**Patterns and prevalence of corruption in Ghana’s criminal justice system: Views from within**

# Introduction

Corruption is a global problem that has detrimental effects on policing, the rule of law and security of citizens, businesses, institutions, governments, and nations (Porter & Graycar, 2016). This becomes worst when criminal justice systems and institutions (CJSs and CJIs) that are established to play essential roles in preserving democratic governance, economic development and security of countries are affected by corruption. As noted by Amagnya (2020), CJSs and CJIs symbolise legitimacy and the rule of law by providing citizens avenues to seek justice, ensure compliance with laws, and address grievances, including corruption. Nevertheless, CJSs, CJIs and officials themselves are affected by corruption and indeed, among public institutions perceived as most corrupt or characterised by higher corruption prevalence (see Pring, 2016; TI, 2003, 2009). Recently, Transparency International (TI) noted that perceptions of corruption in CJSs and CJIs remain high, which is contributing to a severe **crisis in democracies andinsecurities worldwide** (TI, 2019, 2020).

Corruption and corruption in CJIs have justifiably attracted extensive academic research and discussions due to the negative consequences of corruption and the importance of CJIs and CJSs to the security and development of countries. However, a deficiency of most studies on corruption and corruption in CJIs is that they focus on public perceptions to a neglect of the views of criminal justice actors themselves. Also, studies that examine the prevalence of corruption in CJSs and CJIs failed to consider the prevalence of corruption in the actual criminal justice processes. This chapter addresses these lacunas by presenting results of a qualitative study that examines the patterns and prevalence of corruption in Ghana’s CJS (i.e. corruption concentration). The study examines the views of criminal justice and anti-corruption officials (CJOs and ACOs) and focuses on the *CJIs* and *processes* that are hotspots for corruption. Criminal justice officials refer to police officers, judges or magistrates, auxiliary court officials, prosecution lawyers or state-attorneys, and defence lawyers while ACOs refer to officials of the Commission on Human Rights and Administrative Justice (CHRAJ).

# Patterns and Prevalence of Corruption

Identifying patterns and prevalence of corruption generally and corruption in CJSs has been a very crucial aspect of corruption research. Public perception surveys are the most common measures and evidence of patterns and prevalence of corruption worldwide. For example, the annual TI’s corruption perception index (CPI) and surveys conducted in over 100 countries since 1995 are essential measures, sources and evidence of public perceptions of corruption (e.g., Pring, 2016; TI, 2009, 2017, 2018a, 2018b, 2019). The recent CPI’s reports in 2018 and 2019 ranking 180 countries and territories worldwide concluded that a majority of countries made little to no progress in ending corruption. There was a global average score of only 43% with more than two-thirds of countries scored below 50%, where a lesser score means high corruption and a higher score means low corruption (see TI, 2019, 2020).

Some institutions in Africa and Ghana equally measure and collate evidence of corruption via public perceptions surveys. The most prominent studies and reports in Africa and Ghana come from the Afrobarometer, Ghana Integrity Initiative (GII), and the Centre for Democratic Development-Ghana (CDD-Ghana) (e.g., Armah-Attoh et al., 2014; CDD-Ghana, 2014, 2017; Dome et al., 2020; GII, 2005, 2015; Gyimah-Boadi & Mensah, 2003). Governmental and institutional inquiries into corruption are also relevant sources of corruption evidence. The Tanzania Presidential Commission of Inquiry into Corruption in the Judiciary cited in Jayawickrama (2002, p. 564), the Fitzgerald Commission (1989) inquiry into police corruption in Queensland, Australia, and the Parliamentary Sub-Committee on Legal and Constitutional Affairs (2003) inquiry into judicial corruption in Ghana are few notable examples.

Measures by TI and other bodies extend beyond general corruption to patterns and prevalence of corruption in CJSs and CJIs. In 2012 for instance, TI found that on the average, one out of four citizens globally paid bribes to justice institutions, with the police and judiciary perceived as the two most bribe-prone institutions among eight services evaluated (Hardoon & Heinrich, 2013). Specifically, the most perceived corrupt and most often bribed institutions were the police followed by the judiciary, with about 31% and 24% of respondents who encountered the police and judiciary paying bribes (Hardoon & Heinrich, 2013). In 2015, TI also found that out of six critical public services studied (i.e. police, courts, schools, healthcare facilities, utility service providers, and government identification services), people who encountered the police and the courts were most likely to have paid bribes (Pring, 2015). In Sub-Saharan Africa, citizens who paid bribes during encounters with court officials (28%) and the police (27%) were higher than those who pay bribes to obtain official documents (18%), access utilities (19%), obtain school admissions (13%), or access healthcare (12%) (Pring, 2015). Other studies equally found corruption as more prevalent in CJSs and CJIs compared to other public institutions (see Bratton et al., 2005; GII, 2005, 2007; Pring & Vrushi, 2019; TI Bangladesh, 2005).

Public perceptions of corruption are a signal that there are problems in CJSs and CJIs. Therefore, authorities should not ignore public perceptions of corruption but investigate, identify and remedy factors accounting for such perceptions, even if the public erroneously regard CJSs, CJIs and CJOs as corrupt. Doing so can help to prevent corruption, promote the rule of law and maintain securities of nations and eventually maintain or restore public acceptance of the moral authority, integrity and powers of CJIs and CJOs (Jayawickrama, 2002). However, studies and results of public perception of corruption must be handled with caution as the public can exaggerate about corruption in public institutions as a way of minimising perceptions of their corrupt behaviours (Jayawickrama, 2002; Kaufmann et al., 2003). Also, ideological biases of institutions designing public perception surveys and compiling data for polls or studies can affect the eventual data, analyses and results (see Kaufmann et al., 2003, 2006; You & Khagram, 2005). So, to understand the patterns and prevalence of corruption in CJSs and CJIs and effectively address the problem, authorities need to use actual corruption occurrences or the most proximal measures and evidence of corruption patterns and prevalence.

Obtaining actual evidence of corruption is however a challenging or perhaps impossible task as corrupt acts are illegal and clandestine dealings between parties that can hardly be witnessed by others (Bell et al., 2018; Lord, 2014, 2017). Examining the views of actors in CJSs and CJIs about corruption and its prevalence, which are often deficient in public perceptions studies, is one of the most proximal measures of corruption. The current study seeking to explore the patterns and prevalence of corruption in Ghana’s CJS from CJOs and ACOs, who are the main criminal justice actors can provide evidence to compare with public perception studies. Results of such studies can either invalidate or confirm public perceptions of corruption in CJS and lead to developing of accurate and useful corruption prevention measures, which can promote effective policing, safeguard the rule of law and maintain the security of nations.

Although this study does not study actual corruption cases, participants’ discussions may be based on personal and vicarious corruption encountered in performing their duties. Measuring personal and vicarious experiences of social issues is and has been an appropriate and suitable way of getting to understand clandestine phenomena such as corruption (see Akinlabi, 2017; Amagnya, 2020; Boateng, 2015; Boateng & Lu, 2016; Ekblom, 1994; Tankebe, 2010, 2019; Tankebe & Asif, 2016; Tankebe, Boakye, et al., 2019; Tankebe, Karstedt, et al., 2019).

# Measuring Patterns and Prevalence of Corruption

The concepts of concentration and hotspots analyses extended from the crime pattern theory (CPT) developed by Brantingham and Brantingham (1984) is an efficient way to measure the patterns and prevalence of corruption in a qualitative data. The CPT assumes that crime is randomly distributed and highly concentrated in small places, institutions, and within crime types (Brantingham & Brantingham, 1993; Eck et al., 2005; Lee & Eck, 2019; Sherman et al., 1989; Weisburd et al., 1992).[[1]](#footnote-1) Concentration analysis helps to measure the distribution of crimes (Sherman et al., 1989; Wolfgang et al., 1972) while hotspots analysis helps to identify places, institutions or processes that experience higher crimes concentrations or victimisations (Eck et al., 2005; Sherman & Weisburd, 1995). Hotspots and concentration analyses of crimes have resulted in the development of effective situational crime prevention (SCP) policies for burglary, drugs, and other violent crimes with significant impacts on policing and the rule of law (see Clarke & Eck, 2005; Cornish, 1994; Eck et al., 2005; Johnson & Bowers, 2004; Lavorgna, 2014; Ratcliffe et al., 2011; Sherman, 2002). Examining qualitative interviews on corruption through hotspots and concentration analyses can yield prevention strategies and outcomes similar to those achieved for regular crimes.

Through hotspots and concentration analyses, routine criminal justice activities can be examined beyond traditional geographic locations to identify and map out corruption patterns and prevalence as well as specific CJIs and processes that are hotspots for corruption (see Block & Block, 1995). This can offer a greater understanding of corruption and help to reduce corruption cases, thereby promoting effective policing, safeguarding the rule of law, and maintaining the security of citizens and countries. Such analyses and results can help to develop targeted situational prevention strategies for corruption in CJSs, similar to SCP strategies developed for traditional crimes. Indeed, practical strategies that limit opportunities for corruption and strengthen guardianship can be developed. It can also lead to change attitudes that support and shape the corrupt behaviours of individuals by generating targeted discussions of ethical dilemmas that create and maintain institutional cultures of integrity and openness that support employees to be ethical (Colvin, 2004; Kemp, 2014; Lavorgna, 2014; Porter & Graycar, 2016). Also, identifying high corruption areas, types, and victims most affected can guide CJOs and anti-corruption institutions (ACIs) about how to respond to corruption and the best ways to do it (Eck et al., 2005).

# Corruption and Ghana’s Criminal Justice System

Ghana is a former British colony, which is held as a beacon of hope for Africa due to the country’s robust democratic system of government and economic development (see Freedom House, 2018). Ghana’s democratic governance system and public institutions, including the CJS, serve as exemplary models for some countries in the sub-Saharan African region (see Abdulai & Crawford, 2010; Australian Broadcasting Corporation, 2009; Mahama, 2013). Ghana is also one of the best countries to do business in Africa (see Africa Fact, 2020; The World Bank, 2016b, 2019a, 2020). However, corruption more broadly and in the CJS remains a threat to Ghana’s democratic gains and economic development with broader implications for the African continent. In the 2018 and 2019 TI’s CPI, on a scale of 0 (“highly corrupt”) to 100 (“very clean”), Ghana received a score of only 41%, similar to her 2017 score of 40% (TI, 2018b, 2019, 2020). Those scores are Ghana lowest scores in the past seven years, which suggest that there are weak corruption control systems or a general rise in institutional corruption in Ghana.

A significant part of the corruption problem in Ghana is the CJS and CJIs. Several studies have cited the police and judiciary among the most corrupt public institutions in Ghana (see Bratton et al., 2005; GII, 2005, 2007; Pring, 2015). A 2017 survey by the Centre for Democratic Development-Ghana (CDD-Ghana)[[2]](#footnote-2) found that 92% and 88% of 2400 Ghanaians believed that some, most, or all police officers and judges or magistrates, respectively, were corrupt (2017). An earlier survey by the same CDD-Ghana reported that many essential public agencies in Ghana that provided an ‘enabling environment’ for good governance and sustainable development, including the judiciary and the police were highly corrupt (CDD-Ghana, 2000, p. 33). Participants described the magnitude of corruption in the police and judiciary as “alarming” (CDD-Ghana, 2000). A review of studies on the causes of and institutional or legal responses to corruption warned international businesses in Ghana to pay attention to corruption during encounters with the police and courts (Doig, 2011). Beyond studies of corruption, several media outlets have reported cases where traffic police officers on Ghanaian roads collect bribes from motorists accused of breaking traffic rules (e.g., Daily Graphic, 2017; Savage, 2019).

Perceptions of high corruption in Ghana’s CJS and CJIs, whether real or not, can be detrimental to citizens, CJIs and the government. It can erode public trust and confidence in CJIs, affect the administration of justice, security of people and governance of the country. A recent survey in Ghana, for instance, found that due to perceptions of high corruption in the police and judiciary, only 18% and 26% of respondents, respectively, highly trusted police officers and judges (CDD-Ghana, 2017). That means higher proportions of respondents (i.e. 82% and 74%, respectively) had little or no trust in police officers and judges or magistrates. High corruption in CJIs can also result in CJOs not complying with due processes. Indeed, evidence from an international pro-democracy organisation*, Freedom House,* highlighted that Ghana’s CJIs had challenges with adherence to constitutional provisions regarding due process in criminal proceedings, which is attributable to corruption (Freedom House, 2018). It is in this context that the present study explores corruption in Ghana’s CJS, focusing on ascertaining CJIs and processes that serve as hotspots for corruption.

Focusing on corruption in a CJS of a transition country like Ghana is very important because most transition countries are corruption hotspots (see Oberoi, 2013; Powell, 2016; TI, 2009). Also, a significant proportion of global businesses has been projected to take place in developing economies in the 21st and 22nd centuries (Biegelman & Biegelman, 2010; Oberoi, 2013). Global businesses shifting to Africa has the potential to exacerbate the corruption problem in the continent that is already suffering from perceptions of high corruption. So, CJSs and CJIs in Africa need to be freed of corruption to enable them effectively and efficiently handle expected increases in corruption cases due to global business shifting to Africa. Ghana is the focus of this study mainly because it has one of the most robust democracies in Africa, explores crude oil in commercial quantities, and is one of the best countries in Africa to do business (see Australian Broadcasting Corporation, 2009; Karimi, 2012; Reuters, 2012; The World Bank, 2016a, 2016b, 2019b). Ghana’s CJS and CJIs need to be ready for possible increases in corruption cases as most of the projected businesses may be established in Ghana due to the favourable conditions outlined.

# Data and Participants

## Research Site

The data for this study was collected in Greater Accra, Ashanti, and Upper East regions (GAR, ASR and UER) of Ghana between 2017 and 2018. The three regions denoted the rural-urban dynamics of Ghana and different criminal activities associated with urban and rural areas.[[3]](#footnote-3) The GAR and ASR are urban regions with a heterogeneous population, while the UER is a rural region with a relatively homogenous population (see Ghana Statistical Service, 2016). Also, different numbers of criminal justice offices and officials exist in the various regions. For example, out of the 51 divisions, 179 districts, and 651 stations in the Ghana Police Service (GPS) with about 30,000 officers, the UER has only three divisions, 12 districts and 42 stations with 1,256 officers. Meanwhile, GAR has 14 divisions, 42 districts and 110 stations or posts with about 3,773 officers similar to 14 divisions, 41 districts and 158 stations with about 1,207 officers in the ASR (Ghana Police Service, 2017). Finally, selecting three regions ensured the study was completed within the budgeted resources and time frame.

## Research Design and Population

The study employed qualitative expert interviews with ACOs (i.e. officials of CHRAJ) and CJOs, including senior police officers, prosecution lawyers or state attorneys, judges or magistrates, and defence lawyers (see Bogner et al., 2009). Interviews were used because the smaller numbers of experts were unsuitable for surveys (see Bickman & Rog, 2009). Interviews also allowed for broader coverage and in-depth understanding of criminal justice corruption as a ‘localized problem’ (Merriam, 2009). The study targeted commissioned police officers; judges or magistrates of the district, circuit, and high courts; prosecution lawyers or state attorneys and defence lawyers who handle criminal cases. Commissioned officers are police officers that have completed officers courses at the Police Academy and usually occupy supervisory roles at the national, regional, divisional and district police commands. Judges or magistrates of the district, circuit, and high courts were targeted because they have original jurisdiction over most criminal cases and are the first points of contact with the judicial system for most citizens. Officials must have been working in a selected region for at least three months before the interviews to ensure that participants were familiar with issues in the regions.

## Access

The study was approved by the Griffith University Human Research Ethics Committee and conducted according to the university research guidelines. Also, approvals were obtained from the GPS, Judicial Service, Ministry of Justice and Attorney General and the CHRAJ. Permission was obtained directly from law firms as defence lawyers work privately. Five, six and three police divisions in the GAR, ASR, and UER, respectively were selected. With at least one district in selected divisions, the police data was collected in ten, eleven and six police districts. There was no need to select offices in the regions for prosecution lawyers as each region has one prosecution office. The data for the judiciary came from six, five and four district, circuit and high courts spread across the selected regions. Two district courts in each region, two circuit courts in GAR and ASR and one in UER and two high courts in GAR and one each in ASR and UER were included in the study. Geographic locations formed the basis for offices selected in the regions, but the accessibility of offices via public transport were considered in selecting offices.

The consent of police officers, defence lawyers, the Director of Anti-Corruption and regional directors of CHRAJ to participate in the study were sought directly. However, prosecution lawyers, judges or magistrates and other CHRAJ officials were introduced to the author by regional prosecution bosses, court registrars, and region directors of CHRAJ, respectively (snowball sampling method, Atkinson & Flint, 2001). Selected courts’ registrars facilitated the author's access to judges or magistrates because the court registrars are gatekeepers to judges or magistrates per the operations of the courts, and nobody can access any judge or magistrate without passing through them. Regional bosses introduced prosecution lawyers and CHRAJ officials because the author could not identify those who handled criminal and corruption cases in the regions. These processes were repeated until new interviews in the regions did not contain any significant different information. All participants signed written consents before the interviews.

## Sample

The data was collected from 65 participants comprising 15 judges or magistrates, 22 police officers, 15 CHRAJ officials, ten prosecution lawyers, and three defence lawyers. The police sample consisted of eight each from GAR and ASR and six from UER. They included two regional, six divisional, and ten district commanders and four divisional crime officers, with ranks from Assistant Superintendent of Police to Assistant Commissioner of Police.[[4]](#footnote-4) The prosecution lawyers comprised five, three, and two from GAR, ASR, and UER, respectively, with ranks from assistant to chief state attorney. The judges or magistrates comprised six, five and four, respectively, from GAR, ASR and UER as well as the District, Circuit and High courts.[[5]](#footnote-5) The three defence lawyers were from the ASR. The CHRAJ officials comprised six, five and four from GAR, ASR, and UER, respectively, with positions from investigator to director. The 65 participants represented a response rate of 70%. This is significant given that professionals and experts who have busy schedules are hard to access for research purposes and interviewing them required reaching agreement and being very flexible.

## Interview Instruments

The author developed semi-structured interview guides for each group of officials, which allowed respondents the opportunity to expand on topics and further probings that were needed. Interview guides focused on broad criminal justice corruption themes, such as (1) prevalence of corruption; (2) criminal justice areas or processes prone to corruption; and (3) demographic information (e.g. years of service, ranks, and roles). Additionally, the interview guide for lawyers covered anti-corruption roles of the Ghana Bar Association (GBA) and the General Legal Council (GLC). Similarly, the interview guide for CHRAJ officials covered CHRAJ’s anti-corruption mandate and factors that hinder it.

## Interviews

One-on-one interviews were conducted at participants’ offices, which provided them with freedom and confidence to share their perspectives unencumbered (see Creswell, 2013; Merriam, 2009). The interviews followed different paths and sequences of questioning for different respondents (Flick, 2002, 2009; Steinar, 1996). Interviews were audio-recorded with participants’ written permissions except for one CHRAJ official and two police officers and judges or magistrates each. In cases where participants declined audio recording of interviews, the author took notes with participants’ written consent. Interviews lasted between 28 minutes and 90 minutes, with an average length of 60 minutes. The average duration of interviews for the different group of participants was 53, 75, 59, 45, and 56 minutes for police officers, judges and magistrates, prosecution lawyers, defence lawyers, and CHRAJ officials, respectively.

## Data Processing and Analysis

All the 60 audio-recorded interviews were personally transcribed by the author to reflect the *verbatim* speeches of participants and avoid biases associated with transcribing selected interviews (see Easton et al., 2000; Schegloff, 1997). The written notes of the five interviews were also typed into word documents. Each transcript was then analysed, focusing on lines, sentences, paragraphs, and level of meanings to develop initial codes (see DeCuir-Gunby et al., 2011). Using the Nvivo qualitative data storage and management software, smaller units of participants’ responses were grouped, combined, collapsed or clustered into primary themes or categories and subthemes according to commonalities and differences (see Bryman, 2015; Creswell, 2013).

Further analyses were conducted to determine how codes related to each other and broader corruption in the CJS. Two broad themes emerged at the end of the analyses: “prevalence of corruption among CJIs” and “prevalence of corruption in the criminal justice processes”. The codes and themes were thoroughly reviewed before writing the results. Also, during writing and discussion of the results, constant references and comparisons were made to interview transcripts. The personal transcription of interviews, multiple coding strategies and analyses and reiterative processes ensured that results represent what the data really contains and not the biased perspectives of the author. It ensured the reliability, dependability, and trustworthiness of the results (Stuckey, 2014).

# Results

Clarke and Eck (2005) recommended that analysis of crime concentration or hotspots should begin with places before streets, and finally, areas. Similarly, Cornish (1994) argues that hotspots should be determined from two approaches: analysis of densities within predetermined boundaries and analysis of the relative frequency of occurrence of crime events at specific places or addresses. Even though the propositions have some limitations (see Cornish, 1994 for details of the limitations), they form the basis for the presentation of the results in this chapter. It starts with corruption hotspots in the broader CJS or CJIs, which aligns with the density within predetermined boundaries or places before focusing on corruption hotspots in specific stages and processes within CJIs, which aligns with the relative frequency of occurrence of corrupt events at specific places.

## Hotspots Criminal Justice Institutions

This section presents results on CJIs that participants perceived as hotspots for corruption or characterised by a high prevalence of corruption. It was measured by identifying CJIs that participants described as the most corrupt or more prone to corruption. The results show that a majority of participants saw corruption as a huge problem in Ghana, with the CJS and CJIs not exempted from the problem. One official of CHRAJ demonstrating this view said, “Corruption is a problem in Ghana and even the whole world, and no sector in Ghana is immune from it” [ACO101]. Further scrutiny of the results showed that in addition to general views of high corruption in the country and the CJS, participants have significantly different opinions about the prevalence of corruption among CJIs. Indeed, they perceived some CJIs as most corrupt or more prone to corruption than others. Notably, the police were overwhelmingly viewed as the most corrupt or more prone to corruption CJI, followed by the judiciary and the A-G Department.

One judge gave a typical remark about the police being the most corrupt or more prone to corruption CJI. He said, “Even police officers themselves know that the police are the most corrupt CJI: police officers do not hide their corruption” [JU201]. Equally, all the lawyers and some CHRAJ officials pointed out that corruption was more widespread and worse in the police than other CJIs due to the nature of police work [LAW201; LAW202; LAW201; ACO106; ACO201]. The judiciary was described as the second most corrupt or more prone to corruption institution. One lawyer in this regard said, “Court clerks are more susceptible or prone to corruption in our CJS after the police” [LAW203]. One judge equally noted, “Auxiliary court staff perpetrate a bulk of the corruption in the judiciary and are the most corrupt officials after police officers” [JU203]. Participants largely agreed that not much is heard about the A-G’s Department on issues of corruption: “I have not heard much corruption issues concerning prosecution lawyers or the A-G’s Department” [ACO102]. However, they cautioned that the A-G’s Department or prosecution lawyers are not exempted from corruption.

Another significant result is that most police officers declined to talk about the prevalence of corruption in CJIs. “No comment” and “no, I cannot answer that question” [e.g., POL104; POL201; POL301] were prominent responses when police officers were asked about CJIs they thought were most corrupt or more likely to be corrupt. A majority of the police officers who talked about the prevalence of corruption in CJIs did not specify any particular institution to be most corrupt or more prone to corruption. A majority of a few police officers who specify the most corrupt or more prone to corruption CJIs cited the police service. For example, one divisional police commander gave a typical response: “The police service is always the number one corrupt institution in studies, and per my own experience in the police service, I agree perfectly with such results” [POL304]. Another police officer said, “Corruption is a huge problem in the police service compared to other CJIs” [POL105]. A striking observation during interviews and data analysis was that a majority of corruption cases cited by CHRAJ officials and lawyers were against the police, which appears to buttress the perceptions of the police being the most corrupt or more prone to corruption CJI.

A significant result from this study is that unlike most studies, participants adduced reasons to support their perceptions of the police as the most corrupt or more prone to corruption CJI. Initiating criminal justice processes by the police, police officers being all over and dealing directly and daily with people, and traffic controlling duties of police officers were three most prominent reasons. About the police initiating criminal justice processes, one CHRAJ official said, “The police are the most corrupt CJI because they initiate the whole criminal justice process and handle all criminal cases reported to the CJS” [ACO102]. According to another CHRAJ official, “The more prone to corruption CJI is the police who are on the roads, in offices, at homes, and in communities and deal with people directly and daily” [ACO103]. According to one police officer, “The police is perceived as the most corrupt CJI because officers of our Motor Traffic and Transport Unit (MTTU) regularly interact with motorists where many people usually see them take monies from motorists who are accused of breaking the law” [POL103]. That quote by the police officer is a typical expression on traffic management duties of police officers.

## Hotspot Criminal Justice Stages and Processes

This section focuses on criminal justice stages and processes that are hotspots for corruption or corruption is most prevalent. Although all criminal justice stages and processes are vulnerable to corruption, results show that participants pointed out nine processes as most corrupt or more prone to corruption. Table 1 presents the nine criminal justice processes cited as most corrupt or hotspots of corruption, corresponding CJIs in which they are perceived to occur, and the number of participants with such perceptions.

Table 1: Criminal Justice ProcessesIdentified as Hotspots for Corruption

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Criminal Justice** | | **Criminal Justice Institution** | | | | **Number of Officials** |
| **Stage** | **Process** | **Police** | **A-G** | **Judiciary** | **Lawyers** |
| **Pre-Trial** | Filing Cases or Complaints | √ |  |  |  | **24** |
| Traffic Management | **√** |  |  |  | **45** |
| Investigating Cases & Arresting | √ |  |  |  | **39** |
| Granting Bail | √ | √ | √ | √ | **53** |
| Preferring Charges | √ | √ |  |  | **27** |
| Reviewing & Advising Police | √ |  |  |  | **30** |
| Preliminary Court Processing | √ | √ | √ | √ | **32** |
| **Trial** | Prosecution or Trial | √ | √ | √ | √ | **32** |
| Judgement or Decision-Making |  |  | √ |  | **30** |

A tick (√) in Table 1 denotes perceived association of a process with a CJI while that of a black shaded cell denotes no perceived association of a process with corresponding CJI. The number of officials represents the actual number of participants who perceived the various criminal justice processes as most corrupt or more corruption-prone. Table 1 shows that criminal processes can occur in one or multiple institutions and belong to pre-trial or trial stages. Bail granting, preliminary court processing, and prosecution or trial are processes that involve all institutions covered by the study. Except for preferring charges, the remaining processes occur in only single institutions that performed those tasks. For instance, while the judiciary alone handles decision-making, the police handle traffic management, filing cases, and investigating cases alone.

The results show that apart from lawyers who did not mention traffic management and decision-making, at least, a participant from each of the five institutions mentioned all the processes as most corrupt or more prone to corruption. The quantitative figures in Table 1 show that about three-quarters of participants (*n*=53 or 82%) spontaneously mentioned bail granting as the most corrupt or more prone to corruption process. The quantitative result was backed qualitatively. One CHRAJ official gave a typical remark about bail granting: “The corruption problem occurs most often at where [the police] grant police caution bail to suspects or the court grant bail to accused persons” [ACO102]. The bail granting process receiving the highest number of participants resonates with findings of commissions of inquiries into police corruption in Australia that found police units that grant bail as patently susceptible to corruption (Fitzgerald Commission, 1989; Wood, 1997). Bail granting process receiving the highest number of participants may be reasonable as all the key CJIs participate in the bail granting process as either beneficiaries or perpetrators. Also, bail granting happens mostly at the pre-trial stages with many cases and citizens experiencing it as victims or witnesses, which can increase the number of CJOs who work on bail granting, corrupt acts occurring at the bail stage, and the number of people who experience or witness it.

Traffic management and arresting suspects and investigating cases were the second and third most perceived hotspots processes for corruption. It is quite intriguing that participants perceived traffic management and arresting suspects and investigating cases as the second and third most corrupt or more prone to corruption processes ahead of preliminary court processing and prosecution or trial that have the police, judiciary/court, lawyers and A-G’s Department as participants. As depicted in Table 1, the top three most perceived hotspot processes for corruption are associated with the police as perpetrators or beneficiaries. These results perhaps give credibility to earlier results that described the police as the most corrupt or more prone to corruption CJI. However, it is also possible that the three processes received the highest figures because they are pre-trial criminal justice processes where all cases start. Perhaps, cases get filtered by the police before moving to other stages, CJIs or processes, which reduces the number of cases available for corruption and corrupt acts that occur in CJIs, stages or processes after the police.

Another significant result is that regarding the court system processes alone, preliminary court processing handled and managed by auxiliary court officials was the perceived most corrupt or more prone to corruption process ahead of decision-making. This result appears to give credence to earlier assertions by judges that auxiliary court officials mostly perpetrate corruption in the judiciary. However, it is possible that the preliminary court processing produces more corruption than the decision-making process because it is a pre-trial process (see Table 1) and an entry point to the judiciary. Preferring and reviewing charges and advising the police performed mainly by the A-G’s Department were among the processes with the least perceived most corrupt or more prone to corruption figures. Prosecution lawyers at the A-G’s Department have opportunities to engage in extensive corruption because they can exercise discretion in amending charges or dropping cases entirely without proper supervision and accountability mechanisms (Agbele, 2011; Klitgaard, 1991; Rose-Ackerman, 1997). All the processes in the A-G Department coming after the police have filtered cases could account for the low figures. The low figures recorded by processes in the A-G’s Department seem to buttress earlier assertions that the A-G’s Department is the least most corrupt or more prone to corruption CJI.

## The Blame Game

It emerged that CJOs engaged in a ‘blame game’, where they accuse other institutions and departments as well as the public for being responsible for the corruption problem in the CJS. While police officers typically blamed the judiciary and A-G’s Department as being more corrupt than the police or responsible for the level of corruption in the CJS, judges, prosecution lawyers and even some police officers blamed the police. The blame game also happens across different levels or departments of institutions. Notably, a majority of police officers blamed the MTTU for public perceptions of high corruption in the police. One police officer in this regard said, “The police always being described as the most corrupt institution in studies is due to interactions and dealings our MTTU officers have with motorists in the public view” [POL102]. Likewise, most judges blamed career magistrates[[6]](#footnote-6) and auxiliary court officials for corruption in the judiciary. One judge, for instance, said, “Career magistrates are the ones tarnishing the image of judges the most in terms of corruption. Most of the judges captured in the Anas investigation were career magistrates” [JU203]. He noted further that he always receives allegations of corruption against auxiliary court officials and police prosecutors, but nobody has ever made a corruption allegation against any judge to him.

The public was also blamed as being responsible for the levels of corruption in the CJS. Demonstrating this, one judge said, “People sometimes come to CJOs already with gifts meanwhile CJOs are not thinking about being compromised or corrupted or have not requested for any gift” [JU102]. Another judge categorically said, “The public who complain [of corruption] are the very people who offer bribes to CJOs before they can accept” [JU104]. A District Police Commander equally said, “No genuine policeman will arrest you and ask you to bring ‘something’ (i.e. bribe), but it is the public that rather forces police officers to take whatever they termed as bribes” [POL106]. Another police officer said, “Corruption is not committed by the police alone because it is citizens that encounter the police who influence them to be corrupt” [POL303]. These results suggest that the patterns and prevalence of corruption in Ghana’s CJS are not ending soon, as CJOs cannot take the needed actions to control corruption in the CJS because they are not willing to accept responsibility.

# Discussion

This study established that the police is the most corrupt or more prone to corruption CJI, followed by the judiciary and lastly, the A-G’s Department. These results are consistent with prior studies that measured corruption perceptions in public institutions (e.g. Adisa et al., 2018; GII, 2005; Gyimah-Boadi & Mensah, 2003; Hodess & Wolkers, 2004; TI, 2003, 2005, 2006, 2007a, 2007b, 2009). The results being consistent with results of prior studies suggests that public perceptions of corruption in public institutions, including CJIs should not be viewed as exaggerations by the public to minimise their own corrupt behaviours, as suggested by some scholars (e.g., Jayawickrama, 2002; Kaufmann et al., 2003). Instead, governments and institutions must pay particular attention to public perceptions of corruption and adopt relevant prevention measures that can promote effective policing and maintain the rule of law and security of citizens and/or countries.

Another significant result is that reasons were adduced to support the description of CJIs as most corrupt or more prone to corruption. The first reason why the police service was viewed as the most corrupt or more prone to corruption CJI is its gatekeeping role. This role makes the police institution a point in the CJS where all criminal cases commence and move to other institutions and processes. Therefore, the police process many cases involving many people, which results in most corruption cases concentrating at police institutions. The police being found everywhere in society and dealing with people directly and the road and traffic management duties of the police, which involves regular interactions with motorists, were also important reasons cited for the police being seen as the most corrupt. These results of this study provide some new insights into the prevalence of corruption in CJIs that are usually absent in public perception studies.

This study also identified specific criminal justice *points* and *processes* as major sources of or hotspots for corruption. Entry points to specific CJIs and the broader CJS emerged as the points where corruption is most prevalent or more concentrated. Most criminal justice processes or activities that emerged as major sources of corruption are associated with the police (e.g. Filing complains, obtaining medical forms, getting suspects arrested and cases investigated, granting police bail to suspects), which is an entry point to the CJS. Equally, most criminal justice processes that emerged as major sources of corruption in the judiciary/court system are at the entry point (e.g. registering cases for adjudication, allocating cases to courts, and serving court documents on disputed parties). The entry points to the CJS and CJIs are vulnerable spaces for corruption because a majority of the public and CJOs meet there to pursue diverse interests. The varied interests produce fertile grounds for bribes and corrupt exchanges, as each side stands to gain some form of benefit (i.e. the public get quick delivery of justice and CJOs get money). Also, the entry points to the CJS and CJIs are mainly handled by lower-level officials whose level of competence are not high. They are also often challenging to regulate and supervise. These bottlenecks create deficiencies that become fertile grounds or opportunities for corruption.

Some factors were found to be associated with criminal justice stages and processes that emerged as most corrupt or more prone to corruption, which act to exacerbate deficiencies and opportunities for corruption that exist in CJIs or processes. The most prominent one is the exercise of discretionary powers by CJOs. For example, according to Ghana’s Supreme Court ruling in 2015 in the case of "Kpebu vs The Attorney General" 2016), all offences in Ghana are now bailable, and bail shall not be used as a punishment (Adjei, 2014). However, granting bail is still discretionary, as the police can refuse bail within 48 hours from the time of arrest, and the court can refuse bail where a prosecution prove specific grounds contain in section 96 (5) of Act 30. The exercise of discretion where CJOs can choose which laws and processes to enforce and which not to enforce is and will remain an intrinsic and regular part of criminal justice processes (Benson, 1988; Cabarios, 2008). However, when public officials like CJOs exercise unrestraint and unsupervised discretionary powers, it can allow or lead to misconduct and abuses, including corruption, with officials likely to escape detection and punishment (Benson, 1988; Klitgaard, 1988; Tachi et al., N.D.). Citizens’ level of illiteracy, unawareness of the operations and processes of the CJS, and expectations of paying bribes during encounters in the CJS are other prominent exacerbating factors.

To control or prevent corruption in Ghana’s CJS, there should be an introduction of accountability mechanisms aim at improving the governance structures and administration of the police and judiciary. Accountability mechanisms should be directed at the specific CJIs, processes and stages identified as hotspots for corruption and ensure regular evaluation and improvement of structures and standards. Importantly, CJIs and CJOs need to be transparent, impartial, independent, and beyond reproach in the performance of their duties through the institution and enforcement of strict codes of conduct. Strict codes of conduct will spell out the standard of ethical conduct expected of CJOs and serve as a guide to the public on what to expect from CJOs in terms of conducts and attitudes.

Additionally, there should be public access to information on legal issues to reduce the opportunities for corruption in the criminal justice administrative processes. Such access to information will allow citizens to develop a better understanding of their legal rights and obligations as well as responsibilities of the CJS, CJIs and CJOs, and how to avoid engaging in corrupt acts. Indeed, authorities need to simplify criminal justice procedures that will be understandable to criminal justice users and to reduce discretionary powers of CJOs. Authorities and civil society organizations need to properly educate the public on fees that should be paid to process legal documents and the processes within the CJS or CJIs that this study identified as hotspots for corruption. Such education can help citizens to stop corrupt or inflated demands from court staff, be more careful when navigating hotspot criminal justice processes. Public education and campaigns should use multiple delivery methods such as putting up pictorial signs, posters and videos at premises of CJIs, verbal media messages through commonly spoken Ghanaian languages and devising and distributing legal pamphlets to literate citizens.

# Conclusion

The overall aim of this study was to explore the patterns and prevalence of corruption in Ghana’s CJS and identify CJIs and processes that are hotspots for corruption or where corruption is prevalent. It uses the concepts of concentration and hotspots analyses to explore qualitative data from CJOs and ACOs. This study exploring the patterns and prevalence of corruption in CJSs and identifying CJIs and processes that are hotspots for corruption, a subject matter that is deficient in the corruption literature, is a significant contribution. Identification of CJIs and processes as hotspots for corruption can help authorities to develop corruption prevention strategies that focus on high-risk or hotspots CJIs, processes and situations. Such measures or interventions can prevent corruption and eventually promote effective policing, safeguard the rule of law and maintains the security of the country and its citizens. Future studies should ascertain the reasons why some CJIs and processes are more hotspots for corruption than others, which was beyond the scope of this study. Results from such studies can improve our understanding of corruption and help to develop effective policy responses.

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1. For detailed discussions of CPT, see Brantingham and Brantingham (1984, 1993, 1995, 2008). [↑](#footnote-ref-1)
2. The CDD-Ghana is a Ghanaian private civil society organisation that aim to fight corruption through the conduct of research on public perceptions of corruption. [↑](#footnote-ref-2)
3. See Gizewski and Homer-Dixon (1995) and Glaeser and Sacerdote (1999) for rural-urban crime dynamics. [↑](#footnote-ref-3)
4. The GPS is divided into regional commands, which are headed by regional commanders. Regional commands are divided into divisional commands headed by divisional commanders and divisional commands are divided into district commands headed by district commanders. Each divisional and district command has a crime officer that head the divisional and district criminal investigation departments and supervise the investigation and preparation of all criminal cases for prosecution. [↑](#footnote-ref-4)
5. In Ghana, judges of district courts are referred to as magistrates, which is divided into professional magistrates (i.e. lawyers who are magistrates) and career magistrates (i.e. people who are magistrates but not lawyers by training); judges of circuit courts are referred to as judges and judges of high courts are referred to as justices. [↑](#footnote-ref-5)
6. In Ghana, there are professional magistrates who are lawyers appointed as judges of District Courts and career magistrates who ordinary citizens appointed as magistrates of the District Courts. [↑](#footnote-ref-6)