

RISK ANALYSIS OF CORRUPTION WITHIN LAW ENFORCEMENT



“ Strengthening the accountability of law enforcement institutions is of critical importance to effectively combat corruption and break the circle of impunity.”

Strengthening the Capacities of Law Enforcement and Judiciary in the
Fight against Corruption in Serbia (PACS)

Funded
by the European Union
and the Council of Europe



EUROPEAN UNION

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by the Council of Europe

RISK ANALYSIS ON THE
CURRENT SITUATION
WITH REGARD TO THE
POSSIBILITIES AND ACTUAL
EXTENT OF CORRUPTION
WITHIN LAW ENFORCEMENT

JOINT EUROPEAN UNION – COUNCIL OF EUROPE PROJECT

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www.coe.int/pacs

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Authors

Robert Šumi, Council of Europe expert
Lado Laličić, Council of Europe Secretariat

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For more information on the subject of the publication, please contact:

Economic Crime and Cooperation Unit
Action against Crime Department
DG I – Directorate General Human Rights and Rule of Law
Council of Europe
Email: contact.econcrime@coe.int
Internet: www.coe.int/corruption

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SUMMARY

A number of studies conducted in Serbia have shown that corruption within law enforcement persists as a serious challenge.

Given the findings of a number of studies and surveys, substantial anti-corruption reforms have been given political priority. Recent adoption of strategic documents such as Anti-Corruption Strategy and its Action Plan (2013-2017) and subsequent commitments by different authorities to apply these reforms seem to be first response to this challenge.

Police structures have been commonly viewed as one of the public entities most exposed to the risk of corruption. Since considerable powers are entrusted to police officers, it is generally assumed that these powers can easily be manipulated for private benefit or even political purposes. Reduction of corruption in law enforcement is a necessary precondition for pursuing tangible reforms. Progress in achieving this long term goal also depends on the introduction of sets of anti-corruption mechanisms applied not only within law enforcement but also across the entire public administration.

Strengthening the accountability of law enforcement institutions, therefore, is of critical importance to effectively combating corruption and breaking the circle of impunity.

The Council of Europe, through its technical assistance project PACS¹, has carried out an empiric research – a risk analysis which aims at assessing the current situation with regard to the possibilities and actual extent of corruption within law enforcement. This activity has been carried out over a five month period (October 2013-February 2014) and resulted in the present report which intends to identify the current state of play concerning the risks of corruption and its forms. The analysis, however, was not limited to the existence and risks of a simple, one-sided case of bribery but to corruption in a much broader context. Consequently, issues such as ethics and integrity, the existence of nepotism (e.g. advancing interests of family members in recruitment processes etc.), cronyism (advancing interests of other types of associate, such as friends, business associates, political allies etc.) and any other similar practices were analysed. The present report also sets out a number of recommendations for the attention not only of the Serbian Ministry of Interior and Police but also for the attention of other policy makers who could foster the implementation of these recommendations.

1 www.coe.int/pacs

STATE OF PLAY

Introduction

Addressing police corruption is essential to building public trust in institutions and creating an atmosphere where the rule of law principle could be applied. The fight against corruption in state institutions and strong control of public funds expenditures are keystones in restoring public trust in the democratic process. All public institutions are at risk, therefore, of being seen as non-transparent and prone to corruption. It is not difficult to conclude that law enforcement organisations are at the top of this list given the nature of their work and the challenges they are exposed to.

The experience of many democratic societies suggests that strengthening the capabilities of law enforcement institutions to resist corruption is of critical importance to effectively combating corruption.

Police corruption can be manifested in a variety of ways, including petty corruption cases (usually associated with traffic police), bureaucratic corruption (manifest as a lack of response to individual requests of citizens for different permissions and licences or a lack of response to citizen's complaints against police officers and their alleged abuse of power, etc.), corruption linked with criminal groups (when police officers inform criminals of SIMs applied against them, hide evidence against individual criminals or criminal groups, intentionally mislead investigations, provide relevant information to criminals during the investigation, etc.) and, of course, so called 'high level' or 'political corruption' where high level police officials abuse their power for personal gain or for the benefit of political groups to which they are formally or informally affiliated – in other

words criminal infiltration of the state. Each of the afore-mentioned corruption types requires different anti-corruption measures. Experience of police reform from South-Eastern European countries advocates that these measures and reform policies - to be successful - also need to be embedded in the broader framework of competence building that promotes good governance and integrity of state authorities. Aside from the need to suppress corruption within the organs of the state, the long-term strategies successful in reducing corruption were those that integrated and gave priority to preventative approaches aimed at the application of ethical rules and standards, building institutional integrity, raising awareness of the role and importance of police in society, performing regular corruption risk analysis and subsequently identifying and applying appropriate preventive measures, etc.

As already noted, the first step in designing effective anti-corruption strategies within police is to develop a solid understanding of the various manifestations of police corruption, in order to be able to target anti-corruption approaches accordingly.

TYPES OF CORRUPTION WITHIN POLICE STRUCTURES

As noted above, police corruption refers to acts of misconduct by police officers aimed at obtaining financial benefits or other personal gains in exchange for selectively enforcing or manipulating rules, as well as interfering with the conduct of investigations and arrests. There are different levels of police corruption that can manifest themselves through a wide variety of practices, ranging from petty corruption and small scale bribery to collusion with criminals and infiltration of

law enforcement institutions by organised crime groups.

An overview of the different types of police corruption:

'Petty corruption'

The first level of police corruption involves acts of bribery in everyday interactions with citizens whereby police officers use their power to obtain money from members of the public in exchange for not reporting misdemeanours or expediting bureaucratic procedures. This is typical for traffic police. Police officers are usually given powers and discretion to punish and/or report such misdemeanours. Given that these powers can be easily abused for personal benefits, there are strong risks of police officers being engaged in corrupt practices. The same applies to so called 'administrative' or 'bureaucratic' corruption when citizens submit requests for certain permissions or licences. Bureaucratic corruption in the police force refers to misuse of internal procedures and administrative processes and resources for private gain. A large number of internal procedures can be subject to abuse, involving a considerable number of staff. The 'silence of administrations' that occurs from time to time can also sometimes be a signal that some employees possibly 'need' additional 'commitments' from those who submit a request – in other words a bribe to facilitate the procedures. Existence of such corruption has also been a subject of the analysis of the EU funded project 'Police Reform – Internal Control Sector' and its report 'Strategic Intelligence Assessment on Corruption' which stated that 'the notion that "petty" corruption prevails in the police, is confirmed by statements from the respondents that they gave to police officers and employees drink, cigarettes, flowers and other small gifts (162) and less expensive gifts of up to 1000 Dinars (58).'

A number of academic papers on corrup-

tion related issues consider the area of human resources management as part of so called 'petty corruption'. This includes recruitment, promotion and task assignment, internal disciplinary and investigation processes, and preferential shift, holiday and location assignment. This also includes situations when police officers make illegal arrangements between themselves in order to be assigned to specific activities that provide opportunities for corrupt income. However, bearing in mind the effects of acts of corruption in these areas, their nature and consequences, this form of corruption belongs entirely in the so called 'criminal corruption' category described in the following paragraph.

Criminal corruption

More serious, and consequently more dangerous police corruption can be manifested either through the development of 'insider' criminal enterprises, or through the 'sponsorship' of illegal activities, protecting or hiding them from law enforcement. A typical form of collusion between the police and criminals (commonly linked with drugs distribution/dealing) is when police officers protect the criminals during their illegal activities, and the assets gained by the criminals are then shared with the officers.

However, this is maybe only a simplified modus operandi in such cases. This type of corruption often involves paying police officers to abuse their powers to favour certain criminals or criminal groups when they are in competition with other groups - for example by harassing/arresting/threatening/intimidating one group for the benefit of other drug dealers. Experience in many countries showed that a number of police officers were placed on the 'pay roll' of criminal organisations for supporting their illegal activities, leaking information, or for securing

them protection from police investigations on a regular basis.

Possibly the most common knowledge of police corruption among investigators is referred to as 'insider' corruption. It occurs that when criminals or criminal groups manage to infiltrate the operational/decision making level within the law enforcement. Usually this concerns infiltration at the level of senior investigators/decision makers.

When such forms of corruption become institutionalised they can lead to a wholesale criminalisation of the state that poses a real risk for the stability of any country.

High level / political corruption

It has been the practice in a number of transitional societies to manipulate police forces for political purposes. This can be done through political interference in police investigations, the initiation of false investigations, the "framing" of political opponents, the leaking of confidential information to politicians, etc. In a number of cases, such practices involved false investigations of political activists and functionaries on corruption allegations.

The key feature of such corruption is that it is usually committed by the individuals who hold political positions (ministers and their deputies, heads and deputy heads of state agencies, directors and deputy directors of powerful enterprises, etc.). Another characteristic of such corruption is that financial benefits are not the only motive for such conduct – most commonly it is motivated by a need to discredit political or interest groups for the benefit of others and also to favour certain groups versus their competitors in the political or business arena.

Types of misconduct by police officers²

Corruption of authority

- Officers benefit by virtue of their position without violating the law (e.g. free drinks, meals, services).

Bribery

- Taking a bribe for non-enforcement of a violation.
- Bribery for the obstruction of the criminal justice process.
- Bribery for direct intervention in the criminal justice process.
- Benefits from awarding procurement contracts to specific companies.
- Extortion
- Limited protection payments for criminal operations.
- Regular protection payments for criminal operations.

Kickbacks

- Paying for favouritism regarding the delegation of legitimate tasks.
- Payment (among police officers) in return for the awarding of work-related opportunities for corrupt incomes.
- Payment regarding delivery or favourable treatment in delivery of legitimate services.
- Payment for delivery of illegitimate services.

Diversion of police resources

- Officers or commanders selling, or providing disproportionate police services, during or after working hours.

² Taken from Centre for the Study of Democracy: 'Countering Police Corruption: European Perspectives'

- Officers or commanders selling legitimate police services to criminals.
- Targeting (using police powers illegitimately to help or victimise certain groups).

Sabotaging investigations

Sabotaging investigations or trials, destruction of evidence, etc.

- Covering up or adding to evidence to 'set someone up', to ensure a conviction or a longer sentence for a criminal.

Theft and other offences

- Stealing from a crime scene and other areas of legitimate police presence.
- Stealing from stored goods, such as evidence and recovered property.
- Pre-meditated criminal acts for personal gain.
- Extension of corruption, such as sharing corrupt money among officers or selling stolen goods.
- The present exercise has tried to identify the possibilities and existing risks of occurrence of those types of corruption. The following chapters of this report will give an overview of the findings and a set of recommendations aimed at mitigating these risks. It also should be noted that the exercise didn't examine individual cases or the responsibility of individuals given that such things were outside its mandate.

INTERVIEWS AND FINDINGS

Prior to commencing this research, the project prepared a general methodology guide³. An outline of the proposed methodology is to be used in identifying, analysing and assessing the key risks associated with the existence of corruption in law enforcement. The methodology was shared and discussed with representatives of the Serbian police. It summarises major activities needed for carrying out risk analysis, with emphasis on surveys, reviews of legal framework and institutional set up, interviews with police officers and officials and interviews with experts, NGOs and IGOs representatives.

Prior to its execution, the project held a number of meetings with Ministry of Interior (hereinafter referred as 'Mol') representatives in order to better understand such activity. Bearing in mind the complex structure of the Ministry of Interior and the limited timeframe and resources available for the implementation of this activity, the project and the ministry jointly decided that the Internal Control Sector (hereinafter referred as 'ICS') of the Ministry of Interior and the Police Service for Suppression of Organised Crime (hereinafter referred as 'SBPOK') would participate in the risk analysis. Naturally, these two entities were selected on the basis of their jurisdictions and experience in the fight against corruption.

In light of this, a questionnaire for the risk analysis was prepared and distributed to the afore-mentioned Mol departments. It served as a basis for interviews held during the on-site visits organised in Belgrade and Novi Sad (from 28th October to 1st November 2013) and Nis and Kragujevac (9th to 13th December 2013). Detail about these visits and their findings are elaborated in the following chapters of this report. Prior to these visits PACS experts team studied the Serbian

³ <http://www.coe.int/pacs>

Law on Police and bylaws that supplement this Law, National Anti-Corruption Strategy, Criminal and Criminal Procedure Codes, Ministry of Interior Development Strategy (2011-2016), regulation concerning employment, regulation on whistle-blowers, ethics codes, 'Strategic Intelligence Assessment on Corruption' report (2012), 'Police Corruption Control' report (prepared by Belgrade Centre for Security Policy) and a number of questionnaires with responses prepared by the Mol Internal Control Sector.

It is against this background that recognition and special thanks must be paid to our partners from ICS who made these reports and responses to the questionnaires available. Furthermore, support provided by the ICS and SBPOK leadership was indispensable for organising interviews during the on-site visits as requested by the project. Without their support and commitment the PACS team would not have succeeded in completing this complex activity and it would have been limited to publicly available information only.

During the aforementioned visits interviews were held not only with the relevant representatives of the Mol departments under scrutiny, but also with the human resources management of the Mol. Overall, the interviews included the staff from the Belgrade headquarters and their peers from the regional centres – Novi Sad, Nis and Kragujevac. Apart from meeting and interviewing police officers and officials, the expert team also had a chance to discuss the risk of corruption with the representatives of the Anti-Corruption Agency, Police Academy, DCAF (Geneva Centre for the Democratic Control of Armed Forces), Belgrade Centre for Security Policy (an independent research centre) and OSCE.

Findings

Human Resources Department

The first interview was held with representatives of the human resources department of the Mol. It is needless to say that the first pre-condition for the proper functioning of the organs of the state is that employment procedures are transparent and fair. This assumes transparent processes of selection, competition, training, deployment, evaluation/appraisal, promotion, secondment and dismissal. The Law on Police does not precisely regulate any of these matters. Studies carried out so far suggest that *'The system of external advertising of vacancies in the Mol is underdeveloped and this opens up opportunities for corrupt practices involving receiving and negotiating bribes or services involving recruitment. By the end of 2012, the Mol has publicly announced 12 vacancy notices in the Ministry's headquarters and 17 vacancy notices in police departments (Response to BCSP Questionnaire 2012). However, these 29 vacancy notices were not announced for job positions where employees have the status of a police officer, but for positions involving technical duties (hygiene, administrative work)'*⁴. These findings were also confirmed during the team of expert' meeting with the human resources department. In simple words the employment process largely depends on either the chief of the department where the position is available, or in some cases on his/her hierarchy/high management. This means that the decision making powers lie with the leaders of a unit and/or their management while the HRD department just provides technical support. This support only concerns the verification of whether certain formalities are fulfilled – e.g. if the candidate has a clear record (no criminal charges have been pressed against him/her; if his/her education level is in accordance with the position's requirement, etc.). They don't supervise the employment procedure. There are no commissions for interviews with the candidates

4 Belgrade Centre for Security Policy: 'Police Corruption Control'

and employment is usually made without official consultation or assessment by relevant bodies. Other concerns lie with the fact that the regulations for employment within the police, read in conjunction with the Law on Higher Education, enable all those who graduated from either a private or state University, regardless of which faculty or studies they completed, to be treated equally for job positions within the police force which require a higher education diploma.

Furthermore, the internal organigram (job organisation) rulebook is considered classified and there is no obligation to publicly announce the competition for vacancies within the organisation. Although there is an Intranet portal in place, it seems that the information exchanged through it doesn't include the announcement of job vacancies. Such Intranet portals in almost all European police, inter alia, are used for announcing open positions, enabling those employed there to have direct access to them.

The interviewees from the MoI Human Resources also said that legislation guarantees all those who received scholarships from the MoI during their studies at the Police Academy to be employed in the police afterwards. However, such provision is neither part of the Law on Police or the Law on Academy for Criminalistics and Police Studies. The discrepancy between available positions in the police versus the number of graduates each year is considerable. This means that proper human resources 'needs analysis' must be undertaken so that certain strategic steps can be taken to address this problem.

Finally, the PACS experts team was informed that MoI Human Resources Department employees have the lowest salaries in the ministry which could also be a subject to review in parallel to the reform of employment procedures.

Other international project findings in this matter

As already noted, while conducting this risk analysis the project reviewed 'Base-Line Analysis of the Human Resources Management Function in The Ministry of Interior of the Republic of Serbia' prepared by DCAF (Geneva Centre for the Democratic Control of Armed Forces), where an overview of the human resources management of the MoI was made including a set of recommendations aimed at bringing the human resources management of the ministry in line with international standards and good practices. Given the complexity and quality of this study, and taking into account the relevant findings and recommendations made there, this risk analysis strongly suggests that one of the first steps in diminishing the risk of corruption within MoI would be to translate these recommendations into concrete reform policies. Further references to this report and recommendations concerning employment procedures will be made in following chapters of this report.

Internal Control Sector (ICS)

General information:

Internal Control Sector is an organisational unit of the Ministry of Interior. It provides internal oversight and monitors the legality of work carried out by MoI law-enforcement officers. Also in the range of its responsibilities is the control/protection of human rights whenever police powers are executed. Internal Control Sector officers have powers similar to those of police officers which can also be enforced when they oversee or investigate any abuse or misconduct performed by a police officer(s).

Internal Control Sector also acts upon suggestions, existing complaints about police work, and upon findings resulting from their initiatives and investigations initiated upon receiving information gathered through intelligence.

In these processes the police departments, their officers and other employees are obliged

to provide the Internal Control Sector investigators with information required or enable them access to information and to offer them necessary expert assistance if needed. While these investigations are carried out, the Internal Control Sector officers are entitled to:

- 1) Have access to files, documentation and databases of the police;
- 2) Take statements from police officers and employees, injured persons and witnesses;
- 3) Request from the police officers and employees to provide files and information necessary for conducting the investigation;
- 4) Have insight into police premises;
- 5) Request evidence and data on technical sources used by police.

The Head of Sector ex officio informs the Minister of Interior and the Director of Police of the findings of the investigation and advises the Minister how to eliminate alleged illegalities. Further to that a recommendation is given for procedure to be initiated in order to determine personal responsibility for alleged illegality or misconduct.

The ICS is directly accountable to the Minister of Interior. Currently, the ICS sector has 90 employees.

Internal Control is not the only structure dealing with police misconduct. Each police administration has a legal officer – the person in charge of monitoring the legality of the conduct of his colleagues. There is also a bureau for internal audit (at Directorate of Police) – however, Internal Control believes that the bureau should be placed with them and not with the Police Directorate.

Generally speaking, ICS statistics indicate that the most corrupt units in the Serbian Police are Traffic Police, Border Control Police and Economic Crime Investigation Units.

These findings also show that approximately 30% of all criminal cases are corrup-

tion cases. Approximately 30-40% of corruption cases within the police are a result of Internal Control work. Annually, there are around 150 criminal complaints against police officers lodged by the Internal Control.

Interviews:

Interviews were held with the Head of the Sector, who is also Deputy Minister of Interior and his staff, representatives of the *Department for criminalistics-operative work*, *Department for the coordination of regional centres*, *Department for preventive actions and analytical work* and *Regional coordination Centres in Belgrade, Nis, Novi Sad and Kragujevac*. Issues discussed with the ICS representatives mostly reflect the questions formulated in the questionnaire prepared and distributed to the ICS prior to these interviews. In general the questions deal with several areas: employment procedures; prevention of corruption; ethics and integrity; investigation of corruption within the police; sources of information and evidence gathering; investigation of corruption – investigative techniques and use of SIMs; intelligence; inter-agency cooperation; whistle-blowers – their role and protection; abuse of power by police officers for personal benefits – including the secondary activities (non-police work) of police officers; and communication with media and information leaks.

Below is the summary of findings following the interviews held.

Source of information/intelligence

Most investigations on internal corruption cases are triggered by information gathered during the regular, so called 'operational work' of the ICS inspectors. In addition, complaints submitted by citizens also present an indispensable source of information on possible abuses. ICS has a rulebook on citizens' complaints where the procedures of handling and processing such complaints are precisely described. This rulebook was prepared with expert assistance and is very similar to the model applied in Slovenia.

Large numbers of citizen's complaints, however, are submitted on a daily basis to the ICS, while around 70% of them are usually found to be groundless. This presents a big problem to the ICS as each complaint must be properly investigated and enacted upon, while the large proportion of unfounded complaints occupies too much of the ICS employees' time.

However, one of the key problems of initiating and conducting investigations against police officers is a code of silence in the police. Although this could be a cultural phenomenon, it, nevertheless, also indicates a lack of awareness among police officers of their role in society in which they need to prove that the police institution is founded on integrity principles. In light of this the Internal Control finds it difficult to get information from police on possible disciplinary or criminal acts. Police units prefer to deal with and resolve problems internally, within their own ranks.

Further to that, the experts team was told that some individual cases (e.g. an example where one of the police administration chiefs was still performing his duties despite the fact an indictment had been filed against him) also indicate a possible lack of responsibility which can certainly damage the overall image of the police and its reputation in society.

Two possible tools that would, in the ICS's management opinion, be of key importance to preventing corruption are integrity tests and 'lifestyle analysis' – i.e. introducing property registers for police officials and functionaries. As the legislation stands now integrity tests are not to be used as valid evidence for disciplinary and criminal proceedings and the ICS sees this as one of the major problems in preventing corruption.

As for the 'lifestyle analysis' – there are no legal regulations on this matter and the ICS believes that property registers should be introduced through bylaws and the model could be similar to the one already set at the Anti-Corruption Agency which is in charge of property registers for all public functionaries.

Another area where improvements are desirable is protection for whistleblowers. As a matter of fact the cases mentioned during the interviews indicate that not only police officers but also ordinary citizens are sometimes afraid to report corruption. This is due to the fact that most of them believe that when they complain against an officer or manager the system is rather weak in protecting them from potential 'revenge' by the accused.

The ICS does not have a training strategy for its employees. After they have become investigators they usually do not undergo further training. An exception is when international projects are involved in the organisation and conducting of such training.

Special Investigative Means (SIMs)

The Unit within ICS responsible for the application of SIMs has 16 inspectors (investigative/intelligence officers) while 9 of the Unit's staff members are in charge of the technical application of SIMs. So far they have not experienced any significant problem in the application of SIMs, nor that these measures are subject to abuse. As they noted, this is a result of transparent procedures dictated by mandatory guidelines. They were also confident that information leaks weren't possible again because the number of those with access to sensitive information is limited and it would not be difficult to find out who it was that had sent information either to a suspect, the media or a third party. Although such cases happen within the police, according to the ICS staff that were interviewed, these cases were not part of ICS practice. However, technical infrastructure for the application of SIMs is not yet good enough, therefore the ICS Unit sometimes needs assistance from the Criminal Police. This can, to a certain extent, be considered as a conflict of interests and a potential risk of corruption given that sometimes the measures are to be enforced against a colleague who works at the Criminal Police. However, no concrete case which would indicate lack of cooperation from the Criminal Police was mentioned.

Preventative Supervisions

Internal Control performs preventative supervision of the police administrations (in total there are 27 police administrations in Serbia). These controls serve to establish the 'state of play' in different administrations, to examine allegations of possible abuses and to give directions in which manner certain shortcomings should be overcome. The preventative control is composed of 4 phases:

- Phase 1.** Analytical work completed by the ICS headquarters based on data received and intelligence;
- Phase 2.** Decision of which police administration to control and preparation for the plan of execution of the control. This plan includes reasoning, subjects to be controlled, aim of the control and questionnaire for those to be interviewed;
- Phase 3.** Execution of the control – concrete action in the chosen police administration;
- Phase 4.** Preparation of the report on state of play in the administration and follow up recommendations;

It is important to note that through these controls the ICS not only informs of misconduct but also of good practices in different police administrations. These controls are not necessarily pre-announced to the police department under scrutiny. However, these controls are rather ad hoc and police administrations are chosen on the basis of random data and intelligence information that indicates that their conduct might have had been problematic. As of yet, there is no systematic approach for these controls that would include all police administrations and have clear terms of reference.

The reports prepared following each of these operations are regularly sent to the Director of Police. However, the recommendations set in these reports are of an advisory nature only – in other words the director is not obliged to enforce them nor to ask any

police entity to do something about them. What is more, he is not obliged to inform the ICS whether these recommendations were enforced, either. Almost all interviewees from the Internal Control – from its leadership to medium level managers and those working in their regional offices – underlined the necessity to amend the Law on Police which would, inter alia, oblige the office of the Director of Police and any units/departments under scrutiny to inform the Internal Control of the follow up measures undertaken subsequent to submission of the reports from the preventative supervision. As noted, examples of good practice in certain police administrations are also the subjects of these supervisions. Changes in the law shall also enable better transfer of these practices to other administrations with instructions on how to apply them. It is in the opinion of the ICS and its staff that if the initiatives of the Internal Control remain unanswered and not properly followed by concrete action, the Internal Control will continue to lose its power and reputation in the police and in society.

Furthermore the ICS does not have access ex officio, nor is he informed of the outcomes of disciplinary procedures within the police. A number of such proceedings is initiated based on ICS findings and subsequent initiatives. The experts team considers it necessary that the ICS, especially in cases where disciplinary procedures were the result of their initiatives, should be informed ex officio of their final results.

Prevention

Prevention other than that mentioned above - which would include integrity and ethics training even if there were no indication of violation of these principles - is not yet fully applied in police institutions in Serbia. The primary prevention (basic - first level prevention) is partially reflected in the Police Academy programme since ethics and integrity are, to a limited extent, examined during the first year of the studies. The secondary prevention (second level – focused on all police officers in the field) isn't present in Serbi-

an Police, at least not in any systematic way. Internal Control Sector leadership still believes that there is a need to strengthen the investigative work/combative means to better detect and investigate corruption and other crimes committed by police officers. In light of this, prevention is not yet prioritised to the same extent as repressive means.

However, there are plans to enhance prevention. As such, a manual on ethics was developed and prepared together with the OSCE. Further plans in this area concern establishment of a 'commissioner for ethics' in each police department. It is not yet clear when this initiative is to be executed.

When the principle of 'leading by example' was discussed with ICS interviewees, most of them were of the opinion that this principle is hardly applied by the Serbian police.

Regional vs Central

During two different missions the team of experts met with staff of the ICS regional offices in Nis, Novi Sad and Kragujevac.

Novi Sad Internal Control Office has 7 inspectors and is responsible for each police administration in Vojvodina except Pancevo. In Nis, the number of investigators is the same as in Novi Sad while in Kragujevac 5 investigators are in place. As an example, the Nis office brings about 30 criminal complaints against police officers per year. Nevertheless, these figures may vary and depend on many factors.

The fact that most of the ICS regional offices are in the same buildings with police can be an advantage and disadvantage at the same time. Certainly, it may have negative effects in situations where someone (who could be a citizen) comes often to the ICS office and can be seen there by the police officer(s) against whom he/she submitted a complaint(s). As noted by almost all interviewees a strong 'Blue Code of Silence' is still present in police institutions and it is unlikely that police officers in the regions where they share a building with the ICS would regularly go to ICS to report the misconduct of col-

leagues. On the other hand sharing the same building also means that ICS officers can have daily 'insight' into police work and this can facilitate their inquiries and intelligence gathering. Thus far, the information gathered by their inspectors on police officers' misconduct is still the most important source of information for their investigations.

It also must be noted that working conditions for ICS officers from different regions vary. This can create a risk of feeling less important and probably affects the results of their work. ICS leadership should try to consider this problem and to address it.

It is also worth noting that ICS officers from the regions pointed out the very same problems as their colleagues from the central branch – such as non-transparent recruitment, inexistent integrity tests, no follow up to their preventative supervisions, the code of silence within the police, inadequate legal framework (i.e. the Law on Police), lack of access to police databases, etc.

Service for Fighting Organised Crime (SBPOK)

The Service for Fighting Organised Crime is an organisational unit within the Directorate of Criminal Police under the General Police Directorate of the Ministry of Interior of the Republic of Serbia.

During its ten-year existence, its organisation and structure have been subject to change. However, its basic mission has remained the same - to counter organised crime in Serbia in partnership with other state organs and institutions in the country and, when needed, in cooperation with foreign law enforcement agencies.

SBPOK staff have gained expertise in fighting organised crime through regular training provided both in Serbia and abroad, mostly through technical assistance projects. In addition, priority is given to the improvement of technical equipment needed for the day-to-day work of the service.

Through its specialised units, SBPOK deals with the suppression of all forms of organised crime: drug smuggling, human trafficking and illegal migration, smuggling of arms and explosives, international smuggling of stolen motor vehicles, kidnapping, extortion, blackmail connected to organised crime, money laundering, corruption, counterfeit banknotes, credit card fraud and cyber-crime (criminal offenses related to abuse of computer systems, abuse and violations of intellectual property rights, child pornography).

One of the organisational units of SBPOK is the Financial Organised Crime Unit and the Division for Suppression of Corruption.

When performing tasks SBPOK acts primarily in accordance with the Law on the Organisation and Jurisdiction of State Bodies in Fighting Organised Crime and Corruption, Law on Police, Criminal Procedure Code of the Republic of Serbia, as well as Criminal Code and the Law on Seizure of Assets Derived from Criminal Acts.

In its investigations, the Service for Fighting Organised Crime cooperates closely with the Prosecutor's Office for Organised Crime and the Special Department for Organised Crime of the Higher Court in Belgrade, under whose coordination it acts in accordance with its police powers.

SBPOK strives to apply the principle that investigations are initiated by intelligence information, through the gradual incorporation of a method known as Intelligence-Led Policing in their daily police work.

SBPOK is a pioneer of using modern methods to investigate organised crime in Serbia such as: special investigative measures, undercover agents, controlled deliveries and analysis of crime intelligence. It also acts upon requests for assistance in cross-border criminal acts.

SBPOK's strategic development goals are:

- to further develop intelligence led policing;

- to improve techniques and investigative skills; and,
- set priorities in the fight against organised crime at the national level;

During the on-site visits the PACS team of experts met a number of SBPOK representatives – the managers from the central and local branches as well as the investigators responsible for corruption and economic crime. Almost all of them confirmed that corruption persisted as a problem in Serbia and also emphasised several common difficulties that police faced in uncovering facts and gathering evidence against perpetrators.

At the central level, the team of experts met the Deputy Head of SBPOK, as well as investigators from the Department for Suppression of Narcotics Smuggling, the Department for Suppression of Organized Financial Crime, staff working on the implementation of Special Investigative Means, and the Financial Investigation Unit, while at the regional level, meetings were held with SBPOK representatives of the police administrations in Novi Sad, Kragujevac and Nis.

Following the interviews the findings can be summarised as follows:

The idea behind the establishment of the SBPOK was that such a body should present an elite unit within the police responsible for combating organised crime. As a consequence, the status but also the salaries of the investigators and other employees were better than in other police departments. Nevertheless, it should be noted that in other anti-organised crime state authorities (i.e. Organised Crime Prosecutor's Office and Special Department of the Higher Court for Suppression of Organised Crime) the employees' salaries are double that of their colleagues from general jurisdictions (i.e. basic, higher and appellate courts and prosecutors). Once this decision was reached (to double the salaries of prosecutors, judges and law enforcement agents dealing with organised crime), SBPOK officers were supposed to be included in it, but their salary scale remained the

same. It has not been explained, however, why this change was not applied in their case.

Although their privileges have been gradually reduced, the SBPOK employees still believe that their unit is the most elite and has the highest integrity in the entire Serbian Police.

Even though the possibility of the existence of corruption within their own ranks was estimated differently by individual interviewees, almost all the interviewees stated that such incidents are rather a consequence of individual – i.e. isolated – actions⁵ and that the corruption within their own ranks has none of the characteristics of systematic practice.

Discussing the problem of information leaks and their subsequent coverage in the media, the SBPOK officials and investigators are of the opinion that politicians and political appointees in the Ministry of Interior, because of their personal and/or their party's political interests, are most often the ones responsible for revealing classified information. In this sense the leaking of information to the media was linked to quite a long list of MoI officials granted for access to information that investigators gathered and wished to share with prosecutors. The access to such information granted to those who are political appointees at the ministry, sometimes is at risk to be abused – mostly for political reasons these appointees allegedly provide classified information to the media in order to discredit their political competitors. According to interviewees SBPOK did not suffer from an 'information leaking' problem among its investigators. Again, the problem of high management being informed about any and all information related to investigations possibly creates additional risks for the successful completion of investigations. Media reports, in this sense, have created huge

5 As an example of such an incident, a case of the disclosure of classified data by a SBPOK officer, uncovered and investigated in 2012, was brought to the experts' attention.

problems as they usually inform the suspect of actions being undertaken thus enabling him/her to influence witnesses, move assets out of the country, look for support from certain political circles, etc. On the other hand there is no strategy for cooperation with the media (different to 'communication strategy' which exists at a special bureau for cooperation with the media) nor any specific internal procedures to follow the appearance of classified police information in the media.

Concerning investigations, the SBPOK representatives said that it was very important to have a clear and strict division of operational work among them. Nonetheless, it remained unclear if this principle was applied in practice. Also, most of them considered prosecutorial investigation introduced by the new Criminal Procedure Code to contribute to the transparency of investigative work. In relation to this, they said that the joint training of police and prosecutors would be an appropriate way forward in strengthening their investigative capacities.

Discussing the issue of ethics, SBPOK representatives noted that when the Unit was established (12 years ago), they had their own Code of Ethics. Each and every employee had to sign it. Later this practice stopped without a specific reason why. An interesting detail was that this code had a regulation that SBPOK employees could be tested by polygraph in cases where they were suspected to be involved in a crime. Nowadays, however, awareness of ethics and the Code of Ethics is very limited – there are no awareness programmes or regular training on ethics.

Work with informants is delineated by mandatory regulations. Although it was stated by the investigators that this area of police work is very sensitive/prone to corruption no concrete case of such practice was presented to the team of experts.

The role of the SBPOK officers was also very important for the well-known 24 Privatisations Cases, when an ad-hoc Working group was created to investigate allegations

of corruption and other crimes committed during the privatisation of state owned enterprises.⁶ This group was composed of 120 investigators divided into 14 teams. By the end of 2013 the investigators were dedicated full-time to just these cases, but once the investigations were completed they went back to their previous positions. Investigations initiated in 12 of those cases resulted in 5 indictments where criminal charges were pressed against 78 persons for 69 criminal offences. The damage caused by these offences is estimated to be 88 million euro – the exact amount was assessed through the joint efforts of the investigators, Financial Police and forensics experts.

The work on these cases has also triggered new investigations - at present the ad-hoc Working group is dealing with 28 new cases. However, the ad-hoc Working group is currently composed of 30 investigators who are granted access to police databases but not to other institution's databases. Significant contributions to the conducting of these investigations were also provided by the officers of the Financial Investigations Unit (which is also part of SBPOK) who provided necessary financial expertise. Their representatives were also interviewed by the experts team during the field visit.

Given the structure and work done so far by the afore-mentioned Working group, it became apparent that this group is transforming itself into a semi-permanent structure outside the formal organisational structure of the police and/or SBPOK. In light of this and given the tendency to structure

6 The privatisation of 24 public companies was the subject of an analysis prepared by the Anti-Corruption Council, an advisory body to the Serbian Government. This analysis concluded that in these cases there were a number of violations of the law and abuse of power by public officials. Moreover, the Resolution on the European Integration Process of Serbia (2011/2886(RSP)), adopted by the European Parliament, noted serious doubts concerning the legality of these cases. Subsequently, investigations were launched and an ad-hoc group was created to conduct these investigations.

joint investigative teams to conduct investigations on corruption and organised crime, it would be recommendable that the Serbian authorities think of institutionalising such teams. This step would certainly ensure that the expertise and good practice are not lost after the closure of the investigations run by the ad-hoc Working group, and that the capabilities and skills developed so far are fully utilised by the police and/or SBPOK.

A number of interviewees from SBPOK confirmed the opinion of its management that Serbian society and the police still need time to improve its resistance to and zero tolerance of corruption and this would coincide with efforts of other state authorities in achieving a 'corruption free Serbia'.

SBPOK officials also supported further reforms of human resources policy and its regulations requiring a more transparent system of employment, appraisals and promotions.

Discretion of police leaders to hire people on their own is indeed a corruption risk for SBPOK as well as for any other police department. Finally, they believe that education and training on ethics and integrity for police officers, officials and all other employees from all hierarchical levels is needed.

SBPOK also suggests that it should once again become an independent police unit as it was when it was established – the old system did not allow information to be shared outside of the unit and leaks were almost non-existent.

Negative media campaigns towards police are a continuous presence and not often supported by the real facts. As such, it is deemed important to raise awareness of the complexity of police work and the significant achievements made in a number of cases. This would help in building public trust of the police and would also affect cooperation between citizens and the police.

Overall the conclusions of almost all SBPOK interviewees were that too many people within police hierarchy had access to

classified information before they are sent to prosecutors or in some cases to other agencies (Financial Intelligence Unit, Anti-corruption Agency, etc.). Therefore they were unanimous in proposing better regulation (through obligatory guidelines or through MoU) of the communication they have with prosecutors and other relevant agencies, and also to introduce a system of 'sealed envelopes' when sending classified data.

Other than that, interviewees also supported the suggestions, put forward by the team of experts, concerning the establishment of joint investigative teams – that well-known models and European best practice should be applied in Serbia.

Whistleblowing and breaching the 'code of silence' within police is certainly the goal, but given the constraints mentioned during the interviews (rejection of this behaviour by police officers in general – there is a need for a cultural change in the perception of such actions) it will require time to become effective in practice. This long term goal cannot be attained simply through legal reform and adoption of the appropriate legal and institutional framework.

Another important point relates to regular risk analysis to be done by police structures themselves. Almost all interviewees agreed that such analysis should be regularly conducted, regardless of the findings of routine investigations into internal corruption. As such, PACS Risk Analysis Methodology Guide could be a useful tool in the future for SBPOK and other police institutions for conducting these assessments regularly.

Meetings held with representatives of the Academy of Criminalistics and Police Studies, NGOs and International Organisations also confirmed the concerns raised by ICS and SBPOK – emphasis was placed on the link between the risk of corruption and non-transparent employment procedures, poorly regulated career development, lack of institutional integrity and lack of awareness and practical application of ethical norms. Fur-

thermore, the opinion of the PACS experts team is that the Academy is the only institution which fully understands what primary prevention signifies. For that reason the experts team believes that the Academy could be the best at raising awareness of primary prevention and carrying out training. Such training and education (as further elaborated under the chapter 'Recommendations') should be obligatory and systematic.

Although interviewees did not consider corruption to be a wide spread practice among the police, certain serious incidents were reported in the media during the period when this risk analysis was carried out. These incidents were mostly linked to the activities of certain leaders in SBPOK and their alleged abuse of power, misconduct in their work and political influence that directed the investigations they were in charge of. More than that, serious incidents involving officers of the Gendarmerie (a special uniformed police force directly subordinated to the Director of Police) including murders, racketeering and drug dealing took place as well. Although the Gendarmerie was not a subject to this assessment, they cannot be detached from the overall picture that the police creates in public. The incidents took place while Gendarmerie officers were not on duty or while they performed 'secondary activities' – usually taking the form of performing security services to night clubs. As such, it is important to note several observations that some of the interviewees made when asked about their opinion of why such things happened: the problem with Gendarmerie lies with the fact that the unit itself is partly isolated from the rest of the police infrastructure; thus a kind of 'unit subculture' was created which makes them feel more worthy than other police employees. On the other hand, it is worth noting that one gendarme 'costs' the state 3 times more than a police officer/investigator. With that in mind, certain recommendations (especially those related to police integrity and professionalism) that are set in this report shall also be applicable to all police structures including, e.g. Gendarmerie.

CONCLUSIONS AND RECOMMENDATIONS

Based on the interviews and opinions heard during their research, the team of experts was confronted with little evidence of systematic and widespread corruption within the police. On the other hand, during the assessment a number of serious allegations of high level corruption were reported in the media. Some of these articles concerned high level officials in the police and their alleged involvement in corruption and cooperation with the criminal groups, including various allegations of political influence of investigations in high profile cases of corruption and organised crime. Although this assessment did not examine individual cases, it became apparent that problems within police structures are possibly much deeper than one might assume when these issues are discussed with the officials of the Mol. Media reports and interviews with NGOs and international organisations also confirmed that Serbian police still needed serious reform in order to become more professional, transparent and at a higher level of institutional integrity. In light of this, the recommendations of this assessment will focus on the necessary development of the institutional structure and foundation that the modern police force is based on, as the insight of this study indicates key gaps in the preventive and moderative mechanisms designed to minimise the risk of corruption.

First and foremost, while many mechanisms for detecting and investigating corruption within the police are in place, their proper implementation requires pro-active and credible actions by police officers. In this respect, it is important to reiterate here the findings of the surveys done under the EU

twin project 'Police Reform – Internal Control Sector' and its report 'Strategic Intelligence Assessment on Corruption':

'The research clearly demonstrates that the majority of activity surrounding corruption does not get reported in official statistics. It is a safe assumption that the official records of police corruption represent the "tip of the iceberg" The "grey figure" of corruption can only be guessed at. From the survey 800 citizens experienced corruption and 21 reported it. Indicating that a more accurate picture would require the official Ministry figures to be increased by a factor of 38. 2584 police officers witnessed, but did nothing about a colleagues corruption a further 395 reported it to a manager. A factor increase of 6.5. What can be safely assumed is that the official figures represent a small part of the real level of corruption within the police. When comparing this with the official records in grievances and charges against corrupt officers we can see that these figures represent a minor part of the larger corruption picture.'

Therefore, in order to achieve sustainable results not only in combating but also in preventing corruption within its own structures, police would need to undertake certain strategic steps. In the opinion of the experts team, and regardless of whether the corruption occurs as an individual incident or as a systematic problem (as noted above, individual interviewees interpreted this matter differently – some of them were convinced that the corruption appears as an individual incident only, while others see it as a systematic practice), the steps and measures that need to be undertaken would be primarily aimed at building institutional integrity. It is also important to note that this conclusion is not only the result of this assessment, but is also a prevailing strategy in most EU police institutions, where sustainable results were reached only after preventive measures

were fully implemented. These recommendations, their long-term goals, explanations and applicability to the Serbian system are further elaborated in the following chapters.

Additionally, the Serbian Anti-Corruption Strategy 2013-2018 contains a large number of objectives and measures to be implemented by the police. This assessment has provided recommendations that are formulated in the context of some of these objectives and measures, but in a number of cases go further or are more specific.

Integrity testing

During the interviews with ICS representatives an issue of integrity testing was frequently mentioned. ICS management believes that integrity tests (which according to Serbian legislation cannot be taken as evidence before the court or in disciplinary proceedings), if introduced, would be the best tool to prevent corruption and to enable identification of those who are prone to corruption and unethical behaviour.

Integrity tests have been subject to regular use in some environments with little integrity. Police institutions in general and especially some sectors which are in daily contact with citizens (such as traffic police) are probably more prone to corruption. As such, integrity testing would certainly help in minimising the risk of corruption. However, the real impact of integrity testing can only be measured once it is put into practice in the institution. It is needless to say that a number of safeguards need to be in place in order to guarantee that such tests are not abused against employees for reasons other than those mentioned above.

Below is an extract from the Council of Europe Technical Paper, prepared for the pur-

poses of one of its regional projects ⁷, that summarises the effects of integrity tests in the New York City Police Department:

Since 1994, the New York City Police Department has conducted integrity tests within the following framework:

- *Any ethical violation can be an objective of the testing: bribery, service mentality, police brutality, discrimination, etc.;*
- *Realistic scenarios such as the offering of cash from an arrested drug dealer, but played by officers of the integrity unit;*
- *Integrity tests are recorded using audio and video electronic surveillance as well as the placement of witnesses at the scene;*
- *Targeted tests: these aim at specific officers who are suspected of corruption, based upon previous allegations by citizens, criminals or colleagues;*
- *Random tests: aimed at a random selection of officers;*
- *All officers are aware that such a program exists, but are not told about the frequency or occurrence of such tests;*
- *No police officer can now know whether or not a corrupt offer is an integrity test.*

The integrity tests have had the following impact so far:

- *Officers believe that it is better to be safe and to report the incident, instead of overlooking it or accepting the bribe offer;*
- *About 20% of the officers who were tested based on previous suspicions failed the test, and were prosecuted and removed from the force;*
- *Only 1% of the officers who are subjected to random tests fail.*

⁷ <http://www.coe.int>

The objectives of integrity testing are:

- *Identifying public officials, agencies and citizens prone to corrupt practices.*
- *Collecting evidence for prosecution;*
- *Increasing the perceived risk of detection and thus deter corruption among officials and citizens;*
- *Encouraging officials to follow on their obligation of reporting bribe offerings (as any offer could be an integrity test);*
- *Identifying public officials who are honest and trustworthy, which can be credited for promotions;*
- *Identifying the training needs of public officials, i.e. patterns of misconduct which could go back on a lack of awareness for ethical challenges;*
- *Showing to the public that government is serious about prosecuting corruption.*

Overall, integrity testing is an extremely effective and cost efficient deterrent to corruption.

However, any real crackdown on bribery as well as on other ethical violations would dry out sources of income that normally run from ordinary policemen up to the highest officials.

Application of integrity testing is in this regard a litmus test for the willingness to seriously change the course.

In order to avoid abuse for personal gain or against political opponents, the unit carrying out the tests must be of the highest integrity itself.

In conclusion of this particular issue, **it is in the opinion of the authors of this paper that integrity testing could be beneficial for Serbian police but only upon implementation of other recommendations as stated in the following chapter. Introducing integrity tests now, while primary and secondary preven-**

tion within police are still underdeveloped, would not have the desired effect and would also jeopardise implementation of this tool at a later stage and once primary and secondary prevention are strengthened.

Recommendations

The consolidated recommendations of the assessment are as follows:

Finding: Employment (recruitment) procedure and promotion procedure (career development) are neither transparent nor in accordance with internationally recognised principles and standards in this area.

Recommendation: The experts team recommends that the Serbian Police empower their human resources departments, prepare clear criteria for employment and promotion of employees and strive for transparent procedures on all hierarchical levels within the organisation.

Finding: There is a lack of mentorship, training and education on ethics and integrity for all police officers, officials and other police employees from all hierarchical levels. In practice, the matters of ethics and integrity are not discussed. Therefore, primary and secondary prevention are not adequately developed.

Recommendation: The experts team recommends that the Serbian Police prepare a specially tailored and mandatory training programme on strengthening the integrity of police officers and consider setting up a special consultative body within the police with responsibility for the field of ethics and integrity (e.g. ethical committee).

Finding: There is a lack of raising of awareness with regards to police professionalism, ethics and the principle of 'leading by example'.

Recommendation: The experts team recommends that the Serbian Police start with raising employees' awareness of police professionalism, which is built upon integrity and reflected through legality, expert knowledge and ethical behaviour (attitudes). It is strongly recommended that they raise police leaders' awareness of the application of the principle of 'leading by example' as a key stone for sustainable development of police professionalism.

Finding: The 'Blue Code of Silence' is still widespread in Serbian Police.

Recommendation: The experts team recommends that the Serbian Police begin ongoing discussions, focused on raising awareness among police employees that loyalty to personal and organisational integrity is more important than loyalty to a false sense of solidarity with colleagues. These discussions could be a part of the training programme for strengthening the integrity of the police officers and, more importantly, it should be an obligation for police leaders to talk about and discuss this issue with their police officers on a daily basis (with relation to real cases and police procedures – e.g. before or after the working day or certain operational activities).

Justification, elaboration and applicability of those recommendations in Serbian Police are presented below.

Employment (recruitment), career development and mentorship

Human resource management has to be fully responsible and engaged in the employment and career development of employees. This includes arranging, recruiting and selecting employees, designing compensation and benefits systems and a performance appraisal system, and discharging low-performing and problematic employees.

As stated in the Handbook⁸ of Best Practices for the Self-Assessment of Law-Enforcement Forces to Prevent Corruption and Enhance Integrity (2014), the recruitment process has to be fair and impartial, while career development is assured by means of transparent procedures that enable promotion by merit.

Furthermore, fundamental questions for the police or any other professional organisation focused on sustainable development are:

- Who becomes a police officer?
- Who is a mentor?
- Who becomes a leader?
- Who becomes a teacher/a trainer?

The above-mentioned roles could be also understood as four fundamental pillars for police professionalism. Their importance could be illustrated with an *image 1*.

Firstly, it is very important who becomes a police officer or who is employed in the police service. Anyone who is not in favour of ethical behaviour and working with people will surely have a hard time pursuing the organisation's mission. Secondly, it is important who is a mentor to new employees and from whom he/she learns how to proceed. The fact is that people prefer to observe how someone acts in practice than read how things should be done in theory. At the same time, other questions could also be raised, such as how the police arrange mentorship, who is responsible for choosing mentors, who trains them and how, etc. The third pillar represents police leaders, underlining the importance of who becomes a leader. This also triggers a whole range of issues and challenges faced by any modern organisation, namely how does the career system operate in the police, what are the criteria for promotion and career development, is moral development taken into ac-

8 This handbook, which is a prevention tool based on a pedagogical approach, is currently under preparation by a group of EU experts and is expected to be disseminated to EU member states' police services soon.

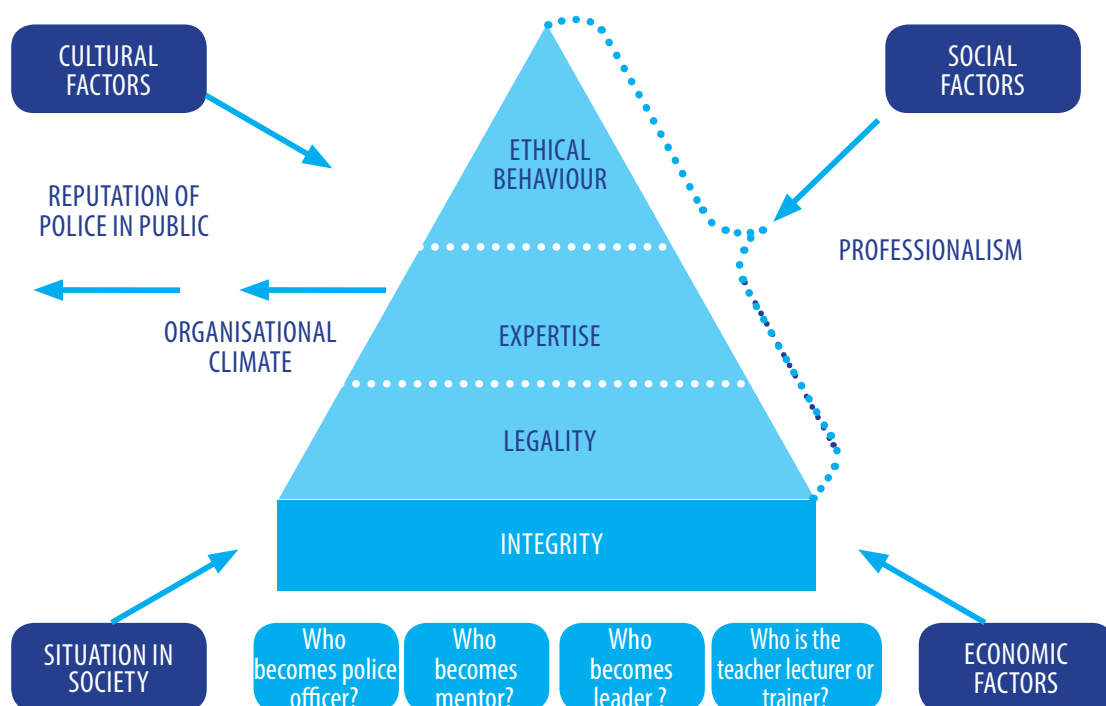


Image 1: Factors that influence police professionalism:

Source: (Šumi 2013b)

count when selecting an appropriate leader, are candidates for leadership roles aware that the higher they are at a career level the greater responsibility they have towards the organisation and society. The last important pillar represents the issue of who trains employees within the organisation or who is a teacher, a coach and/or a facilitator. Without good and motivated teachers or trainers an organisation (e.g. the police) cannot, in the long-term, be effective and efficient.

Moreover, it is very important that all four factors (pillars) are interrelated. In practice, it means that if a person is not suited to be a police officer, the efforts made by his/her mentors, chiefs and trainers cannot achieve the desirable effect. On the other hand, when a good candidate has an inappropriate mentor, the efforts of the employee's boss and trainer will also not bring the desired results. In the third case the problem occurs when a good candidate and a good mentor get a bad leader. Again, the expected result will be questionable, regardless of whether the training and mentorship were properly conducted. In the last case, the problem occurs when a good leader and a good mentor await the arrival of a good candidate,

who at the beginning of his/her education or training in the police profession encounters a teacher or trainer who is, perhaps, unprepared to fulfil this task and role. In practice this occurs when the candidates for police officers are exposed to various personal frustrations of their teachers and training providers, their subjective cynicism or unfounded criticism of the system. Unfortunately, such kind of behaviour hinders the ability of the candidates' objective criticism and their own assessment of the facts.

The findings of this assessment clearly indicate that the proper application of the measures referred to above is not put into practice by the Serbian Police. The findings also signal that one of the major risks of corruption is the current employment system. Non-transparent recruitment and promotion of employees, with no clear criteria and standards, lead to nepotism and cronyism which are forms of corruption with an extremely negative impact on police institutions and their professionalism. Therefore, it is highly recommended that the Serbian Police empower the human resources department, prepare clear criteria for the employment and promotion of employees and strive for transparent procedures on all hierarchical levels of the organisation.

Furthermore, the experts team also discussed this matter with the DCAF Project "Introduction of a modern Human Resources Management Concept to the Ministry of Interior of the Republic of Serbia" which provides technical assistance to the Ministry of Interior on this particular issue. As such, thanks to the DECAF Project team, PACS team of experts was given a report that provides analysis on Mol's recruitment system. The team of experts agrees with the findings of this analysis. The recommendations set by DECAF are fully compliant with the results of PACS assessment and are copied below:

Recommendations

*The analysis of the HRM function in the Mol suggests that there is room for further improvements in this area. **An evolutionary approach to change is recommended, that will need significant support of both the top management of the Mol and the employees.** In order to change the administrative focus of the current HRM function in the Mol towards more strategic HRM orientation the following actions seem to be necessary:*

- *DHR should become a strategic organisational unit directly linked to the Minister with a clear and formalised authority for all HRM issues. All HRM issues should be concentrated within this unit and the internal structure of the unit should adequately reflect its basic functions.*
 - *The HRM practices in the Mol should include all key HRM activities (such as: HR planning, job analysis and design, recruitment and selection, performance appraisal, compensation, training and development, career management, health and safety management, labour relations and collective bargaining) and should reflect principles of the merit system and the best European practices.*
 - *The HRM system in the Mol should become more transparent and accountable by making all HRM procedures and appropriate HRM documents (acts) both formalised and open and clear for end-users. The right of employees to participate in the preparation of matters regarding HRM must be clarified*
- and brought into conformity with European standards.*
 - *Development of the HRM Reform Strategy aligned with the strategy of the Mol.⁹*
 - *Strengthening the professional capacity of a new strategic HR organisational unit by changing the current structure of HR staff towards creation of HR specialists (through employment of professionals other than lawyers and through extensive training of current HR staff) and HR managers, and by decreasing the number of administrative staff through the introduction of HRIS and the creation of a centralised HR Administration centre with clear standardised and transparent processes that is used by all departments of the Mol. To achieve this, there should be a clear distinction between police officers and civil servants and information about the number of both staff categories should be regularly published. The Law on Police should be a key framework for this purpose, although until now there were a lot of very liberal interpretations attempted to provide benefits aimed at police officers to all employees in the Mol.¹⁰*
 - *Reviewing and simplifying the myriad of laws that currently exist that give rise to thousands of litigation cases because they are not clear, simple and transparent. Whenever a new law is introduced, revoke 'old' laws, so that there can be no confusion.¹¹*
 - *Provision of management information on key HR measures (for example staff cost, headcount, absence, litigation costs) through the introduction of an HR information system.¹²*
 - *The HRM function in the MOI needs to recognize the right of trade unions to partici-*

9 Drafting the HRM Reform Strategy of the MOI is an important part of this Project and would be conducted through the Activity 4, where the main result should be development of an HRM policy framework for future HRM reform.

10 This will be considered by an EU IPA project on revision of the Law on Police.

11 Ibid.

12 Introduction of an appropriate HR information system would be provided by an EU IPA project.

pate in the preparation of key matters related to human resources management, such as the adoption of normative acts affecting working conditions. The trade unions are becoming more powerful, and trade union relations need to be carefully managed by the HRM function.

To support effectively all the above-recommended changes, the MoI should consider making additional efforts (beyond the scope of this Project) to gradually develop a culture within the Human Resource Management function of taking ownership of HR problems.

Prevention, education and training versus repression

As already noted, there is a prevailing belief, at least among the EU Member States, that prevention is more efficient than repression. The same is true with the fight against corruption. Three-level prevention (primary, secondary and tertiary) is a well-known criminological grouping (Meško 2000). Primary and secondary prevention include a number of actions taken before something wrong has happened. Primary prevention in the Serbian Police is a part of the educational system (delivered only at the Police Academy in Belgrade), while tertiary prevention is focused on the treatment of offenders (unethical behaviour having already occurred).

The Serbian Police mostly perform actions focused on tertiary prevention. Secondary prevention has been lacking, however. Secondary prevention is very important for each and every organisation, and especially for the police, which is entrusted with a number of powers and responsibilities. Secondary prevention is focused on raising the awareness of police officers in the field through education via practical work and via discussions and workshops focused on studying of the real life cases. It is a temporary process where trainers discuss contemporary ethical dilemmas with police officers, as well as debating the same issues and real cases daily with leaders and mentors. Such procedures raise the awareness of police officers on these issues and reinforce desired practice.

As the first step in introducing secondary prevention, the team of experts proposes a permanent and obligatory training programme for strengthening the integrity of police officers, where the content of the training would be adjustable depending on the needs of a particular police service. The fundamental principles of such a programme are: the strengthening of the integrity of police officers as a key tool in fighting corruption effectively¹³; the raising of awareness among police officers of the importance of personal and organisational integrity; the strengthening of well-intentioned solidarity in the police force; the discussion and fostering of the need for the police to act fairly and equitably; and the conducting of a training programme which is in accordance with day-to-day police duties.

The programme duration depends on its content and methodology (lecture, workshop, group work, etc.), however up to 5 days should be enough for one group of up to 25 participants. For long-term efficiency (raising awareness of the importance of integrity, ethical behaviour, leading by example, etc.) it is necessary that all police officers attend the training. One may also attend the training more than once, when for example he/she changes job position, but it is up to a particular police service to make a decision on methodology (to attend the training once or more times). Differences in the programme, when we want to emphasize particular content, should be made only with different target groups (e.g. police chiefs need to be more aware of the importance of leading by example, while police officers

13 The argument that strengthening integrity is more important and efficient than just fighting against corruption is supported by CEPOL's Common Curriculum on Police Ethics and Integrity (2012). The same curriculum argues for a new paradigm in European Police Services, namely: 'instead of fighting against corruption, even though this is equally relevant, personal/organisational integrity must be emphasised and strengthened in the first place. Besides the fact that it is more efficient, it is also a positive approach, friendlier to employees (subordinates) and focused on the long term' (ibid 74-75).

need more discussion about the dark side of false solidarity – the code of silence).

As an example, the police services of other EU countries, when implementing such programmes, include the following themes:

- Ethics and moral
- Integrity (personal and organisational)
- Leading by example (role models)
- Leadership obligations
- Social responsibility – accountability
- Indifference to integrity – consequences
- Code of silence – the blue curtain
- Code of ethics
- Case studies and workshops.¹⁴

When preparing and conducting such a training programme one must be aware that progress in preventing corruption and poor conduct does not come overnight. The training programme has to be prepared with a step-by-step methodology, where each and every step is important and irreplaceable. It means that each and every topic included in the programme must be fully addressed (e.g. it is not enough to lead a discussion about integrity without having a discussion on leading by example and without defining who the leader is with regards to integrity). The same goes for raising awareness of the importance of the code of ethics on the one hand and raising awareness about the toxicity of the code of silence on the other. Furthermore, it is important to be aware that measuring the efficiency of such a training programme is very difficult given that indicators of success are quite diffuse (public

14 This kind of model or training programme has been applied in Slovenia and is proven to be very effective. There is also some intention from certain western European states to copy this model because it effectively links theory and practice. The programme enables reduction of the gap between education and training at the Police Academy and day-to-day behaviour and attitudes of police officers in practice.

opinion, including the feeling of safety, trust and satisfaction with police; the number of complaints and criminal charges against police officers; amount of absenteeism; stability; organisational atmosphere, etc.). Finally, it is important to know that this approach is quite laborious since it requires a lot of communication and work with people.

This kind of training programme and methodology reflects the practical application of ethics (its usefulness in everyday practice) and therefore belongs to secondary prevention.

The other example of secondary prevention, which could also be effective in practice in Serbia, is to establish a special consultative body in the police responsible for ethics and integrity (e.g. an ethical committee). The Committee should deal with strategic proposals, innovations, questions and dilemmas in the field of integrity and ethics, the code of ethics, conflict resolution, internal relations, organisational atmosphere, etc. The committee members should carry out their tasks by assuming opinions, making recommendations or proposals, preparing, designing, implementing and managing technical assistance projects¹⁵ aimed at enhancing the effectiveness and the implementation of these principles within the police.

The Committee should also prepare annual or bi-annual reports summarising their findings and recommendations for the attention of police leadership.

The experiences of different countries show that the activities of a body (committee) such as this significantly contribute to the improvement of the organisational culture and public image of the police. Therefore, the experts team recommends that the Serbian Police consider establishing such a consultative body with strategic and operational authority. Its members should be police employees with a high professional and personal reputation in their organisations, appointed and

15 Such a committee has been working very effectively in the Slovenian police since 2011.

discharged by the chief of police (director general). Their work should not be paid extra but honourable. They must be empowered to carry out tasks at all levels within police, regardless of hierarchical or regional divisions. It is very important that the representatives of all police services or directorates (e.g. uniformed police directorate, criminal police directorate, police academy, police headquarters, regional police directorates and police stations) are members of such committee. Members of this body should be independent in their work and free from supervisory activity, complaints procedure and internal-security procedures within the police. They must be accountable directly to the chief of police (director general) in their work.

The importance of integrity

Personal integrity is a multifaceted phenomenon and so far there is no universal definition of it. Various authors and researchers understand it either as a consistency between words and deeds, as moral behaviour, as the absence of unethical conduct, or as a set of different virtues (e.g. honesty, fairness, etc.).

Quite a few theoretical and empirical findings of several scholars and researchers show the very important role of integrity in the context of successful management (Bass 1990, Kirkpatrick and Locke 1991, Badaracco and Ellsworth 1992, Craig and Gustafson 1998, Bass and Steidlmeier 1999, Parry and Proctor-Thomson 2002, Peterson 2004, Rave 2005, Palanski and Yammarino 2007 and 2011, Carroll 2009, Burns 2010, Palanski and Vogelgesang 2011).

Furthermore, Bracher (2014) is persuaded that integrity is the keystone of leadership and the most important factor when customers come into contact with the ideas, products and services of an organisation or company. The author has also illustrated the importance of integrity with an *image 2*.

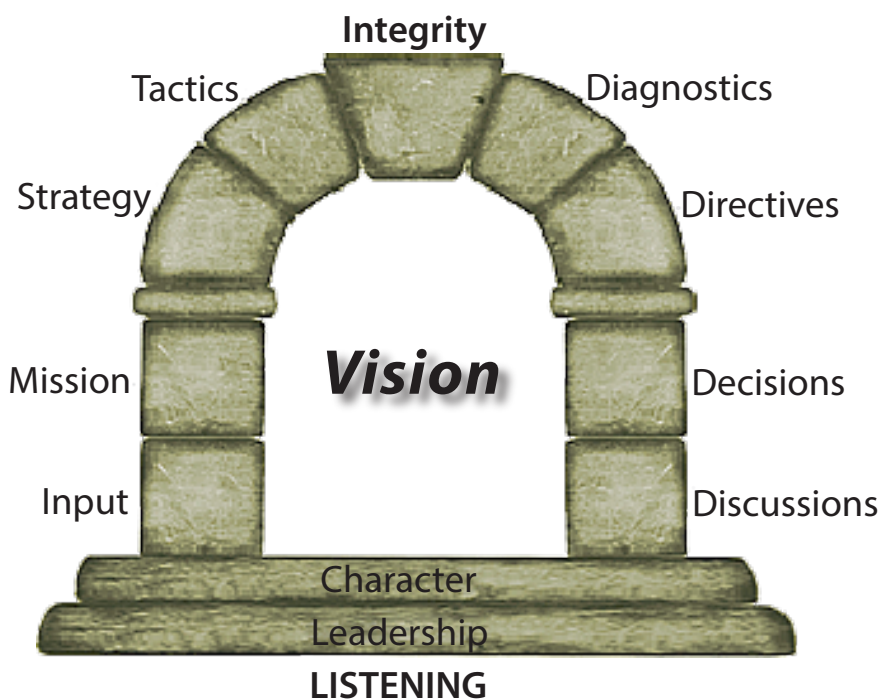


Image 2: Integrity and Leadership

Source: <http://brachercenter.com/integrityarch.html> (25. 1. 2014)

As stated in CEPOL's Common Curriculum on Police Ethics and Integrity (2012), the general educational targets for the whole training programme on ethics, integrity and prevention of corruption should be integrity and the incorruptibility of police officers, with respect to fundamental (human) rights. Therefore, the focus in CEPOL's curriculum is on strengthening personal integrity and leading by example, which, in the end, leads to a high level of organisational integrity and better public satisfaction with the police.

The Handbook of Best Practices for the Self-Assessment of Law-Enforcement Forces to Prevent Corruption and Enhance Integrity (2014) states that corruption destroys democracy, the role of police in society and community trust, while combating corruption could not be achieved only through

detecting individual misbehaviour but also through identifying organisational and procedural weaknesses. For this reason, each and every police organisation should have a clear vision regarding integrity and that vision must be accepted by police employees.

The strengthening of integrity is considered, at least in Western European countries, as crucial for police professionalism and proper management of the institution as a whole. It means that any internal organisational unit of the police has to have employees of the highest integrity. In this respect, no internal organisational unit is more important than another.

In accordance with the findings of this assessment, it is recommended that the Serbian Police use a similar concept and plan systematic actions aimed at strengthening the personal integrity of all employees in all internal organisational units, no matter what kind of duties or service they provide (by preparing and executing the above-mentioned training programme). Once this is applied the awareness of the importance of integrity will be spread equally throughout the entire police institution. It will have a positive impact on organisational integrity, mutual relations, the atmosphere of the organisation and ultimately, increase the level of awareness of police leaders that their own mode of behaviour has a significant influence on the behaviour of their employees.

Police professionalism

Despite the fact that integrity is the fundamental factor in police professionalism, practice shows that integrity itself is not sufficient. In other words, police professionalism is built upon integrity and is reflected through legality, expert knowledge and ethical behaviour. It means that just legality and expert knowledge are not enough, but appropriate behaviour and attitude, based on personal integrity, creates overall police professionalism. Therefore, taking into account the above-mentioned recommendations, it is very important for Serbian Police to in-

crease the actions for the strengthening of police officers' integrity in the context of secondary prevention.

Besides, it is important to know that there are also various other important internal and external factors which influence police professionalism (see Image 1). This leads to the conclusion that police professionalism depends on a number of the abovementioned factors¹⁶, which can be corrected by good, efficient and effective leadership. Positive results shall be reflected in a better image and reputation of the police with the public.

This could be quite an important issue for Serbian Police given the findings of different citizens' surveys where the police were among those considered to be corrupt. Changes in public perception would happen in parallel with the strengthening of personal and organisational integrity and consequently with strengthening the professionalism of police work. Only upon fulfilment of these conditions can effective support from society be expected in fighting corruption. Besides, the effectiveness of this fight depends on the support of other governmental and non-governmental institutions in the country and without any doubt on genuine political support as well.

Furthermore, in order to enhance police professionalism, the experts team strongly recommends that the Serbian Police adopt a rulebook which would regulate the incompatibility of police duties with other duties. It should be a very useful tool in avoiding conflicts of interest and fighting against corrup-

16 It is necessary to point out the external factors that influence the development of society, the state and consequently on the public administration, state administration and the police. These include cultural factors (e.g. habits and customs of society), economic factors (e.g. recession), social factors (e.g. unemployment and poverty) and the circumstances of a society (e.g. the emergence of violent protests) (see image 1). All these factors have a significant impact on the 'state of mind' of the police. For this reason one country cannot be compared with another, or one police service with another, without taking these factors into account (Šumi 2013b).

tion within their own ranks. Such regulation, which should be obligatory, with zero tolerance for disobeying the rules and be publicly accessible, shall prohibit police officers to i) work in the field of private security and detective activity; ii) maintain order in catering establishments; iii) give expert opinion without permission of their management; iv) perform work in the field of internal control in the insurance sector; v) perform or accompany extraordinary transport and transport of dangerous goods; vi) serve drinks in bars and at public events, etc.

Leading by example

High levels of integrity are of utmost important to ethical leadership and leading by example, which indeed has a strong influence on desired or undesired behaviour of employees and their professionalism. Setting an example via the top-down principle is an extremely important factor in strengthening personal and organisational integrity. What is more, following the behaviour of management is also an important factor of organisational culture within the police, which among other things depends on leadership style, concern for employees and mutual relationships among employees.

Based on the findings that there is no discussion of integrity, ethics or leading by example in the Serbian Police (at any hierarchical level of the organisation, with the exception of the Police Academy as mentioned above), it is strongly recommended that police leadership (management) starts with this issue at the highest level (to start with the above-mentioned discussions, to ask for training to strengthen personal integrity, to prepare strategic and operational plans with step-by-step actions, etc.). Then it is necessary to pass this kind of awareness on to leaders at lower hierarchical levels, down to

the lowest level. Otherwise, it is impossible to expect efficiency in raising awareness of the importance of leading by example, until it is an obligation of all leaders in the police to be aware of it.

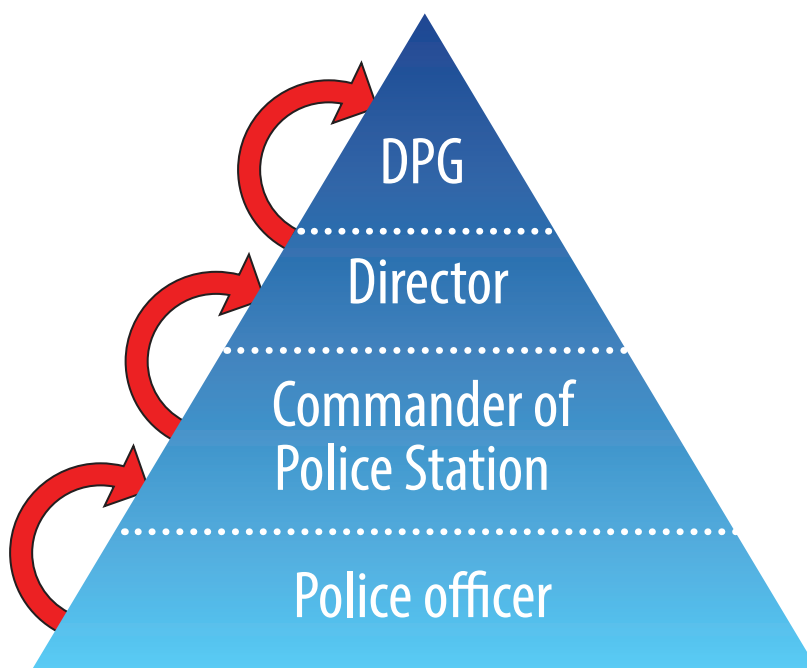


Image 3: Leadership by example: Role model
(Source: Šumi 2009)

Regarding the fact that ethics and integrity begin at the top (Image 3) and as also stated in the Common Curriculum on Police Ethics and Integrity (2012), leaders have to be a good example for their subordinates. They need to have a high level of integrity which influences employees' behaviour and finally, through leading by example, on organisational integrity. For that reason leaders have a specific responsibility in the field of improving police ethics, integrity and preventing corruption. It means they are responsible for leading their subordinates in a direction which is in accordance with ethical norms and the values of the organisation. It also means that police leaders have to ensure the right organisational culture, which provides a good atmosphere in which police officers want to work in a professional and ethical

way. Leading by example can also be used as a powerful instrument for improving police ethics because if leaders behave correctly and in accordance with the formal and informal ethical rules, subordinates will follow this example and interpret it as accepted behaviour in the group. It is also important to note that new employees first copy the leader's behaviour and after that they reflect the behaviour of their colleagues (ibid).

Furthermore, quality leadership (management) shall also become a prerequisite for the promotion of leaders at a hierarchical level. Otherwise, it is unrealistic to expect the fact that *'the higher the leader is in a hierarchy, the greater responsibility he/she has and not simply increased decision-making power'* will ever be workable in practice.

Social responsibility

Social responsibility of the police is the widest term in understanding police professionalism; without police professionalism, social responsibility of the police is not sufficient. Ethical conduct of police officers on the one hand and an uncompromising concern for the people on the other undoubtedly contribute to a better reputation of the police with the public and to a higher level of public confidence in the police. At the same time ethical behaviour is, as already stated, an antipode to corruption. For that reason a higher level of social responsibility in the police is an important step towards complete understanding that integrity and ethics are the foundation of police professionalism. It also stands hand in hand with raising public awareness that whistleblowers are social-

ly responsible and therefore valuable (not a menace), while corruption is socially harmful and destructive. The social responsibility of the police, which illustrates what society expects from police, could also be seen as a four-tiered pyramid¹⁷.

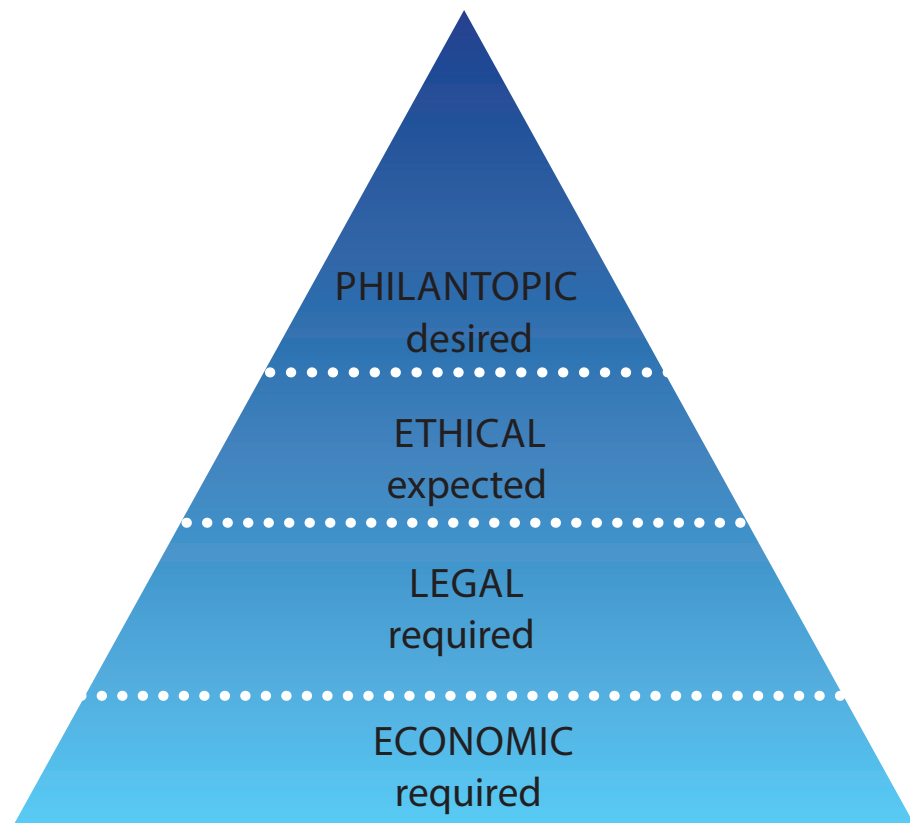


Image 4: The pyramid of social responsibility of the police (Made on the basis of: Carroll (1991) and Carroll & Buchholtz (2000))

The first and second levels of responsibility concern economic and legal responsibility. They mean that the police have to use the funds entrusted by the state transparently. Likewise, police must always act in accordance with relevant legislation, policies and guidelines. The third level of responsibility is ethical responsibility. It is considered something the police are expected to abide by. This means that society expects police officers to behave ethically, to act with fairness and honesty. The highest and, at the same

¹⁷ Absolute social responsibility covers all four factors together.

time, desired level of social responsibility, which builds upon ethical responsibility, is so-called philanthropic social responsibility. This means that an individual, who lives or acts in accordance with it, is aware of his or her role in society. This results in one's conscious care and contribution to improve the principle of the rule of law in general.

There is no doubt that in each and every police service many police officers are fully socially responsible. They understand the job of the police as their mission and as a way of living. Therefore, they are usually very upset with the presence of corruption in police and are willing to support all activities which efficiently reduce this destructive phenomenon. However, first of all they need to be sure that their leaders at all hierarchical levels are on 'their side'. They need to feel genuine support from their leaders, otherwise they will rather do nothing about it. For this reason it is very important that the efficient 'fight' against corruption starts at the 'top', with strong and transparent support of the police leadership. It means that there is a need of general support from police leaders in the dissemination of ethical principles, which in turn reflects a strong will and builds confidence that fighting against corruption is considered a priority.

Code of ethics

The Code of Police Ethics of Serbian Police (2006) is based on the philosophy of regulation¹⁸. Therefore, the experts team recommends that the Serbian Police consider a change of approach from regulative to 'inspi-

18 The Code of Police Ethics should be focused on raising police officers' awareness of the importance of values, ethical principles and moral behaviour in daily police practice. The most efficient code of ethics is based on inspirational nature, while police legislation, including a considerable number of ethical codes from European countries, is normally based on regulation. An inspirational code of ethics stresses the police's mission in society, integrity, good mutual relations and organisational climate, etc. and includes only moral responsibility for unethical behaviour (Šumi 2008b).

rationa' (regulation can be formulated in the form of police rules). It is also recommended the police put emphasis on ethical behaviour in the context of professional conduct (Article 39), write the code in the first person plural (it is easier for police officers to identify with such content) and include a section in the code on integrity, leadership by example and mutual relations, which are not present in the existing Code of Police Ethics.

Regarding the intention of the Serbian Police to have a 'ethics commissioner' in each police unit in Serbia, the experts team believes that it is very important that persons selected for this function enjoy a high professional and personal reputation among their colleagues. It is also very important that employees are properly informed about the role and the mission of the 'ethics commissioner', their responsibilities, powers and the manner of their availability (e-mail, phone, etc.). Moreover, it is very important to provide adequate support for their activities. Support means the support of the managers (leaders) from all organisational levels on one hand and systemic or organisational support on the other. Even the slightest doubt into their effectiveness (or their honesty or fairness) may invalidate all the efforts and even purpose of having such a mechanism.

Besides the above-mentioned recommendations the experts team also propose that the Serbian Police:

- implement the content of CEPOL's Common Curriculum on Police Ethics and Integrity (2012) into the process of education and training at the Police Academy in Belgrade and at the Police Training Centre in Sremska Kamenica. Common Curriculum is based on four sections (the role of police in society; police ethics and integrity in the police organisation and in police work; managing police ethics, integrity and prevention of corruption – general; managing police ethics, integrity and prevention of corruption – risk management). It can be seen as a 'recipe-book' with all kind of different subtopics from

which trainers can choose the items that best fit their own educational system and the special needs of their organisation and target groups. It is CEPOL's wish that the Common Curriculum on Police Ethics and Integrity be linked with the process within each European police organisation and with each stage of the career of police officers (employees).

- Consider introducing a supplementary control mechanism, as elaborated in the Handbook of Best Practices for the Self-Assessment of Law-Enforcement Forces to Prevent Corruption and Enhance Integrity (2014), once a year. In this way it is possible to effectively monitor the progress and elimination of identified systemic deficiencies. The purpose of the handbook is to provide an evaluation framework through the prism of integrity. It consists of eight separate fields, namely: recruitment; status and career development; training; organisation of law-enforcement authority; hierarchical supervision; upper level internal control; possible conflict of interests for law-enforcement agents in second jobs, elective mandates; resolution procedures for the general public.
- Carry out independent research on the organisational climate within the police on a yearly basis, or every two years. There are various factors which can be integrated into the testing means (a questionnaire), such as assessment of the content of work; autonomy at work; management and organisation of work; integrity and ethical behaviour; mutual relations in the organisation; concern for employees and their personal development; working conditions; salary, etc. The findings of such a survey could be very helpful to police management for planning different long-term and short-term strategic and operational action in the field of management, leadership and social skills (e.g. mutual relations).
- Adopt a strategy on communication and

information distribution to the media which would also dictate specific inquiries and responsibilities of the departments and officers in charge should classified information appear in the media without prior consent of the relevant police institutions.

- Use good practice in establishing joint investigative teams (e.g. use the experience and the expertise of the ad-hoc Working group that was in charge of investigating the 24 Privatisation Cases) and consider the institutionalisation of such teams within the police.

The team of experts also supports the proposals and needs, emphasised by the Internal Control Sector of Mol, aimed at increasing their powers and capabilities. This would include:

- further strengthening their human resources capabilities;
- consideration of strengthening their capabilities in respect to the Internal Control being proficient for other sectors of the Mol and not only for the police;
- the reports resulting from preventative controls (previously elaborated in this report) being reviewed ex officio by Mol high management, and based on their findings Mol high management setting forth concrete mandatory measures to relevant police departments/administrations. Mol high management, with support from the Internal Control Sector, would also need to follow up the proper implementation of these measures;
- Internal Control Sector covering all employees of the Mol.

Conclusions

The above recommendations include the latest knowledge and findings in the field of management, leadership and business ethics. They are practical in nature and are included in the development strategies and vi-

sions of the most developed European police services. In light of the fact that their implementation and realisation in practice bring a lot of benefits for police employees at all hierarchical (organisational) levels, police service as a whole and in the end to all members of society, the experts team strongly recommends the Serbian Police takes them into consideration and includes them in the future strategy of development and performance of police service. Improvement in employment (recruitment) and promotion (career development) procedures, mentorship, training and education on ethics and integrity (with the most emphasis on strengthening the integrity of police officers through secondary prevention) and leading by example will definitely have a positive impact on police professionalism, ethical behaviour and the integrity of police leaders and other employees, and a reductive effect on levels of corruption and the presence of the blue code of silence among police employees. They will increase awareness of the social responsibility of the police, and ultimately increase public trust in the police and public satisfaction with police service.

As already stated, results of the above-mentioned activities unfortunately cannot come 'overnight'. It is a long-term project, which has to be prepared and performed with a step-by-step philosophy, using a top-down approach and with strong and active support from all leaders from all hierarchical levels within the police organisation. For that reason, setting up a special consultative body, which would be responsible for the field of ethics and integrity in police (e.g. an ethical committee), should be very helpful and efficient in the planning, organising and implementing of all kinds of strategic and operational activities in this fundamental field of police work.

The final step, after Serbian Police manage to increase a level of integrity of po-

lice officers and all other employees on the one hand, and decrease the level of corruption and other types of unethical behaviour on the other, is that they should focus on strengthening the mutual relations inside of the organisation (among police employees). This goes hand in hand with increasing the public's level of trust in and satisfaction with the police, since it is very important to have, first of all, good mutual relations in the police and after this one can also expect better public opinion about police (including satisfaction and trust). It is a kind of precondition for that. For this reason it is very useful to carry out a permanent qualitative research on the organisational atmosphere. It can be very helpful to police management to plan proper strategic and operational action for the improvement of identified weaknesses.

The experts team believes that the recommendations set, if applied appropriately, could have a positive influence on the process of modernisation of the Serbian Police in the field of management, leadership, ethics, integrity and, above all, on the prevention of corruption in the long-term.

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APPENDIX I

Responses and Comments of the Internal Control Sector on Recommendations made within the framework of the EU Twin Project Police Reform and its report "Strategic Intelligence Assessment on Corruption" prepared in 2012

Note: This document was made available to the team of experts by the Internal Control Sector of the Mol

ICS RESPONSE		COMMENT
REC 1	<i>Further independent research should be conducted to establish the true extent of corruption within the Ministry of Interior.</i>	ICS response/comment - The recommendation is justified. The minister's approval is needed for conducting an independent research by the Police Internal Control Sector (hereinafter 'PICS') with NGO assistance.
REC 2	<i>A fully developed Strategic Intelligence Assessment with supporting Risk Assessment and control measures should be conducted bi-annually.</i>	ICS response/comment - The recommendation is justified. The PICS can conduct the assessment based on the model of the 2012 Assessment and define the trends through the comparison of results.
REC 3	<i>The Police Internal Control Sector should be established as the national centre with responsibility for fighting corruption. It will prioritise investigations and coordinate all anti- and counter-corruption activity within the Mol.</i>	ICS response/comment - The recommendation is unrealistic. The PICS recommendations related to amendments to the Law on Police should be adopted in order to clearly define the capabilities of PICS over Mol staff. In that case, the Police Internal Control Sector (PICS) would change its title to INTERNAL CONTROL SECTOR. In the Mol, the Criminal Investigation Directorate is responsible for detecting and suppressing corruption in society. The PICS has neither the legal, institutional, nor the human resources capacity to implement this recommendation.
REC 4	<i>The Police Internal Control sector should be appropriately staffed with skilled and experienced officers. Fully equipped, and able to operate independently in both covert and overt investigation.</i>	ICS response/comment - The recommendation is justified. To prepare the new internal organisational structure of the PICS, to keep the existing staff, to fill in the posts with staff selected through internal competition and to adopt transitional measures.
REC 5	<i>To fully staff and equip a specialist Intelligence and Analytics department within the Police Internal Control Sector. To lead the intelligence drive against police corruption, conducting appropriate research and complying with all EU conventions on ECHR and data handling.</i>	ICS response/comment - The recommendation is partially justified. Concerning the establishment of the Operative Analytics Department through new internal organisational structure. The Department would have to have resources to process all data relating to corruption committed by Mol staff. It is not realistic that PICS can lead the fight against corruption – see comment relating to Rec 3.
REC 6	<i>To introduce a clear set of performance figures for ICS, with visible accountability to be enshrined in practise.</i>	ICS response/comment - The recommendation is justified. It requires correction and upgrading of the legal framework of PICS. It would assume adoption of the PICS proposal for amending the Law on Police and then issue Instructions on Methods of Internal Oversight of the Police, which will list the criminal offences prioritised in the PICS work, for the cases in which Mol staff are involved. All other criminal offences remain within the capability of other organisational units.

ICS RESPONSE		COMMENT
REC 7	<i>To develop and introduce a comprehensive Inspection and Review regime in all key aspects of Ministry of Interior policing.</i>	<p>ICS response/comment - The recommendation is justified. PICS currently does not have the capacity to control the application of professional standards in employees' work, in inspection work etc. – this is within the jurisdiction of other Mol directorates. It is proposed, through the new PICS internal organisation structure, that a department (service) for controlling the implementation of professional standards and for controlling work on citizens' complaints is to be established. The human resources capacity for this should be enabled through the transfer of police officers from the Police Directorate to PICS. These employees will perform the duty of regulating legality in PICS work and they should keep their office space and equipment in Police Districts.</p> <p>In this case, apart from its Regional Centres, PICS would ensure its presence in all Police Administrations and other Mol organisational units (Uniformed Police, Gendarmerie).</p> <p>This would ensure a unique, efficient, objective and operatively independent system of internal control, directly accountable to the Minister of Interior.</p>
REC 8	<i>The establishment of a central corruption intelligence database within the Internal Control Sector, should be considered, securely managed and audited to EU standards by ICS.</i>	<p>ICS response/comment - The recommendation is partially justified. Through the implementation of previous recommendations, PICS could provide resources for establishing a central intelligence database, but in line with its capabilities – only for police or other Mol staff, no more than that.</p>
REC 9	<i>The ICS Intelligence and Analytics department to produce an annual progress report, risk assessment and action plan on the fight against police corruption within the Ministry of Interior.</i>	<p>ICS response/comment - The recommendation is justified. Through the implementation of previous recommendations, PICS would provide the leading position within Mol in the fight against corruption in Mol. Thus, PICS would be the focal point for cooperation with other state organs and agencies.</p>
REC 10	<i>All corruption allegations and intelligence should be subject to mandatory referral to the Internal Control Sector within 24 hours of discovery. This should be enshrined in Ministry regulations.</i>	<p>ICS response/comment - The recommendation is justified. It assumes defining the obligation through the Instructions on Methods of Internal Oversight of Police.</p>
REC 11	<i>A full IT security analysis should be undertaken to firewall and protect all corruption intelligence from unauthorised or unnecessary access. A need-to-know security structure should be implemented.</i>	<p>ICS response/comment - The recommendation is justified. Needs to be implemented jointly with other Mol organisational units.</p>
REC 12	<i>Operational independence should be established and all investigations accountable through the courts by a dedicated special prosecutor.</i>	<p>ICS response/comment - The recommendation is justified. In accordance with the new CPC, PICS is operatively independent when working within the Mol. Its independence will grow with the new prosecutorial capabilities.</p>
<p>Non-reporting of Corruption</p> <p><i>The reason why citizens fail to report corruption is that some consider corruption a common practice and culturally acceptable, primarily in the work of state administration and as a way to get a job done more promptly and successfully. A small gift helps to speed up the process. A clear lack of public trust that corruption allegations will be investigated objectively, or that the responsible person(s) will be prosecuted are also key factors, in non-reporting. The citizens survey clearly demonstrates a mistrust of the state when it comes to protecting citizens' human rights. Recently published research funded by the Dutch Embassy again corroborates this finding and confirmed that "Corruption is a seriously under-reported crime..." it added that reporting to the police was pointless, "who cares?"</i></p>		

ICS RESPONSE		COMMENT
REC 13	<i>To introduce a positive action plan for the receipt of all corruption complainants. With the requirement to immediately seek and preserve evidence as the primary task of the receiving officer. Failure to comply should be a disciplinary offence, subject to dismissal.</i>	ICS response/comment - The recommendation is justified. PICS can propose amendments to the Law on Police (concerning procedure of citizens' complaints and disciplinary liability) and new forms of controlling the procedure concerning citizens' complaints.
<i>Anonymous grievances and reports seems to indicate that citizens exhibit a fear of the consequences if they are discovered reporting corruption. Public confidence and partnerships must be established and developed if democratic policing is to progress to EU standards.</i>		
REC 14	<i>A Citizens charter should be considered, outlining minimum standards of service the public can expect, and made publicly accountable for performance.</i>	ICS response/comment - The recommendation is justified. The police responsibility to the public is defined by the Law on Police, Code of Police Ethics and in the act of taking oath of Office. It is possible to adopt, for example, the Declaration of the Mol Staff, which would encompass the minimal standards of services that citizens can expect.
<p style="text-align: center;">The Code of Silence</p> <p><i>Within the Police, corruption is not reported for slightly different reasons. A well documented "Code of Silence" operates across police behavioural boundaries. This phenomenon is widely accepted within the international policing community. It would be foolish to think it did not apply to Serbian law enforcement.</i></p> <p><i>A significant cause for concern deriving from the police officer survey is their passive behaviour towards corruption. A quarter of the police officers who participated in the survey said that they did nothing after receiving information about corrupt colleagues. This may reflect a mentality of "learnt helplessness" or a locus of control that is perceived to be outside the influence of the officers. In other words it is someone else's problem. The high failure rate of internal corruption investigations seems to support this notion of helplessness</i></p>		
REC 15	<i>To introduce a ZERO tolerance strategy making the non-reporting or ignoring of corruption activity a disciplinary offence subject to dismissal.</i>	ICS response/comment - The recommendation is justified. Zero tolerance is the ultimate goal to strive for and possible to achieve, with the parallel development of mechanisms for encouraging reporting of corruption, for protection of persons who report and for objective control.
<p style="text-align: center;">Professional corruption investigations?</p> <p><i>The survey suggests an investigative failure rate of some 92%. The Dutch research referred to above reported that "The public prosecution dismissed 49% of the reports. Complaining citizens had the lowest chance of seeing their complaint end in an indictment (10%). This poor success rate is worthy of further research which will need to include methods of reporting, value of information received, first response behaviours, policy decision recording etc. All these and more, influence, at an early stage, the success or failure of a complaint or report of corruption. Initial response is also a clear statement of how seriously the M of I take corruption allegations."</i></p>		
REC 16	<i>Consideration should be given to introducing standard Investigation Plans. Together with mandatory reporting and internal oversight to the Head of ICS.</i>	ICS response/comment - The recommendation is unclear. The Law on Police, other laws and bylaws clearly define the position of the PICS Head.
<p><i>It is evident that everyone (police and public) should be encouraged to report corruption. Mistrust that the public expresses towards the police and their ability to treat corruption reports professionally is something the Ministry must address. For the purpose of gaining public trust and encouraging citizens and officers to report corruption to the relevant authority, affirmative action needs to be designed. This would demonstrate to the public that the Ministry is willing and committed to combat any form of corruption and support rigorous investigations against corrupt police officers, irrespective of rank or status.</i></p> <p style="text-align: center;">Independent oversight?</p> <p><i>The purpose of any investigation must be to establish the truth. When allegations are made it is vital to thoroughly investigate all aspects of the circumstances. It may be that the officer is completely innocent, in which case his or her reputation (and that of the Ministry) must be protected. It may also be that the allegation is accurate and the officer is engaged in corruption. A thorough and professional investigation will establish these facts and go some way to restoring the reputation of the Ministry. Transparent and professional investigation of all allegations is essential to building and restoring public confidence.</i></p> <p><i>One way to ensure that the Internal Control Sector do their job correctly is to have an independent oversight mechanism to ensure that the police take corruption allegations seriously, react to them appropriately, record activity accurately and are accountable to the public. Such an oversight body must have powers and authority to inspect and direct investigations as they see fit. They should be the guardians of the "public interest". The notion of "zero tolerance" must mean something. Zero tolerance is a dynamic activity.</i></p>		

ICS RESPONSE		COMMENT
REC 17	<i>An independent oversight body with appropriate powers should be available to guard the public interest and ensure impartiality, professionalism and accountability in all corruption related matters.</i>	ICS response/comment - The recommendation is partially justified. The comment on Rec 13 opens up the possibility of promoting appellate procedure. This presents the Mol framework for enforcing this monitoring, while all the other issues related to corruption will be within prosecutorial jurisdiction. E.g. this would suppose the establishment of the Mol Council for Professional Standards Control, instead of the person authorised for the oversight of the Commission for Complaints.
Concepts of corruption <i>Despite the official definition of corruption in which it is most often understood as accepting a bribe (usually money but not exclusively), the largest number of respondents among both citizens and police officers understand corruption to be “any form of benefit achieved from conducting a prohibited favour”.</i> <i>The research indicates that the most prevailing deviance is often referred to as “petty corruption”. It is evident that some police officers and citizens think that this is not corrupt behaviour, but a way of expressing kindness or gratitude for successful and efficient work done. This is confirmed by the fact that some police officers acknowledged that the citizens, on their own initiative, gave “symbolic gifts” to them (coffee, cigarettes, alcohol, chocolate, etc.), even though they were not requested to do so. This is confirmed by some citizens who also said that they gave gifts to police officers even though they had not been requested. It appears to be culturally acceptable for many to give small value gifts to the police for doing their job.</i> <i>This is unacceptable in a modern police service.</i> <i>Both citizens and police officers should be educated about the necessity of abandoning this practice, which damages the reputation of police officers and the Ministry as a whole. Such forms of corruption are not to be ignored, because they lead to a distortion of authority and taint the image of the police as an agency of public service and integrity. It is commonly understood that such favours can hide an unspoken request or expectation of favourable treatment.</i>		
REC 18	<i>Providing gifts to police officers should be actively discouraged and subject to strict and enforceable guidelines. Introducing a gifts and gratuities policy is recommended. Those who wish to donate or thank Ministry staff could be encouraged to make a donation to a national charity.</i>	ICS response/comment - The recommendation is partially justified. The Law on Civil Servants contains clear regulations related to receiving presents and is applicable to Mol.
<i>It is of a high priority to introduce Mol staff property cards as an anti-corruption measure, with the obligation to update annually.</i> Vulnerable Posts <i>The corruption survey, together with recorded grievances and criminal charges suggests that traffic police are the most susceptible to corruption. In these instances, corruption is more prevalent among operational police officers, and less so amongst managers. Operational officers are more susceptible to “lower level corruption”. Managers are mentioned usually because of their perceived connection or relationship with known criminals. There is very little evidence that middle management or senior police leadership are ever subject to corruption investigations. Successful investigations or the prosecution of senior staff is virtually unheard of within the Ministry of Interior.</i> <i>Administrative affair is a high vulnerability post. There is a clear susceptibility to corruption of receiving small value gifts in exchange for more favourable or prompt treatment. This is widely reported in the findings. The common practice of citizens “remunerating Ministry employees” needs to be addressed.</i>		
REC 19	<i>Consideration should be given to devolving the administrative functions of the Ministry to a separate business area to avoid tainting policing activity with procedural malpractices.</i>	ICS response/comment - The recommendation is not within the jurisdiction of ICS.
<i>It can be concluded that the citizens should be educated to abandon such practices, while such behaviour of police officers and employees should be checked periodically and sanctioned by disciplinary measures. Cultural tolerance of corruption should be challenged and changed.</i>		
REC 20	<i>Ethical training should be introduced to influence cultural changes that are necessary to eradicate corrupt behaviours and attitudes of ministry employees.</i>	ICS response/comment - The recommendation is partially justified. Mol has the Professional Education Plan which is being approved annually by the Minister and contains a large chapter on police ethics. Two manuals on police ethics are being prepared by Mol and OSCE, and the Basic Police Training Centre is developing new programmes in the area of police ethics implementation in practice.

Corruptors

Corruptors represent very diverse categories of individuals. From those who seek swift administrative responses to those criminals who seek to avoid justice. Each leaves its own taint on police reputation.

Both organised and disorganised criminals represent the most significant threat category when examining police corruption. They actively seek police intelligence, and protection from prosecution. Consequently the harm to public safety is ever increasing. There is also the perception of being untouchable, which significantly damages police reputation. At a lower level citizens claimed that they gave bribes to police officers they did not know, or those they were recently acquainted to. Fewer citizens claimed that the police officers were known to them through friends, or that they were friends or relatives.

The police officers who admitted receiving a bribe, or small value gift, stated they helped their friends, relatives and acquaintances.

ICS RESPONSE		COMMENT
REC 21	<i>Certain roles are more susceptible to corruption than others. Strong and intrusive local supervision must be developed to protect Ministry employees from corrupt behaviours.</i>	ICS response/comment - The recommendation is justified. The implementation of the proposed anti-corruption measure (e.g. obligatory rotation of staff) would be a significant step in creating a reliable and long-term prevention mechanism.
REC 22	<i>A leadership culture of management accountability should be developed. Employees continue to be corrupt because there is no fear of discovery or management interventions from department heads.</i>	ICS response/comment - The recommendation is justified. The management team work should be favoured in the process of analysis and decision making, as the strengthening of control of all immediate supervisors' work – an important precondition for enforcing confidence and success.
REC 23	<i>Supervisory and management failures should be subject to strict accountability with strong disciplinary action including dismissal, against ineffective leadership.</i>	ICS response/comment - The recommendation is justified. Besides the annual staff appraisal, there is a need to introduce criteria for determining a manager's responsibility for misconduct of his/her employees (transfer to another position). Conditions for dismissal are regulated by Law.
<h3 style="color: #0056b3;">Visible signs of corruption of police officers</h3> <p><i>Citizens responded by saying that the signs of corruption were Police officers who own property of significant value, primarily high value real estate or expensive cars. Especially in small towns where people know each other well. The conclusion to be drawn that police officers cannot obtain expensive property from their regular income and that possession of high value property or luxury items is an indicator of corruption. Further signs may include, expensive trips, frequenting expensive restaurants, excessive spending on clothes and holidays. In short living a life above the income of a serving police officer.</i></p> <p><i>Whilst there are many fallacies that support this public perception It is difficult to change public opinion. Any education strategy should include factors of how officers should conduct themselves at work and when not on duty. Professional behaviours are required at all times from a serving officer.</i></p>		
REC 24	<i>A comprehensive education strategy should be developed that includes advice and guidance on professional behaviours both on and off duty.</i>	The recommendation is not within PICS jurisdiction.

Measures taken by the Ministry of Interior?

The Ministry of Interior has expressed a clear and unequivocal will to combat corruption within its own structure. Whilst this is strong language the survey demonstrates that firm, decisive and continuous action is needed if concrete results are to be achieved. The culture of policing must be changed and public confidence improved.

The effectiveness of anti-corruption efforts by the Ministry of Interior in suppressing and investigating corruption were divided in the responses of the surveys of citizens and police officers. Almost 43.7% expressed positive impressions about the efforts of the police in fighting corruption internally, while 38.7% believe that the Mol measures are inadequate and the remaining survey participants (17.5%) did not express their views on this issue.

One thing that both police and citizens appear agree upon is that the poor salaries of police officers influence the levels of corruption. Some citizens expressed the view that with such low wages it is highly likely that officers will engage in corruption and seek to make extra money in order to survive. The trade union also make this point with some emphasis.

There can be little doubt that employment conditions, salaries and role satisfaction will be a significant influence on an officer's choice of ethical or unethical behaviour. Much is dependent upon his or her personal circumstances.

ICS RESPONSE		COMMENT
REC 25	<i>Adequate salaries and professional working conditions and practices are essential to establishing and maintaining an ethical police service in a modern democracy, one that achieves and maintains EU standards</i>	ICS response/comment - The recommendation is not within PICS jurisdiction.
REC 26	<i>A fully developed corruption prevention strategy needs to be designed and published with action plans and accountable processes included.</i>	ICS response/comment - The recommendation is good. It requires joint activities with other Mol organisational units.
REC 27	<i>A fully integrated education strategy should be designed to incorporate Ministry and Police leadership, senior management, supervisory roles, and operational and administrative staff. This should include a public education process to raise the profile of anti-corruption activity.</i>	ICS response/comment - The recommendation is good. It requires joint activities with other Mol organisational units.
REC 28	<i>The citizen's corruption survey should be conducted bi-annually to gauge the actual effect of Ministry strategies against police corruption.</i>	ICS response/comment - The recommendation is good. PICS should be responsible for the activity and should be assisted by NGOs, to ensure objectivity.
REC 29	<i>A ZERO tolerance strategy should be developed and implemented with the support of the public and trade unions.</i>	ICS response/comment - The recommendation is good. PICS should be responsible for the activity and should be assisted by other Mol organisational units, trade unions and NGOs.