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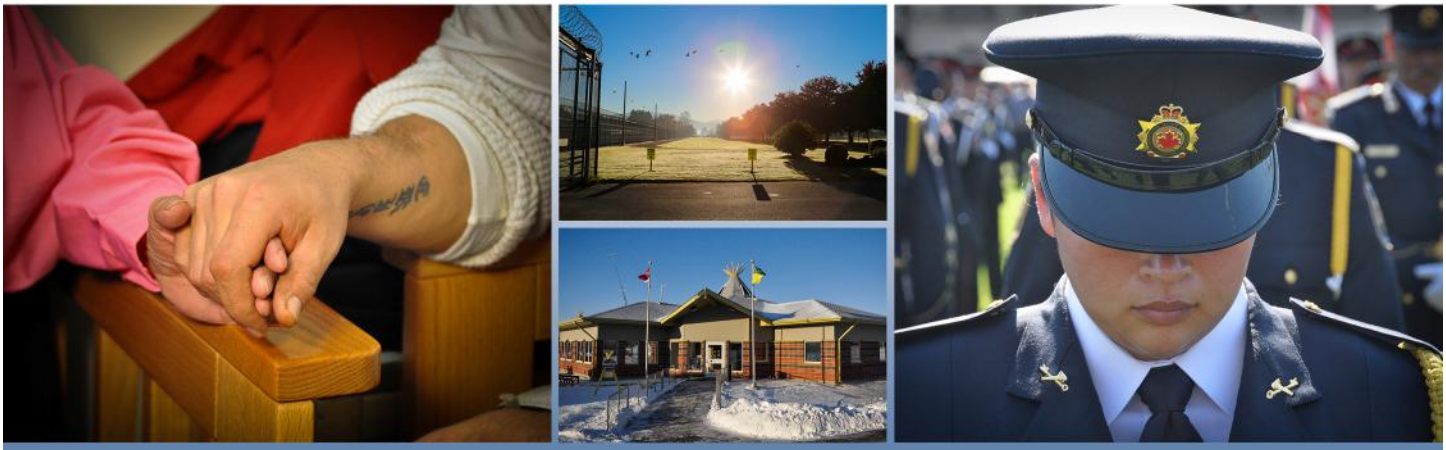

RESEARCH REPORT

Anti-Corruption Models and Elimination of Staff Involvement in Trafficking Contraband in Correctional Settings: Review of the Current Literature

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Anti-Corruption Models and Elimination of Staff Involvement in Trafficking Contraband in Correctional Settings: Review of the Current Literature

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Executive Summary

Key words: *Anti-corruption models, correctional systems, staff involvement in contraband, prevention*

A structured review of international and Canadian studies and reports on anti-corruption models and correctional staff involvement in contraband was undertaken, spanning the years 2000 – 2018.

At the international, national and institutional level, there is little empirical evidence that multipurpose or specialized anti-corruption models and agencies are effective in significantly reducing the prevalence of corrupt behaviour in public institutions. Similarly, there is little empirical evidence that specialized units within institutions, including police organizations and correctional systems, have been effective in significantly reducing staff involvement in corrupt behaviour.

The ineffectiveness of anti-corruption strategies derives from their lack of evidence-based foundation in behavioural theory. The results of experimental studies of corrupt behaviour show that (1) paying what are perceived to be "fair salaries" reduces engagement in corrupt behaviour, (2) staff rotation can be effective in reducing involvement in corrupt behaviour, (3) increasing the probability of detection can be effective in reducing corruption, (4) imposing severe penalties for engaging in corrupt behaviour can be effective, (5) offering a reward for "whistleblowing", and an independent, top-down, confidential investigation process can be effective in mitigating corruption, and (6) increasing transparency and monitoring of public funds reduces corruption.

In combination with evidenced-based behavioural strategies to deter or prevent corrupt behaviour by individuals, the institutional environment must provide a context that provides a clear code of conduct for staff, tools for the detection, reporting, investigation and prosecution of corrupt behaviour, and effective means of oversight and transparency. Reducing the individual motivation to engage in corrupt behaviour and establishing effective guardianship of the environment though monitoring, detection, investigation and prosecution may significantly reduce the prevalence of corrupt behaviour.

Control of contraband is made especially challenging by the porous nature of correctional environments, the criminal orientation of the population under supervision, and the complex relationship between demand for and supply of contraband in correctional settings. Involvement of correctional staff in trafficking in contraband makes up only a small proportion of the contraband market in correctional environments. Aggressive supply-side strategies for detecting and seizing contraband may cause conflict and increase incentives for suppliers to engage in the market. New technologies including drones are a challenge for contraband control.

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Introduction

At the 2015 session of the Conference of the States Parties to the United Nations Convention Against Corruption, resolution 6/6 called upon the 182 signatories to the convention to "strengthen integrity across the entire criminal justice system in response to global concerns about corruption" (UNODC, 2015, p. 23). According to the United Nations Office on Drugs and Crime (UNODC, 2017, p.1),

> *"Prisons are particularly vulnerable to acts of corruption in comparison to other key justice institutions. This is due in part to the closed nature of imprisonment, the associated risk of insufficient public scrutiny and the fact that prisons, by definition, hold individuals accused of or sentenced for having committed criminal offences, including serious crimes."*

Internationally, corruption among correctional staff, in particular in the form of accepting bribes in return for trafficking contraband to offenders, is identified as among the most serious threats to the effective operation of correctional systems (Allen, 2016; Columbia Law School, 2016; McCarthy & Perry-Bellmer, 2017), contributing directly to increased dangerousness and violence, sexual exploitation, drug trafficking and ill health, escape, organized crime activity, mistreatment of prisoners, and loss of public confidence in the justice system (Goldsmith, Halsey & Groves, 2016; UNODC, 2017). Ultimately, corruption among correctional staff undermines efforts to rehabilitate prisoners and to improve public safety and security (UNODC, 2017).

Despite global interest in corruption among correctional staff, remarkably little empirical research has been conducted on the extent of staff involvement in trafficking in contraband, or on the effectiveness of anti-corruption strategies for managing such behaviour in correctional settings (UNODC, 2017; Worley & Worley, 2013). In response to a request from the Correctional Service of Canada to conduct research under the terms of the Memorandum of Understanding between CSC and the Institute for Applied Social Research at Nipissing University, the current report is a structured review of the international and Canadian literature on anti-corruption models, policies and guidelines, and correctional staff involvement in trafficking contraband.

Methodology

Owing to the very broad definition of corruption used in research and in the published literature, an exploratory approach to the literature search was employed, and thirty-six (36) different academic search engines were accessed, ranging from Academic OneFile, Academic Search Premier (EBSCOHost), Cambridge Journals Online and Canadian Research Index, through JSTOR, PsycArticles, Scholars Portal, Sage Publications, and Sociology Database (ProQUEST), to Taylor & Francis Online, Theses Canada Portal and Wiley Online Library. Searches of federal and provincial publicly accessible websites were undertaken and extensive searches making use of Google and Google Scholar linked through the Nipissing University library periodical and book holdings were also completed. In addition, a search of the Scholars Portal EBook, EBSCOHost eBook and ebrary search engines was conducted. The search terms "corruption", "anti-corruption" "corrections" "correctional system" "prisons", "correctional staff" "prison staff", "law enforcement" "police" "anti-corruption models" "anti-corruption policies", "contraband" and various combinations of terms were employed in the literature search. Besides search terms, search filters were also employed to retrieve only articles in English or translated into English published in 2000 or later, excluding letters, comments on or replies to articles, textbooks, and book reviews.

Defining Corruption

Corruption is "the abuse of entrusted power for private gain" (Transparency International, 2017). Corruption encompasses a wide range of behaviours and practices, both non-criminal and criminal, at the individual, group and systemic level (Graycar & Sidebottom, 2012; Zyglidopoulos, Hirsch, de Holan, & Phillips, 2017), and is found in government institutions, not-for-profit organizations, private business and corporations, and in international relations and trade (UNCAC, 2004; Zyglidopoulos et al., 2017). The 2004 United Nations Convention Against Corruption calls upon all signatories to the convention to "develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability" (UNCAC, 2004, p.9).

Multipurpose and Specialized Anti-Corruption Agencies and Models

Anti-corruption policies range from ensuring unbiased and accountable human resource management practices, employee codes of conduct, ethical training and secure whistle-blowing procedures, through risk assessment audits and integrity testing procedures, to staff discipline and dismissal procedures (Chene, 2015; Okello-Obura, 2013; Persson, Rothstein, & Teorell, 2013; Whitton, 2001; UNODC, 2004a).

Organizational responses to addressing corruption include improved compensation and benefit packages, decentralization of administration, regular staff rotation, privatization, implementation of information and communication technologies monitoring and other forms of electronic surveillance, establishment of anti-corruption units, interagency collaboration, and the formation of independent oversight committees (Bertot, Jaeger & Grimes, 2010; HM Government, 2014; Okello-Obura, 2013).

Legal responses to corruption pertain almost exclusively to the behaviour of public officials. Domestic criminal codes define corruption in terms of specific offences committed by appointed or elected public officials, and include offences such as bribery, embezzlement, theft and fraud, abuse of function, extortion and breach of trust (Hatchard, 2006; Jain, 2001; Kaiafa-Gbandi, 2010; UNODC, 2004a). Corruption involving foreign nationals or governments is addressed by separate legislative acts designed to impose domestic criminal penalties on individual citizens or individual citizen representatives of organizations for bribery of foreign officials representing States or international organizations, or their authorized representatives (Davis, 2012; OECD, 2011; UNCAC, 2004). International organizations such as the United Nations, the Organisation for Economic Co-operation and Development (OECD), Transparency International, and Interpol encourage member states to develop criminal laws to address both domestic and foreign corruption, and facilitate cooperation in investigating and prosecuting transnational corruption offences. In Canada, corruption is defined legally by the *Criminal Code* (1985) and the *Corruption of Foreign Public Officials Act* (1998).

Signatory states to the 2004 United Nations Convention Against Corruption have developed a range of multipurpose anti-corruption models and agencies at the governmental level to provide support, research and technical assistance to government ministries and agencies in the development of policies and procedures, and assistance in prevention, public education,

monitoring, and investigation of corruption (Klemencic, Stusek, & Gaika, 2008). The Hong Kong Independent Commission Against Corruption, South Korea's Anti-Corruption and Civil Rights Commission of Korea, the New South Wales Australia Independent Commission Against Corruption, the Australian Independent Broad-based Anti-Corruption Commission (IBAC), the UK's Joint Anti-Corruption Unit and Quebec's Permanent Anti-Corruption Unit (UPAC) are examples of multipurpose anti-corruption agencies (de Sousa, 2010; IBAC, 2017; Klemencic et al., 2008; Transparency International, 2017). Other "specialized" anti-corruption units at the governmental level include "stand alone" preventive and policy coordination agencies, and law enforcement type agencies, including specialized units within governmental institutions such as policing and corrections (IAP, 2018; Klemencic et al., 2008). France's Central Service for Prevention of Corruption, Spain's Special Prosecutors Office for the Repression of Corruption-Related Economic Offences, Sweden's National Anti-Corruption Unit, the U.S. Federal Bureau of Investigation Public Corruption Unit, and the RCMP's National Division are examples of specialized anti-corruption agencies (Disch, Vigeland, & Sundet, 2009; FBI, 2018;IAP, 2018; Klemencic et al., 2008).

Specialized anti-corruption units within police, corrections, and other law-enforcement type institutions represent even more focussed models used to address corruption among staff, administration, service providers and contractors, and within resource procurement processes. The United Kingdom's Metropolitan Police Service's Anti-Corruption Unit (ACU), the National Offender Management Service Corruption Prevention Unit and the London Prisons Anti-Corruption Team (LPACT), the Police Service of Ireland's Discipline and Anti-Corruption Branch, New Zealand's Department of Corrections Professional Standards Unit, Alaska's Department of Corrections Professional Conduct Unit and South Africa's Department for Correctional Services Anti-Corruption Unit are examples of specialized anti-corruption units within law enforcement agencies (Corrections Department New Zealand, 2009; Dobbyn, 2016; HMIC, 2014; Police Service of Northern Ireland, 2018; Schütte et al., 2015; UNODC, 2017).

According to de Sousa (2010), anti-corruption agencies generally are characterized by (1) independence from political interference, (2) inter-institutional cooperation and networking, (3) specialized recruitment and training, (4) wide competencies and special powers, including investigation and prosecution, (5) research and knowledge production, and (6) funding and support to ensure long-term capacity and durability.

Corruption in Police Organizations

Owing to its often very public operation and intense scrutiny by media, corruption in policing is the most researched and reported area in law enforcement. A wide variety of behaviours fall under the category of police corruption, ranging from accepting free coffee or food and conducting unauthorized records checks for friends, through leaking information to those outside the police service and accepting payment or sexual favours to overlook illegal activity ("bribes"), to excessive use of force, undermining criminal investigations or proceedings, or conspiring with criminals (Klockars et al. 2000; Klockars, Ivkovic & Haberfeld, 2007; Miller, 2003; Prenzler, 2009; Punch 2010).

Porter & Warrender (2009) divide police corruption into internal and external corruption. Internal corruption involves illegal acts or violations of internal policy such as conducting unauthorized records checks for friends; while external corruption would include illegal acts between police officer(s) and members of the public. Dividing corruption into internal and external types may help explain why officers engage in corrupt activities, which in turn assists in developing response strategies. For example, a possible reason explaining internal corruption might be related to aspects of group dynamics such as peer pressure; whereas a possible cause of external corruption might include influence of family, friends, or criminals or simply opportunism (Porter & Warrender, 2009).

Prevalence of Corruption in Police Organizations

According to Ivkovic (2003), measuring the actual level of corruption in policing is for the most part impossible, primarily because one of the most valuable sources of information, the participants themselves, are naturally reluctant to discuss the subject. Other factors accounting for the inability to obtain accurate information on the extent of police corruption include the lack of agreement on what is or is not corrupt behaviour, organizational reluctance to collect information or to admit the existence of corruption, the police code of silence, and victims who are fearful of retaliation (Campbell, Mahaffy, Stewart & Trepanier, 2004; as cited in Loree, 2006). Given the difficulties in measuring the true extent of police corruption, researchers have been forced to estimate the extent of corruption and two common themes have emerged. First, the extent of police corruption varies according to time and location. A particular police service

may reveal signs of corruption at different times in its history, and police corruption is more evident in specific locations; for example, police corruption appears to be substantially more prevalent in Asian, East European and Latin American countries than western countries. The second theme identified by Ivkovic (2003) is that less serious forms of corruption (e.g., accepting free food/coffee) appear to be more widespread than more severe forms (e.g., suspect thefts). As to estimates of police corruption in Canada, after investigating corruption in the Toronto Police Service, the Honourable George Ferguson concluded, "there is overwhelming evidence that major police services have been invaded by serious police misconduct and corruption" (Ferguson, 2003). However, according to Campbell et al. (2004; as cited in Loree, 2006), despite much media attention following major incidents, the true extent of police corruption in Canada is unknown, a finding echoed in a literature review conducted by Loree (2006).

Explanations for Police Corruption

Aside from opportunistic crimes involving personal gain, no single factor or straightforward explanation has been advanced to account for officers engaging in corrupt activities. One of the most frequently cited factors is police culture, the hallmarks of which include a code of silence, unquestioned loyalty, cynicism about the criminal justice system, and a "we-they perspective" where outsiders are looked at with suspicion (Weisburd, 2000). The paramilitary organizational structure of police services has been identified as a factor associated with corruption. Much of police work involves being a member of a team where team cultures are developed that encourage inclusiveness and peer pressure to conform to the will of the majority (Prenzler, 2009; Punch, 2010; Williams, 2002). The hierarchical structure of police organizations also discourages discussion and debate regarding ethical behaviour (Loree, 2006; Porter & Warrender, 2009). Owens and Pfeifer (2002) observe that the more rigid the police hierarchy, the lower the scores on a measure of ethical decision-making. Police leaders are recognized as role models and failure to respond to incidents of corruption or weak supervision can undermine integrity and send a message that behaviours indicative of corruption are condoned (Lee, Lim, Moore & Kim, 2013; Punch, 2003).

The "bad apple" perspective is commonly used to explain why certain officers are more prone to corruption. A popular stance taken by police senior management attributes police corruption to the actions of a few morally bankrupt individuals who engage in corrupt activities

because of personality defects or ineffective background screening (Loree, 2006; Porter & Warrender, 2009; Punch, 2003). Interestingly, a study by Porter & Warrender (2009) provided some support for the bad apple theory finding that individuals who engaged in corruption actively sought it out as opposed to succumbing to it. A popular explanation for corrupt behaviour has been termed the "noble cause" rationale. Due to the perceived ineffectiveness of the criminal justice system to appropriately deal with the criminal behaviour of certain offenders, police officers take it upon themselves to ensure a conviction through, for example, manipulating evidence. Finally, a police officer's perception of society as a whole has been suggested as a factor accounting for involvement in corruption. If officers perceive the society or the criminal justice system as unjust, unfair, or corrupt, it can lead to a sense of alienation and apathy, and blur the lines between morally acceptable and unacceptable behaviours (Punch 2010; Williams, 2002).

Consequences of Police Corruption

At the individual officer level, the consequences of corruption might include departmental reprimands or penalties such as loss of pay, demotion, career limitations, loss of employment, criminal charges, or even a jail term. Once involved, officers may find it difficult to discontinue due to the so-called slippery slope escalating into more severe forms of corruption. They might become reliant on the extra income, become addicted themselves, or be pressured by their peers to remain engaged, leading to increased stress. Officers may lose trust in each other, their organizations, and the criminal justice system (Prenzler, 2009; Punch, 2003). From a societal perspective, revelations of police corruption can have a damaging impact on the relationship between police and the public and undermine confidence in police, the criminal justice system, the government and, ultimately, the democratic system (Punch, 2010).

Major investigations into police corruption have led to successful corruption control strategies that have had an effect on reducing the incidence of police corruption (Newburn, 2015). However, according to Punch (2010), police organizations have addressed the problem in what he referred to as a 'control cycle' characterized by periods where restrictive efforts were implemented to control corruption followed by a relaxing of these efforts. Williams (2002) and Heilbrunn (2004) observe that, by and large, police anti-corruption strategies have been ineffective in preventing police corruption. To Newburn (2015), the new reality of police

corruption affirms that police corruption should not be viewed as a malignant tumour needing to be cut out, but as near universal requiring both aggressive investigations and efforts to promote integrity. He advocates adopting the techniques long utilized in the world of business to turn around business cultures. These techniques promote directed and sustained attacks on corruption together with a clear message that the organization will invest strongly in motivating the officers to comply with professional standards of conduct and avoid corruption (Punch 2010). Similarly, Campbell et al. (2004; as cited in Loree, 2006) suggested that any Canadian solution for police corruption must focus on preventative rather than remedial measures and advocated procedures similar to the United Nations' Anti-Corruption Toolkit (UNODC, 2004b), including integrity testing and effective whistle-blower protection.

Preventing Corruption in Police Organizations

Addressing police corruption requires a comprehensive and integrated approach including both reactive and proactive measures, including the following:

Reactive Measures

- Implementing harsher penalties for those engaging in corrupt behaviour (Porter & Warrender, 2009).
- Vigorously pursuing those engaged in corruption through criminal prosecutions and disciplinary procedures (Prenzler, 2009; Punch, 2003; Williams, 2002).

Proactive Measures

- Develop an acceptable operational definition of police corruption. Without a good definition, it is impossible to collect the data necessary to determine the extent of corruption, the areas of police work that are affected, and the impact it has on police work, police organizations, the communities they serve and the justice system as a whole (Loree, 2006).
- Rigorous collection and analysis of data. A good definition of corruption enables the collection of good data, which can shed light on the extent of the problem and helps to evaluate the effectiveness of anti-corruption strategies (Newburn, 2015).

- Training on ethics and ethical behaviour must be an integral part of recruit training as well as ongoing training throughout an officer's career, complemented with training on codes of conduct. All ranks of the organization must receive ethics training including police leaders, supervisors and field training officers (Owens & Pfeifer, 2002).
- Emphasis on early intervention. If it is presumed that newcomers to the field are initiated into corrupt practices, then emphasis should be placed on early experiences, mentoring of newcomers, and small group supervision. Written warnings serve to educate and provide an opportunity to correct behaviours, and are considered particularly useful with new officers who may be unfamiliar with rules and procedures (Bassett & Prenzler 2002; Jackson et. al., 2016).
- Pre-employment screening (Arrigo & Claussen, 2003; Williams, 2002) and integrity testing (Miller, 2016). Officers are placed in situations where ethical decision-making can be tested. Although there may be some merit to this strategy, legal and ethical concerns have been raised, particularly as to whether integrity testing could be considered a form of entrapment (Lim & Sloan, 2016; Prenzler & Ronken, 2001).
- Use of electronic or surveillance devices, including the use of in-car and body cameras, use of information and communications technology (ICT) monitoring, and surveillance in evidence rooms as means of increasing monitoring of behaviour (Chan, 2001).
- Regular staff rotation from places where corruption may occur, for example evidence rooms (Punch, 2003).
- Strengthening internal investigative capacity. Attention to selection of most qualified and respected persons in the organization to be assigned to internal investigations units, and formation of specialized anti-corruption units within the police organization (Punch, 2010; Williams, 2002)
- Discipline and inspections: emphasis on regular inspections and audits, especially of financial paper-work (Punch, 2010).
- Leadership or lack thereof is considered a major contributing factor to police corruption at all levels. A clear message must be sent that behaviours indicative of corruption will not be tolerated. "It is those in leadership positions who, by their actions and examples, real and perceived, set standards, promote and influence ethical behaviour, and reflect and promote the culture of the organization" (Lee et al., 2013; Loree, 2006). Police leaders must strive to

encourage open communication and develop a relationship of trust with their officers to foster reporting without fear of repercussions, and to develop a police culture that does not tolerate corruption. Further, there is sufficient evidence to suggest that corruption flourishes "where management is lax or insufficient" (Newburn, 2015)

- Whistle blower protection. Reporting of corrupt behaviour should be encouraged with rewards, recognition and protection against possible retaliation (Rothwell & Baldwin, 2007).
- Creating professional standards committees. Such committees are a useful means of providing advice and encouraging staff to discuss delicate matters in confidence (Prenzler, 2009).

Corruption in Correctional Settings

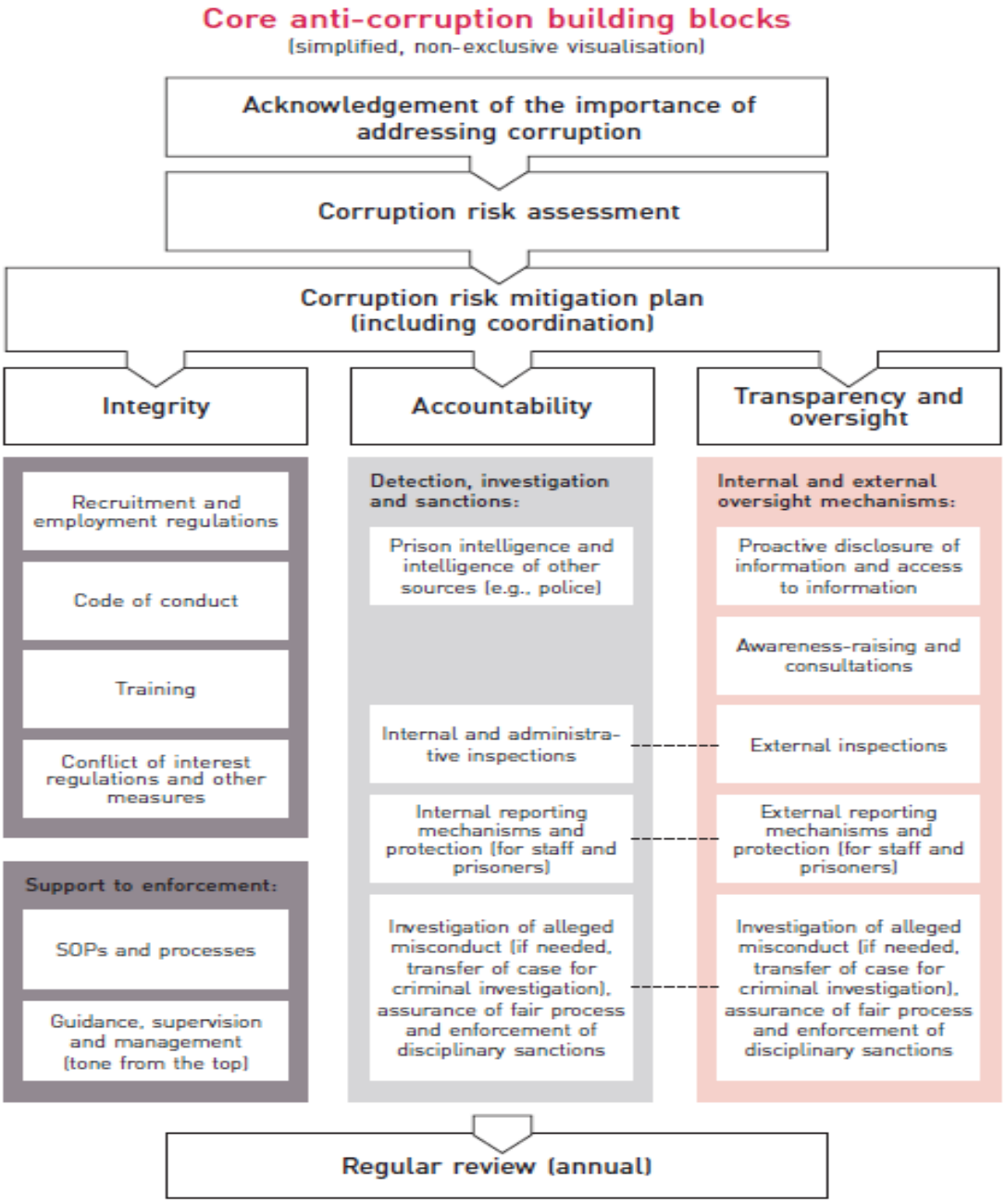
Corrupt behaviour in correctional settings can occur among isolated individuals, and systemically among cooperating prison staff, prison administration, or external organizations Schütte et al., 2015). Corrupt behaviour ranges from prison staff smuggling contraband to prison inmates and inappropriate relationships between staff and inmates, to misuse of authority and embezzlement (IBAC, 2017; McCarthy & Perry-Bellmer, 2017). Corruption in the prison system contributes to increased dangerousness and violence, drug trafficking, escape risk, organized crime activity, mistreatment of prisoners and violations of rights, sexual exploitation, and misuse of public funds (Allen, 2016; Columbia Law School, 2016; Goldsmith et al., 2016; UNODC, 2017). Ultimately, corruption in the prison system undermines efforts to rehabilitate prisoners and to improve public safety (UNODC, 2017).

Correctional System Anti-Corruption Model

Based on the founding resolutions and principles of the 2004 United Nations Convention Against Corruption, in 2017 the United Nations Office on Drugs and Crime released the report *Handbook on Anti-Corruption Measures in Prisons*, including a model for addressing corruption in prison settings (Figure 1 below). At the corrections institutional level, clearly stated definitions of corrupt behaviour, both non-criminal and criminal, and a clearly stated institutional commitment to preventing corruption are pre-requisites. Corruption risk assessment and the development of corruption risk mitigation plans are identified as fundamental to constructing an

Figure 1[1]

United Nations Office on Drugs and Crime
Handbook on Anti-Corruption Measures in Prisons



[1] *Handbook on Anti-Corruption Measures in Prisons* (UNODC, 2017).

anti-corruption model that is targeted and effective in addressing the different types of corruption evidenced in correctional environments (Columbia Law School, 2016; IBAC, 2017; UNODC, 2017).

Corruption Risk Assessment in Correctional Settings

Corruption risk assessment encompasses ascertaining risks to staff members and to the organization, and includes an identification of the "drivers" and areas of heightened risk underlying corruption in the correctional environment (IBAC, 2017; Ross, 2013). Corruption risk assessment requires that correctional systems have in place research, data collection and analysis, and both overt and covert intelligence capabilities in order to identify current and developing risks for corruption among staff and at the organizational level (Goldsmith et al., 2016; Muntingh, 2008; Schütte et al., 2015; Xenakis, 2013). In addition, surveys and interviews with inmates (Blackburn et al., 2011; Dial & Worley, 2007; Dirkzwager &Kruttschnitt, 2012; Tompkins, 2016; Worley & Worley, 2013) and prison staff (Getty, Worrall & Morris, 2016; Lerman & Page, 2016; Liebling, 2000; Struckman-Johnson & Struckman-Johnson, 2002), and reviews of published reports and academic literature (Schütte et al., 2015) can provide important information on current and developing risks in correctional settings.

"Drivers" or causes of corruption among staff and at the organizational level can be identified from analyses of incident reports, staff or administrator discipline reports and dismissals, charges brought forward, and analyses of both inmate and staff interviews and surveys. Additional sources of information include inmate disclosures, media reports, published reports and academic research, and analyses of corrections' organizational changes impacting risk (IBAC, 2017; Jackson et al., 2016; NOMS, 2016).

Corruption Risk Mitigation Plans in Correctional Settings

According to the UNODC (2017), correctional system corruption risk mitigation plans are founded on the three core anti-corruption building blocks of integrity, accountability, and transparency and oversight.

Integrity

Recruitment and selection policies and regulations, including integrity assessment of

candidates for hire, are critical to reducing the propensity of staff and administrators to be enticed and to engage in corrupt behaviour, and should be coupled with an evidence-based program of training and re-training in policies and procedures, including trafficking in contraband (Goldsmith et al., 2016; Souryal, 2009). Ensuring the validity of the human resource process, including remuneration, benefit and retirement plans and other employment incentives, is another component of the institutional integrity process (International Centre for Prison Studies, 2004; UNODC, 2017; Worley, 2016). Regular rotation of staff may reduce the risk of corruption (International Centre for Prison Studies, 2004). Clear conflict of interest guidelines and asset declaration systems are also requirements (UNODC, 2017).

Accountability

Building on the corruptions risk assessment capacity, correctional systems can make use of prison-based and other intelligence systems to proactively scrutinize staff and administration for risk of corruption (Graycar & Sidebottom, 2012; IBAC, 2017; Schütte et al., 2015) in combination with physical and electronic monitoring and inspection of staff and administration entering and exiting facilities and while on-site in facilities, including when making use of communications technology and computer systems (Andersen, 2009; Graycar & Sidebottom, 2012; Shim & Eom, 2009). At the same time, establishment of a confidential, secure means by which staff and administrators can report corrupt behaviour, without fear of reprisal from peers or administration, is a critical component of institutional accountability (Goldsmith et al., 2016; UNODC, 2017). The establishment of an independent anti-corruption unit within the correctional system responsible for collecting and analyzing intelligence, and detecting and investigating corrupt behaviour, and which is linked in cooperatively with police and prosecution to address corrupt behaviour that is criminal, is another fundamental component of establishing institutional accountability for corruption (Hill, 2015; NOMS, 2016; UNODC, 2017).

Transparency and Oversight

Specialized anti-corruption units within correctional systems should be linked both to police and prosecution, but also to governmental and even international anti-corruption organizations in order to ensure information sharing and, where appropriate, intelligence, along

with sharing of best practices (Goldsmith et al., 2016; IBAC, 2017; Jackson et al., 2016). Graycar & Sidebottom (2012) also note the critical role that the media may play in both a transparency (openness of the correctional system to communicate) and oversight role. External oversight committees, including ombudsmen and citizen inspection committees, are an additional component of transparency in specialized correctional system anti-corruption models (Schütte et al., 2015; UNODC, 2017).

Evaluation of Anti-Corruption Models

Evaluations of anti-corruption models, both multipurpose and specialized agencies at the international, governmental and institutional level, generally conclude that there is no strong evidence that anti-corruption models reduce the incidence or prevalence of corruption (de Sousa, 2010; Disch, Vigeland, & Sundet, 2009; Hanna, et al., 2011; Heilbrunn, 2004; Klemencic et al., 2008; OECD, 2013; Sampson, 2010). On the other hand, in a review of laboratory-based studies of the behavioural application of micro-level (individual and small group) anti-corruption policies making use of a range simulated decision-making situations including bribes, extortion, negative consequences, whistleblowing and differential probability of detection and punishment, Abbink & Serra (2012) concluded that (1) imposing severe penalties for engaging in corrupt behaviour can be effective, even where the probability of detection is low, (2) that increasing the probability of detection may also be effective in reducing corruption, (3) increasing transparency and monitoring of public funds reduces embezzlement, and (4) paying what are perceived to be "fair salaries" reduces engagement in corrupt behaviour. Abbink & Serra (2012) also found that (5) "whistle-blowing" can be effective in mitigating corruption, in particular when accusations against a corrupt official are investigated in an independent, "top down" manner, free of any bias on the part of the whistleblower, and (6) staff rotation was also found to be effective in reducing corrupt behaviour (Abbink & Serra, 2012). In a later study, Abbink & Wu (2017) report that (7) offering a reward for whistleblowing to either the client or the public official for reporting an act of bribery significantly reduced both the size of bribes offered and the frequency of bribes being exchanged; though unless mitigated, negative consequences and harassment by co-workers and colleagues for reporting corruption may reduce the effectiveness of such a whistleblowing strategy (Abbink, Dasgupta, Gangadharan, & Jain, 2014). Nam (2018) reports that e-government significantly reduces corrupt behaviour by public officials.

Trafficking in Contraband in Correctional Settings

In correctional settings, “the abuse of entrusted power for private gain” is most prevalent in the form of correctional staff accepting bribes in return for trafficking contraband, predominantly to offenders in jails, detention centres or prisons (Columbia Law School, 2016; IBAC, 2017; O’Hagan & Hardwick, 2017). Bribery is “the receiving or offering any undue reward (such as money, material goods, sexual favours, preferential treatment, etc.) by or to any person whomsoever, whose ordinary profession or business relates to the administration of public justice, in order to influence his behavior, and to incline him to act contrary to his duty and the known rules of honesty and integrity” (Black’s Law Dictionary, 2016, https://thelawdictionary.org). Trafficking is “the carrying on of an illegal commercial activity such as selling drugs or substances that are banned” (sic. “contraband goods”) (Black’s Law Dictionary, 2016, https://thelawdictionary.org). Correctional staff can include frontline institutional or community correctional officers, treatment staff including social workers, psychologists, medical personnel and others, administrative personnel and maintenance staff, and even external service providers (Goldsmith et al., 2016). Trafficking contraband to offenders can involve individual correctional staff in isolation, groups of staff, or even widespread systemic trafficking, and may be linked to external criminal gangs or organizations (McCarthy & Perry-Bellmer, 2017; UNODC, 2017).

Closely linked to correctional staff trafficking in contraband are inappropriate relationships (“boundary violations”) that can develop inside the prison between staff and inmates (“endogenous” relationships) or outside the prison between staff and current or former inmates or others (“exogenous” relationships), and which can involve anything from developing friendships with and accepting gifts from (sic. bribes) and doing favours for inmates (sic. contraband), to sexual contact (Goldsmith et al., 2016). Worley, Marquart, and Mullings (2003) found that between 1995 and 1998, 508 correctional staff in the Texas state prison system had been disciplined for engaging in inappropriate relationships with prisoners, approximately 1 out of every 80 employees. In a study of self-reported boundary violations by male inmates with female correctional officers in four prison units in Texas, researchers found that more than half of inmates reported having established a boundary violating relationship with a female officer, including friendship (85%), discussing personal problems (68%), and giving an officer food or

commissary items (58%), with nearly one-third (29%) reporting they asked the female officer for contraband (Dial & Worley, 2007). In another study, researchers distributed self-report surveys to both male and female inmates in a large southern U.S. state prison system, and found that female inmates were less likely to be supportive of boundary violations by correctional staff compared to male inmates (Blackburn et al., 2011). Other research from Australia (CMC, 2009; McIlwain, 2004) found that inappropriate relationships between correctional staff and inmates are often "contexts for a variety of other kinds of misconduct", including trafficking (Goldsmith et al., 2016, p. 41). In the United States, a number of high profile inmate escapes and arrests of prison staff (Columbia Law School, 2016), and reports of inappropriate relationships between correctional staff and inmates in prisons in the United Kingdom (BBC News, 2006) are further evidence of the link between staff – inmate inappropriate relationships and corrupt behavior, including trafficking in contraband.

Prevalence of Trafficking in Contraband in Correctional Settings

International Research

Correctional staff involvement in trafficking contraband, including cell phones, cigarettes, prescription medications, illicit drugs, alcohol, weapons, pornography, information, and other items is reported to be common, though few empirical studies of its prevalence have been conducted (Blackburn et al., 2011; Goldsmith et al., 2016; Kennedy, Davis & Thorne, 2015; Lankenau, 2011; Ross, 2013). Most studies report that correctional staff trafficking in contraband, though a serious violation of policies, codes of conduct and criminal law, still represents only a small proportion of the contraband that finds its way into correctional settings (Brouwer, 2008; Burke & Owen, 2010; Columbia Law School, 2016; Tompkins, 2010).

A Queensland, Australia survey of 413 correctional officers showed that 15% reported having direct knowledge of fellow officers bringing contraband into prisons, and 8% had knowledge of drugs being brought in; 30% reporting knowing of situations where inmates had received advance warning of impending cell searches (CMC, 2009). Interviews with former male inmates incarcerated in the United Kingdom revealed that although the majority of illicit drugs used in prisons entered by other means, recent improvements in security measures were forcing drug networks to offer some guards large monetary bribes in return for trafficking drugs into

correctional settings (Tompkins, 2016). Xenakis (2013) reported increasing organized crime involvement in bribery of correctional staff and trafficking in the UK prison system. Chambers (2010) reports that 35% of inmates in prisons in England and Wales reported using illicit drugs while in prison. O'Hagan and Hardwick (2017) report that more than 60% of prisoners in the United Kingdom have used cannabis and/or heroin while incarcerated, suggesting some extent of correctional staff involvement in trafficking, and Gillespie (2005) reported similar figures for research conducted in the United States. A 2012 report by the Australian Institute for Health and Welfare (cited in Goldsmith et al., 2016) found that 13% of a sample of prison discharges reported having used illicit drugs while incarcerated, and Holderhead (2013) reported that during 2011/2012, 20% of inmates in South Australia returned a positive test for prohibited substances, again suggesting some extent of correctional staff involvement in drug trafficking within the correctional setting.

According to Grommon, Carter and Scheer (2016), seizure of contraband cell phones from state prisons in the United States increased by 137% between 2008 and 2010. Montgomery (2011) reports that in the year 2010, approximately 10,000 contraband cell phones were found in California state prisons. Burke and Owen (2010) report widespread problems internationally with contraband cell phones in prisons being used by individual inmates and gang members to conduct criminal activities while incarcerated; cell phones can be sold by correctional staff to inmates for as much as $400, and one U.S. correctional officer claimed to have made more than $100,000 in one year selling cellphones to inmates (Burke & Owen, 2010). Chambers (2010) reported that in 2008, 8,847 cell phones and SIM cards were seized from prisoners in England and Wales, representing one out of every ten persons in custody.

Numerous anecdotal accounts of other contraband items trafficked by correctional staff, including weapons, have been reported in newspapers, magazines and other media (Goldsmith et al., 2016). Most recently, the use of drones to drop contraband onto prison property has been identified as a growing threat (London, 2016). A 2017 survey of international correctional organizations conducted by the Correctional Service of Canada found that, among the eleven organizations responding to the survey, drugs (100%), cell phones (100%), lack of staff training (82%) unethical behaviour (73%), prison design and infrastructure (73%), [lack of] technology (64%) and drone intrusions (64%) were identified as key operational challenges in contraband detection and elimination (Correctional Service of Canada, 2017).

Canadian Research

Beyond anecdotal reports in newspapers, magazines and other media, there is almost no empirical evidence on the prevalence of staff involvement in trafficking in contraband in Canadian correctional settings.

In a 1995 survey of federal inmates, 38% reported having used an illicit drug at least once at their current institution, and 25% reported feeling "under a lot of pressure" to smuggle drugs into the institution (Robinson & Mirabelli, 1996). McVie (2001) reported that gangs and organized crime groups were a central concern regarding trafficking in federal correctional facilities. Plourde and Brochu (2002) found that 33% of inmates interviewed in a study of ten Quebec provincial institutions (N = 317) reported using alcohol or illicit drugs during the first three months they were incarcerated. According to a 2010 CBC news report, between 2008 and 2010, 129 cell phones were seized from federal inmates across the fifty-seven facilities operated by the Correctional Service of Canada – though the number of cell phones in the possession of inmates was believed by staff to be much greater, "possibly in the thousands" (Seglins & MacNaughton, 2010).

A 2012 report to Canadian parliament by the Standing Committee of Public Safety and National Security found "alarming" levels of contraband drug and alcohol use in federal prisons, though only a small percentage of correctional staff were found to be involved in trafficking in contraband (SECU, 2012). In 2014, CBC news reported that between 2012 and 2014, contraband items seized in Canadian prisons increased by 20%, including drugs, alcohol, weapons, televisions and cellphones (Harris, 2014).

In 2012, CBC news reported that a male correctional officer at the Grand Valley Institution for Women was under investigation for smuggling drugs into the facility in return for receiving sexual favours from a female inmate (Seglins & Noël, 2012). In 2013 the Peterborough Examiner reported that a correctional officer at Warkworth Institution was arrested for attempting to smuggle contraband into the prison (Peterborough Examiner, 2013), and in 2016, the Winnipeg Sun reported that a correctional officer at the Headingley Correctional Centre was convicted of trafficking contraband to inmates in exchange for sexual favours (Pritchard, 2016).

Explanations for Correctional Staff Involvement in Trafficking in Contraband

A variety of psychological, sociological, criminological and economics explanations have been proposed to explain corrupt behaviour broadly, and correctional staff involvement in trafficking in contraband specifically, including lack of appropriate personnel testing and selection procedures, underpaid, poorly trained and neglected staff, lack of professionalism and personal integrity, the closed, "hidden from public scrutiny" nature of correctional settings, the criminal, possibly manipulative and exploitive nature of the population under supervision, poorly designed physical spaces impacting on the ability to ensure appropriate surveillance and security, lack of clear standards, lack of clear policies and procedures for defining appropriate staff conduct, poor monitoring and supervision of staff, lack of appropriate technologies to detect contraband, overly restrictive policies that create market demand for contraband, and failure to investigate and prosecute known cases of corruption (Goldsmith et al., 2016; Graycar & Sidebottom, 2012; Jackson et al., 2016; Jain, 2001; Liebling, 2000; Ross, 2013; Schütte et al., 2015; Souryal, 2009; UNODC, 2017; Worley & Worley, 2016). Persson, Rothstein, and Teorell (2013) argue that, whatever the explanation offered for corrupt behaviour, inevitably many anti-corruption models fail at the institutional level because the long-term costs to individuals in "whistleblowing" known instances of corruption are perceived to be much greater than accepting the known, short-term costs of doing nothing. Without a coordinated, "revolutionary change" in both formal (monitoring, sanctioning) and informal (staff commitment, trust, reciprocity) mechanisms of control, anti-corruption models are doomed to failure (Persson et al., 2013). Alternatively, without the implementation of an evidenced-based model of intervention, changes in the behaviour of individuals engaged in corrupt behaviour are unlikely (Abbink & Sera, 2012).

Prevention of Contraband Trafficking in Correctional Systems

Correctional systems, including probation and parole, and jails, detention and correctional centres and prisons, are not "closed" systems; on any given day, hundreds of inmates, visitors, staff, volunteers and external service providers, and hundreds even thousands of material objects, move in and out of the correctional setting (SECU, 2012). The very "porousness" of correctional settings, combined with the criminal orientation of inmates, the search for means to numb the strain of doing time, and the legislative mandate to ensure security

of the correctional setting, creates the context for the supply – demand market for trafficking in contraband (Goldsmith et al., 2016; Ross, 2013; Worley et al., 2003). Classical supply-demand economic theory dictates that where demand remains constant, attempts to restrict the supply of goods will increase the price consumers are willing to pay, increasing both (1) the level of consumer willingness to engage in offering bribes and engaging in other unscrupulous behaviour, and (2) the incentive for others to engage in the supply of goods given rising prices and the potential high rate of return (Beletsky & Davis, 2017; Rodas, Bode & Dolan, 2012; Rouse & Arce, 2006). Chambers (2010), Xenakis (2013) and Tompkins (2016) each observe that enforcement efforts to restrict the supply of contraband, in particular drugs, may lead to greater incentive for and involvement of organized crime networks, and increased efforts to bribe or extort correctional staff to engage in supplying contraband. At the same time, the risk of detection and punishment for trafficking in contraband by correctional staff may be low, given the reluctance of fellow staff persons to aggressively enforce detection methods (Brouwer, 2008; Ross, 2013), and the perceived inability of correctional authorities to ensure meaningful consequences for staff involvement in such behavior (Graycar & Sidebottom, 2012; UNODC, 2017).

Goldsmith et al. (2016, p. 71) observe that "Another important dimension of contraband trafficking is that it may well be linked, again paradoxically, not to the dysfunction and dangerousness of prisons, but to the overall good order and security of such places." Correctional staff may ignore the use of some types of contraband if it is perceived that their use serves to pacify and maintain order among the inmate population (Gariglio, 2018; Ross, 2013). Craig (2004, p.99) observes, "The cooperation of the prisoners is fundamental to the control that the administration attempts to exercise. It is in tacit, if not explicit, recognition of this dilemma that prison administrators are inclined to turn a blind eye to the extent to which prisoners are in control of the prison." Consequently, aggressive measures to restrict the supply of contraband in correctional settings may undermine efforts to maintain control, possibly increasing the risk of injury to correctional staff (Goldsmith et al., 2016; Trammell, 2009).

Correctional staff are generally less-well-educated and less-well-paid, and their positions are perceived to be lower status relative to other law enforcement, possibly encouraging correctional staff willingness to "break the rules" by trafficking in contraband (Jackson et al., 2016; Liebling, 2000; Ross, 2013; Schütte et al., 2015). At the same time, Persson et al. (2013)

and Abbink & Wu (2017) warn that anti-corruption measures designed to eliminate staff trafficking in contraband fail when the costs to individual correctional staff for whistleblowing corrupt behaviour are perceived to be greater than accepting or ignoring the known, short-term costs of corruption.

Based on international and Canadian studies of corruption in correctional settings and correctional staff trafficking in contraband, and experimental studies of corrupt behaviour, a number of both reactive and proactive strategies for addressing correctional staff trafficking in contraband can be identified:

Reactive Measures

- Increase the probability of detection of correctional staff trafficking in contraband (Abbink & Serra, 2012) through the use of risk assessment procedures, intelligence, technology, and reporting systems (Columbia Law School, 2016; Schütte et al., 2015; UNODC, 2017).
- Increase the severity of penalties imposed for correctional staff trafficking in contraband (Abbink & Serra, 2012) through revision of code of conduct policies, procedures and governing legislation, both non-criminal and criminal, and through aggressive investigation and prosecution of offenders (Schütte et al., 2015; UNODC, 2017).
- Use information and communication technology (ICT) to monitor contacts between correctional staff and inmates and visitors (Andersen, 2009; Bertot, Jaeger & Grimes, 2010; Columbia Law School, 2016; Graycar & Sidebottom, 2012; NOMS, 2016; Shim & Eom, 2009).
- Use information and communication technology (ICT) to monitor correctional staff use of institutional data systems (Andersen, 2009; Columbia Law School, 2016; Graycar & Sidebottom, 2012; NOMS, 2016; Shim & Eom, 2009).
- Use electronic methods and body scanning equipment with inmates, correctional staff and visitors to detect contraband (Brouwer, 2008; Burke & Owen, 2010).
- Use electronic jamming and location identification technologies to prevent use of cell phones by inmates, and unauthorized use by staff and visitors (Burke & Owen, 2010; Christie, 2010).

Proactive Measures

- Clearly articulate organizational commitment to addressing corruption (Schütte et al., 2015; Souryal, 2009; UNODC, 2017).

- Clearly articulate correctional staff code of conduct, and policies, organizational procedures and legislation, including non-criminal and criminal legislation governing staff conduct (IBAC, 2017; Ross, 2013; Souryal, 2009)
- Establish a specialized anti-corruption unit at the organizational level, with independent specialized recruitment and selection of staff, and specialized training in detection using both overt and covert methodologies and in investigating and prosecuting both non-criminal and criminal corruption, working in cooperation with other relevant authorities (NOMS, 2016; Ross, 2013; Schütte et al., 2015; UNODC, 2017).
- Establish a civilian oversight committee, including ombudspersons to review, provide input to and oversee anti-corruption initiatives (Schütte et al., 2015; UNODC, 2017).
- Conduct environmental scans and analyses of operational data and other research, including information from organizational intelligence units and institutional reports of corrupt behavior, reviews of recent research and reports, and surveys with inmates and staff in order to identify potential risks and vulnerabilities for correctional staff corruption, in particular trafficking in contraband (Graycar & Sidebottom, 2012; IBAC, 2017; Muntingh, 2008; Schütte et al., 2015; Xenakis, 2013).
- Ensure correctional staff salaries are competitive with comparable employment, especially law enforcement employment (Abbink & Serra, 2012; Navot, Reingewertz, & Cohen, 2016).
- Implement an evidence-based recruitment and selection process for correctional staff, including psychometrically validated integrity testing (Goldsmith et al., 2016; Ross, 2013; UNODC, 2017; Worley, 2016).
- Implement rigorous security vetting procedures for both newly-hired and current correctional staff, including conflict of interest and asset declarations (IBA, 2017; Schütte et al., 2015; UNODC, 2017).
- Provide evidence-based training to correctional staff in identifying personal and organizational risks for corruption, methods for mitigating corruption risks, and policies and procedures for reporting corruption (Blackburn et al., 2011; Worley et al., 2003; Worley & Worley, 2016)
- Ensure regular rotation of correctional staff, in particular those in direct contact with offenders, and those responsible for contraband detection (Abbink, 2004; Abbink & Serra, 2012).

- Provide incentives for inmates, visitors and others to report corrupt behavior, in particular the acceptance of bribes by correctional staff (Abbink, Dasgupta, Gangadharan & Jain, 2014; Abbink & Wu 2017).
- Ensure an independent, confidential and secure process through which inmates, visitors, others and correctional staff can report corrupt behavior, including trafficking in contraband (Goldsmith et al., 2016; NOMS, 2016; UNODC, 2017).

Discussion

At the international, national and institutional level, there is little empirical evidence that multipurpose or specialized anti-corruption models and agencies are effective in significantly reducing the prevalence of corrupt behaviour (de Sousa, 2010; Hanna et al., 2011; Klemencic et al., 2008; OECD, 2013). Similarly, there is little empirical evidence that specialized units within institutions, including police organizations and correctional systems, have been effective in significantly reducing staff involvement in corrupt behaviour (Graycar & Sidebottom, 2012; Heilbrunn, 2004; Newburn, 2015; Schütte et al., 2015; Souryal, 2009; UNODC, 2017; Williams, 2002). Abbink & Serra (2012) argue that the ineffectiveness of anti-corruption strategies derives from their lack of evidence-based foundation in behavioural theory, as demonstrated by lab-based experimental studies. The results of experimental studies of corrupt behaviour show that (1) paying what are perceived to be "fair salaries" reduces engagement in corrupt behaviour, (2) staff rotation can be effective in reducing involvement in corrupt behaviour (3) increasing the probability of detection can be effective in reducing corruption (4) imposing severe penalties for engaging in corrupt behaviour can be effective, (5) offering a reward for "whistleblowing", and an independent, top-down, confidential investigation process can be effective in mitigating corruption, and (6) increasing transparency and monitoring of public funds reduces corruption (Abbink, 2004; Abbink, Dasgupta, Gangadharan & Jain, 2014; Abbink & Serra, 2012; Abbink & Wu, 2017). Anti-corruption initiatives, including efforts to prevent correctional staff trafficking in contraband, should be based on sound principles of behavioural psychology if they are to be effective in reducing the incidence of corrupt behaviour by individual staff members.

While sound principles of behavioural psychology can be used to design strategies to deter or prevent corrupt behaviour by individuals, the institutional and organizational environment must provide an evidence-based context for (a) recruiting, selecting and training

staff assessed to be at low risk for corrupt behaviour, and providing remuneration, benefits and job security at a level that is a de-incentive for involvement in corrupt behaviour, (b) defining the code of conduct for staff and the definition of corrupt behaviour, (c) having available state of the art tools for detection of corrupt behaviour, (d) establishing a confidential and secure whistle-blowing process, (e) ensuring the means are in place for investigating and aggressively prosecuting corrupt behaviour, and (f) establishing effective means of oversight, including making use of civilian representation and media to ensure transparency (Goldsmith et al., 2016; Ross, 2013; Schütte et al., 2015; UNODC, 2017). Making use of the principles of routine activities theory (Cohen & Felson, 1979), Graycar and Sidebottom (2012) argue that reducing an individual offender's motivation and establishing effective guardianship of the environment though monitoring and detection will significantly reduce the number of "targets" or opportunities to engage in corrupt behaviour.

Correctional staff involvement in trafficking in contraband represents a small percentage of the contraband market in correctional settings (Goldsmith et al., 2016; SECU, 2012; Tompkins, 2010). The porous nature of correctional environments, the physical and psychological strains of doing time, the criminogenic orientation of the population under supervision, and the well-established supply – demand market for contraband pose significant challenges for even the most rigorous detection and seizure strategies (Goldsmith et al., 2016; Ross, 2013; Tompkins, 2010). Aggressive contraband detection and seizure strategies may lead to greater levels of conflict and violence in correctional settings, and increase incentives for suppliers to engage in the market (Goldsmith et al., 2016; Tompkins, 2010).

Contact between correctional staff and offenders, and the potential for the development of personal relationships is a significant gateway for staff who do become involved in trafficking in contraband (Columbia Law School, 2016; Goldsmith et al., 2016; Worley & Worley, 2016).

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