

# Law Enforcement and Criminal Justice

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This document is a printable version of the introductory guide on the [Law Enforcement and Criminal Justice](#) topic page of the Targeting Natural Resource Corruption (TNRC) [Knowledge Hub](#). It outlines the impact of corruption in law enforcement or the criminal justice system on conservation goals and approaches that can help conservation and natural resource management practitioners to strengthen their programming and related responses.

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## Key takeaways

- » Law enforcement and the wider criminal justice system – here covering efforts to deter, detect, investigate, prosecute, and sanction violations of laws and regulations – **are essential to address both illegal activities that undermine conservation objectives and the corruption that facilitates those activities.**
- » Crimes and corruption involving wildlife, forests, and fisheries are not “victimless,” and detecting and deterring them should be prioritized. In addition, **effective enforcement of laws helps create an environment of stability and trust.** This in turn reinforces adherence to laws and regulations that govern natural resources and their use.
- » **Practitioners can play an important role in promoting effective law enforcement to address crime and corruption in support of conservation objectives.** Options range from working directly with partner agencies and institutions to strengthen their resilience to corruption, to working with other stakeholders to strengthen wider enabling conditions.
- » However, corruption can undermine law enforcement, rendering it ineffective or even harmful. Applying a “corruption lens” can help shape better and safer strategies for working with law enforcement. Strategic decisions about whether and how to support law enforcement in a particular context therefore require a **strong understanding of local actors, power dynamics, legal and institutional frameworks, and the underlying drivers and facilitators of corruption.**

# 1 How enforcement supports conservation objectives

In this guide, law enforcement and criminal justice broadly cover efforts led by public authorities to enforce laws and regulations that are relevant to achieving conservation objectives. This includes detecting, investigating, prosecuting, and sanctioning violations. Throughout the guide, the term “enforcement” is sometimes used as a shorthand for this wider range of activity.

An effective criminal justice system supports conservation objectives in three main ways:

- » **Addressing illegal activities that threaten conservation objectives.** Enforcement activities can stop and punish individuals and companies engaged in poaching, trafficking of protected wildlife, or illegal deforestation, and disrupt criminal networks.
- » **Addressing the corruption that facilitates that illegal activity,** such as bribery of officials or collusion by a country’s elites to profit personally from a country’s natural resources. Law enforcement activities, including efforts to trace illicit financial flows, can lead to the confiscation and recovery of bribes and other illicit gains. This raises the risks of being caught and lowers the potential “reward” for engaging in corrupt behavior that facilitates conservation crimes.
- » **Helping create an environment of stability and trust** that in turn reinforces people’s adherence to laws and regulations governing natural resource management and use. Effective criminal justice helps ensure more equitable enjoyment of natural wealth, instead of private capture and extraction that benefits the few. It can also contribute to a culture of integrity in public institutions, like law enforcement agencies and wildlife management authorities, by demonstrating results and showing that negative actions have consequences.

**Mapping the actors:** Enforcement activities are primarily led by government agencies and institutions, and this guide primarily applies to the types of actors outlined in the table below. At the same time, there is increasing recognition of the important role citizens, residents, and other local stakeholders play in improving security and resilience in their communities, such as through [community rangers](#). Some of the information and recommendations in this guide may be relevant to such approaches, even though they are not the main focus.

In general, key actors in the criminal justice system include:

<b>Actor</b>	<b>Role in enforcement</b>
First responders	Officers who detect or are called to the “scene of the crime.” Relevant examples include rangers who discover a poaching incident or customs officials who uncover and seize illegal resources being trafficked out of the country.
Investigators and analysts	Officials in charge of activities like investigating cases, analyzing intelligence, risk profiling, and others across the wildlife value chain. May be from the police or another government agency (e.g., anti-corruption, revenue, wildlife management).
Prosecutors	Publicly employed lawyers who bring charges against individuals or companies in court in representation of the state or public interest. May also lead investigations and collect evidence.
Defense lawyers	Often privately employed lawyers who seek to defend accused individuals or companies against the prosecutors’ charges.

<b>Actor</b>	<b>Role in enforcement</b>
Judiciary	Judges or magistrates who rule on whether the accused is allowed bail, consider the evidence and applicable law, hand down verdicts, and/or decide on penalties.
Court registrars and clerks	Employees who handle administrative aspects of court proceedings, such as timelines, calling witnesses, and filing case outcomes.
Asset management offices	Public authorities responsible for the management, maintenance, and sometimes destruction or sale of seized and confiscated assets such as wildlife/timber products, money, or items used to commit crimes.
Prison and rehabilitation staff	Ensure that convicted suspects serve their sentences, and/or are in charge of rehabilitation programs to help ensure offenders comply with probation conditions and do not reoffend.
High-level policy makers	Politicians, legislators, and other policy makers influence environmental/anti-corruption laws as well as the context in which law enforcement agencies operate. They may also have influence over the agencies' budgets or appointment of agency leaders, affecting how the agencies work and what they prioritize.

## 2 Applying a corruption lens to conservation enforcement

Corruption in and associated with the law enforcement and criminal justice system is an unfortunate reality in many countries and can critically undermine its important functions. A three-country TNRC study on [corruption risks affecting investigations and prosecutions](#) of illegal wildlife trade, for example, uncovered serious risks ranging from the possibility of bribes to make crucial evidence “disappear” to high-level political interference in the work of prosecutors and judges. The TNRC Topic Brief on court monitoring contains a detailed breakdown of actors in the criminal justice system and potential corruption risks to which they are exposed.

Natural resource crimes are often deemed lower priorities for law enforcement. This can lower the risk of detection for bad actors and generate a cycle of crime and corruption that leads to further deprioritization.

Corruption may also [undermine effective enforcement](#) in a deeper way by skewing incentives and behaviors. For example, police and ranger units may deliberately target low-level crimes (e.g., possession of a prohibited product) and less powerful actors (e.g., poachers not politicians) in order to maximize opportunities to extract bribes or avoid the risks of interfering with criminal networks and powerful individuals.

In such cases, relying on law enforcement to address environmental crimes or related corruption can be [ineffective or even have unintended consequences](#). This is especially true if law enforcement programs and approaches do not carefully consider the [underlying drivers](#) of crime and corruption. More customs inspections, for instance, could increase opportunities for officers to extract bribes. Laws can be abused for politically motivated arrests and prosecutions. Law enforcement and judicial officers, local people, litigants, and civil society actors can all be at risk of intimidation.

Applying a “corruption lens” can help shape better and safer strategies for working with law enforcement, whether to address environmental crimes or the corruption that facilitates those crimes. This means seeking to understand and mitigate potential corruption risks, and carefully considering the local context to determine what types of collaborations and activities are appropriate, feasible, and safe for all parties. Useful resources are:

- » A TNRC Topic Brief on [assessing how corruption impacts ranger work](#), which explains how and why

rangers can be both perpetrators and victims of corruption. The [Universal Ranger Support Alliance \(URSA\)](#) and International Ranger Federation have additional resources.

- » This [USAID brief](#) on the rewards and risks associated with community engagement in anti-poaching and anti-trafficking.
- » [WWF's standards on conservation law enforcement](#).

## 3 Anti-corruption and law enforcement: What can practitioners do?

### 3.1 Supporting enforcement agencies

Though not all corruption risks are institutional, practitioners and donors may have options to support partner agencies in strengthening their effectiveness and integrity. Possibilities include:

- » **Institutional reforms** to strengthen internal controls, transparency, and accountability: These build resilience to corruption by strengthening values and improving leadership. Projects may include developing codes of ethics and conduct, encouraging a “speak-up” culture on corruption with safe reporting or whistleblowing mechanisms, and reforming employees’ incentives and accountability structures. For example, hiring practices could be adjusted to take into account candidates’ values and not only technical skills. Whatever the reform, the people who work in and are affected by the institutions need to be actively involved in developing and implementing it.
- » **Corruption risk assessments (CRAs)**: CRAs can highlight corruption risks that practitioners should be aware of when working with institutions. Conducting a CRA together with the institution’s staff, as part of a collaborative and constructive process, can also help institutions and staff identify priority areas to mitigate and build resilience to corruption in the long term. Ultimately the CRA should serve the purpose of building an effective, trusted institution.
- » **Capacity building** covering not only technical skills but also soft skills such as values, teamwork, and leadership: These values and skills help build resilience to corruption risks. Note that long-term partnerships and mentoring tend to yield better results than one-off training programs. Examples of common needs include:
  - Training of front-line agents to improve detection rates, such as [TRAFFIC’s support to customs agents](#) to detect illegal wildlife trade.
  - Training for [rangers](#) on integrity and the rights of local people.
  - Training investigators and prosecutors to [better understand](#) the relevant issues and laws, follow international standards of investigation, and gain evidence through international cooperation
  - [Financial investigations](#) training to help officers learn to trace [illicit financial flows](#), potentially leading to the recovery of illicit funds.
  - Briefings for internal controls officials about the scale of profits from natural resource sector crime, and how corrupted enforcers assist.
  - Capacity building for prosecutors and the judiciary, where appropriate, to help ensure that trials and decisions are fair.

Supporting institutions with training, assistance and funding requires a careful assessment of the enabling environment both inside the institution and in the wider context. Resistance should be expected from those who benefit from the status quo. Be sure to consider ways that institutional support might be abused (like

preferential access to [travel and per diems](#)) or reform initiatives side-stepped and how to safeguard against any risks.

### 3.2 Fostering transparency, accountability, and monitoring

Not all corruption risks in law enforcement arise from within law enforcement institutions. Some emerge from the wider context.

- » **Rangers**, for example, may be [pressured by criminal networks](#) or their communities to become involved in corruption.
- » **High-level political influence** is a [frequent, major corruption risk](#) threatening investigations and prosecutions of wildlife crimes.
- » **Corruption in the broader context** will often be why law enforcement agencies may be [under-resourced or led by unaccountable](#), corrupt actors.

Building wider [accountability and transparency](#) is therefore key to both enhancing enforcement activities to reduce corruption, and reducing the potential impact of corruption on the enforcement of conservation laws. How?

**Promoting open data and social accountability** is one example. Public databases of individuals or companies that have been [issued permits or access rights](#), such as one government's public database of fishing vessels, operators, and quotas, can help civil society to identify potential wrongdoing. Such data is also vital to institutional reform efforts, especially when analyzed with the help of partners in non-governmental organizations, academia, and the media. Spreading awareness and understanding of relevant laws can help to boost social accountability. A useful resource on promoting open data and transparency in the judiciary is the [Open Government Partnership recommendations](#) on open court data.

Wider transparency measures such as the use of **beneficial ownership registers** can support investigations involving the real owners of firms that exploit natural resources, as well as the beneficiaries of any corrupt dealings.

**Case or court monitoring** is another potential anti-corruption tool for criminal justice proceedings. Typically, a civil society organization observes and records a wildlife, corruption, or other case as it progresses through the law enforcement system and courts. Monitoring could help to illuminate systematic failings in the criminal justice system due to corruption or undue influence – for example, where a particularly lenient judge is always selected to handle wildlife-related cases, or where court registrars have discretion to manipulate court proceedings. These findings could be used to advocate for reforms.

Finally, law enforcement interventions can also be embedded in wider complementary approaches such as those involving [behavior change](#) or the [promotion of human rights](#). [Community-based “soft power” approaches](#) can be an alternative to “hard” enforcement approaches to reducing crimes and related corruption.

### 3.3 Leveraging technologies

Applied smartly as part of a strategic approach, technologies can help to both address the corruption that facilitates environmental crimes and mitigate corruption risks undermining effective enforcement. For example:

- » [Traceability systems](#) and [forensic tools](#) can help law enforcement to detect when illegally logged wood or fish products are laundered into legal supply chains. If published as open data (see above), such systems can also enable civic monitoring and reduce the risk of investigators ignoring anomalies or manipulating the data.
- » [E-permitting systems](#) for CITES documentation reduce discretion and raise the likelihood of an official who issues a false permit being caught. Systems may automatically detect the use of stolen, expired, or fraudulent permits.
- » [Ranger tracking](#) devices could help to both deter and investigate collusion in a poaching incident.
- » [Case management systems](#) such as the [UNODC goCASE software](#) can streamline the tracking and monitoring of cases and reduce investigators' discretion. Similarly, electronic evidence management software could help prevent insiders from tampering with evidence.

Keep in mind: [Technologies alone will not solve all the problems](#). Technological tools are only as effective as the policies and processes underlying their use and are [useless if the information generated is not acted upon](#). In addition, certain technological tools may not be appropriate for all situations. For example, corrupt actors may gain access to monitoring and tracking systems and use the information to avoid detection for their poaching or trafficking crimes.

### 3.4 Exploring whistleblowing and other reporting options

When set up properly, [whistleblowing](#) can be an effective option to report corrupt or other illegal behavior in circumstances where it is ineffective or dangerous to report openly to local law enforcement. Whistleblowing is a broad term for reporting (often anonymously) violations of the law or abuses of power to someone who could potentially rectify the wrongdoing. Anyone can be a “whistleblower” if they disclose information about wrongdoing in any way – in person, by phone, in an email, in a letter, or through a web form or app.

Some anti-corruption agencies have whistleblowing systems, such as the [corruption reporting mechanism of Kenya's Ethics and Anti-Corruption Commission](#). Teams within anti-corruption agencies can be set up to focus on natural resource corruption. To be valuable, however, such teams must be sufficiently resourced and empowered.

Government or NGO-run hotlines for reporting environmental violations also exist in some countries, such as in [Madagascar](#). Such systems should have at the least sufficient protections in place to handle the whistleblower's report confidentiality and safeguard against retaliation. However, many do not. This leads to legitimate fears that making a report could be ineffective or even dangerous for the whistleblower. In the context of rangers, for example, [specific measures](#) for reporting wrongdoing may be needed.

Whistleblowing provisions under [foreign laws with transnational application](#) may offer stronger protections and greater chance of enforcement action in these situations. U.S. whistleblowing provisions, for instance, often offer financial rewards to whistleblowers. A whistleblower who disclosed that a seafood company trading in the U.S. was using false certifications received USD 200,000 out of the USD 1 million penalty.

### 3.5 Engaging the private sector

Some private-sector actors are complicit in natural resource crime and corruption. However, companies, financial institutions, and industry associations can be powerful allies in efforts to both reduce negative impacts of corruption on conservation enforcement and to improve enforcement against corruption that facilitates environmental crimes. This is in part because:

- » Companies often have deep insights into corruption risks in markets where they operate. They are the first to face demands for bribes from police, inspectors, or other public officials, for example.
- » [Compliance programs](#), which help a company or financial institution to ensure that it adheres to relevant laws and regulations, can support enforcement outcomes by detecting and reporting violations to the relevant authorities.
- » Foreign companies and financial institutions are required to conduct due diligence on potential local partners and employees in order to reduce corruption risks. They are therefore interested in gathering information on potentially suspicious activity or suspected corruption or financial crime from various sources. Helping to provide such information may be one way to [engage the financial sector on wildlife trade, for example](#).

Companies are also subject to [foreign laws with transnational application](#) including both anti-corruption (U.S. Foreign Corrupt Practices Act (FCPA) and U.K. Bribery Act) and environmental (such as the U.S. Lacey Act and E.U. Timber Regulation) laws. In May 2022, for example, Glencore agreed to pay out around USD 1 billion [to resolve multiple charges of bribery](#) and other wrongdoing in its worldwide mining operations under the FCPA. Hardwood flooring retailer Lumber Liquidators paid over USD 13 million for [violations of the U.S. Lacey Act](#). Companies in natural resource sectors also face increasing risks of transnational [civil litigation](#) for human rights or environmental abuses.

In contexts of high corruption, rigorous adherence to laws can be perceived as putting individual companies at a disadvantage. In such cases, advocacy to bring companies and other industry bodies together with civil society in anti-corruption “[Collective Action](#)” initiatives can be helpful. Such initiatives create “coalitions of the good” and help reduce concerns about following laws that competitors may ignore.

Find all [resources on law enforcement](#) on the [TNRC Knowledge Hub](#).

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