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

www.coe.int/pacs

Technical Paper

**Risk Analysis on the Current Situation with Regard to Possibilities and Actual
Extent of Corruption within the Law Enforcement**

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SUMMARY

A number of studies conducted in Serbia have shown that corruption within the law enforcement structures in Serbia persists to be a serious challenge.

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

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

Therefore, strengthening the accountability of law enforcement institutions is of critical importance to effectively combat corruption and break the circle of impunity.

The Council of Europe, through its technical assistance project PACS¹, has carried out an empiric exercise – a risk analysis which aims at assessing the current situation with regard to possibilities and actual extent of corruption within the law enforcement. This activity has been carried out in five months period (October 2013-February 2014) and resulted in present report which intends to identify current state of play concerning risks of corruption and its forms. The analysis, however, was not limited to existence and risks of a simple and one-sided case of bribery but to a broader context in that sense. Consequently, issues such as ethics and integrity, 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 a number of recommendations for attention not only of the Serbian Ministry of Interior and Police but also for attention of other policy decision makers who could foster the implementation of these recommendations.

¹ www.coe.int/pacs

STATE OF PLAY

Introduction

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

Experience of many democratic societies suggests that strengthening the capacities of law enforcement institutions to resist corruption is of critical importance to effectively combat corruption.

Police corruption can be manifested in a variety of ways, ranging from petty corruption cases (usually associated with traffic police), bureaucratic corruption (being manifested in non-responsiveness to individual requests of citizens usually related to different permissions and licences or non-responsiveness to citizens complaints against police officers and their alleged abuse of power, etc.), corruption linked with criminal groups (when police officers inform criminals of either SIMs applied against them, or when they hide evidence against individual criminal 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 purposes or for benefits of certain political groups to which these officials formally or informally belong – in other words different types of criminal infiltration in the state. Each of the afore-mentioned corruption types requires different anti-corruption measure. Experience of police reform from South East Europe countries advocates that these measures and reform policies - to be successful - also need to be embedded in the broader framework of capacity building that promotes good governance and integrity of the state authorities. Notwithstanding the need to suppress corruption within the state organs, the successful long term strategies in downsizing the corruption were those that integrated and gave priority to preventative approaches aimed at awareness raising and application of ethical rules and standards, building of institutional integrity, awareness raising on role and importance of police in the society, regular conducting of the corruption risk analysis and subsequent identification and application of appropriate preventive measures, etc.

As already noted, the first step in designing effective anticorruption strategies within police reform 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 the conduct of investigations and arrests. There are different levels of police corruption that can manifest themselves through a wide variety of corrupt 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 the everyday interactions with citizens whereby police officers use their power to obtain money from members of the public in exchange for not reporting misdemeanour acts or expediting bureaucratic procedures. This is typical for traffic police. Police officers are usually given powers and discretion to punish and/or report these misdemeanours. Given that these powers can be easily abused for personal benefits, there are strong risks for police officers to be engaged in such corrupt practices. The same applies to so called ‘administrative’ or ‘bureaucratic’ corruption when citizens submit requests for certain permission 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 considerable number of staff. ‘Silence of administrations’ that occurs from time to time can also sometimes be a signal that some employees possibly ‘need’ additional ‘commitments’ by those who submitted request – in other words a bribe to facilitate the procedures. Existence of such type of corruption has also been a subject of 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 corruption 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, preferential shift, holiday and location assignments. This also assumes situations when police officers make illegal arrangements between themselves in order to be assigned to specific activities that provide opportunities for corrupt income. However, having in mind the effects of corruptive acts in these areas, its nature and consequences, this form of corruption completely belongs to the so called ‘criminal corruption’ described in the following paragraph.

Criminal corruption

More serious, and consequently more dangerous police corruption can be manifested through either building of an ‘inside’ criminal enterprises, or through protecting/hiding/‘sponsoring’ illegal activities from the law enforcement attention. A typical form of collusion between the police and criminals is when upon completion of certain criminal activities (commonly linked with drugs distribution/dealing, when the police officers protect the involved criminals while the asset gained through such activity(s) are subsequently shared.

However, this is maybe only the simplified modus operandi in such cases. This type of corruption often involve 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 them for 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 purposes of supporting their illegal activities, information leaking or for securing them a protection from police investigations on a more regular basis.

Possibly the most common understanding of police corruption among investigators is referred to as an 'insiders' 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 that police forces were manipulated 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 number of cases, such practices involved false investigations on corruption allegation of certain political activists and functioners.

The key feature of such corruption practices is that is usually committed by the individuals who cover 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 affected by a need to discredit political or interest groups for benefit of others and also for favouring certain groups versus their competitors in political or business arena.

Types of misconduct by police officers²

Corruption of authority

- Officers receive gain by virtue of their function 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.

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

- Payment regarding delivery or favourable treatment in respect of 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.
- 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.
- Plating 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 pooling of corrupt money among officers or selling stolen goods.

The present exercise has tried to identify possibilities and existing risks for occurrence of those types of corruption. Follow up chapters of this report will give an overview of findings and set of recommendations aimed at mitigating these risks. It also needs to be noted that the exercise didn't examine individual cases and/or responsibility of individuals given that such things were outside its mandate.

INTERVIEWS AND FINDINGS

Prior to commencing this exercise, 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 the law enforcement. The methodology was shared and discussed with the representatives of the Serbian police. It summaries major activities needed for carrying out risk analysis, with emphasis on surveys, review of legal framework and institutional set up, interviews with the police officers and officials and interviews with experts, NGOs and IGOs representatives.

In order to better conceptualise such activity and prior to its execution, the project held a number of meetings with the MoI representatives. 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

³ <http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/Projects/PACS-Serbia/Technical%20Paper/TP1%202013%20PACS%20RA%20Methodology%20Eng.pdf>

(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 competencies in the fight against corruption.

In view of that, a questionnaire for the risk analysis was prepared and distributed to the aforementioned MoI departments. It served as a basis for interviews held during the on-site visits organised in Belgrade and Novi Sad (from 28 October to 1 November 2013) and Nis and Kragujevac (9 to 13 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 considered the Serbian 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), regulations concerning employment, regulation on whistle-blowers, ethics codes, report 'Strategic Intelligence Assessment on Corruption (2012)', report 'Police Corruption Control' (prepared by Belgrade Centre for Security Policy) and number of questionnaires with responses prepared by the MoI 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 PACS team would not succeed in completing this complex exercise and conducting of this activity would be limited to publicly available information only.

During the aforementioned visits the interviews were held not only with the relevant representatives of the MoI departments under scrutiny, but also the human resources management of the MoI. 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 corruption risks 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

First interview was held with the representatives of the human resources department of the MoI. It is needless to say that the first pre-condition for proper functioning of the state organs 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 those matters. Studies carried out so far suggest that *'The system of external advertising of vacancies in the MoI is underdeveloped and this opens up opportunities for corrupt practices involving receiving and negotiating bribe or services involving recruitment. By the end of 2012, the MoI has publicly announced 12 vacancy notices in the Ministry's headquarter and 17 vacancy notices in police departments (Response to BCSP Questionnaire 2012). However, these 29 vacancy notices were*

announced for job positions where employees do not have a status of a police officer, but for job positions involving technical duties (hygiene, administrative work)'.⁴ Such findings were also confirmed during the experts team meeting with the human resources department. In simple words employment process largely depends on either chief of department where position was opened, or in some cases on his/her hierarchy/high management. This means that the decision making powers lay with leaders of units and/or their management while HRD department takes care for technical support only. This support concerns only verification if certain formalities were fulfilled – e.g. if the candidate has clear record (no criminal charges were pressed against him/her; if his 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 and employment is usually made without official consultations and marking among relevant structures. Other concerns lay with the fact that the regulations on employment in police, read in conjunction with the Law on Higher Education enable all those who graduated from the either private or state University and regardless of the faculty/studies they completed, to be equally treated for job positions within police which require higher education diploma.

Further on, the internal organigramme (job classification) rulebook is considered classified and there is no obligation to publicly announce the competitions for police officers and their superiors positions. Although there is an Intranet portal in place, it seems that the information exchanged through it doesn't include the announcement of job positions. Such Intranet portal in almost all European police, *inter alia*, serve for announcing free positions enabling those employed there to have a direct access to them.

The interviewees from the MoI Human Resources also said that the legislations guaranteed 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 the 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. It means that proper human resources 'needs analysis' needs to be undertaken so that certain strategic steps must be made as to address this problem.

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

Other international projects 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 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 corruption risks 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 follow up chapters of this report.

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

Internal Control Sector (ICS)

General information:

Internal Control Sector is an organisational unit of the Ministry of Interior. It performs the internal over site and control of legality of work performed by MoI law-enforcement officers. In the scope of its competencies is also the control/protection of human rights while 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 perform by a police officer(s).

Internal Control Sector also acts upon suggestions, concrete complaints on police work, and upon findings that resulted from their initiatives and investigations initiated upon receiving information gather 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 an 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 database of 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 attest and data on technical sources used by police.

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 the personal responsibility(es) 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 – person in charge to control the legality of conduct of his colleagues. Also there is a bureau for internal audit (at Directorate of Police) – however, Internal Control believes that the bureau shall be placed with them not with the Police Directorate.

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

These findings also show that approximately 30% of all criminal cases are corruptive cases. Approximately 30-40% of corruption cases within police are 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*

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 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 – secondary activities of police officers, and communication with media and information leakage.

This questionnaire is attached as Annex 2 to this report.

Below is the summary of findings following the interviews held.

Source of information/intelligence

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

However, large number of citizens complaints are, on daily basis, submitted to the ICS, while around 70% of them are usually found non grounded. This presents a big problem to ICS as each complaint needs to be properly checked and responded, while large percentage of those non-grounded occupies too much time of the ICS employees.

However, one of the key problems for initiating and conducting investigations against police officers is code of silence in Police. This phenomenon can be linked with possibly cultural or some other aspects, nonetheless it can also indicate lack of awareness among police officer on their role in society through which they need to prove strong integrity the institution is based on. In view of that the Internal Control has problem to get information from police structures on possible disciplinary or criminal acts. Police units prefer to preserve problems deals with them and resolve them within their own structures.

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 covering the function despite the fact that indictment was filed against him) indicates also possible lack of responsibility which can certainly damage the overall image of police and its reputation in the society.

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

As for the 'life style analysis' i.e. property registers– there are no legal regulations on this matter and ICS believes that property registers should be introduced through bylaws and the model

could be similar as the one already set at the Anti-corruption Agency which is in charge for property registers of all public functionaries.

Another area where improvements are desirable is the whistleblowers' protection. As a matter of fact the cases mentioned during the interviews indicate that not only the police officers but also the ordinary citizens are sometimes afraid to report corruption. This is due to the fact that most of them believe the one 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 training strategy for its employees. Once after they became investigators they usually do not undergo further training. The exceptions are made when international projects are involved in organisation and conducting of such training.

SIMs

The Unit within ICS under which competences is the application of SIMs has 16 inspectors (investigative/intelligence officers) while 9 of Unit's staff members are in charge SIMs application. So far they have not experienced any significant problem in application of SIMs, neither that these measures were a subject of abuse. As they noted this is a result of transparent procedures foreseen by the mandatory guidelines. They were also confident that information leakage wasn't possible again thanks to the fact that number of those in touch with sensitive information is limited and it would not be difficult to find out who was the one who send information either to suspect, media or someone third. Although such cases happen within police, according to ICS staff that was interviewed, these cases were not a part of ICS practice. However, technical infrastructure for application of SIMs is not good enough yet, therefore, the ICS Unit sometimes need assistance of the Criminal Police. This can, to a certain extent, be considered as a conflict of interests and potential corruption risks 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 with Criminal Police was mentioned.

Preventive Supervisions

Internal Control does the preventive 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 shall be overcome. The preventive control is composed of 4 phases:

Phase 1. Analytical work completed by the ICS headquarters based on data received and intelligence;

Phase 2. Decision which police administration to control and preparation of the plan of execution of the control. Such 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 does not only notify misconduct but also good practices in different police administrations. These controls are not necessarily pre-announced to the police department under scrutiny. However, these controls are rather an ad hoc controls and police administrations are chosen on basis of random data and intelligence information that indicate that their functioning might have had been problematic. There is yet no systematic approach that would include all police administration and have clear terms of reference for such controls.

The reports prepared following each of these missions are regularly sent to the Director of Police. However, the recommendations set in these reports are of the 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. More than that, he's neither obliged to inform the internal control if these recommendations were enforced. 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 office of the Director of Police and units/departments under scrutiny to inform the Internal Control of the follow up measures undertaken subsequent to submission of the reports on preventive 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 a concrete action, the Internal Control will continue to lose its power and reputation in police and in society.

Further to that the ICS does not have access neither is ex officio informed of the outcomes of disciplinary procedures within police. A number of such proceedings result from the ICS findings and subsequent initiatives. The experts team consider necessary that ICS, especially in cases when disciplinary procedures where result of their initiative should be ex officio informed of their final results.

Prevention

However, prevention which is not of the nature mentioned above and which would include trainings of integrity and ethics even if there were no indication of violation of these principles are yet not fully applied in police structures in Serbia. The primary prevention (basic - first level prevention) is partially reflected in the Police Academy programme since ethics and integrity are, to the 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 Serbian Police, at least not on a systematic way. Internal Control Sector leadership still believes that there is a need to strengthen the investigative work/repressive means to better detect and investigate corruption and other crimes committed by police officers. In view of that the prevention is yet not seen prioritized to the same extent as the repressive means.

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

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

Regional vs Central

During two different missions the experts team met 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 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 IC regional offices are in the same buildings with police can be the advantage and disadvantage at the same time. Certainly, it can have negative effects in situations when someone (can be a citizen also) often comes to IC office and then can be seen there by police officers against whom he/she complaints. As noted by almost all interviewees a strong Blue Code of Silence is still present in police structures and it is less likely that police officers in the regions sitting in the same building with the ICS would regularly go there to report colleagues misconduct. 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. Yet, the information gathered by their inspectors on police officers misconduct is still the most important source of information for their investigations.

It also needs to be noticed that working conditions for ICS officers from different regions vary. This can create a risk of feeling less important and probably affect the results of their work. ICS leadership shall 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 level – such as non-transparent recruitment, inexistence of integrity tests, no follow up to their preventive supervisions, code of silence within police, inadequate legal framework (i.e. Law on Police), better access to police databases, etc.

Service for Fighting Organised Crime (SBPOK)

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 changes. However, its basic mission 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 has gained expertise in fight against organised crime through regular trainings provided in country and abroad mostly through technical assistance projects. In addition, priority is given to improvement of the technical equipment needed in every 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 with elements of 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 the SBPOK is the Financial Organised Crime Unit and the Division for Suppression of Corruption.

When performing tasks the 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.

The SBPOK strives to apply the principle that intelligence information initiates the investigation, through the gradual incorporation of the method named Intelligence-led policing in its daily actions.

The SBPOK is one of the pioneers in using modern methods in investigating organised crime in Serbia: special investigative means, undercover agents, controlled deliveries and crime intelligence analysis. It also acts upon requests for assistance in cross border criminal acts.

The SBPOK strategic development goals are:

- to further develop intelligence led policing;
- to improve technics and investigative skills; and,
- to set priorities in the fight against organised crime at the national level;

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

At central level, the experts team met the Deputy Head of SBPOK, investigators from the Department for Suppression of narcotics smuggling, Department for suppression of organized financial crime - staff working on the implementation of the Special Investigative Means, Financial Investigation Unit, while at the regional level, meetings were held with the SBPOK representatives of the police administrations in Novi Sad, Kragujevac and Nis.

however

Following the interviews the findings can be summarised as follows:

The idea that followed the establishing of SPBOK was that such body should present an elite unit within police responsible to combat 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 have double salaries in comparison with their colleagues from general jurisdictions (i.e. basic, higher and appellate courts and prosecutors). Once such decision was brought (to double the salaries of prosecutors, judges and law enforcement agents dealing with organised crime), SBPOK officers were supposed to be affected by it, however, their salary scale remained the same. It, nevertheless, had not been explained why such 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 one with the highest integrity in the entire Serbian Police.

Even though the possibility of existence of corruption within their own ranks was differently evaluated by different interviewees, almost all of interviewees⁵ stated that such incidents are rather a consequence of individual – i.e. isolated actions and that the corruption within their own ranks has no feature of a systematic practice.

Discussing the problem of information leakage and their subsequent appearance in media, the SBPOK officials and investigators are of the opinion that politicians and those who are political appointees in the Ministry of Interior, for their personal and/or political interests of their parties, are mostly those who send classified information outside. In that sense the leakage of information to media was linked with quite a long visa chain for any information investigators gathered and wish to share with prosecutors. The access to such information is given to a high management of police – naturally, large number of those who cover these positions are usually political appointees and sometimes, for political reasons, provide classified information to media in order to discredit their political competitors. According to interviewees the SBPOK did not experience the 'information leaking' problem among its investigators. Again, the problem of having high management informed about each and every information related to investigations possibly creates additional risks for successful completion of investigations. Media reports, in this sense, have created huge problems as they usually inform the suspect of actions undertaking thus enabling him/her to undertake certain measures - being it to influence witnesses, move assets outside the country, look for support of certain political circles, etc. On the other hand there is no strategy for cooperation with media (different to 'communication strategy' that exists at the level of special bureau for cooperation with media) nor specific internal procedures that would follow the appearance of classified police information in media.

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

⁵ As an example of such incident the cases of disclosure of a classified data by a SBPOK officer that was revealed and investigated in 2012 was brought to experts attention.

Discussing the ethics issues, 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 on such practice had stopped without specific reasoning why. An interesting detail was that this code had a regulation that SBPOK employees could have been tested by polygraph in cases when they were suspected to be involved in crime. However, nowadays awareness on ethics and ethics code is very limited – there are no awareness raising programmes nor regular trainings on ethics.

Work with informants is defined by the mandatory regulation. 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 experts team.

Role of the SBPOK officers was also very important for well-known 24 privatisations cases⁶ when an ad-hoc Working group was created to investigate the allegations of corruption and other crimes committed during the processes of privatisations of the state owned enterprises. This group was composed of 120 investigators divided into 14 teams. By the end of 2013 the investigators were full time dedicated to these cases only but once these 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 made by these offences is estimated to 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 an access to police databases but not to other institutions databases. Significant contributions in conducting these investigations were also provided by the officers of the Financial Investigations Unit (which also belongs to 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 organigramme of police and/or SBPOK. In view of that and given the tendencies on structuring the joint investigative teams to conduct investigations on corruption and organised crime, it would be recommendable that the Serbian authorities think of institutionalising such teams. Such 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 capacities and skills developed so far are fully used by police and/or SBPOK.

A number of interviewees from SBPOK confirmed the opinion of its management that the Serbian society and police still need time to improve its resistance and zero tolerance to

⁶ Privatisation of 24 public companies was subject of 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, the investigations were launched and an ad-hoc group was created to conduct these investigations.

corruption and this would coincide with efforts of other state authorities in achieving 'corruption free Serbia'.

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

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

SBPOK also suggests that it should re-become an independent police unit as it was at when it was set – the old system did not allow information to be shared outside the unit and its leakage was almost inexistent.

Negative media campaign towards police is continuously present and often not supported by the real facts. In that sense it is deemed important to raise awareness about the complexity of police work and significant achievements made in a number of cases. This would help in building public trust in police and would also affect cooperation between citizens and police.

Overall the conclusions by almost all SBPOK interviewees were that too many people within Police hierarchy got in touch with classified information before they are sent to prosecutors or in some cases to some other agencies (FIU, ACA, etc.). Therefore **they were unanimous in proposing better regulations (through obligatory guidelines or through MoU) of communication they have with prosecutors and other relevant agencies, and also to introduce a system of 'closed envelopes'** when sending classified data.

Other than that, interviewees also supported suggestion raised by the experts team concerning establishment and setting up the joint investigative teams – well known models and European best practice of should be applied in Serbia.

Whistleblowing and breaking of 'code of silence' within police is certainly the goal, but given the constrains mentioned during the interviews (no acceptance of such practice by police officers in general – there is a need for cultural change of perception of such practice) 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 shall be regularly conducted regardless the findings on existence of internal corruption through regular investigations they run. In that sense PACS Risk Analysis Methodology could be a useful tool in the future for SBPOK and other police structures in conducting these assessments regularly.

Meetings held with the representatives of the Academy of Criminalistics and Police Studies, NGOs and International Organisations also confirmed the concerns raised by ICS and SBPOK – emphasis on corruption risks were linked with non-transparent employment procedures, poorly regulated career development, lack of institutional integrity and lack of awareness and practical application of ethical norms. Further to that, the opinion of the PACS experts team is that the Academy is the only institution which fully understands what primary prevention stands for. For that reason the experts team believes that the Academy could be the best in

carrying out primary prevention awareness raising and training. Such training and education (as further elaborated under the chapter 'Recommendations') shall be obligatory and systematic.

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

CONCLUSIONS AND RECOMMENDATIONS

Based on the interviews and opinions heard during the research, the experts' team was confronted with a little evidence of systematic and widespread corruption within police. On the other hand, during the assessment a number of severe allegations on high level corruption cases were reported in media. Some of these articles dealt with high level officials of police and their alleged involvement in corruption, cooperation with the criminal groups, including various interpretation of political influence on 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 could assume once these issues are discussed with the officials of the MoI. Media reports and interviews with the NGOs and the international organisations also confirmed that Serbian police still needs serious reforms in order to become more professional, transparent and organisation with higher level of institutional integrity. In view of that the recommendations of this assessment will focus on necessary developments of institutional structure and pillars modern police are based on, as the context of this study indicates important gaps in preventive and mitigate mechanisms to minimise corruption risks.

First and foremost, while many mechanisms for detecting and investigating corruption within 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 twinning 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 into 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, and 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 if the corruption occurs as an individual incident or as a systematic problem (as noted above, different interviewees differently interpreted this matter – some of them were convinced that the corruption appears as an individual incident only, while some other see it as a systematic practice) the steps and measures that need to be undertaken would be primarily aimed at building the institutional integrity. It is also important to note that such conclusion is not only the result of this assessment, but is also a prevailing strategy in most of the EU police structures where sustainable results were reached only once preventive measures were fully implemented. These recommendations, their accompanying long term goals, elaboration and applicability in the Serbian system are further elaborated in the follow up chapters.

In addition, the Serbian Anti-corruption Strategy 2013-2018 contains a large number of objectives and measures to be implemented by 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 the ICS representatives an issue of integrity testing was frequently mentioned. The ICS managements believes that integrity tests (which according to the Serbian legislation cannot be taken as a proof before the court or in disciplinary proceedings), if introduced, would be the best tool to prevent corruption and enable identification of those who are prone to corruption and unethical behaviour.

Integrity tests have been subject to regular practice in some environments with weak integrity. The police structures in general and especially their sectors which are in daily contact with citizens (such as traffic police) are probably sectors more prone to corruption than others. In that sense the integrity testing would certainly help in minimising corruption risks. However, the real impact of the integrity testing can be measured only once they are applied 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 the employees for reasons other than those mentioned above.

Below is the extract from Council of Europe Technical Paper, prepared for purposes of one of its regional projects⁷, which summarises the effects of the integrity tests in the New York City Police Department:

7

http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/Projects/EaPCoE%20Facility/Technical%20Paper/2524-EaP-6%202012-AZ%20RA%20ethics%20in%20civil%20service_Final.pdf

'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.*

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 to 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 follow up chapter. Introducing integrity tests now, while primary and secondary prevention within police are still underdeveloped, would not have the desired effect and would also jeopardise implementation of this tool at the later stage and once the primary and secondary prevention are strengthened.

Recommendations

The consolidated **recommendations** of the assessment are the following:

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

Recommendation: The experts' team recommends to Serbian Police to empower human resources department, to prepare clear criteria for employment and promotion of employees and to strive for transparent procedures on all hierarchy levels in 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. Ethics and integrity are not a matter of discussion in practice. Therefore, primary and secondary prevention are not adequately developed.

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

Finding: The lack of awareness raising on police professionalism, ethics and the principle 'leading by example'.

Recommendation: The experts' team recommends to Serbian Police to start with raising awareness of employees on police professionalism, which is built upon integrity and reflected through legality, expert knowledge and ethical behaviour (attitude). It is strongly recommended to raise awareness of police leaders concerning the application of the principle '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 to Serbian Police to start with permanent discussions, focused on raising awareness among police employees, that loyalty to personal and organisational integrity is more important than loyalty to false solidarity with colleagues. Such kind of discussion could be a part of the training programme on strengthening the police officers' integrity and, what is even more important, it should be an obligation of police leaders to talk about and discuss the issue with police officers on daily bases (through the prism of real cases and police procedures – e.g. before or after working day or certain operational activity).

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 employment and career development of employees. This includes planning, recruiting and selecting employees, designing compensation and benefit systems, performance appraisal system and discharging low-performing and problematic employees.

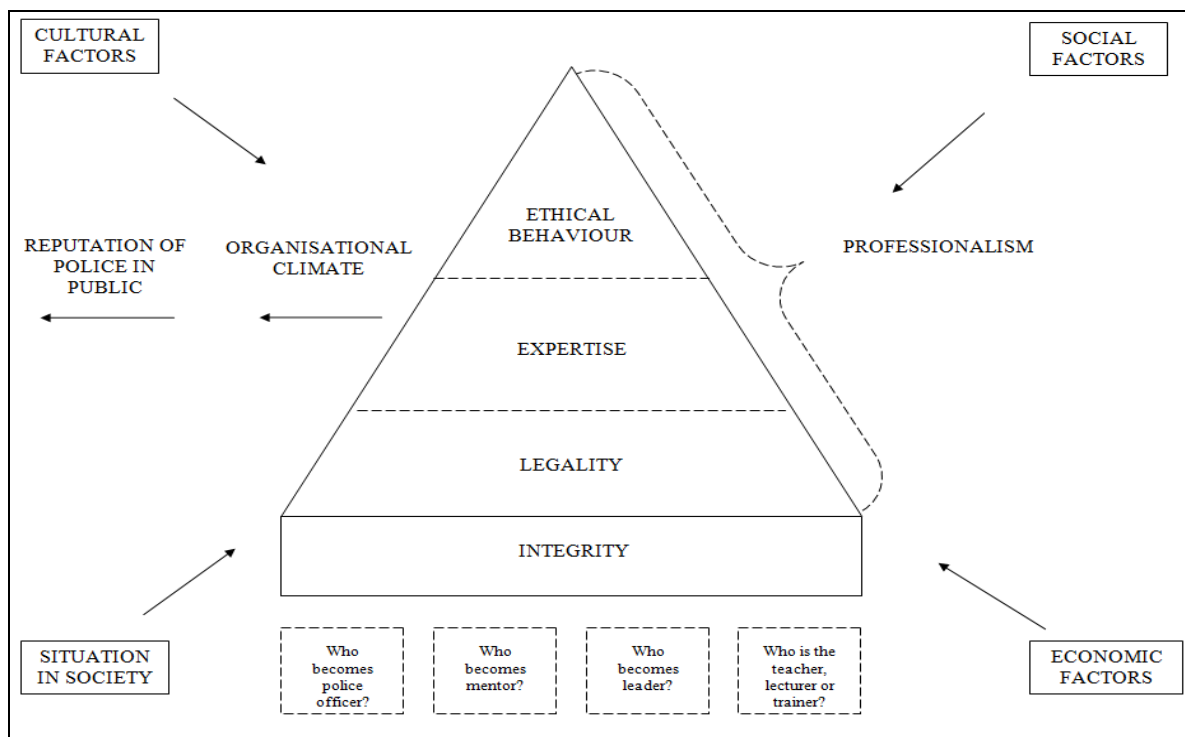
As stated, in the Handbook⁸ of best practices for the self-assessment of law-enforcement forces to prevent corruption and enhance integrity (2014), the recruitment process has to be fair and impartial, while career development is assured by means of transparent procedures that provide for promotion by merit.

Furthermore, fundamental questions for 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:

Image 1: Factors that influence on police professionalism *Source: (Šumi 2013b)*



Firstly, it is very important who becomes a police officer or who is employed in the police service. One 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 a new employee and from whom he or she learns how to proceed. The fact is that people rather prefer to observe how someone acts in practice as they read how this would be 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

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

triggers a whole range of issues and challenges faced by any modern organisation, namely how is career system set in the police, what are the criteria for promotion and career development, is moral development taken into account when selecting the appropriate leader, are candidates for leaders aware that the higher they are on 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 trainer, a coach and/or a facilitator. Without good and motivated teachers or trainers an organisation (police) in a long term can not 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 shown by his/her mentors, chiefs and trainers cannot achieve desirable effect. On the other hand, when a good candidate gets inappropriate mentor, the efforts of the employee's chief and trainer will also not bring 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, no matter if the training and mentorship were properly conducted. In the last case the problem can occur 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 for police profession encounters a teacher or trainer, who is possibly premature for fulfilling such tasks and roles. In practice this occurs when the candidates for police officers are exposed to various personal frustrations of teachers and training providers, their subjective cynicism or unjustified 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 proper application of the measures referred above were not subject of practice in the Serbian Police. The findings also signal that one of the major corruption risks 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 the forms of corruption with an extremely negative impact on the police structures and their professionalism. Therefore, it is highly recommended that the Serbian Police empower human resources department, prepare clear criteria for employment and promotion of employees and strive for transparent procedures on all hierarchy levels in the organisation.

Further to this, 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. In that sense and thanks to DECAF Project team, PACS experts' team was given a report that provides analysis on MoI recruitment system. The experts' team agrees with the findings of this analysis. In that sense, 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 MoI 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 MoI and the employees.** In order to change the administrative focus of the current HRM function in the MoI 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 MoI 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 MoI 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 MoI.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 MoI. 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 MoI.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 participate 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. Tree-level prevention (primary, secondary and tertiary) is a well-known criminological category (Meško 2000). Primary and secondary prevention include a number of activities before something wrong has happened. Primary prevention in the Serbian Police is a part of educational system (delivered only at the Police Academy in Belgrade), while tertiary prevention is focused on the treatment with offenders (unethical behaviour already occurred).

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 through an EU IPA project through revision of the Law on Police.

¹¹ *Ibid.*

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

The Serbian Police mostly do activities focused on tertiary prevention. However, secondary prevention has been lacking. Secondary prevention is very important for each and every organisation, especially for the police, which is entrusted with a number of powers and responsibilities. Secondary prevention is focused on the raising awareness of police officers in the field through learning through practical work and through discussions and workshops focused on study of the real cases. It is a temporary process where trainers, on one hand, discuss with police officers contemporary ethical dilemmas, while chiefs and mentors, on the other hand, daily debate with them the same matter through the real cases. Such a procedure raises awareness of police officers and reinforces the desired practice.

As the first step in introducing the secondary prevention, the experts' team proposes a permanent and obligatory training programme on strengthening the integrity of police officers, while 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: strengthening police officers' integrity is a key tool in fighting corruption effectively¹³; awareness raising among police officers on importance of personal and organisational integrity; strengthening of the well-intentioned solidarity in police; discussing and fostering the need that the police rule fairly and equitably; conducting the training programme which is in accordance with the day-to-day police duties. The programme duration depends on the content and the methodology (lecture, workshop, group work, etc.), however up to 5 days should be enough for one group of up to 25 participants. For the 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 the position, but it is up to a particular police service to make a decision on methodology (to attend the training once or more times). The 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 need more discussion about the dark side of false solidarity – code of silence).

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

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

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 arguing 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).

¹⁴ Such kind of model or training programme has been applied in Slovenia and proved to be very good. There are also some intentions of certain western European states to copy this model because it

When preparing and conducting such a training programme one needs to be aware that progress in preventing corruption and poor conduct does not come over night, the training programme has to be prepared based on the step-by-step methodology, where each and every step is important and irreplaceable. It means that each and every topic included into the programme must be fully treated (e.g. it is not enough to lead discussion about integrity without discussion on leading by example and without defining who the leader is through the prism of the integrity). The same is with raising awareness on importance of the code of ethics on one hand and raising awareness about noxiousness 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 dispersed (public opinion, including the feeling of safety, trust and satisfaction with police; number of complaints and criminal charges against police officers; absenteeism; fluctuation; organisational climate, etc.). Finally, it is important to know that such approach is quite laborious since it requires a lot of communication and work with people.

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

The other example of secondary prevention, which could be also effective in practice in Serbia, is to establish a special consultative body in the police responsible for ethics and integrity (e.g. ethical committee). The Committee shall deal with strategic proposals, innovations, questions and dilemmas in the field of integrity and ethics, code of ethics, conflict solving situations, internal relations, organisational climate, etc. The committee members shall carry out their tasks through adopting the 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 shall also prepare annual or bi-annual reports summarising their findings and recommendations for the attention of police leadership.

Experiences of different countries show that the activities of such body (committee), significantly, contribute to the improvement of the organisational culture and better image of police in public. Therefore, the experts' team recommends to Serbian Police to consider establishing such a consultative body with the strategic and operational authority. Its members should be police employees with a high professional and personal reputation in their organisations, appointed and discharged by the chief of police (director general). Their work should not be extra paid but honourable. They need to be empowered to carry out tasks at all levels within police, regardless of the hierarchical or regional divisions. It is very important if 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 such body should be independent at their work and detached from supervisory activity, complaints procedure and internal-security procedures within the police. They need to be accountable for their work directly to the chief of police (director general).

effectively links theory and practice. The programme enables reducing a gap between the knowledge of education and training at the Police Academy and day-to-day behaviour and attitude of police officers in practice.

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

The importance of integrity

Personal integrity is a multidimensional 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 in the area where customers come into contact with the ideas, products and services of some organisation or company. The author has also illustrated the importance of the integrity with an image:

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, at 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

process weaknesses. For that reason, each and every police organisation should have a clear vision regarding integrity and that vision has to be accepted by police employees.

The strengthening of integrity is considered, at least in the 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 the employees of highest integrity. In this respect, no internal organisational unit is more important than other.

In accordance with the findings of this assessment, it is recommended to Serbian Police to use a similar concept and plan systematic activities 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 within the entire police structures proportionally. It will have a positive impact on organisational integrity, better mutual relations, better organisational climate and ultimately, on the higher level of awareness of police leaders that their own mode of behaviour has a significant influence on the behaviour of employees.

Police professionalism

Despite the fact that integrity is the fundamental factor of 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 only legality and expert knowledge are not enough, but appropriate behaviour and attitude, based on the personal integrity, creates overall police professionalism. Therefore, taking into account the above-mentioned recommendations, it is very important for Serbian Police to increase the activities for strengthening of police officers' integrity in the context of secondary prevention.

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

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

¹⁶ For whole and better understanding it is necessary to point out the external factors that influence on 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 situation in society (e.g. the emergence of violent protests) (see image 1). All these factors have a significant impact on the 'state of mind' in the police. For this reason one country with another one or one police service with another one can not be compared without taking them into account (Šumi 2013b).

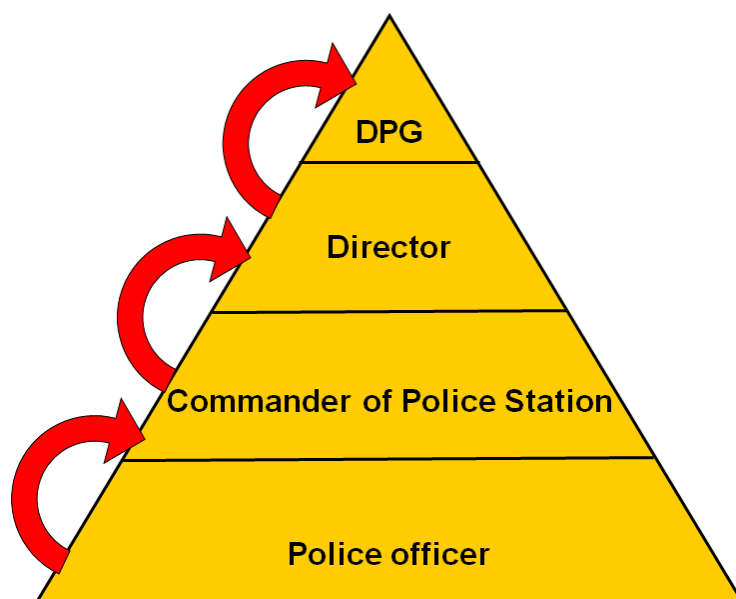
Furthermore, in order to enhance police professionalism, the experts' team strongly recommends the Serbian Police to adopt a book of rules which would regulate incompatibility of police duties with other duties. It should be a very useful tool in avoiding the conflict of interests and fighting against corruption within their own ranks. Such kind of regulation, which should be obligatory, with zero tolerance for disobeying the rules and 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 his/her management; iv) perform tasks in the field of internal control in 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 level of the leaders' integrity is utmost important for ethical leadership and leading by example, which indeed has a strong influence on desired or undesired behaviour of employees and their professionalism. To follow leaders' example by the top-down principle is an extremely important factor in strengthening personal and organisational integrity. Even more, following leaders' behaviour is also an important factor of organisational culture within the police, which among other things depends on the leadership style, concern for employees and mutual relationships among employees.

Based on the findings that there is no discussion about integrity, ethics and also leading by example in the practice of Serbian Police (at all hierarchical levels of the organisation, with the exception of Police Academy as mentioned above), it is strongly recommended that police leadership (management) start with this issue at the top level (to start with the above-mentioned discussions, to ask for training on strengthening personal integrity, to prepare strategic and operational plan with step-by-step activities, etc.) Then it is necessary to pass this kind of awareness 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, because it is an obligation of all leaders in police to be aware of that.

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



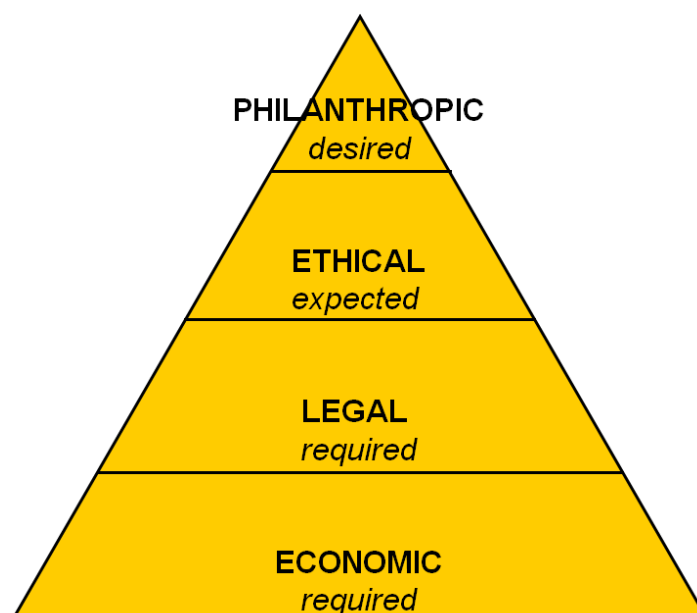
Regarding the fact that ethics and integrity begin at the top (Image 3) and as also stated in the Common Curriculum on Police Ethics and Integrity (2012), leaders have to be a good example for their subordinates. They need to have a high level of integrity which influences on employees' behaviour and 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 prevention of corruption. It means they are responsible for leading their subordinates in a direction which is in accordance with ethical norms and 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 be also 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 know that new employees first copy the leader's behaviour and after that they reflect the behaviour of their colleagues (ibid).

Furthermore, the quality leadership (management) shall also become a prerequisite for the promotion of the leaders on the hierarchy level. Otherwise, it is unrealistic to expect that a fact *'higher the leader is on a hierarchy, greater responsibility has and not only increased decision-making power'* will be ever 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 one hand and an uncompromising concern for the people on the other, undoubtedly contribute to a better reputation of the police in public and to a higher level of public confidence in the police. At the same time ethical behaviour is, as already stated, an antipode of corruption. For that reason a higher level of social responsibility of the police is an important step toward complete understanding that integrity and ethics are the foundation of police professionalism. It also stands hand in hand in raising public awareness that whistleblowers are socially responsible and therefore useful (not a threat), while corruption is socially harmful and destructive.

Image 4: The pyramid of the social responsibility of the police



Made on the basis of: Carroll (1991) and Carroll & Buchholtz (2000)¹⁷

The social responsibility of police, which illustrates what the society expects from police, could be also seen as four-tiered pyramid¹⁸. The first and second levels of responsibility concern economic and legal responsibility. It means that police have to transparently use the funds entrusted by the state. Likewise, police must always act in accordance with the valid legislation, policies and guidelines. The third level of responsibility is ethical responsibility. It is considered as something police is expected to abide. This means that society expects from police officers to behave ethically, to act with fairness and honesty. The highest and, at the same time, desired level of social responsibility, which builds upon the ethical responsibility, is the 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. That results in one's conscious care and contribution to improve the rule of law principles in general.

There is no doubt that in each and every police service a lot of police officers are fully socially responsible. They understand police job 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 kind of activities which efficiently reduce this destructive phenomenon. However, first of all they need to be sure that their leaders from 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 that reason it is very important that efficient 'fight' against corruption starts at the 'top', with strong and transparent support of police leadership. It means that there is a need of general support of police leaders in dissemination of ethical principles, which reflects a strong will and confidence that fighting against corruption is considered a priority.

Code of ethics

Code of police ethics of Serbian Police (2006) is based on the philosophy of regulation¹⁹. Therefore, the experts' team recommends to Serbian police to consider the change of approach from regulative to 'inspirational' (regulation can be formulated in the form of police rules). It is also recommended to put emphasis on ethical behaviour in the context of professional conduct (Article 39), to write the code in the first person plural (it is easier for police officers to identify with such content) and to include in the code a section on integrity, leadership by example and mutual relations, which are not present in the existing Code of police ethics.

Regarding the intention of Serbian Police to have a 'commissioner for ethics' in each police unit in Serbia, the experts team believes that it is very important that persons selected for this function enjoy high professional and personal reputation among their colleagues. It is also very important that employees are properly informed about the role and mission of the

¹⁷ The original pyramid was constructed in the context of corporate social responsibility. The interpretation adjusted to the police differs mainly in the economic part of corporate social responsibility (Šumi 2009).

¹⁸ An absolute social responsibility covers all four factors together.

¹⁹ Code of Police Ethics should be focused on raising police officers awareness about 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. Inspirational code of ethics stress police mission in society, integrity, good mutual relations and organisational climate, etc. and includes only moral responsibility for unethical behaviour (Šumi 2008b).

'commissioners for ethics', their responsibilities, powers and the manner of their availability (e-mail, phone, etc.). Moreover, it is very important to provide an 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. For even the slightest doubt into their effectiveness (the same applies for honesty and fairness) may invalidate all the efforts and even purpose of having such mechanism.

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

- to implement the content of the 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 'cook-book' with all kind of different subtopics from which trainers can choose the items that fit their own educational system and special needs of the organisation and target groups. It is CEPOL's wish that the Common Curriculum on Police Ethics and Integrity would be linked with a process within each European police organisation and with each stage of the career of police officers (employees);
- to consider introducing a supplementary control mechanism, such as 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 the elimination of identified systemic deficiencies. The purpose of the handbook is to provide an evaluation framework through the prism of integrity. It consists from eight separate fields, namely: recruitment; status and career development; training; organisation of the law-enforcement authority; hierarchical supervision; upper level internal control; possible conflict of interests for law-enforcement agents as second job, elective mandates; remedy procedures for the general public;
- to carry out an independent research on organisational climate within police on a yearly base or every two years. There are various factors which can be integrated into measuring instrument (questionnaire), such as assessment of the content of work; autonomy at work; management and organisation of work; integrity and ethical behaviour; mutual relations in organisation; concern for employees and their personal development; *working* conditions; salary, etc. Findings of such kind of survey could be very helpful to police management for planning different long term and short term strategic and operational activities in the field of management, leadership and social skills (e.g. mutual relations).
- Adopt the strategy on communication and information distribution to media which would also foresee specifying inquires and responsibilities of the departments and officers in charge should the classified information be appearing in media without prior consent of the relevant police structures.

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

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

- further strengthening their human resources capacities;
- consideration of strengthening their competences in terms that the Internal Control is competent for other sectors of the MoI and not only for police;
- the reports resulting from the preventive controls (previously elaborated in this report), shall be *ex officio* reviewed by the MoI high management and based on their findings the MoI high management shall set concrete mandatory measures to relevant police departments/administrations. The MoI high management, with support of the Internal Control Sector, would also need to follow on the proper implementation of these measures;
- Internal Control Sector shall cover all employees of the MoI;

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 included in the development strategies and visions of the most developed European police services. In view of the fact that their implementation and realisation in practice bring a lot of benefits for police employees from all hierarchical (organisational) levels, police service as a whole and at the end to all members of society, we strongly recommend to Serbian Police to take them into consideration and to include them into the future strategy of development and acting of police service. Improvement in the field of employment (recruitment) procedure and procedure of promotion (career development), mentorship, training and education on ethics and integrity (with main stress on the strengthening police officers integrity in the context of secondary prevention) and leading by example will definitely have a positive impact on police professionalism, ethical behaviour and integrity of police leaders and other employees on one hand and lower level of corruption and presence of the blue code of silence among police employees on the other, better awareness of social responsibility of the police, better trust into police and higher level of satisfaction with police service in public at the end.

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 on the step-by-step philosophy, from top-down approach and with a strong and active support of all leaders from all hierarchical levels of 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. ethical committee), should be very helpful and efficient in planning, organising and implementing of all kind of strategic and operational activities in this fundamental field of police work.

The final step is, after Serbian Police manage to increase a level of integrity of police officers and all other employees on one hand, and decrease a level of corruption and other types of unethical behaviour on the other hand, that they should be focused on strengthening the mutual relations inside of the organisation (among police employees). This goes hand in hand with increasing the level of trust into the police and satisfaction with the police in public since it is very important to have, first of all, good mutual relations in the police and after that we can also expect better

public opinion on the police (including satisfaction and trust). It is some kind of precondition for that. For that reason it is very useful to carry out a permanent qualitative research on organisational climate for it can be very helpful to police management to plan proper strategic and operational activities for improvement of identified weaknesses.

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

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ANNEX I

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

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

REC 1 Further independent research should be conducted to establish the true extent of corruption within the Ministry of the Interior.

ICS response/comment - The recommendation is justified. Minister’s approval is needed for conducting an independent research by the Police Internal Control Sector (hereinafter ‘PICS’) with NGO assistance.

REC 2 A fully developed Strategic Intelligence Assessment with supporting Risk Assessment and control measures should be conducted bi-annually.

ICS response/comment - The recommendation is justified. The PICS can conduct the assessment based on the model of 2012 Assessment and define the trends through result comparison.

REC 3 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 MoI.

ICS response/comment - The recommendation is unrealistic. The PICS recommendations related to the amendments on the Law on Police should be adopted in order to clearly define the competence of the PICS over the MoI staff. In that case, the Police Internal Control Sector (PICS) would change its title to INTERNAL CONTROL SECTOR. In the MoI, the Criminal Investigation Directorate is competent for detecting and suppressing corruption in society. The PICS has neither legal, institutional, nor human resources capacity to implement this recommendation.

REC 4 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.

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 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.

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 in the area of corruption committed by MoI staff. It is not realistic that the PICS can lead the fight against corruption – comment from the Recommendation no. 3.

REC 6 To introduce a clear set of performance figures for ICS, with visible accountability to be enshrined in practise.

ICS response/comment - The recommendation is justified. It requires correction and upgrading of the legal framework for PICS. It would assume adoption of the PICS proposal for amending the Law on Police and then to issue the 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 MoI staff is involved. All other criminal offences remain within the competence of other organisational units.

REC 7 To develop and introduce a comprehensive Inspection and Review regime to all key aspects of Ministry of Interior policing.

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 inspections work etc. – this is within the jurisdiction of other MoI 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 the work on citizens' complaints is established. The human resources capacity for this should be enabled through the transfers of police officers from the Police Directorate to PICS. These employees perform tasks of controlling legality in PICS work and they should keep their office space and equipment in Police Districts.

In that case, apart from its Regional Centres, the PICS would ensure its presence in all Police Administrations and other MoI organisational units, (Uniformed Police, Gendarmerie).

This would ensure the unique, efficient, objective and operatively independent system of internal control, directly accountable to the Minister of Interior.

REC 8 The establishment of a central corruption intelligence data base within the Internal Control Sector, should be considered. Securely managed and audited to EU standards by ICS.

ICS response/comment - The recommendation is partially justified. Through the implementation of previous recommendations, the PICS could provide resources for establishing the intelligence central database, but in line with its competences – only for police or other MoI staff, but not more than that.

REC 9 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.

ICS response/comment - The recommendation is justified. Through the implementation of previous recommendations, the PICS would provide the leading position within the MoI in the fight against corruption in MoI. Thus, PICS would be the focal point for cooperation with other state organs and agencies.

REC 10 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.

ICS response/comment - The recommendation is justified. It assumes defining the obligation through the Instructions on Methods of Internal Oversight of Police.

REC 11 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.

ICS response/comment - The recommendation is justified. Needs to be implemented jointly with other MoI organisational units.

REC 12 Operational independence should be established and all investigations accountable through the courts by a dedicated special prosecutor.

ICS response/comment - The recommendation is justified. In accordance with the new CPC, PICS is operatively independent when working within the MoI. Its independence will grow with the new prosecutorial competencies.

Non reporting of Corruption

The reasons why Citizens fail to report corruption is that some take corruption as 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 features, 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?“

REC 13 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.

ICS response/comment - The recommendation is justified. PICS can propose amendments to the Law on Police (concerning procedure on citizens complaints and disciplinary liability) and new forms of controlling the procedure concerning citizens complaints.

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.

REC 14 *A Citizens charter should be considered, outlining minimum standards of service the public can expect, and made publicly accountable for performance.*

ICS response/comment - The recommendation is justified. The police responsibility in 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 MoI Staff, which would encompass the minimal standards of services that citizens can expect.

The Code of Silence

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 police community. It would be foolish to think it did not apply to Serbian law enforcement.

A significant cause for concern deriving from the police officers 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 on 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 its someone else’s problem. The high failure rate of internal corruption investigations seems to support this notion of helplessness

REC 15 *To introduce a ZERO tolerance strategy making the non reporting or ignoring of corruption activity a disciplinary offences subject to dismissal.*

ICS response/comment - The recommendation is justified. Zero tolerance is the ultimate goal to strive and possible to achieve, with the parallel development of mechanisms for encouraging corruption reports, for protection of persons who report and for objective control.

Professional corruption investigations?

The survey suggests an investigative failure rate of some 92%. The Dutch research referred to earlier 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.

REC 16 Consideration should be given to introducing standard Investigation plans. Together with mandatory reporting and internal oversight to the Head of ICS.

ICS response/comment - The recommendation is unclear. The Law on Police, other laws and bylaws clearly define the position of the PICS Head.

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 professionally corruption reports, 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 actions 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.

Independent oversight?

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 those facts and go some way to restoring the reputation of the Ministry. Transparent and professional investigation of all allegations are essential to building and restoring public confidence.

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 and 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.

REC 17 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.

ICS response/comment - The recommendation is partially justified. The comment on the Recommendation 13 opens up the possibility of promoting the appellate procedure. This presents the MoI framework for enforcing the monitoring, while all the other issues related to corruption will be within the prosecutorial jurisdiction. E.g. this would assume establishing the MoI Council for Professional Standards Control, instead of the person authorised for the oversight of the Commission for Complaints.

Concepts of corruption

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“.

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 the police officers even though they had not been requested. It appears culturally acceptable for many to give small value gifts to the police for doing their job.

This is unacceptable in a modern police service.

Both citizens and the 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.

REC 18 *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.*

ICS response/comment - The recommendation is partially justified. The Law on Civil Servants contains clear regulations related to receiving presents and is applicable to the MoI.

It is of a high priority to introduce MoI staff property cards as an anti-corruption measure, with the obligation of annual updating.

Vulnerable Posts

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.

Administrative affair is a high vulnerability post. There is a clear susceptibility to corruption of small value gifts for more favourable or prompt treatment. This is widely reported in the findings. The common practice of the citizens „remunerating Ministry employees“ needs to be addressed.

REC 19 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.

ICS response/comment - The recommendation is not within the ICS jurisdiction.

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.

REC 20 Ethical training should be introduced to influence cultural changes that are necessary to eradicate corrupt behaviours and attitudes of ministry employees.

ICS response/comment - The recommendation is partially justified. The MoI has the Professional Education Plan which is being approved annually by the Minister and contains big chapter on police ethics. Two manuals on police ethics are being prepared by the MoI and the 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 the 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 the 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. Less 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.

REC 21 Certain roles are more susceptible to corruption than others. Strong and intrusive local supervision must be developed to protect Ministry employees from corrupt behaviours.

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 *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.*

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 – important precondition for enforcing confidence and success.

REC 23 *Supervisory and management failures should be subject to strict accountability with strong disciplinary action including dismissal, against ineffective leadership.*

ICS response/comment - The recommendation is justified. Beside the annual staff appraisal, there is a need to introduce criteria for determining managers responsibility for misconduct of his/her employees (transfer to another position). Conditions for dismissal are regulated by the Law.

Visible signs of corruption of police officers

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.

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.

ICS response/comment - REC 24 *A comprehensive Education strategy should be developed that includes advice and guidance on professional behaviours both on and off duty.*

The recommendation is not within the 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 on 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 MoI 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 to be agreed upon is the poor salaries of police officers as an influence on 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.

REC 25 *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*

ICS response/comment - The recommendation is not within the PICS jurisdiction.

REC 26 *A fully developed corruption prevention strategy needs to be designed and published with action plans and accountable processes included*

ICS response/comment - The recommendation is good. It requires joint activities with other MoI organisational units.

REC 27 *A fully integrated Education strategy should be designed to incorporate, Ministry and Police leadership, Senior management, Supervisory roles, operational and administrative staff. This should include a Public education process to raise the profile of anti-corruption activity.*

ICS response/comment - The recommendation is good. It requires joint activities with other MoI organisational units.

REC 28 *The citizen's corruption survey should be conducted bi-annually to gauge the actual effect of Ministry strategies against police corruption.*

ICS response/comment - The recommendation is good. PICS should be responsible for the activity and should be assisted by the NGOs, to ensure objectivity.

REC 29 *A ZERO tolerance strategy should be developed and implemented with the support of the Public and trade unions.*

ICS response/comment - The recommendation is good. PICS should be responsible for the activity and should be assisted by the other MoI organisational units, trade unions and NGOs.

