article 52.

controlling public budgets, awarding public contracts, and dealing with large sums of money¹⁶. FATF's definition of "politically exposed persons" in consonance with UNCAC includes Heads of State and government, senior politicians and party leaders, officials from the judiciary and military, as well as senior executives of state-owned corporations, again excluding middle-ranking and junior-level individuals¹⁷.

To differentiate high-level corruption from everyday incidents with lower financial and social impact, Transparency International defends the need for a legal definition of "grand corruption"¹⁸. While such a legally binding definition is not implemented, the organization developed a three-fold concept which describes grand corruption as "*a systematic or well-organized plan of action involving high-level public officials that causes serious harm, such as gross human rights violations.*"¹⁹ This definition makes explicit that the consequences of grand corruption can go beyond financial losses, as well as sheds light on a new element: the idea that there is a systematic corrupt context underlying high-level corruption.

When referring to high-level corruption throughout this paper, we will be considering (i) the figure or a perpetrator in a high position of power or with high capability to influence the government or the public administration, (ii) its high damage potential, and (iii) the existing institutional framework (context), which is directly connected with a country's quality of government, as will be explained further. Other types of corruption, such as bribes demanded by the police, are to be covered here to the extent that petty or low-level corruption affect the police's capability to tackle high-level corruption, for instance, by reducing the population's trust in the police and hindering the denouncing of wrongdoings committed by top authorities.

c. Expanding definitions to include context-dependency

To understand the different approaches to corruption control, we shall return to the concept of corruption as a deviation from a social norm of integrity, which might not be the predominant norm in a society. The main question to be answered in order to delineate the role

¹⁶ Financial Action Task Force. (2011, July). *Laundering the Proceeds of Corruption*. p. 9. Retrieved January 23, 2022, from <https://www.fatf-gafi.org/media/fatf/documents/reports/Laundering%20the%20Proceeds%20of%20Corruption.pdf>

¹⁷ Financial Action Task Force. (2013, June). *Guidance politically exposed persons (recommendations 12 and 22)*. p. 4. Retrieved February 23, 2022, from <https://www.fatf-gafi.org/media/fatf/documents/recommendations/Guidance-PEP-Rec12-22.pdf>

¹⁸ Duri, J. (2020). Definitions of grand corruption. *U4 Helpdesk Answer*. Retrieved February 23, 2022, from https://knowledgehub.transparency.org/assets/uploads/kproducts/Defining-grand-corruption_FINAL.pdf

¹⁹ Transparency International. (2020, April 22). *Grand corruption - Our priorities*. Transparency.Org. Retrieved February 23, 2022, from <https://www.transparency.org/en/our-priorities/grand-corruption>.

that context plays in the rise and decline of corruption is what enables a society's evolution from a patrimonial order to the universalistic one.

Analyzing the role of modernity in this evolution, Samuel Huntington observed that while modernization in the West had indeed brought a transition towards universalism, the modernization of the “developing world” showed a divergent outcome²⁰. He noted that in many countries, political development and modernization seemed to in fact increase corruption, a significantly different experience than noticed in Europe. Some states, despite being equipped with modern constitutions and criminal codes, were trapped in contexts in which particularism was the resilient dominant norm. Decades later, Guillermo O'Donnell speaks of chronic gaps between the “legal country” and the “real country”, especially in Latin America²¹.

Douglass North considered that development and corruption could only evolve in an inverse progression and that societies needed to “*develop institutions that will permit anonymous, impersonal exchange across time and space*”²². For him, countries' different success in creating the right institutions varied due to diverse “local experience”. Similarly, Francis Fukuyama also points out the differences between Western societies at the time of modernization and contemporary developing societies²³.

To this date, the indicators produced by the European Research Centre for Anti-Corruption and State-Building unveil the implementation gap between norms intended to achieve universalism and the reality, with accentuated differences noted more often in middle and low-income countries (developing economies). Comparing the existence of laws and treaties on transparency (*de jure* transparency) with the actual offer of transparency services by governments (*de facto* transparency), ERCAS's Transparency Index reveals that *de jure* transparency is higher than *de facto* transparency in 101 of the 128 countries analyzed, being on average 15 points higher within a 100-point scale²⁴, with more pronounced gaps present in higher numbers in Latin America, the Middle East, and Africa²⁵.

²⁰ Huntington, S. P. (1968). *Political Order in Changing Societies*. New Haven: Yale University Press.

²¹ O'Donnell, G. (2004). The quality of democracy: Why the rule of law matters. *Journal of democracy*, 15(4), 32–46.

²² North, D. C. (1993). *The New Institutional Economics and Development*. Economic History, University Library of Munich, Germany. p. 4. Retrieved February 27, 2022, from <https://econwpa.ub.uni-muenchen.de/econ-wp/eh/papers/9309/9309002.pdf>.

²³ Fukuyama, F. (2014), op. cit.

²⁴ Mungiu-Pippidi, A. (2021a) Measuring real (de facto) transparency by a new index. *ERCAS Working Paper 64*. Retrieved March 3, 2022, from https://www.againstcorruption.eu/wp-content/uploads/2022/03/ERCAS-WP-64_Pippidi_T-index.pdf.pdf.

²⁵ Information extracted from the dataset available at European Research Centre for Anti-Corruption and State-Building. (2021, August 23). *Government Transparency Index*. Againstcorruption.Eu. Retrieved February 23, 2022, from <https://www.againstcorruption.eu/ercas-projects/transparencyindex/>.

While there is evidence connecting poverty and underdevelopment to ill-functioning institutions and higher corruption, Alina Mungiu-Pippidi highlights that development only partially explains the variation in the control of corruption²⁶. The theory of change which relies on modernity to promote corruption control ignores that patrimonialism has been the norm across civilizations throughout history. Societies based on open and equal access and public integrity (ethical universalism) have been an exception, rather than a presumable historical endpoint.²⁷ Therefore, other solutions to control corruption must be pursued in unfavorable contexts, where corruption is not regarded as an exception but as the current social norm and/or where economies are underdeveloped.

Abandoning the pessimism about a country being able to break path dependence and change despite the local conditions not being ideal, Acemoglu and Robinson insist on the value of human agency due to “the primacy of politics”. Good “inclusive” institutions or “open access”, they argue, precede economic development, so the fundamental discussion is how societies can acquire them²⁸. The study of transitions from patrimonialism to ethical universalism offers evidence that the creation of a critical coalition of challengers to the institutional *status quo*, who stand to gain from change is indispensable to control corruption²⁹. The social dilemma of systematic corruption can be solved by charismatic leaders or civil society, it can advance gradually or by more revolutionary means but, in all cases, it involves the correction of power asymmetries and deep reforms to offer more equal opportunities³⁰.

Such an approach is often difficult to implement, especially when tackling high-level corruption. If the main problem of political development consists of making the state autonomous from private interest, that becomes complicated in systematically corrupt countries due to the endogeneity of the state to the corruption problem. Bureaucrats, magistrates, and law enforcement are all part of the state. If corruption is systematic and vertically structured as social order, if no rule of law exists and laws are crafted to preserve inequality and offer privileged access to rents, then a top-down legal approach to anticorruption is doomed to fail.

²⁶ Mungiu-Pippidi, A. (2015), op. cit. (see note 9).

²⁷ Mungiu-Pippidi, A., Dadašov, R. (2016). Measuring Control of Corruption by a New Index of Public Integrity. *European Journal on Criminal Policy Research*, 22, 415–48.

²⁸ Acemoglu, D., Robinson, J. A. (2012), op. cit.

²⁹ Mungiu-Pippidi, A. (2021b). The Universalization of Ethical Universalism. In Bågenholm, A., Bauhr, M., Grimes, M., Rothstein, B. (Eds). *The Oxford Handbook of the Quality of Government* (pp. 24–41). London: Oxford University Press.; Mungiu-Pippidi, A., Johnston, M. (Eds). (2017). *Transitions to Good Governance Creating Virtuous Circles of Anticorruption*. Edward Elgar Publishing.

³⁰ Mungiu-Pippidi, A. (2006), op. cit. (see note 9); A., Rothstein, B., Teorell, J. (2013). Why Anti-Corruption Reforms Fail—Systemic Corruption as a Collective Action Problem. *Governance*, 26(3), 449–471. <https://doi.org/10.1111/j.1468-0491.2012.01604.x>

A schematic difference between the approaches to corruption as an individual problem and as a social problem is illustrated in Table 2. Most criminologists and many economists understand corruption as venal acts of an authority holder associated with an abuse of office in private interest, regardless of the general prevalence of such behavior in that specific society (context). They operate within a thin concept of corruption, whereby public authorities are bound by the rules not to extract any undue profit for oneself, regardless of regulation and practices being fair and applied on the basis of ethical universalism in that environment. Corruption is then treated solely as an individual act, and targeted *post factum* via criminal sanctions, generally related to a limited number of practices, such as bribes.

Most of the political science literature and the development theories conceptualize corruption as thick, whereby the state is “modern” and, therefore, bound to treat everybody equally and fairly to promote social welfare and equality of opportunity for everyone (even though this might not be the prevailing reality in many countries, it remains a goal in good governance promotion). This understanding is prevalent also in UNCAC, which grants high importance to corruption prevention alongside criminal sanctions, with a great spectrum of legal, administrative, and policy tools. Criminal sanctions also vary across the two understandings, and the thick version includes several types of behaviors which are considered to be corrupt by the public perception, media, and scholars, but are not criminalized. The snapshot presented in Table 2 is only indicative, however, as the situation is constantly changing.

	Procedural, ‘Thin’ (individual level irrespective of context)	Substantial, ‘Thick’ (social context considered)
Legal	<ul style="list-style-type: none"> - Expensive gifts in exchange for favors - Profit from conflict of interest - Nepotism 	<ul style="list-style-type: none"> - Pork barrel - Resort to connections to get public service, job, or contract
Illegal	<ul style="list-style-type: none"> - Bribe solicitation and acceptance - Limited diversion of public funds 	<ul style="list-style-type: none"> - Bribing - Extortion - Various abuses of office - Any diversion of public funds benefitting particular interests - Some profit from conflict of interest

Table 2. Thick versus thin approaches to anticorruption³¹

³¹ Mungiu-Pippidi, A. (2022). Context Rules. The contribution of Political Science to the Study of Corruption. In Pieth, M., Soreide, T. (Eds). *Elgar Encyclopedia of Anticorruption Law*. Manuscript in preparation.

Laws can only be established on normative presumptions. Anticorruption regulation works similarly. This is the reason why the individual norm of public integrity is presumed, as well as the collective norm of the rule of law (often in a substantial sense of justice, as laws operating based on ethical universalism), even though in practice they might not be the prevailing social norm in a country. The resulting gap between legal and real countries is thus unavoidable, especially since the nearly unanimous ratification of UNCAC. Several countries now have similar anticorruption regulations and enforcement agents (comptroller generals, anticorruption agencies, ombudsmen), but this variety of practices results in very different outcomes, and change over the years is notoriously slow.

d. Corruption control as an equilibrium

Corruption is like the tip of the iceberg. Its occurrence indicates a defection of a normal balance in a society in which public opinion and legal mechanisms should prevent that public office is abused to favor private interests. A vast academic literature on causes of corruption tested the circumstances which create this disbalance³². The multiple causes identified by various authors can be synthetized in a model developed by Alina Mungiu-Pippidi, which describes corruption as an equilibrium between opportunities (enabling circumstances) and constraints (disabling circumstances)³³. This results in a state-society model of corruption control, in which normative constraints from society are equally or even more powerful than constraints exercised by the judiciary and law enforcement, which are often endogenous.

The many factors tested can be summed up as two categories: enabling circumstances for corruption (such as power discretion and material resources, e.g. natural resources or untransparent public money, in general factors which create opportunities or are resources for corruption) and disabling circumstances, created by constraints that legal entities (anticorruption agencies, judiciary branches, control agencies), groups (civil society), and individuals (voters, whistleblowers) exercise to prevent power holders from abusing office in their own interest. The two categories should balance one another in an optimal equilibrium: if they do not, and resources are too high or constraints too low, or both, a suboptimal equilibrium results where corruption (or a degree of it) becomes a regular feature of governance.

³² Reviews are offered by Treisman, D. (2007). What have we learned about the causes of corruption from ten years of cross-national empirical research? *Annual Review of Political Science*, 10, 211–244. <https://doi.org/10.1146/annurev.polisci.10.081205.095418>; Escresa, L., Picci, L. (2020). The determinants of cross-border corruption. *Public Choice*, 184(3), 351–378. <https://doi.org/10.1007/s11127-019-00764-7>.

³³ Mungiu-Pippidi, A., Fazekas, M. (2020). How to Define and Measure Corruption. In Mungiu-Pippidi, A., Heywood, P. (Eds). *A Research Agenda for Studies of Corruption* (pp. 7–26). London: Edward Elgar Publishing.; Mungiu-Pippidi, A. (2015), op. cit. (see note 9).

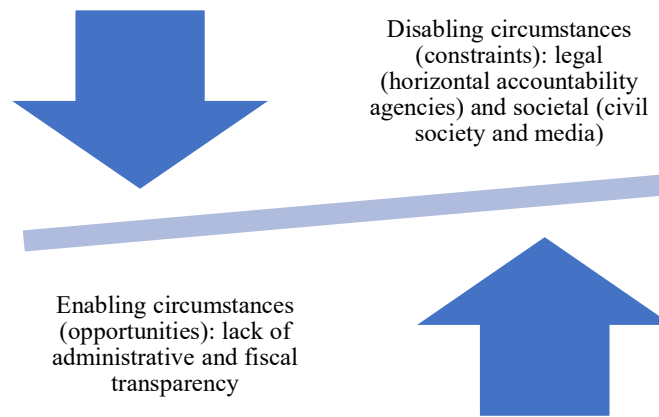


Figure 1. Control of corruption as a balance between enabling and disabling circumstances³⁴

How do anticorruption and public accountability laws relate to the broader context? A review of the evidence published in a special issue of the “Crime, Law and Social Change” journal in 2017 culminates into the relatively intuitive argument that laws are enabled by certain governance contexts and impaired by others³⁵. This contributes to explain the slow evolution of anticorruption and the implementation gaps. Over the past twenty years, there has been very little progress on the control of corruption, and only in countries which are above the average on the rule of law and freedom indicators³⁶.

In the absence of judicial independence³⁷, no anticorruption legislation works. The lower the judicial independence of a country³⁸, the less advisable it is to adopt new legislation to curb corruption, as the enforcement of existing legislation is already weak. Evidence exists, on the other hand, of the perverse effects of more legislation in societies where corruption is the norm³⁹, such as more restrictions for party funding resulting in increased corruption⁴⁰. Where the rule of law is absent, anticorruption agencies are used against political opponents. If a country does not

³⁴ Adapted after Mungiu-Pippidi, A. (2015), op. cit.

³⁵ Mungiu-Pippidi, A. (Ed.). (2017). Special Issue: Evidence-based public integrity policies. *Crime, Law and Social Change*, 68(4).

³⁶ Mungiu-Pippidi, A., Dadasov, R. (2017). When do anticorruption laws matter? The evidence on public integrity enabling contexts. *Crime, Law and Social Change*, 68(4), 387–402.

³⁷ For a review of judicial independence indicators, see Linzer, D. A., Staton, J. K. (2015). A Global Measure of Judicial Independence, 1948–2012. *Journal of Law and Courts*, 3(2), 223–256. <https://doi.org/10.1086/682150>.

³⁸ Actions that contribute to reduce judicial independence include granting the Ministry of Justice the right of reassigning court presidents without cause, reducing justices’ retirement age, cutting budgets, undermining work conditions, changing performance evaluation criteria. See CEELI Institute, Justice Studies Center of the Americas. (2020, February 25). Judicial Independence: New Challenges and Judicial Governance Innovations. In *Past Present Future Conference Booklet* (pp. 55–59). Doha: Global Judicial Integrity Network. Retrieved May 1, 2022, from https://www.unodc.org/documents/ji/doha2020/Conference_Booklet_WEB_updated.pdf.

³⁹ Gutmann, J., & Voigt, S. (2020). Judicial independence in the EU: a puzzle. *European Journal of Law and Economics*, 49(1), 83–100. <https://doi.org/10.1007/s10657-018-9577-8>.

⁴⁰ Fazekas, M., Cingolani, L. (2017). Breaking the cycle? How (not) to use political finance regulations to counter public procurement corruption. *Slavonic and East European Review*, 95(1), 76–116.

meet the minimum criteria of freedom of the press, there is no point for a Whistleblower Protection Act, which is only a particular (and dangerous) instance of the general right of expression – missing in this context. If an economy has no real oversight, asking officials to fill in financial disclosures per se will not improve the control of corruption. If no fiscal transparency exists, public financial regulations matter very little, because there is no effective surveillance. If no autonomous bureaucracy exists, and the state is vertically integrated and operating as a pyramid of extraction, no ethical codes and soft ethical regulation will help. Solutions to these problems do exist, with different actors: civil society, political opposition, or simply voters who can change a government. The development aid effort should go into creating the right enabling context, specific regulations should come afterwards. Table 3 offers a summary of which tools can be adopted when a certain context exists.

Context	Tool
Judicial independence	<input type="checkbox"/> Criminalization of corruption <input type="checkbox"/> Party funding restrictions
Rule of law	<input type="checkbox"/> Anticorruption agencies
Fiscal transparency and economic oversight	<input type="checkbox"/> Public financial management regulation <input type="checkbox"/> Financial disclosures for officials <input type="checkbox"/> Public procurement regulation
Freedom of the press	<input type="checkbox"/> Whistleblower protection legislation <input type="checkbox"/> Conflict of interest regulation <input type="checkbox"/> Financial disclosures
Autonomous bureaucracy and law enforcement	<input type="checkbox"/> Integrity regulation

Table 3. Anticorruption tools *vis-a-vis* context⁴¹

Built under the equilibrium model, ERCAS's Index of Public Integrity (IPI) presents six components, the first three tackling opportunities and the last three tackling constraints over corruption: administrative transparency, online services, budget transparency, judicial independence, freedom of the press, and e-citizenship⁴². Throughout four editions (2015-2021), the IPI has also shown potential in forecasting countries' evolutions. Indeed, promising outliers (countries that have been showing and maintaining improvement in control of corruption) are contexts in which these components are jointly present and have improved in the past decade, as we will explain in detail in the next section of this paper.

⁴¹ Adapted after Mungiu-Pippidi, A., Dadasov, R. (2017), op. cit.

⁴² European Research Centre for Anti-Corruption and State-Building. (2021). *Index of Public Integrity*. Integrity-Index.Org. <https://integrity-index.org/>; Mungiu-Pippidi, A., Dadašov, R. (2016), op. cit.

3. Addressing police independence: the principal-agent paradigm

The majority of anticorruption approaches ignore the problem of endogeneity described above. The implementation of anticorruption policies is taken for granted and solutions rely on the principal-agent problem, thus considering that rulers are not corrupt and that police is not their instrument in a pyramid of extraction, but that honest principals can use law enforcement to discipline some deviant, unruly agents. Before addressing how police can tackle high-level corruption, we must consider the police independence from interests of certain society groups, such as organized crime and corrupt governments. Understanding in which contexts the police are independent (defending collective interests of society, not individual ones), and in which contexts they are not, is crucial for the development of adequate instruments to control corruption.

Born as an economic theory, the principal-agent problem has dominated corruption research since its emergence in the 1970s⁴³. Under the principal-agent framework, “*corruption in the public sector is viewed as an agency loss problem, in which agents betray their principals reaping private gain at the expense of public interest*”⁴⁴. The cause of this agency loss is an information asymmetry that prevents the principal from being able to properly monitor the actions of the agent, who then has more discretion to pursue personal interests⁴⁵.

Nevertheless, agents will only engage in corruption (by pursuing divergent interests from those of the principals) if the expected benefits of their actions outweigh the costs of being corrupt⁴⁶. Aside from the probability of being detected and the potential penalty, agents also weigh moral considerations before engaging in corrupt acts⁴⁷. Based on this theory, anticorruption strategies around the world have attempted to make corruption less attractive to agents by increasing deterrence with measures such as improving oversight mechanisms, codifying corrupt actions, increasing sanctions, empowering civil society watchdogs, and raising public sector wages as moral incentive – solutions that did not have the expected impact in reducing corruption⁴⁸.

⁴³ Rose-Ackerman, S. (1978). *Corruption: a study in political economy*. New York: Academic Press.; Ugur, M., Dasgupta, N. (2011). *Evidence on the economic growth impacts of corruption in low-income countries and beyond: a systematic review*. London: EPPI-Centre.

⁴⁴ Mungiu-Pippidi, A., Hartmann, T. (2019), op. cit. (see note 12).

⁴⁵ *Ibid.*

⁴⁶ That is the concept of “deterrence” outlined by Becker, G. S. (1968). Crime and Punishment: An Economic Approach. *Journal of Political Economy*, 76(2), 169–217.

⁴⁷ Klitgaard, R. E. (1988). *Controlling Corruption*. Berkeley, CA: University of California Press.

⁴⁸ Marquette, H., Peiffer, C. (2015). *Corruption and Collective Action*. University of Birmingham, UK. *DLP Research Paper No. 32*, 16 p.

Empirical data on the result of decades of investments in state capacity⁴⁹ suggests that corruption cannot be viewed only as a principal-agent problem in which decisions are made by agents at an individual level. Certain interventions based on this paradigm, especially in Africa, have actually increased corruption⁵⁰. The principal-agent approach, when applied to contexts of endemic corruption, ignores that principals in these contexts have little incentive to promote adequate oversight. In a society in which decisions are made on a particularistic basis and public administrators are not held accountable for corrupt actions (even considering themselves bound to corruption to enable governance), the presumption that it is in their best interest to monitor their agents is unfounded.

In the police force, the failure of the principal-agent approach is evidenced by the so-called “blue code of silence”⁵¹ and the cooperativeness with prosecutors when police officers are sued for excessive use of force⁵². Both prosecutors and chiefs of police should balance the scales of power by exercising a principal accountability over police agents, but this is not what is seen in practice. As a routine, supervisors protect their subordinates from being denounced by wrongdoings through actions as subtle as avoiding talking about it.

Illustrating the problem of lack of independence in oversight bodies, Rose-Ackerman highlights that the factors shaping the incidence of bribery of bureaucrats by companies in government contracting processes (manifested high-level corruption) are endogenous to the bureaucracy or, ultimately, to the government itself⁵³. A similar argument is advanced by Bo Rothstein and Alina Mungiu-Pippidi, who argue that the quality of government – how much in each context it is the social norm that public officials uphold their impartiality in the exercise of their power – is what dictates the quality of public services⁵⁴.

⁴⁹ Norwegian Agency for Development Cooperation. (2011). *Joint evaluation of support to anti-corruption efforts 2002-2009: synthesis*. 2011(6), 132 p. ISBN 978-82-7548-597-5.; Johnson, J., Taxell, N., Zaum, D. (2012). Mapping Evidence Gaps in Anti-Corruption: Assessing the State of the Operationally Relevant Evidence on Donor’s Actions and Approaches to Reducing Corruption. *U4 Issue No. 7*. Bergen: U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute.

⁵⁰ Levy, B., Kpundeh, S. (Eds). (2004). *Building State Capacity in Africa: New Approaches, Emerging Lessons*. Washington, DC: World Bank.; Lawson, L. (2009). The politics of anti-corruption reform in Africa. *The Journal of Modern African Studies*, 47(01), 73–100. <https://doi.org/10.1017/S0022278X08003662>

⁵¹ Westmarland, L. (2005). Police ethics and integrity: breaking the blue code of silence. *Policing and Society*, 15(2), 145–165. <https://doi.org/10.1080/10439460500071721>.

⁵² Trivedi, S. (2020, June 26). *Why Prosecutors Keep Letting Police Get Away With Murder*. ACLU Criminal Law Reform Project. [aclu.org](https://www.aclu.org/news/criminal-law-reform/why-prosecutors-keep-letting-police-get-away-with-murder). Retrieved March 3, 2022, from <https://www.aclu.org/news/criminal-law-reform/why-prosecutors-keep-letting-police-get-away-with-murder>.

⁵³ Rose-Ackerman, S., Palifka, B. J. (2016). *Corruption and Government: Causes, Consequences, and Reform* (2nd ed.). Cambridge, UK; New York, NY: Cambridge University Press.

⁵⁴ Mungiu-Pippidi, A. (2020a). The quality of government and public administration. *Oxford Research Encyclopedia of Politics*. <https://doi.org/10.1093/acrefore/9780190228637.013.1405>.; Rothstein, B., & Teorell, J. (2008). What Is Quality of Government? A Theory of Impartial Government Institutions. *Governance*, 21(2), 165–190. <https://doi.org/10.1111/j.1468-0491.2008.00391.x>.

The existence of an autonomous bureaucracy should not be considered independently from the problem of corruption. The presumption that bureaucrats act in service of the public good (preventing the abuse of power by politicians and being subjected to the accountability of their peers) relies on the assumed independence of these bureaucrats, which is not, however, observed in several countries. In fact, less than one third of the world's countries enjoy a reasonable quality of government.⁵⁵

Societies ruled by nepotism, patronage, and the politization of processes are challenging to the investigation and adequate processing of high-level corruption, as principals collude with agents in a system that benefits the most powerful group⁵⁶. In such a context, anticorruption experts suggest that corruption should be treated as a “collective action problem”⁵⁷. Under this perspective⁵⁸, corruption is considered to be a social norm that conforms individuals' actions: when people perceive corruption as a common practice or an institution in a society, they feel compelled to conform their behavior to it (social pressure). A structural reform able to change the social norm is then necessary in order to fight corruption, not being enough the repression of deviant behaviors.⁵⁹

The principal-agent model of curbing corruption, and the consequent assumption that principals will exercise adequate oversight, should only be applied to states where corruption is an exception. In this context, bureaucracy is used as a tool to guarantee the fair allocation of resources in society, and the orientation of principals of not being corrupt can be presumed, as well as it can be presumed that corrupt agents are individual deviants from a social norm of integrity. Thus, it is reasonable to expect that the principal will apply a sanction when detecting a deviant behavior and that this sanction will be effective in removing corruption.⁶⁰

On that account, even though efforts to increase police effectiveness in controlling corruption have been dominated by the principal-agent paradigm, a few suggestions have been proposed by civil society and international organizations that tackle the problem on the principal side, such as the establishment of role models in the police force⁶¹ (moral incentive) and the

⁵⁵ Mungiu-Pippidi, A. (2020a), op. cit.

⁵⁶ Mungiu-Pippidi, A., Hartmann, T. (2019), op. cit. (see note 10).

⁵⁷ Mungiu-Pippidi, A. (2020a), op. cit.; Persson, A., Rothstein, B., Teorell, J. (2013). Why Anti-Corruption Reforms Fail—Systemic Corruption as a Collective Action Problem. *Governance*, 26(3). <https://doi.org/10.1111/j.1468-0491.2012.01604.x>; Rothstein, B. (2018). Fighting Systemic Corruption: The Indirect Strategy. *Daedalus*, 147(3), 35–49.

⁵⁸ Based on the collective action theory of Ostrom, E. (1990). *Governing the commons: the evolution of institutions for collective action*. Cambridge, UK; New York, NY: Cambridge University Press.

⁵⁹ World Bank. (2014). Spotlight 1: When corruption is the norm. In *World Development Report 2015: Mind, Society, and Behavior* (pp.60– 61). The World Bank. <https://doi.org/10.1596/978-1-4648-0342-0>

⁶⁰ Mungiu-Pippidi, A., Hartmann, T. (2019), op. cit. (see note 10)

⁶¹ United Nations Office of Drugs and Crime. (2011). *Handbook on police accountability, oversight and integrity*. Retrieved March 5, 2022, from https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf

implementation of independent oversight bodies, external to the structure of power in which the police is inserted⁶².

It is also argued that meritocratic recruitment systems can help to ensure the autonomy of public agents⁶³. This is particularly difficult in the police, though: in entry levels, the selection of personnel is usually done by civilians with input from police administrators, but promotions to higher ranks are generally done within the career, contributing to a lack of competition and opening space for discretion in appointments, which makes police selection a costly process⁶⁴. In addition, little difference has been seen in surveys between the integrity of elected officials and that of appointed ones. As Alina Mungiu-Pippidi argues, “*there is no country in the world where “petty” and “grand” corruptions are lands apart*”⁶⁵. How police deal with corruption reflects how corruption occurs among top officials, so simply changing recruitment processes in endemic corruption contexts is likely to be ineffective.

The understanding of corruption as a social practice (not just a sum of individual acts) shows that the quality of government in a country will conform the patterns of distribution of public resources in the whole society, regardless of individual variations that might exist in the figure of honest or dishonest authority holders. Therefore, the issue of improving bureaucracy must be considered along with the broader issue of government accountability, and the use of similar approaches to curb corruption across different societies irrespective of their contexts (especially in what refers to importing success cases) tends to be ineffective.⁶⁶

4. The empirical evidence on anticorruption interventions

The evidence of corruption as a systematic problem across different societies is vast, as is the evidence of the little and slow progress in the control of corruption in the 21st century. Since corruption emerged as an international issue in the aftermath of the Washington Consensus reforms in the last decade of the 20th century, the last 30 years have seen an impressive development of the international normative framework. Only a few countries have not ratified UNCAC. Nonetheless, the trends measured in both the rule of law and corruption do not meet expectations (see Figures 1 to 3). The nominal triumph of ethical universalism in

⁶² Open Society Justice Initiative. (2021). *Who Polices the Police? The Role of Independent Agencies in Criminal Investigations*. Retrieved March 5, 2022, from <https://www.justiceinitiative.org/publications/who-polices-the-police-the-role-of-independent-agencies-in-criminal-investigations>.

⁶³ Dahlström, C., Lapuente, V., Teorell, J. (2012). The merit of meritocratization: Politics, bureaucracy, and the institutional deterrents of corruption. *Political Research Quarterly*, 65(3), 656–668.

⁶⁴ Cox, S. M., McCamey, W. P., Scaramella, G. L. (2013). *Introduction to Policing* (2nd ed.). Thousand Oaks, CA: SAGE Publications, Inc.

⁶⁵ Mungiu-Pippidi, A. (2020a), op. cit.

⁶⁶ *Ibid.*

governance did not bring a triumph of integrity practices, meanwhile, unintended consequences emerged.

The strongest enforcement of an anticorruption international tool is noticed in the American Foreign Corrupt Practice Act: by 2021, eight of its top ten cases based on the fines applied and disgorgement assessed related to businesses from “clean countries” in the charts⁶⁷. Not even countries where corruption is considered an exception, such as the Netherlands, Sweden, and Germany, are as clean as previously believed, with considerable legal corruption remaining. For example, both individuals and banks who can afford good lawyers place their income in offshore companies, leaving the ordinary workforce alone in paying taxes. Recent estimations by Gabriel Zucman show that these amounts are not trivial⁶⁸.

The backsliding of democracy witnessed in the last years is not independent of the stagnation on corruption, while also exacerbating the discourse on anticorruption. Anticorruption has unintended consequences. It can be used to repress political opponents (as seen in Moldova and Senegal) and increase the risk of political systems going to the extreme right (Brazil) or subverting, instead of helping the rule of law⁶⁹. The global anticorruption movement and populist politicians have both risen expectations without delivering results, creating an expectation-delivery gap. The anticorruption narrative has served the interests of populists like Andrés Manuel López Obrador (Mexico) and Jair Bolsonaro (Brazil) far more than it has helped democrats and genuinely anticorruption politicians⁷⁰.

Furthermore, a “Samaritan dilemma”⁷¹ seems to have developed around international anticorruption. The few success stories of the last three decades (like Botswana, Uruguay, Estonia, and Taiwan) were primarily a success of domestic agency. Direct interventions to build good governance by international actors had yield mostly poor results⁷². A survey of 127 countries where the European Union (EU) had some sort of good governance conditionality concluded that areas directly ruled by internationals (where the EU power was at its highest,

⁶⁷ Cassin, H. (2021, May 26). *What's new on the FCPA Top Ten List?* The FCPA Blog. Retrieved March 10, 2022, from <https://fcpublog.com/2021/05/26/whats-new-on-the-fcpa-top-ten-list/>.

⁶⁸ Alstadsæter, A., Johannesen, N., Zucman, G. (2018). Who Owns the Wealth in Tax Havens? Macro Evidence and Implications for Global Inequality. *Journal of Public Economics*, 162, 89–100.

⁶⁹ Mungiu-Pippidi, A. (2020b). The Rise and Fall of Good-Governance Promotion. *Journal of Democracy*, 31(1), 88–102.

⁷⁰ Betz, H., Johnson, C. (2004). Against the current—stemming the tide: the nostalgic ideology of the contemporary radical populist right. *Journal of Political Ideologies*, 9(3), 311–327.; Fieschi, C., Heywood, P. (2004). Trust, cynicism and populist anti-politics. *Journal of Political Ideologies*, 9(3), 289–309, p. 290.

⁷¹ The “Samaritan dilemma” informs that when presented with charity, people will either use charity to improve their situation or start relying on charity as a means of survival. Buchanan, J. M. (1975). The Samaritan’s dilemma. In Phelps, E. S. (Ed.). *Altruism, morality and economic theory* (pp. 71–85). New York, NY: Russell Sage Foundation.

⁷² Mungiu-Pippidi, A. (2019). *Europe's Burden: Promoting Good Governance Across Borders*. Cambridge, UK; New York, NY: Cambridge University Press.

like Bosnia and Kosovo) were the worst performers, seconded only by areas which received top-dedicated funds (like Turkey's nearly one billion budget to improve the rule of law)⁷³.

Evaluations starting in 1984 have not found so far signs of a global reduction in corruption, perhaps also due to the lagging nature of governance perception indicators. Figure 2 shows that higher income countries slightly backslid, while lower income countries did not change in the 20-year interval of building the international anticorruption framework and the explosion of dedicated aid. On the rule of law (Figure 3), the world average also stagnated; countries that waged real wars on corruption, like Romania and Brazil, evolved more, but their scores on judicial independence and control of corruption remain poor even after a remarkable number of top-level convictions⁷⁴. Significant evolutions in control of corruption are missing, although a visible declining trend can be observed in the countries that are part of the Organization for Economic Co-operation and Development (OECD), as seen in Figure 4 – hardly the convergence that the international anticorruption community had aimed for.

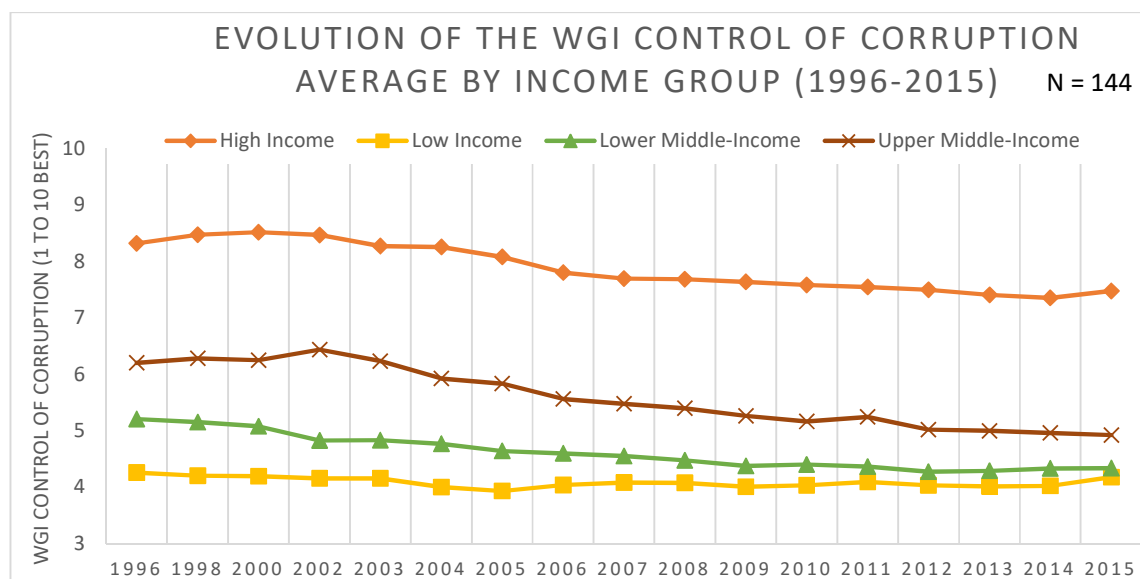


Figure 2. Twenty-year evolution of corruption control by income groups

Source: World Bank Worldwide Governance Indicators (WGI)⁷⁵

⁷³ *Ibid.*

⁷⁴ European Research Centre for Anti-Corruption and State-Building. (n.d.). *Index of Public Integrity*. Integrity-Index.Org. <https://integrity-index.org/>.

⁷⁵ Data extracted from World Bank. (n.d.). Worldwide Governance Indicators. *WGI Home*. WorldBank.Org. <http://info.worldbank.org/governance/wgi/>.

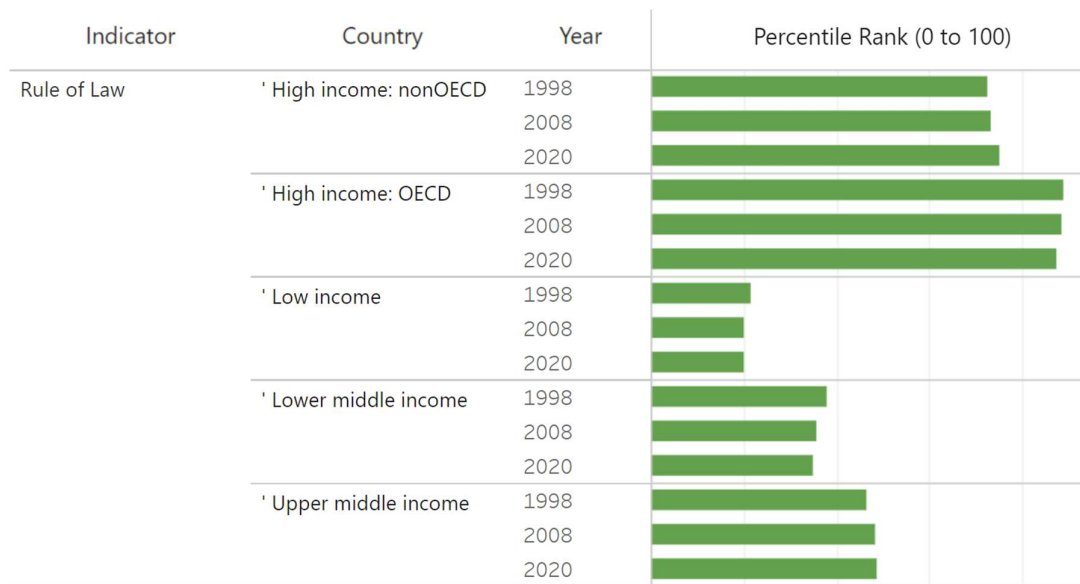


Figure 3. The evolution of rule of law from 1998 to 2020

Source: World Bank Rule of Law Indicator⁷⁶

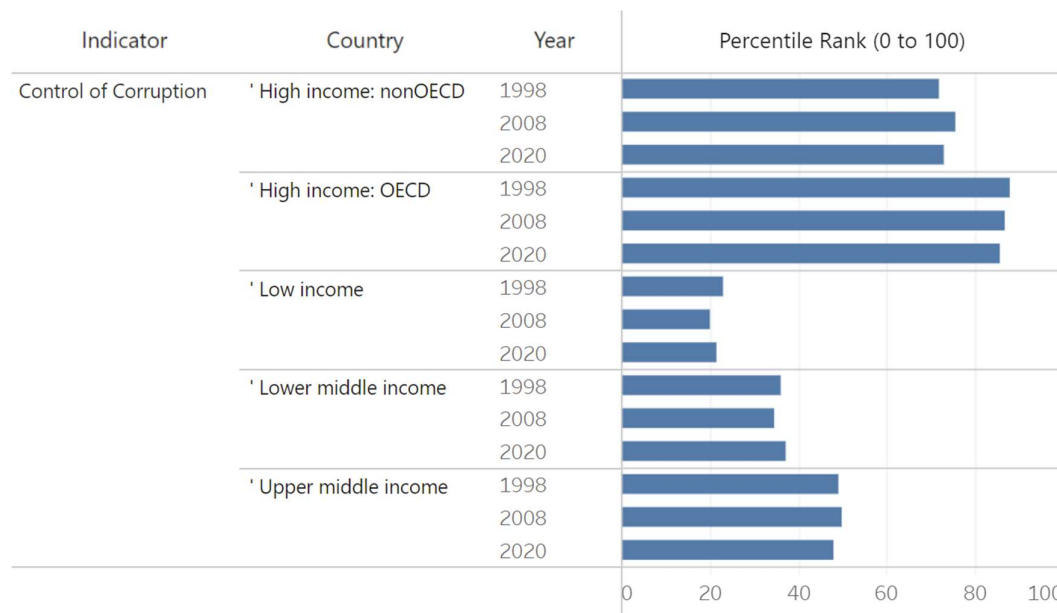


Figure 4. The evolution of control of corruption from 1998 to 2020

Source: World Bank Control of Corruption Indicator⁷⁷

In this general landscape of disappointment with anticorruption interventions, anticorruption in connection with law enforcement has two very different meanings. Firstly, if corruption is conceived as holistic (governance approach), then the police force is endogenous,

⁷⁶ Generated by World Bank. (n.d.). Worldwide Governance Indicators. *Interactive Data Access*. WorldBank.Org. <http://info.worldbank.org/governance/wgi/Home/Reports>.

⁷⁷ Generated by World Bank. (n.d.). Worldwide Governance Indicators. *Interactive Data Access*. WorldBank.Org. <http://info.worldbank.org/governance/wgi/Home/Reports>.

so hardly any isolated instrument has the potential to clean corrupt countries. The question in this case is how to reform corrupt police in systematically corrupt countries (context 1) – and a considerable amount of work went into it, which is presented in the following section. Secondly, where corruption is not systematic (context 2), the question that is presented is how to effectively use the police against grand corruption.

The selection of the right context can be done using Transparency International's Global Corruption Barometer⁷⁸, which surveys 113 countries and has specific questions on grand corruption, police, and anticorruption policy approval. Appendix 1 offers a full list of answers. We can divide countries into two categories: countries where the police are perceived as less corrupt than politicians and corruption is not systematic (so the police force is exogenous and can be used against grand corruption), and countries where either the two are fully tied (the regime is perceived as equally corrupt across categories) or the police are perceived as even more corrupt than rulers, so it can hardly be used to deter corruption. In some of these countries, though widespread, corruption does not seem to be generalized, so there is potential for improvement: when the political leadership changes, these countries can be good cases for police reforms.

The cases where police can be used as a tool against grand corruption (police being less corrupt than a relatively not so corrupt government) comprise Australia, Belgium, France, Hungary, Japan, Jordan, Kosovo, Portugal, the Slovak Republic, Spain, Taiwan, and the United Kingdom. The countries highlighted in red in Appendix I are the ones where the use of police to fight high-level corruption can have unintended consequences (extortion, political persecution, framing of political opponents), as the police force is too corrupt or too embedded in the government to represent citizens and effectively work in anticorruption. These include Cote d'Ivoire, the Dominican Republic, Ghana, Guatemala, Guinea, India, Indonesia, Jamaica, Kazakhstan, Kenya, Kyrgyzstan, Liberia, Mexico, Morocco, Nicaragua, Nigeria, Pakistan, Senegal, Tajikistan, Tanzania, Thailand, Trinidad and Tobago, and Vietnam.

5. Lessons learned from past police reforms

Speaking of high-level corruption, the police play a key role in processing complaints and conducting investigations, often dealing with sensitive information and documents, and guaranteeing the protection of reporting parties (whistleblowers)⁷⁹. Functional police reforms at

⁷⁸ Transparency International. (2021, November 15). *Global Corruption Barometer*. Transparency.Org. <https://www.transparency.org/en/gcb>.

⁷⁹ K. (2020, January). *Anti-Corruption Module 6 Key Issues: Investigation of Corruption*. UNODC.Org. Retrieved February 28, 2022, from <https://www.unodc.org/e4j/en/anti-corruption/module-6/>.

the micro level have potential to impact high-level corruption as they help to increase police credibility and enhance police autonomy. When citizens and other institutions trust the police, they feel more encouraged to report corruption, both because the fear of political persecution and retaliation is reduced and because they believe that their complaints will result in effective investigations. When the police are independent, agents are empowered enough to act against top-level officials once a complaint has been offered, avoiding impunity.

However, as these reforms only tackle the agent side of the principal-agent problem, they tend to have a limited impact on a country's overall control of corruption, especially for countries that suffer from endemic corruption, as previously explained. Therefore, another set of reforms focused on the principal side of the problem must be considered. These are the reforms that aim at increasing police accountability through civil society engagement, external oversight bodies, and further strategies that alter the dynamic of power between the police and other institutions, serving to enhance oversight of one over the other(s).

a. Traditional approaches to reform: budget and personnel considerations

Analyzing anticorruption reforms in Singapore, Hong Kong, The Solomon Islands, and Indonesia, Transparency International concludes that inadequate operational budgets work as “*economic incentives for police corruption*”⁸⁰. Peter Albrecht and Anne Blaabjerg Nielsen highlight that attempts to defund the police, either by reducing their budgets or by taking away police tasks did not change officials' attitudes towards their jobs.⁸¹ This means that the operational budget is important to fund adequate recruitment processes and training⁸² but isolated changes on this front are insufficient to change police behavior and build integrity.

Another functional reform often discussed is increasing the wages of public officials. This measure was adopted in Venezuela and Georgia, where it helped to reduce bribes demanded by the police⁸³. This argument is supported by economic studies that find a statistical

⁸⁰ Bak, M. (2021). Lessons learned from anticorruption interventions in the policing sector in Asia. *Transparency International Anti-Corruption Helpdesk Answer*, p. 2. Retrieved February 18, 2022, from https://knowledgehub.transparency.org/assets/uploads/helpdesk/Successful-anti-corruption-reforms-in-the-police-in-Asia_2021_PR.pdf.

⁸¹ Albrecht, P., Nielsen, A. (2020). *What Will Defunding the Police Lead to?* Danish Institute for International Studies. Retrieved March 3, 2022, from <https://www.diis.dk/node/24755>.

⁸² Besides the costs of thorough recruitment process oriented to achieve an impartial and well-trained police force, retention costs also play a role, as highlighted by Wilson, J. M., Dalton, E., Scheer, C., Grammich, A. C. (2010). *Improving Police Recruitment and Retention*. RAND Corporation. Retrieved March 10, 2022, from https://www.rand.org/pubs/research_briefs/RB9546.html.

⁸³ Pyman, M., Cohen, J., Boardman, M., Webster, B., Seymour, N. (2012). *Arresting corruption in the police*. The global experience of police corruption reform efforts. Retrieved January 16, 2022, from http://ti-defence.org/wp-content/uploads/2016/03/2012-11_Arresting_Corruption_In_The_Police.pdf.

significance between higher civil servant wages and lower levels of corruption⁸⁴. Likewise, it has been noticed in Pakistan that low wages are a predominant factor driving police corruption in the country⁸⁵. Nevertheless, the evidence on the impact of increasing police officers' wages is not uniform across the research. A study from Ghana found that police officers who received pay increases demanded fewer but higher bribes⁸⁶. An explanation for these uneven results is provided by the World Bank: *"Increasing the wages of public officials could help reduce corruption in countries with low public sector wage inequality. In countries where public sector wages are highly unequal, however, raising the wages of government employees could increase corruption."*⁸⁷

In addition, security system reforms focused on capacity building that are not accompanied by reforms in the institutional setup, nor work to increase accountability, bring the actual risk of increasing general corruption, as they create the possibility for diversion of funds and for the Samaritan dilemma to arise⁸⁸. Far more important than salaries, Transparency International argues, are investments in accountability and supervision, with consequences for corrupt officers and better incentive structures to raise morale⁸⁹. Certain types of institutional reforms are drawn from this conclusion: those focused on enlarging the size of the police force, improving recruitment processes, and building integrity within the police. Studying 12,000 firms in 27 countries, the World Bank concluded that expanding the police force was indeed associated with a reduction of crime experienced by private companies, especially in the crime-inducing contexts of big cities, low quality of governance, slow economic growth, and high inequality⁹⁰.

At the beginning of the police reforms that led to a drastic reduction in police corruption in Georgia, the country promoted a major restaffing of offices together with an increase in police wages. Targeting highly visible corruption by focusing on the traffic police also helped to quickly improve the public perception about police officers (rebranding campaign).⁹¹ As for the

⁸⁴ Cornell, A. Sundell, A. (2019). Money Matters: The Role of Public Sector Wages in Corruption Prevention. *Public Administration*, 98(1), 244–260. <https://doi.org/10.1111/padm.12634>

⁸⁵ Malik, N., Qureshi, T. (2020). A Study of Economic, Cultural, and Political Causes of Police Corruption in Pakistan. *Policing*, 0(0), 1–17. <https://doi.org/10.1093/polic/paaa016>.

⁸⁶ Foltz, J., Opoku-Agyemang, K. (2015). *Do Higher Salaries Lower Petty Corruption? A Policy Experiment on West Africa's Highways*. Center for Effective Global Action, University of Berkeley. Retrieved March 10, 2022, from https://cega.berkeley.edu/assets/miscellaneous_files/118_-_OpokuAgyemang_Ghana_Police_Corruption_paper_revised_v3.pdf.

⁸⁷ Demirgüç-Kunt, A., Lokshin, M., Kolchin, V. (2021). Effects of Public Sector Wages on Corruption. Wage Inequality Matters. *Policy Research Working Paper No. 9643*. Washington, DC: World Bank. Retrieved January 16, 2022, from <https://openknowledge.worldbank.org/handle/10986/35521>

⁸⁸ Eckhard, S. (2016). *The Challenges and Lessons Learned in Supporting Security Sector Reform*. Friedrich Ebert Stiftung. Retrieved March 10, 2022, from <https://library.fes.de/pdf-files/iez/12630.pdf>.

⁸⁹ Bak, M. (2021), op. cit., p. 6.

⁹⁰ Islam, A. (2016). An Exploration of the Relationship between Police Presence, Crime, and Business in Developing Countries. *Policy Research Working Paper No. 7560*. Washington, DC: World Bank. Retrieved January 16, 2022, from <https://openknowledge.worldbank.org/handle/10986/23886>.

⁹¹ Pyman, M. et al (2012), op. cit.

general success of these functional reforms – reflected in the low level of corruption perceived in the police and in the political leadership of the country in the Global Corruption Barometer⁹² – more than ten years later, the reforms have started to show limitations. Despite the rebranding of the police to the public from 2004 to 2008, trust in the police has been dropping since 2011⁹³. Although the country is mentioned as a success case in transitions to good governance⁹⁴, the ongoing influence of oligarchs in government authority has been impairing the achievement of full judicial independence and an efficient oversight system, which is reflected in the country's small score variation across six years in the Index of Public Integrity⁹⁵. In essence, police reforms in Georgia, which have targeted multiple areas and managed to reduce bribery and corruption perception in the country, at the same time helping to develop the private sector⁹⁶, only had limited success in controlling high-level corruption⁹⁷.

A further personnel issue to be considered is the police recruitment process and the renewal of police forces with the removal of corrupt officers. Evidence from South Africa supports a combination between retaining older staff members and recruiting new personnel by eliminating officers who have been involved in corruption and adopting a systematic approach to recruitment⁹⁸. In this context, the process of recruiting new staff members must also be improved to ensure that newly hired police officers have the proper skills and incentives to comply with high standards of integrity.

Mark Pyman exemplifies recruitment and training reforms that have been implemented targeting more rigorous selection processes (in Kenya and Singapore), incorporating ethics and integrity into training (in New South Wales, Singapore, and Venezuela), and reforming both police education and training (in Serbia and Montenegro).⁹⁹ Concrete actions in this regard include the establishment of minimum acceptance standards and education level; the absence of

⁹² Transparency International. (2021, November 15). *Global Corruption Barometer*. Transparency.Org. <https://www.transparency.org/en/gcb>.

⁹³ *Knowledge of and attitudes toward the EU in Georgia time-series dataset*. (n.d.). Caucasusbarmeter.Org. Retrieved March 10, 2022, from https://www.caucasusbarmeter.org/en/eu_ge/TRUPOLI/

⁹⁴ Mungiu-Pippidi, A., Johnston, M. (Eds), (2017), op. cit. (see note 29).

⁹⁵ European Research Centre for Anti-Corruption and State-Building. (2020, March 4). *Georgia*. Againstcorruption.EU. Retrieved February 23, 2022, from <https://www.againstcorruption.eu/country/costa-rica/>. See also ERCAS's Index of Public Integrity for Georgia (2015 – 2021). Integrity-Index.Org. Retrieved February 23, 2022, from <https://integrity-index.org/country-profile/?id=GEO&yr=2021>.

⁹⁶ Kharitonov, D. (n.d.) Police Reform in Georgia. *Leadership Academy for Development Case Study*. Retrieved March 10, 2022, from https://fsi-live.s3.us-west-1.amazonaws.com/s3fs-public/police_reform_corrections.pdf

⁹⁷ Puppo, L. di. (2010). Police reform in Georgia. Cracks in an anti-corruption success story. *U4 Practice Insight No. 2010:2*. Bergen: U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute.

⁹⁸ Chêne, M. (2010). Anti-corruption and police reform. *U4 Expert Answer No. 247*. Retrieved January 16, 2022, from https://knowledgehub.transparency.org/assets/uploads/helpdesk/247_Anti_corruption_police_reform.pdf.

⁹⁹ Pyman, M., Heywood, P. (n.d.). Police Services. *Curbing Corruption*. Retrieved January 16, 2022, from <https://curbingcorruption.com/sector/police-services/>.

a criminal record (effectively applied in South Africa and Mexican cities)¹⁰⁰, and a transparent selection process (which contributed to Hong Kong’s case of success)¹⁰¹.

The vetoing of inapt officials, alongside with an expansion of the police force, an increase in public security budgets, and other measures, have helped Mexico to advance in the control of police corruption¹⁰², even though no significant impact has been perceived in the country’s broad control of corruption – arguably because of a still insufficient investment in democratic institution-building.

Another functional approach mentioned by Pyman are the “rule of law reforms”, which include implementing legislative changes; addressing impunity in the prosecution and investigation of officials; promoting the use of administrative sanctions and disciplinary measures; and utilizing non-judicial law enforcement mechanisms¹⁰³. This type of reforms complements the ones related to police recruitment and are often implemented together under a general integrity promotion framework. Changing legislation to fight corruption, however, only makes sense where the rule of law is somewhat present, so the “rule of law” reforms tend to be successful in countries with good institutional framework and quality of government.

This is the approach adopted by the U.K. Anti-Corruption Strategy 2017-2022, which includes several measures on strengthening law enforcement capacity and capability, and their respective evaluations¹⁰⁴. Whereas the approval of legislation is challenged by bottlenecks in the Parliament, the British approach has been working well to control both police corruption and high-level corruption. As seen in the Global Corruption Barometer, only 11% of the respondents find the police to be corrupt, against 27% for top political leadership and cabinet¹⁰⁵. Consequently, the United Kingdom is in the favorable context in which the police, for being perceived as less corrupt than high-level officials, can be used instrumentally against grand corruption. There, a rule of law approach that aims at increasing police integrity tends to also be successful to control high-level corruption.

¹⁰⁰ Chêne, M. (2010), op. cit.; Sabet, D. (2012). *Police Reform in Mexico: Informal Politics and the Challenge of Institutional Change*. Redwood City, CA: Stanford University Press.

¹⁰¹ Lee-Jones, K. (2018). Best practices in addressing police-related corruption. *U4 Helpdesk Answer 2018:5*. Retrieved January 16, 2022, from <https://www.u4.no/publications/best-practices-in-addressing-police-related-corruption.pdf>.

¹⁰² Sabet, D. (n.d.) *Police Reform in Mexico: Advances and Persistent Obstacles*. Wilson Center. Retrieved February 14, 2022, from <https://www.wilsoncenter.org/sites/default/files/media/documents/publication/Chapter%208-Police%20Reform%20in%20Mexico%2C%20Advances%20and%20Persistent%20Obstacles.pdf>

¹⁰³ Pyman, M., Heywood, P. (n.d.), op. cit.

¹⁰⁴ HM Government. (n.d.). *United Kingdom Anti-Corruption Strategy 2017-2022 Year 2 update*. Gov.UK. Retrieved March 10, 2022, from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902020/6.6451_Anti-Corruption_Strategy_Year_2_Update.pdf

¹⁰⁵ Transparency International. (2021, November 15). *Global Corruption Barometer*. Transparency.Org. <https://www.transparency.org/en/gcb>.

Police legal training was also implemented in Costa Rica, yielding positive results¹⁰⁶, in spite of the difficulty to maintain them over time¹⁰⁷. Costa Rica is an example of a country that performs better than what would have been expected for its recent democracy and level of human development¹⁰⁸. The leader in corruption control in Latin America, it is one of the few countries where freedom of the press has increased in the last decade. Allied with high transparency, citizens' access to digital services, and administrative simplification, this made the country one of the most successful democracies in controlling corruption, holding an above 8 score in the Index of Public Integrity out of a maximum of 10 points¹⁰⁹.

An important aspect to consider is that political will is essential for the success of police reforms, especially if they are intended to fight corruption at high hierarchical levels. Political elites not engaged in a reform but affected by it tend to reject its results. Jon Quah considers political will as a determining factor for the success of Singapore's and Hong Kong's police reforms¹¹⁰. Still, genuine anticorruption political will is hard to be formed, and functional reforms have a limited impact in reducing national levels of corruption when isolated from other measures. Accordingly, one can argue for better strategies to increase police integrity and engage police officers in fighting high-level corruption.

b. Alternative strategies for depoliticizing law enforcement

Ignoring that institutions, such as the police, are endogenous to governance and to the rule of law resulted in the failure or limited impact of several reforms and approaches, which has led to a re-evaluation of the role of the police within a framework of local partnerships and good urban governance¹¹¹. The relevance of citizen engagement has been long mentioned as fundamental to control corruption¹¹² with renowned theorists defending the development of anticorruption policies based on collective action¹¹³. Not by chance, international lessons from

¹⁰⁶ Eijkman, Q.A.M. (2006). Around Here I Am the Law! Strengthening Police Officers Compliance with the Rule of Law in Costa Rica. *Utrecht Law Review*, 2(2), 145–176. <https://doi.org/10.18352/ulr.30>.

¹⁰⁷ Dursun-Özkanca, O. (2017) Pitfalls of police reform in Costa Rica: insights into security sector reform in non-military countries. *Peacebuilding*, 5(3), 320–338. <https://doi.org/10.1080/21647259.2017.1293350>.

¹⁰⁸ Comparing the Human Development Index from the United Nations with the World Governance Indicator on Control of Corruption from the World Bank, Mungiu-Pippidi, A., Hartmann, T. (2019), op. cit. (see note 10).

¹⁰⁹ European Research Centre for Anti-Corruption and State-Building. (2020, March 4). *Costa Rica*. Againstcorruption.EU. Retrieved February 23, 2022, from <https://www.againstcorruption.eu/country/costa-rica/>. See also ERCAS's updated Index of Public Integrity for Costa Rica (2021). Integrity-Index.Org. Retrieved February 23, 2022, from <https://integrity-index.org/country-profile/?id=CRI&yr=2021>.

¹¹⁰ Quah, J. S. T. (2017). Singapore's Success in Combating Corruption: Lessons for Policy Makers. *Asian Education and Development Studies*, 6(3), 263–274. <https://doi.org/10.1108/AEDS-03-2017-0030>

¹¹¹ Chalom, M., Léonard, L., Vanderschueren, F., Vézina, C. (2001). *Urban Safety and Good Governance: The role of the Police*. Safer Cities Programme UNCHS (Habitat). Retrieved February 14, 2022, from <https://www.un.org/ruleoflaw/files/UNH%20Role%20of%20Police%20Publication.pdf>

¹¹² Hunja, R. (2015, December 8). *Here are 10 ways to fight corruption*. World Bank Blogs. Retrieved February 16, 2022, from <https://blogs.worldbank.org/governance/here-are-10-ways-fight-corruption>.

¹¹³ Rothstein, B. (2018). Fighting Systemic Corruption: The Indirect Strategy. *Daedalus*, 147(3), 35–49.

successful anticorruption reforms confirm the critical role of civil society to broaden public involvement, education, and trust in the police¹¹⁴.

Police cooperation with citizens is at the heart of “democratic policing”¹¹⁵ and has emerged as an alternative strategy to the problem of lack of autonomy of law enforcement from private interest. The “bottom-up approach”, as it is known, not only has great potential to increase trust and encourage whistleblowing but fills in the gap of inefficient or unwilling principals who are found across public service. Consequently, this approach has a great potential to aid police reforms and to help in the identification of high-level corruption cases.

Alternative strategies for depoliticizing law enforcement include enabling the local leaderships and the civil society to cooperate with the police through community-based policing and trainings, dialogues between the private sector and public officials, developing tactics for crime prevention and victim empowerment, and other actions that answer both to the needs of the police and of the citizens¹¹⁶. A citizen-oriented approach also takes into consideration the necessity of improving transparency and accountability over police processes, with the publication of policies, plans, budgets, and results, as well as positive responses to information requests¹¹⁷.

These strategies were successfully incorporated into the police reform in Jamaica, which included the establishment of an anticorruption branch in the police and of an independent investigative commission for the accountability of security services, as well as community efforts to rebuild trust with the public and the creation of an exclusive hotline for the denouncing of corruption. According to Transparency International, the number of cases being processed by their national anticorruption branch increased over four times in three years (2008-2011). Additionally, an increase in officers being charged and removed from office was also noticed.¹¹⁸ Citizen observatories of corruption in Ecuador and other donor-supported interventions relying on the bottom-up accountability approach also produced a great result¹¹⁹.

A remaining alternative for dealing with corruption outside of the principal-agent framework is the establishment of external oversight bodies – which might be implemented jointly with bottom-up approaches to address the issue of high-level officials being uninterested or unwilling to welcome lower-level officials’ and whistleblowers’ complaints. The Open Society Justice Initiative brings forth a compilation of areas upon which these independent

¹¹⁴ Chêne, M. (2010), op. cit.

¹¹⁵ Organization for Security and Co-operation in Europe. (2008). *Guidebook on Democratic Policing* (2nd ed.). Vienna: OSCE Secretariat. Retrieved March 2, 2022, from <https://www.osce.org/files/f/documents/5/3/23804.pdf>

¹¹⁶ Chêne, M. (2010).

¹¹⁷ Pyman, M., Heywood, P.(n.d.), op. cit.

¹¹⁸ Pyman, M. et al (2012), op. cit., p. 56.

¹¹⁹ Bak, M. (2021), op. cit., p.2.

commissions should act, mostly reinforcing investigative and training procedures, but also highlighting their contribution to avoid human rights violations¹²⁰. These commissions yield great potential for impacting national levels of corruption, as police reform in countries where they exist tend to be dictated by their findings. A case that confirms this is the influence of the Australian Commission for Law Enforcement Integrity in the national anticorruption policy.¹²¹

As explained in the previous section of this paper, certain contexts are not promising for interventions in the police with the aim of impacting high-level corruption. Where corruption is deeply rooted in the public administration and in the police force, the establishment of an external accountability body might not work. This is the case in Kenya. A reform from 2012 established the National Police Service Commission to screen all police officers in the country for misconduct and corruption, but the commission stopped working after the outbreak of the Covid-19 pandemic, and now the public is distrustful of its police vetting system.¹²² In a country where the independent oversight body does not function properly, there is little reason to believe that the police would do so, let alone fight corruption among top-level officials.

The combination of context (corruption being the norm or an exception) with political will (or the lack thereof) orients the role of the police in anticorruption and informs what type of reforms can be implemented to support law enforcement. Table 4 summarizes the appropriate interventions in each case. Where corruption is an exception, for instance, increasing transparency over government and police services is a highly effective measure towards anticorruption. Investing only in transparency in contexts of systematic corruption, though, does not have the same positive impact – these contexts demand further combined interventions (e.g., Mexico has a relatively high transparency score globally, being ranked in the top 25 among 130 countries¹²³, but still suffers from systemic corruption inside the police, who is perceived as being more corrupt than the political leadership of the country¹²⁴).

¹²⁰ Open Society Foundations. (2021). Who Polices the Police? The Role of Independent Agencies in Criminal Investigations of State Agents <https://doi.org/10.34880/74m3-9s14>.

¹²¹ Pyman, M., Heywood, P. (n.d.), op. cit.; Australian Commission for Law Enforcement Integrity (n.d.) *Corruption Vulnerabilities Brief 2020-21*. ACLEI.gov.au. Retrieved March 11, 2022, from https://www.aclei.gov.au/sites/default/files/aclei_corruption_vulnerabilities_brief_2020-21.pdf?v=1645053399.

¹²² International Center for Transitional Justice. (2020, June 26). *The Persistent and Widespread Need for Police Reform: Lessons from Kenya's Police Vetting Process*. ICTJ.Org. Retrieved March 10, 2022, from <https://www.ictj.org/news/persistent-and-widespread-need-police-reform-lessons-kenya%E2%80%99s-police-vetting-process#:~:text=Kenya's%202010%20constitution%20anchors%20police,service%20for%20misconduct%20including%20corruption>.

¹²³ European Research Centre for Anti-Corruption and State-Building. (2022, April 12). *Transparency Index*. CorruptionRisk.Org. <https://corruptionrisk.org/transparency/-ranking/>

¹²⁴ Transparency International. (2021, November 15). *Global Corruption Barometer*. Transparency.Org. <https://www.transparency.org/en/gcb>.

	Corruption is the Norm	Corruption is an Exception
Government wants change	1. Police overhaul reform in cooperation with civil society Case studies: Monterrey, Georgia 2. Anticorruption entrusted to autonomous AC agency with police directly subordinated Case studies: Indonesia	Specialized units within the police (UNCAC), capacity building and training for new challenges (e.g., digital crime and corruption) Transparency
Government wants status quo	Police is no use in real anticorruption but might do selective enforcement, repression of opponents (“For my friends, everything; for my enemies, the law”) Case studies: Ghana, Senegal	Transparency Soft regulation

Table 4. Intervention matrix¹²⁵

6. Conclusions and limitations

The fundamental aspect of a reform is to ground the intervention on a given context. Micro reforms cannot change contexts, and context dictates whether there is or not police autonomy from the political factor. Most success stories rely on top-down approaches in contexts in which corruption was already relatively controlled, or on a combination of top-down and bottom-up approaches (civil society gets a committed government elected and this government reforms the police) in contexts of widespread corruption. Better prospects for intervention lie within borderlines cases (countries transitioning from the context of corruption as the norm to the context of corruption as an exception) which, in practice, depend on how these countries develop.

Furthermore, police action alone is not enough to promote structural changes in contexts of endemic corruption. High-level corruption is rooted in systemic organizational features and must be regarded as a social problem, not as an issue that can be solved with interventions at the individual level. In the few cases of interventions that led to a national reduction in corruption (e.g., Georgia, Hong Kong, Singapore) police reforms were developed on multiple fronts and amidst a broader institutional reform. And precisely because of the adoption of multiple reforms – also outside the police – it is difficult to assess to which extent these countries’ police reforms, as well as the general police work, impacted on the reduction of national levels of corruption.

¹²⁵ Adapted after Mungiu-Pippidi, A., (2022), op. cit.

On the one hand, limited empirical evidence on the causal impact of police reforms in anticorruption indicates the necessity of combined reforms within a given context (e.g., also focusing on increasing judicial independence for the prosecution of complaints when a country manages to have an effective whistleblowing system). On the other hand, it leads to the recommendation that any reform or programme with the intention to employ law enforcement agents against corruption focuses on incremental improvements, with tangible interventions that allow the implementation of pilot projects and targeted evaluation.

Additional hope lies within competition for power, e.g., pitting the federal and the local levels against one another, as in United States history, and pitting the police against other investigative bodies, as happening with the Australian Federal Police and the country's Commonwealth Integrity Commission. If one power leverages the police against another, that creates opportunities for a more efficient checks and balances system and, ultimately, to reduce corruption.