

PUBLIC CORRUPTION HANDOUT

Overview

State, local and federal authorities investigate public corruption. The federal corruption program focuses on:

1. Investigating violations of federal law by public officials at the federal, state, and local levels of government;
2. Overseeing the nationwide investigation of allegations of fraud related to federal government procurement, contracts, and federally funded programs;
3. Combating the threat of public corruption along the nation's borders and points of entry in order to decrease the country's vulnerability to drug and weapons trafficking, alien smuggling, espionage, and terrorism.
4. Addressing environmental crime, election fraud, and matters concerning the federal government procurement, contracts, and federally funded programs.

In 2008, the FBI created the International Corruption Unit (ICU) to oversee the increasing number of investigations involving global fraud against the U.S. government and the corruption of federal public officials outside of the continental U.S. involving U.S. funds, persons, businesses, etc.

Election Crimes

Federal election crimes fall into three broad categories—campaign finance crimes, voter/ballot fraud, and civil rights violations.

Campaign finance

- A person gives more than \$4,600 to a federal candidate (various limits apply for donations to and from committees and groups);
- A donor asks a friend to give money to a federal candidate, promising to reimburse the friend; the friend makes the donation and the real donor reimburses him;
- A corporation gives corporate money to a federal candidate;
- A person who is neither a citizen nor a green card holder gives money to a federal, state, or local candidate.

Civil rights violations

- Someone threatens a voter with physical or economic harm unless the voter casts his ballot in a particular way;
- Someone tries to prevent qualified voters from getting to the polls in a federal election;
- A scheme exists to prevent minorities from voting.

Voter/ballot fraud

- A voter intentionally gives false information when registering to vote;
- A voter receives money or something of value in exchange for voting in a federal election or registering to vote;
- Someone votes more than once in a federal election (e.g., someone mails in absentee ballots in the names of dead people);
- An election official corrupts his or her office to benefit a candidate or party (e.g., lets unqualified voters cast ballots).

Prison Corruption

The FBI's prison corruption initiative, which began in June 2014, addresses contraband smuggling by local, state, and federal prison officials in exchange for bribe payments. Through this initiative, the Bureau works to develop and strengthen collaborative relationships with state/local corrections departments and the U.S. Department of Justice Office of Inspector General to help identify prison facilities plagued with systemic corruption and employ appropriate criminal investigative techniques to combat the threat. Prison officials and staff being co-opted, even if unwittingly, betrays the public trust, threatens the integrity of the justice system in the U.S., and threaten national security interests overall.

Schemes to corrupt prison officials come in a variety of forms, including:

- Testing: An offer of simple items, like prison commissary goods, is made to prison officials. If accepted, the inmate confirms the official's administrative misstep, then urges the official to smuggle contraband under threat of reporting the official's misconduct.
- Active recruiting: Civilian gang members with no prior criminal history are recruited by incarcerated gang members to apply to become correctional officers, with promises of additional income paid by the inmates' criminal enterprise.
- Empathy: Prison inmates study corrections personnel working in the facility and determine whether particular staff members are susceptible to exploitation. This ploy typically results in improper interpersonal relationships and the corrupted official's integrity being compromised to the benefit of the inmate.

International Corruption

The FBI's International Corruption Unit (ICU) is the leading investigative entity in combating foreign corruption. ICU's mission is to lead law enforcement efforts in the fight against foreign corruption. ICU manages five programs: the Foreign Corrupt Practices Act (FCPA), Kleptocracy Initiative, Antitrust, International Fraud against the Government, and International Corruption of Federal Public Officials.

Foreign Corrupt Practices Act

ICU has management responsibility and program oversight for FBI investigations of the FCPA. The 1977 legislation has two main provisions: the first deals with bribery of foreign officials, and

the second deals with accounting transparency requirements under the Securities Exchange Act. The dual elements were designed to facilitate parallel criminal and civil enforcement to stem corruption and promote fair business practices worldwide. The anti-bribery provision makes it illegal for U.S. companies and certain foreign companies to bribe foreign officials to obtain or retain business. The bribes can be in the form of money or any other items of value. The accounting provision of the FCPA focuses on requirements applying to U.S. companies and all foreign companies whose securities are listed on the U.S. stock exchange. The United States cannot charge the foreign official under the FCPA; rather, the U.S. works together with international law enforcement partners by investigating U.S. subjects complicit in paying bribes to foreign officials. The supply and demand equation of bribe paying and receiving illustrates the FCPA and kleptocracy violations as two sides of the same coin.

CALIFORNIA LAWS

Corruption in the State of California is defined as breach of trust, or an abuse of a government position by federal, state or local officials, as well as any accomplices in the private sector.

Corruption can include the providing of money or gifts to or from a public official in the course of the duties of that person in an official capacity. It also could involve pay offs or bribes from a private sector organization or individual to a public sector employee or official to received preferential treatment.

Penalties for corruption crimes in California can range up to 20 years in prison. The statute of limitations is typically six years in prison.

LOCAL GOVERNMENT ETHICS ORDINANCES

California has approximately 7,000 units of local government including special districts, cities and counties. Maintaining public trust in the integrity of democratic institutions is essential to the success of government. Accordingly, local governments also have ethics ordinances that govern their operation. For example, the Los Angeles Ethics Commission administers rules regarding governmental ethics, conflicts of interests, campaign financing, and lobbying.

SUPERVISING LAW ENFORCEMENT

In order to address issues of corruption and excessive force, Los Angeles also has the Los Angeles Police Commission. The Board of Police Commissioners serves as the head of the Los Angeles Police Department, functioning like a corporate board of directors, setting policies for the department and overseeing its operations. The Board works in conjunction with the Chief of Police who acts as a chief executive officer and reports to the Board. There are five civilian members who make up the Board of Police Commissioners. The Office of the Inspector General has oversight over the Department's disciplinary process.

In 2014, the Los Angeles County Board of Supervisors created the Office of the Inspector General to provide independent and comprehensive oversight and monitoring of the Los Angeles County Sheriff's Department and its jail facilities.

Excessive force complaints against police officers may be addressed by several oversight and prosecution agencies, including the District Attorney's Office and the U.S. Attorney's Office (in conjunction with the Department of Justice).