

## Appendix 4

### Examples of corrupt behaviour within the law enforcement context<sup>1</sup>

#### Abuse of office

##### *Conduct that seeks to gain profit or benefit for self or others*

- accepting, receiving or seeking illegitimate rewards, ‘kickbacks’ and/or bribes for any service (including services that would normally be provided free of charge in the course of normal duties);
- providing preferential treatment in expectation of a reward;
- accepting, receiving or seeking rewards on behalf of another person, with or without that person’s consent;
- accepting, receiving or seeking payment for any corrupt act;
- improperly selling services or information to any person;
- extorting, or attempting to extort, benefits of any kind; or
- stealing money, property or drugs during arrests, execution of search warrants or other contact with the public.

Profits and benefits do not need to be of a high value. They may include: money, drugs, sexual favours or any other items. Advantages or favours may be for self or other people or groups.

##### *Conduct that uses proper powers and discretions for an improper purpose*

- misusing legitimate authority to apply discretion such as:
- ‘turning a blind eye’ to the criminal actions of friends, family or criminal associates;
- punishing or investigating other people without adequate cause;
- favouritism in the discharge of duties (for example issuing fines or other penalties to one group, but not to another).
- misusing detention powers, such as unwarranted arrest or misuse of bail procedures;
- misusing surveillance, telephone interception or search powers;

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1 Source: *Annual Report of the Integrity Commissioner 2008-2009*, pp 69-71.

- knowingly providing incorrect information in an affidavit to obtain access to intrusive powers;
- using powers to blackmail, extort or threaten individuals or organisations;
- excessive use of force (or threats) with a purpose to elicit information or prevent information from coming forward (see also 5); or
- using privileged access to information for personal purposes.

***Conduct that uses law enforcement functions to support or assist criminal activity***

- participating in criminal activity, including using agency property, for example vehicles, uniforms, firearms or surveillance devices;
- offering or providing protection to criminal activity;
- offering or providing information to one or more criminal groups (see also 4);
- engaging in any activity that sabotages law enforcement efforts (see also 5);
- diverting law enforcement efforts or attention to, or away from, an activity in order to advantage one criminal group over another; or
- using poor investigation practices to evade scrutiny of criminal activity.

***Conduct that misuses information\* to support or assist criminal activity***

- seeking or obtaining classified, sensitive, confidential or personal information, for any improper purpose;
- improperly seeking or obtaining information about law enforcement investigations, methods, processes or plans;
- providing or leaking information to unauthorised persons about individuals, witnesses, investigations or any aspect of law enforcement (including ‘backroom’ information not directly related to an investigation);
- providing or leaking information to unauthorised persons that may assist them in a criminal act or that may advantage one criminal group over another; or
- making unauthorised public comments about law enforcement methods, practices or targets.

\*‘Information’ may include:

- the personal or financial affairs of a colleague or law enforcement employee; witnesses, informers or anyone connected with an investigation or prosecution;
- criminal intelligence;
- assumed identities;
- detection or investigation methods;
- criminal methods;

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- planned law enforcement actions or investigations (for example, a ‘tip- off’ about a pending execution of search warrants or a timetable for regulatory inspections or interdictions);
  - information technology or computer databases (that may assist hackers); or
  - anything else that could provide an advantage to criminal activity.

### **Perversion of the course of justice**

#### ***Conduct that sabotages the impartial detection, investigation and prosecution of crimes***

- agreeing to ‘look the other way’ when a crime is committed;
- interfering with evidence, including failure to properly collect or document evidence;
- planting, falsifying evidence or ‘verballing’ to get a conviction or to ‘frame’ a person;
- destroying evidence which could incriminate a suspect or clear another;
- withholding criminal intelligence or information from an investigation;
- laying false charges, not laying charges or laying lesser charges;
- committing perjury; or
- interfering with witness testimony or prosecution processes using bribery, extortion, blackmail or other promise, threat or inducement.

### **Corruption of other kinds, having regard to the duties and powers of the staff member**

#### ***Conduct that may assist infiltration of an agency by criminal or corrupt groups***

- ‘grooming’ or introducing others to corruption opportunities;
- forging qualifications or references to get a job or help place a person in an agency;
- favouritism or nepotism in recruitment, promotion or transfer;
- passing on information about recruitment or promotion practices; or
- leaking information about individuals engaged in investigations, joint operations, taskforces, etc.

#### ***Conduct that places at risk the impartial function of an agency***

- improperly associating with criminals;
- engaging in criminal or suspect activity, such as illicit drug-taking or heavy gambling;

- using the uniform to support private business, for example, to imply law enforcement support for a questionable activity; or
- using a police vehicle, firearm or other law enforcement-related property for private or illegitimate purposes.

***Conduct that facilitates corruption***

- failure to declare conflicts of interest or improper associations;
- failure of supervisor to manage or treat conflicts of interest raised or declared by staff;
- accepting a 'share' of profit or benefits from others' corrupt activities;
- failing to report corrupt activity or misconduct;
- attempting to cover up or hide misconduct or corrupt behaviour of self or others; or
- obstructing inquiries of the Integrity Commissioner and others responsible for investigating corruption and misconduct.