

**2009 APEC Anti-Corruption & Transparency Symposium on  
“Systematic Approach to Building Anti-Corruption Capacity :  
Diagnosing & Evaluating Corruption and Sharing Best Anti-Corruption  
Policies” held in Seoul, Korea on 16<sup>th</sup> – 17<sup>th</sup> September 2009**

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**EFFECTIVE INVESTIGATION OF AND PUNISHMENT FOR CORRUPTION**

**INTRODUCTION**

I thanked the ACRC for inviting me to speak at this Symposium. They have asked me to speak on the Topic “Effective Investigation of and Punishment for Corruption”. I shall share some information on the Singapore system and experience in this regard and then discuss some features and factors that may influence the effectiveness of detection, investigation of and punishment for corruption offences.

When we look at the issues of detection, investigation and punishment for corruption offences, from a policy perspective, it is no different from addressing other crime and law and order problems. It’s similar in that effective control can be established only when there is a high risk of detection and investigation for the crime and the punishment meted out will make the crime not worthwhile. We want to make it as much as possible, a high risk and low return activity. In that way, there is maximum prevention and deterrence. There are however differences that we need to recognize in the fight against corruption as compared to other crimes. Corruption by its very nature is surreptitious and very difficult to detect. It is a crime which may be well concealed and which is known to very few persons. If it involves persons with authority, it may involve large quantum of gratification for which punishment must be sufficiently stiff and deterrent.

From a systems perspective, every country has developed their own system of corruption control. Regardless of the system, there are similar building blocks such as the system of government administration, the laws, the system of punishments/sanctions and the establishment of anti corruption authorities. When the

system works effectively, we can expect to see great awareness of the problem of corruption, adequate prevention of corruption, and effective detection and punishment.

Singapore embarked on its anti corruption journey more than 50 years ago. Today, corruption is under control. This is attributed to the system with its component parts, which worked well together to combat corruption. The same law and enforcement action is applied across the board – be it the various public entities such as the judicial system, the legislature, the military, Ministries, and across all business and industry sectors, as well as the civil and non profit sector.

Alongside the system, the people factor is crucial. Society's attitude towards corruption will contribute towards keeping corruption low. Where offenders are punished, they will bear a social stigma if the society looks at them in an adverse light. This shaming effect can help deter others from committing similar offences. Indeed, detection, investigation and punishment are an effective means of corruption prevention. By enforcing the law and punishing corruption offenders in court, we clearly identify to the population where the boundaries of legal conduct and transactions are.

## **PURPOSE**

Although different countries may have different systems and approaches to fighting corruption, the problem is essentially the same as it is human behaviour that we are talking about. Therefore, by sharing our experience, we can provide useful resources and references with which we can review and refine the systems that we have. I hope my presentation will provide food for thought for this purpose

## **A TOTAL APPROACH TO ENFORCEMENT & INVESTIGATION**

Let me share some information on the Singapore system. Our approach in investigation and enforcement against corruption crime is a total approach. This ensures we have a good control over the situation and we can contain corruption cases as far as possible. What do we mean by total approach, some of you may be wondering? It simply means:

- a) Firstly, no case is too small to investigate. For example, a motorist is stopped for drunk driving and he tries to bribe the traffic police officer to let him off. He will be charged in court. If a foreign visitor is at our immigration control point at our border and he did not meet the entry requirements but tries to bribe the immigration officer, he will be charged in court. In short, we don't tolerate corruption and the message is clear to all that any case will be investigated and dealt with seriously.
- b) Secondly, we deal with cases regardless of rank and status. Even serving Ministers had been charged and Chief Executive Officers of major companies have been dealt with too. There is no exemption for the 'big fish' or for anyone in high places. The same processes and procedures apply to all.
- c) We are prepared to deal with both givers and receivers of bribes. Under our law, they are equally culpable. Of course, sometimes we may not charge the giver if he was under duress when he gave the bribe or there were some other reasons which led to the offence.
- d) We fight corruption in all sectors. CPIB's mandate is to investigate corruption in both the public and private sectors. This will include the civil service, the military, the Courts, Parliament etc, as well as all the industries and businesses. The same law applies to all sectors. This may be different from some countries, where the anti-corruption agency may focus only on public sector. In the public sector, CPIB helps ensure there is good governance and delivery of government services. In other words, CPIB helps to keep government clean. For the private sector, it ensures healthy economic activities
- e) We don't leave it to various government authorities to deal with the problem. For example, if there is an issue involving Immigration Department, we don't just leave it to them. We will take over corruption investigation and if necessary, the immigration investigation as well. In other cases, we may jointly investigate with them so that a complete resolution of the corruption and immigration offences can be achieved. We may also help government

departments review their systems to remove or change those procedures which may be vulnerable to corruption.

- f) We are prepared to investigate based on anonymous complaints. Of course, we need to be very careful so that we are not “used” by someone who is malicious and wants to cause harm to others. We will process the information and there is a weekly session where the Directorate members (comprising Director and Heads of Operation Units) will meet to decide if investigation should be conducted on any complaint received. We will consider factors such as:
- details of information provided, for example specific persons, organizations, transactions etc;
  - whether there is any public interest dimension, for example security and safety concerns; and
  - any lead which we can work on or use to verify the information provided.

The CPIB is also empowered to investigate other offences apart from corruption. This is crucial as corruption offences may not exist in isolation and may be mixed with other offences such as cheating, commercial crimes, property crimes and so on. It will be a serious impediment if CPIB officers have to stop short when interviewing suspects who are not obliged to respond to questions touching on other areas. Therefore the powers to investigate other crimes uncovered during corruption investigations are provided for in the Prevention of Corruption Act.

We make it easy for anyone to report corruption offences. The CPIB is very accessible. The public can report by making phone calls to our hotline which is operated round the clock, or they can visit our office at any time. They can also send us letters by post or fax. They can also report from their homes via the CPIB internet website ([www.cpiib.gov.sg](http://www.cpiib.gov.sg)) or sending us an email. By opening up all possible venues for reporting, we hope that those who have come across or are aware of corruption cases will report without hesitation.

## **INVESTIGATION CAPABILITY**

Investigation Capability is what it takes to be successful in investigation of corruption crimes. We build capability through a framework of action which involves 4 inextricably linked competencies, that is Intelligence, Interview, Forensics and Field Operations. The success of solving corruption cases hinges on the interplay of these competencies.

### **Intelligence**

Intelligence work is critical in the current landscape of constant threats and vulnerabilities. It involves the collation and processing of information for specific objectives, so you can say that intelligence work is really a discreet form of investigation. Intelligence work often provides the basis for successful investigation. A proactive approach can enhance the success of major operations and effectiveness of investigations. Intelligence can be both on a strategic and tactical stance - we have projects which are intelligence-led operations where intelligence leads efforts in collation, analysis and pointing out the direction and leads for investigation to follow. We also have cases where intelligence plays a supporting role to operations by providing critical information such as establishing identities, relationships and locations etc during the pre-operation and operations phase.

### **Interview**

It is often challenging to handle corruption cases where more often than not, the complainant is as likely to be culpable of the corrupt act as the accused person. Lines are blurred, and our officers are hard pressed to find a clear-cut situation, where there is a distinct perpetrator and victim. In corruption cases, our officers are frequently confronted by complainants or witnesses who are not forthcoming, for fear that what they say may implicate them. Hence, it is imperative that our officers are equipped with all aspects of investigative work, particularly their ability to sieve out the truth from the witnesses, as well as to discern the innocent from the guilty. This brings us to the second competency - Interview.

An interview, simply put, involves the questioning of a person regarding his involvement or suspected involvement in a criminal offence. There are scores of reasons why people choose not to give the necessary information, or choose to

mislead by giving false information. Hence, it is important for officers to be flexible enough to switch modes to tailor to the varying situations or types of persons being interviewed.

Our Courts are quite stringent these days, increasing the weightage given to other admissible evidence, as opposed to merely just accepting positive statements or confessions given by accused persons. In consequence, we have to emphasize greatly on developing the interview skills of our officers, which can be the determining factor in cracking a highly complex investigations.

### **Forensics**

Another area which we pay much attention to these days is Forensics or specifically Computer Forensic - which is becoming indispensable in our investigations.

The sheer complexity of illicit transactions, whether it is at the individual, syndicate or corporate levels, requires an incredible level of expertise and capability from our officers. Criminals' little black books have undergone a major facelift and have progressed to PDAs, smart mobile phones, personal desktops, and the amount of records detailing corrupt transactions electronically is overwhelming.

There are various cases where forensic evidence played a big part in solving cases. I foresee in the near future, with great advances in technological tools, software, and elaborate IT infrastructures, computer forensics will play an even more proactive role as opposed to being a mere investigative support and response mechanism.

### **Field Operations**

By field operations, I refer to the range of investigative activities carried out in the field eg search and seizure, field enquiries, raids and arrests. How its done and how much information security is exercised over it will determine the success of any operation. This cannot be overlooked and the capability needs to be developed and worked on continuously.

### **Interplay of 4 Competencies**

The synergy from the interplay of these 4 competencies – Intelligence, Interview, Forensics and Field Operations is critical to the success of investigation efforts.

The 4 competencies interact and by extracting the appropriate value from each one and allow each to leverage off the other for maximum results. At various junctures, any one of these competencies will play a more significant role to provide the breaking point for successful solution of cases. For instances, if crucial evidence was hidden in computers and through computer forensics, investigators are able to unlock the evidence, then this may prove to be the key to solving the case in hand. Similarly, the interview pillar may play the bigger role when skillful interrogation of suspects led to confessions or the gathering of critical evidence which are instrumental in solving the case.

### **EVIDENCE GATHERING, PROSECUTION & PUNISHMENT**

What we are mindful of is that for us to be successful in getting positive investigation results, we need to emphasize on evidence gathering. This is always a challenge as:

- a) corruption offenders will hide and not tell the truth; and
- b) there are increasingly sophisticated modus operandi used and methods to transact and hide bribe monies.

When we apply our minds in using the 4 competencies of intelligence, interview, forensics and field operations, we also focus on collecting and consolidating the evidence. From the evidence, we review the case. Sometimes, we sit together and discuss in case conferences to go through these issues - Do we have the evidence to charge anyone? What evidence is there when we proceed to charge? We need to put the evidence together and make assessments whether we have enough to prosecute the offender. These will include oral evidence through interviews, documentary evidence, computer evidence, case properties and so on. If we look at it and we find gaps, we may try to gather more evidence. When we process the evidence, we are better able to discern our next steps.

At the end of the day, we need to address the legal aspects. In the Singapore system, CPIB does not have in-house legal experts. We understand that in some countries, the anti corruption agency have their in-house legal experts and some agencies also conduct prosecution themselves. CPIB depends on the Attorney-General's Chambers (AGC) for legal advice. Under our law, we cannot charge a person in court for corruption unless the Attorney-General gives his express consent. So there is a division of responsibilities and a check and balance. We in CPIB are the operational experts in investigating corruption offences. We put together the case file and document all the evidence gathered. But we need the legal experts from AGC, so the case file is sent to them. Together, when both operational experts and legal experts agree that there is a case, we can then proceed to charge offender in court. Once prosecution is mounted, CPIB officers will work together with prosecutors to present the evidence in court.

In terms of prosecution, as we are prepared to prosecute both givers and receivers of bribes, we have to stage our prosecution of the accused persons in sequential order. But then if we prosecute all parties, who is going to give evidence for the prosecution. Sometimes the receiver is prosecuted first and the giver is the prosecution witness. After the case is over, the giver is prosecuted and the receiver in turn becomes the witness. This can present some challenge especially when there is not much independent evidence apart from what the giver and receiver say about the crime. Therefore as we adopt this tough stance against both sides of the corruption crime, it is the responsibility of the CPIB as the law enforcement lead to ensure that it gathers strong evidence on the case so as to be able to prosecute all parties involved.

There are instances where the only evidence we have is from the giver and the giver is not willing to testify unless he is given immunity from prosecution. As a rule, the Attorney General's Chambers does not grant immunity easily. It will be under exceptional grounds if immunity is granted.

The conviction rates of above 95% each year bears testimony to the strength of cases brought to court.

There may be cases in the public sector, where after investigation, there is no evidence of corruption but there is evidence that the public official had infringed some government rule or regulation. In such situations, the Bureau will provide the information to the Public Service Commission or to the person's parent Ministry for them to take departmental disciplinary proceedings against the said officer. The information and evidence collected through investigation can then be put to good use.

In some cases, apart from dealing with the culprits, after the case is over, the Bureau may note down vulnerabilities or loopholes in the system of work, work process or procedures of the affected government department and offer some recommendations for them to consider as they work towards plugging any loophole or vulnerability.

### **FACTORS DETERMINING EFFECTIVENESS OF INVESTIGATION & PUNISHMENT**

There are 4 factors that I would like to discuss:

- a) Scope & Coverage of the Corruption Control System
- b) Responsibilities & Powers of the Anti Corruption Enforcement Agency
- c) The Nature and Levels of Punishments and Sanctions against Corrupt Offenders
- d) The People Factor

#### **Scope & Coverage of the Corruption Control System**

We need to ask if the Corruption Control System is comprehensive in its scope and coverage. At the same time, is it simple enough to operate? If the system is uniformly applied across the board to persons regardless of sector, rank or status, it is more effective than a system which has different processes or rules applied to persons from differing sectors or rank or status. If there are exceptions to the law on corruption, then would such exceptions be abused and it becomes a source of leakage where corruption crime goes unpunished?

#### **Responsibilities & Powers of the Anti Corruption Enforcement Agency**

The anti corruption enforcement agency must have sufficient powers to do its work. As corruption offences are secretive and hard to detect, there must be adequate

powers given to the agency. What sort of powers given to the officers will contribute to their effectiveness? For example, can they arrest persons without warrants, can they conduct search and seizure in a swift manner in order not to allow evidence to be concealed or destroyed?

Where evidence gathering is concerned, can the agency gather evidence from all sources? Or is it difficult for them to gather evidence from some sources? If evidence is kept in computers and technology devices, does the agency have powers to obtain them and have they had the capability to uncover the evidence if it's hidden or deleted? Does the agency have powers to question suspects if they come across other crime in the course of corruption investigation? Does the agency have powers to deal with people in both the public and private sector? Can it deal with both givers and receivers of bribes or is it just one sided?

The agency must also be well connected to other authorities. On its own, no agency can have all the resources available. There may be expertise that is needed that the agency can call upon.

Of course, an important point to consider is what happens if the officers in the agency abuse their powers. If there is proper system and action taken to deal with errant officers, then this will maintain the integrity of the agency and ensure that there is continued trust in the powers granted. Otherwise there will be distrust and the public may start to ask to curtail the powers of the agency.

### **Nature & Levels of Punishment & Sanctions**

The court must be prepared to punish corruption offenders heavily if it is to make corruption a low gain high pain activity. If evidence is presented but the Court does not convict the offender, he walks free to enjoy his ill gotten gains. If the Court convicts, but the sentence passed is very light, there is also no deterrent effect and others may also end up committing similar offences. If the Court takes too long to clear the case, again there is no deterrent effect as the corrupt offenders may drag the case out and in the meantime continue to enjoy his corrupt proceeds. Justice must be served without undue delay. The rights of accused persons to a fair trial must of course be preserved but we should not allow a situation to develop where the accused

persons can keep prolonging the court case by making various applications and submitting various excuses. A long delay before the court case is concluded will blunt the deterrence against corruption offences.

It will be helpful if the Court keeps an eye on deterrent sentencing and the Prosecution continually asks the Court to impose deterrent sentences whenever necessary. It will also be helpful if the Court has their own benchmarks and standards with which they abide by in terms of Case Clearance Rate, time lines and other performance indicators.

Apart from Court sentences, other forms of punishment will also add on to the deterrent effects. For instance, will the corrupt proceeds be confiscated at the same time as when the offender is sentenced to jail or fine? What if he cannot return the proceeds – is it make to pay by going to jail? In the event that corruption is not made out, can other sanctions apply. For example for public officials, can they be disciplined, demoted, dismissed etc?

### **The People Factor**

At the end of the day, it is the People Factor that counts. The 3 groups that matter are: the general population, the people who work in anti corruption agencies and the people who running the Court system.

The general population must have good access, round the clock and through multiple channels which they can use to report corruption offences. They must be willing to report and not fear revenge or retribution. Conditions must be made optimal for more reporting. Success will beget success. When the public see that the reports on corruption are acted upon by the authorities and the corrupt offenders punished, they will be more willing to come forward and lodge reports. Awareness and outreach programmes to the public are crucial to ensuring that they will not turn a blind eye to corruption. Public attitude and public shaming of corrupt offenders will also serve a useful purpose. When the public has a low tolerance for corruption, this can mould a culture of integrity and reduce corruption. When corrupt offenders are disdained and viewed poorly by the public, it can help deter people from committing corruption crimes.

The people who work in anti corruption agencies also play a crucial part. If they are motivated to fight corruption, you can achieve a lot. But if they are not motivated or they face many obstacles in their work, they are not able to be effective. Across the world, many professional officers work in anti corruption agencies, away from the lime light, doing a dedicated job of investigating corruption crime. For them to be effective, their capabilities must be up to mark. This means we must recruit the right calibre of people. The schemes of service and remuneration must be adequate to attract talent. This also means that officers who work in anti corruption agencies must be well trained, well equipped and well supported.

Sometimes, it is easy to say all these but hard to deliver. Corruption offenders include very smart people and officers in the anti corruption agency must be able to match them when investigating their crimes. If the officers' calibre is low, it will be an uphill task. In anti corruption work, officers will have to deal with people from all facets of society. We cannot expect anti corruption officers to be expert in every field of society but then we expect them to be able to investigate corruption in any field of society life. What we must ensure is that it is highly skilled, has a good knowledge of what is going on around us and have the ways and means to reach out to supporting resources whenever necessary. Every anti corruption agency must thus be a Learning Organisation, capable of sustaining its learning and enhancing its expertise continuously. They must constantly hone the officers' skills in areas such as interview techniques, document examination, forensics and so on.

The same is applicable to those who work in the Court System. The judges, the prosecutors and defence counsel must be of good calibre if the system of criminal justice is to work effectively. The issues of recruitment, training and learning will matter to the quality of people in the Court System and consequently impact on the effectiveness of prosecution and punishment of corrupt offenders.

## **CONCLUSION**

There are various challenges we face in investigating corruption offences. While behaviour and motivation of the corrupted may be similar, the methods used have transformed greatly. There is more sophistication seen in corruption today. More complex methods are used. The corrupt transactions are more complicated,

going through various loops and intermediaries. There are more methods used to hide the money trail such as bank transfers, false accounting, phantom workers, and camouflage payments of various types. Computers are often used in the commission of the offence such that where we used to seize paper records in the past, today, we seize a lot of computers and electronic media. It is thus important that emphasis is placed on building up capabilities for investigation of corruption offences.

Punishment and sanctions for corruption must also be sufficiently stiff and deterrent. If it is not, the good work that investigators do will go to waste. Corrupt offenders must not get away scot free and must not be allowed to enjoy the illegally gotten gains.

Corruption is a dynamic phenomenon and that's why we need to constantly ask ourselves how and what must we do in order to sustain the effectiveness of investigation and punishment for corruption offences. There are many professional officers who do a lot of good work out there fighting corruption and we need to ensure that they are well supported and the road is cleared for them to move on with the battle against corruption. I hope my sharing is useful for you. Thank you.

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