Preventing Corruption

Educing preventive measures from the analysis of solved cases.

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General approach

1) Demounting the situation found & analyzing the situation's components

2) Investigating the proponents' motives & the factors leading to the corruptive process

3) Creating preventive measures

4) Examining the said measures' realisability

5) Implementing the measures in procedures and laws

6) Training the employees

Details of the above

First approach

- Analysis of former cases

- Statistics

- Similarities?

- Critical points or stages?

- Necessity/Possibility to act?

Components

- **Field** (drugs, organized crime, …)**?**

- **Organigrams**?

- Peripherals?

    - **Co-operation of the affected department?**
    - Unstructured interviews (colleagues, supervisors, … (documentation!)
    - **Defendant's statement (=> motives & indicators)**
    - Case files' quality
    - Relevant laws, regulations and guidelines

- Experts' opinion?

Details pt. II

- What exactly happened? Which crime has been realized?

- How long have the corrupt actions taken place? How long before they were discovered?

- **Have they been noticed through control-mechanisms or randomly?**

- **Graphical depiction of how a given workflow has been regulated by law(s, guidelines) in order to discover areas vulnerable to corruption and flaws** (such as double or zero responsibilities for certain tasks or the lack of control mechanisms, ...) **unintentionally contained.**

Further steps:

- Changeability of existing organigrams or regulations? Which changes would be needed to prevent such actions?

- Capacities for supervision and controlling? Possibility of implementation of such mechanisms?

- Development trend and future prospects?

- Future evaluation of the measures planned? Application of the evaluations' results?

- Description of the information gathered (including hypothesis and assumptions used).

Recommendations

- Changes of laws, rules, guidelines, new control-mechanisms, …
  (e.g. supervisor's liability, system of double-checks, …)

- Implementation of approved best practice

- Feasibility study

- Information campaigns

- (additional) trainings, instruction material, handouts, for employees

Motives – factors - indicators

What causes employees to act corruptly?
(motives & causes)

Which factors promote/prevent corruption?
(risk/protective factors)

<u>Can corrupt behaviour be noticed at an early stage?</u>
<u>(indicators of increased risk)</u>

"alarming" indicators

Please note that all indicators listed below only MIGHT indicate corrupt behaviour but CAN NEVER be considered proving it!

- ➢ **Repeated positive discrimination of certain companies or clients**

- ➢ **Being ordered by a supervisor to decide a certain file in a particular way**
  (especially if this is not common in cases comparable to the given one)

- ➢ **Inexplicable standing up for someone who had been convicted and who had - undisputedly – acted culpably**

- ➢ **Exceptional fast processing of certain files and cases**

- ➢ **Uncommon procedures in certain cases**

other indicators

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- **Behaviour @ work:**

  - Omnipresence (no holidays, no working hours missed because of illness, …)
  - Exceptionally long-standing professional ties with certain clients or customers
  - Bulkheading off certain fields of work
  - Home-office (when uncommon)
  - Abusive use of discretionary powers
  - Concealment of certain proceedings
  - Unwillingness to follow certain orders regarding the content of decisions

- **Behaviour when not @ work:**

  - Lifestyle unaffordable when considering the given colleagues wages
  - Repeated receiving of "presents" exceeding a "usual" (AT) value
  - Social problems (abuse of alcohol/drugs, abusive gaming)
  - Rumours/Anonymous hints
  - Self-enacted separation of the group of colleagues
  - Peculiar intense private contact with persons working in the field the given person is (professionally) responsible for, …

Thank you for your attention!

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- (Graphical) Illustration of the concerned area's workflow

- (Main) Protagonists' guiding (motivating) interests?

  (e.g.: criminal energy, exploitation of the other "party", elimination of competitors, …)

- Trigger-situations? (e.g.: "Don Corleone-principle": dispersing favours without immediately asking for a reward (early stage of the corruptive process) => creating pressure and interdependence by entering personal relationships, …)

Next steps:

- Possibility to create a list of indicators for corruption in the field of public service?

- Usability of said list to raise awareness?

8 Developing the legal framework

- Legal basis for the recommended methods of prevention?

- Possibility to create such legal framework? Are there any eye-catching indicators, codes or similarities?

- Possible (or: foreseeable) threats to the implementation of the findings?

- Implementing the „new" findings in the employees' trainings (also to deepen their knowledge about the legal situation in order to minimize the risk of involuntarily committing a crime. (Note: It has to be kept in mind that according to a recent Austrian survey a significant number of civil servants don't feel too sure about the legal situation, due to the existing "grey areas".)

- Possibility to estimate the residual risk?