Bribery and corruption are being targeted by a growing number of agencies and institutions, as the perception grows that they threaten social stability and open markets. These agencies range from corporations through to police forces, transnational economic and political institutions, trade and industry bodies, specialist ethical agencies, and lobbying groups.

The police are at the forefront of this battle. They have received new tools (such as the UK Bribery Act), and old tools like the US Foreign Corrupt Practices Act (FCPA) have been invigorated, to boost their fight. That said, we all know that the countries where bribery takes place are unlikely to give much evidence or be much help, largely because bribery is either a way of doing business, or because local politicians (possibly in league with the bribe recipients) will seek to put a stop to investigations by foreign law enforcement agencies.

Yet bribery has risen up the scale of police priorities, alongside, and indeed in tandem with, a growing assault on economic crime. Police and other prosecution bodies link bribery and corruption with fraud, as deeply corrosive of society’s values and security. The two forms of economic crime differ in that fraud is a form of theft on individuals or defined groups of individuals (or classes of individuals such as shareholders), whereas bribery is a theft from the wider society. Bribery also involves two willing parties, the giver and the receiver of the bribe, whereas fraud typically involves criminal parties either acting separately or in consort to dupe an innocent. The closest comparison to bribery in the context of a fraud is the organized gang’s corruption of an inside official in a bank or a company, to help them defraud the employee’s institution.

Law enforcement’s role in tackling bribery is complicated by the fact that the two willing parties to a bribe are typically in different countries. This requires police cooperation across borders. Such cooperation is rarely straightforward, but the issue is doubly difficult because recipients of bribes are frequently in countries where external investigators are dealing with local corporations. They might be aligned with unreliable local politicians who have the power to slow down or stymie external investigations. In short, the obstacles against cross-border bribery investigations and prosecutions succeeding are formidable.
UK law enforcers have responded to these obstacles by seeking to raise their game. They have done this by forming specialist agencies to deal with corruption, and by building teamwork between existing organizations to focus on bribery. One such new agency is the Overseas Anti-Corruption Unit (OACU) – a multi-agency taskforce staffed by the Metropolitan Police and City of London Police, and dedicated to investigating international corruption and bribery by UK businesses in other countries.

Inter-agency collaboration in tackling international corruption and bribery is critical, says Detective Chief Inspector Steve Head of the City of London Police:

Investigation of overseas corruption and bribery is still a relatively new, but nevertheless crucial dimension of UK policing. Our dedicated resources will make it possible for us to target international corruption and we have already secured the first UK conviction. Our work in conjunction with the Serious Fraud Office, the Metropolitan Police Service and other international law enforcement agencies has enabled us to take a global lead in this vital area of work.¹

The conviction to which Head refers was a plea bargain in August 2008 resulting in a five-month suspended sentence for the managing director of UK security company The CBRN Team, who paid two Ugandan officials £83,000 to secure a contract worth £210,000 to cover a Commonwealth event in that country. One of the Ugandan officials served six months on remand before confessing and releasing £52,800 from his bank account to the City of London Police for restitution. American law firm Fulbright and Jaworski remarked on the potential power of British anti-corruption law in this case:

The UK’s ability to prosecute the foreign official who took the bribe sets the UK’s legislation apart from the Foreign Corrupt Practices Act. Under the FCPA, only the giver of a bribe, and not the foreign official who received the bribe, may be prosecuted. For all the criticism that the UK’s foreign bribery legislation has received in recent years, those laws are stronger than the FCPA.²

THE UK ANTI-CORRUPTION AGENCIES

The task of policing UK corruption and bribery is currently divided between various authorities, including the OACU, the Serious Fraud Office (SFO), the Serious and Organised Crime Agency (SOCA), and regulators of industry, such as the Financial Services Authority (FSA), which have responsibility for their particular sectors. The case of AON, for example, was investigated by the FSA rather than the SFO or City of London Police,