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An organisation based problem?

POLICE CORRUPTION

In the text the author asks the question about the nature of police corruption: is it a problem of corrupt police officers or a problem of a police organisation? The answer to the question is given in the continuation of the text through the analysis of the Police in the Republic of Slovenia, where the causes for its corruption are divided into four categories: recruitment, training and promotion, resources, accountability, and cultural traditions. Depending on what the answer is, there are different means to fight police corruption and the author is describing them through the format of planned anti-corruption measures – police anti-corruption strategies. There are almost always the same problems linked with the content and implementation of such strategies. Thus, it is not easy to assess, which are the most effective means to implement the latter. Moreover, the solution to the initial question is also not a very simple one: police corruption is a problem of police organisation but under heavy influence – positive and negative – of individual police officers, especially police managers.

1. INTRODUCTION

Corruption inside the police forces represents one of the gravest dangers to the democratic functioning of a society. The police should be an institution that protects citizens and the society from those who do not respect law and order. Due to the nature of their work, police officers are prime targets for those who want to break the law. If they are successful, corrupt police actions create plenty of problems, eroding the public's faith in the rule of law, justice and democratic institutions. There are several factors which make corruption in the police so difficult to fight: a high degree of discretionary powers, a lack of trustworthy witnesses on the victim's side, the so-called "blue wall" or "code of silence" among police officers and the hidden nature of corruption in general.

It is wrong to consider police corruption only as a problem of individual corrupt

police officers, which was the only theory until 1975. In this way it would be easy to fight police corruption – it would be necessary to apply rigid employment procedures to the candidates for the police service only and to seriously punish existing corrupt officers. It is obvious that the two mentioned methods alone cannot give satisfactory results. It is much more useful to enhance the abilities of the police organisations to create a climate that fosters integrity and professional intolerance of corruption. The word "integrity" is used very often in everyday life but what do we consider to be "police integrity"? Some scientists see "police integrity" as a resistance against the temptation to misuse police powers and authorities. If we consider police corruption primarily as a problem of a police organisation and to a lesser extent a problem of its employees, it is possible to talk about four dimensions



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VOCABULARY

accountability:

*Rechenschaftspflicht;
hier: Verantwortlichkeit,
Verantwortungsgefühl*

format:

hier: Struktur

to erode:

untergraben

discretionary:

dem Ermessen überlassen

to enhance:

steigern

to foster:

fördern

of corruption, which can be measured effectively within every police organisation. These dimensions are:

- organisational rules,
- anti-corruption means (proactive vs. reactive, integrity testing, general prevention),
- “blue wall” (the Code, code of silence, blue wall, “cops do not tell on cops”, ...),
- public expectations (conditions in which a police organisation works).

To answer the questions related to the topics mentioned above is much easier for police officers than to answer very straightforward questions on their own or their colleagues’ corruption. In this way the answers are not too subjective and the results of such surveys are much more realistic, which makes them almost the most important tool in the efforts to curb police corruption.

Different police organisations fight corruption in their ranks in very different ways. As there are different countries in Europe, there are even more different police systems on the old continent. Some of them, having a history of some hundred years, have developed sophisticated ways and methods to fight corruption. Others, especially those that emerged in the so-called “countries in transition”, which have almost no history at all, are more used to serving the rulers of the day rather than enforcing the rule of law. They have to learn now how to defend the public interest according to new concepts of personal accountability, which also includes corrupt-free behaviour. One of these countries is the Republic of Slovenia, which emerged following a nine-day battle in the region that had been known as “Socialist Republic of Slovenia” and part of Socialist Federative Republic of Yugoslavia. The police force in Slovenia (a country with a population of two million) is relatively small – around 9000 officers (including

around 800 criminal investigation officers) work in the country’s General Police Directorate, 11 regional Police Directorates and some hundred local police stations.

***The police are run by the
Director General of the Police
and it is a single authority
with police powers in Slovenia.***

The police service is a body within the Ministry of the Interior and it was the most developed police force in the former Socialist Federative Republic of Yugoslavia (SFRY). Consequently, it has reached the professional and operational level of some police forces in the EU member states or even left them behind very soon after the establishment of the independent country. Of course, not everything was ideal and the fight against police corruption in Slovenia is one of the areas where not everything is managed in the best possible way, especially if we consider it as a problem of the police organisation.

2. CAUSES OF POLICE CORRUPTION IN SLOVENIA

In Slovenia, as anywhere else, the causes of police corruption can be generally divided into four categories:

- recruitment, training and promotion,
- resources, such as pay and equipment,
- systems of accountability within police units,
- cultural traditions.

2.1. RECRUITMENT, TRAINING AND PROMOTION

There are some authors who talk about the “triangle of integrity”, which for them consists of proper recruitment, selection and training. The police force in Slovenia has suffered some very heavy losses. Immediately after the war for independence, plenty of old police officers left the

VOCABULARY

proactive:
initiativ

to curb:
drosseln, zügeln

sophisticated:
ausgeklügelt

rule of law:
Rechtsstaatlichkeit

loss:
Verlust, Ausfall

force, either voluntarily or because of the pressure from the new political reality. In the year 1998 came a new shock: following the adoption of a new law on the police more than 800 police officers retired. Those were the most experienced officers, the “soul” of the force, who could not be replaced properly. As an answer to that there was no intensified recruitment of new officers.

The recruitment procedures for new police officers at the moment are not much more difficult than for any other new employees in any kind of organisation.

Of course, very simple safety checks exist and candidates are aware of them but they simply look for the medical, criminal and connected records of the candidate. They also include very simple psychological tests.

Due to the fact that the majority of police officers are taken on by the police as students of relatively short police courses which train them for basic police duties and because it is almost impossible to get employment in the police on more responsible duties, it does not happen very often that the tests show unsuitability of candidates. Factual introduction of the Schengen agreement in December 2007 required the employment of a large number of new police officers, again for basic police duties. The results are visible on Slovenian streets: police officers are becoming younger and younger and it is obvious that they are not yet formed as complete personalities.

The process of police training in Slovenia is very complicated and even those who invented it have problems understanding it. It consists of several months introductory course at the beginning of the employ-

ment, which does not contain any lessons on integrity or self-control. Different courses, which form the basis of later training, have very little or nothing to do with those topics either. If we consider that training should give officers the basic lessons in integrity, such as a respect for citizens' rights, a sense of civic duty and self-control, to teach them the limits of their authority and give them the basic understanding of the law, the situation in the Slovenian police training is rather worrying.¹

The same is true of the system of promotion. There is the so-called system of “career promotion”, which basically means the following: only people who started their professional career in the police on basic police duties are suitable to occupy the most important posts in the police on the basis of their education level and years of experience. In practice, even those principles are not followed. In 1999 it became clear that the Director General of the Police is a political appointee and since then favouritism and politicisation of the police leadership and its decisions, especially in the field of promotions, is transparent to everyone.

2.2. RESOURCES

History shows that a job in civil service is a very reliable one but the salary is not the best. This is visible in the case of Slovenian police, too. Officers in general do not have very low salaries, at least not to such an extent that they would be forced to take bribes to survive. There are two important points to be mentioned:

1. Following the introduction of a capitalist economic system a limited number of individuals in Slovenia started to accumulate wealth. Seeing them become richer and richer, some of their schoolmates or from the same villages or towns, serving as police officers, felt unhappy because they could not have the

VOCABULARY

appointee:
der/die Ernannte, der/die Beamte/in

favouritism:
Begünstigung, Vetternwirtschaft

politicisation:
Politisierung

bribe:
Bestechung, Schmiergeld

VOCABULARY

to entice:
anlocken, abwerben

to stoop:
sich zu etwas hergeben

to perceive:
bemerken, aufspüren,
wahrnehmen

same lifestyle due to their salary. In order to match they were forced either to leave the police force or to start committing different offences within the force. Thus, greed and not survival was the trigger for improper police behaviour.

2. The second and even more important factor is the big gap between the salaries of police officers and in some companies in the private sector. Especially criminal investigation officers are often enticed with the salaries which are offered to them from those companies and they very often leave the police to join those companies. This is not corruption but the force, especially in the field of economic crime, is becoming weaker and weaker and experienced officers have to be replaced by newcomers without any experience.

The Slovenian police are equipped according to the highest European standards, so there is nothing very problematic there which would encourage corruption in the force.

2.3. ACCOUNTABILITY

Police corruption reflects a lack of institutional accountability, in which police supervisors and managers sanction their officers' misconduct or stoop to it themselves. Corruption is liable to occur when supervisors turn a blind eye to the warning signals of police misconduct. A high incidence of police corruption always means a high incidence of corruption among high-level police officers. This is not what is happening in general in the Slovenian police. In Slovenian police it seems to be the important figures who are breaching the laws, rules and regulations. There is no doubt that the heads of different police units set a tone for the fight against corruption – with their deliberate actions to improve accountability in their unit and with their personal style of behaviour on

and off duty. In the last years this is the weakest point of police leadership in Slovenia. One of the former Police directors was accused by the media of different criminal offences, some of them very close to possible corruption. Although the prosecutor's office did not even start the pre-trial procedure, Slovenian police officers found the accusations very serious and bad for the reputation of the police force in general. Some other, mostly public appearances of the present Director General have raised very serious doubts on his capabilities with the public and with the fall of his image the image of the police force has seriously fallen, too. People started to doubt the effectiveness of the police and it is hard to work in such circumstances, especially if police officers do not want to identify themselves with the police leadership. Some other actions of the police leadership in the past and present time have proved double criteria in the field of recruitment and promotion and for police officers all over the world this is the area of high sensitivity. So, Slovenian police officers have almost no positive examples in their leadership.

The things mentioned above do not influence the level of police corruption to a great extent but they have a negative impact on working discipline and especially for the ethics of police work in general, since police officers simply do not know how to behave in their day-to-day work.

2.4. CULTURAL TRADITIONS

From the three facts mentioned above it is obvious that among them there are not plenty reasons for the low level of police corruption in Slovenia. It is the fourth and the last cause of police corruption, cultural traditions in Slovenia, which help keep this level very low. Not counting the fact that the level of perceived corruption² depends mostly on the activities and

efforts of the police, it is possible to say that corruption had very bad connotations within Slovenia and within Slovenian police force already in the socialist times. Police corruption is still out of question for the average citizen and the average police officer in Slovenia. The still reasonably high level of professional police standards in Slovenia is a consequence of this culture. These standards have survived many different attacks but it is a question of how long they are still able to resist, especially because the value of police work in Slovenia is decreasing and the feeling of police officers that their work is not properly respected in society has detrimental effects on the number of experienced officers, their attitude to work and to their attitude towards the society.

3. POLICE ANTI-CORRUPTION STRATEGIES

3.1. TYPES AND PROBLEMS OF POLICE ANTI-CORRUPTION STRATEGIES

There are several different ways to tackle police corruption and among them different anti-corruption strategies attempt to take into consideration all possible measures in this field. There is almost no police force without such a strategy. Police anti-corruption strategies can be divided into four different types:

- repressive strategies, which rely mostly on strict enforcement of repressive measures,³
- complex strategies, based on the broad scale of application of preventive as well as repressive measures,⁴
- minimalist strategies, based on the minimal implementation of either preventive or repressive measures,⁵
- preventive strategies, which distinctly prefer prevention to repression.⁶

In those strategies a variety of anti-cor-

ruption methods can be found and analyses show that the most frequently used repressive measure against corruption is the introduction of stricter punishment for corrupt officers. The most frequently used preventive measures are the introduction of compulsory training and the introduction of stricter recruitment criteria. The least popular anti-corruption measures are radical forms of repressive measures such as introducing camera systems within the police premises and introduction of benefits for those who apprehend violators attempting to offer a bribe. The general trend in boosting anti-corruption strategies, which is going on today, is to focus on their improvement in complexity.

Almost all strategies deal with the following problems:

- Introduction of stricter punishment for corrupt behaviour, which sends out a clear message that corruption is regarded as a serious threat and that there is little official tolerance for police officials who engage in it if they are caught. In Slovenia it is difficult to talk about strict punishment for corrupt behaviour since there are almost no adjudicated cases of police corruption, which is in majority of cases a prerogative for successful disciplinary proceedings.
- Specialised police bodies to combat corruption – those bodies develop expertise in how police corruption occurs and are best able to respond to cases of police corruption, which is very important, since corrupt officers are very well aware of the requirements for a successful procedure against them. It is worrying to see that even in the police of the most developed countries, such as the USA, they have some practical problems with those units – sometimes they are considered to be ineffective, cloaked in excessive secrecy and their powers are considered not to be used properly. In

VOCABULARY

bad connotation:
schlechter Beigeschmack

detrimental:
nachteilig, schädlich

to tackle:
angreifen, in Angriff nehmen

compulsory:
verpflichtend

premises:
Räumlichkeiten

cloaked:
verhüllt

VOCABULARY

to „testily“:
aus testify-bezeugen,
lying-lügen

lenient:
nachsichtig

counselling:
Beratung

decertification:
hier: Degradierung

intrusive:
hier: die persönliche
Sphäre verletzend

general the following conditions have to be fulfilled to achieve proper results of such agencies: investigations should be prompt, thorough and impartial, their findings should always be reviewed by civilians at some level, temporary and final removals of the corrupt police officers from their police duties have to take place, special attention has to be paid to officers persistently breaching the code of police ethics, examples of ethical and positive behaviour of the police officers should be rewarded, the code of silence has to be addressed seriously.

In the history of Slovenian police the internal affairs unit has mostly dealt with police officers at lower levels and it did not react at all to more serious cases of misconduct by superior police officers – if it tried, the consequences were very simple: heads of this unit were moved to other positions. In some other cases this unit was clearly led by non-professional interests, such as political ones. In short: Slovenian police officers are afraid of this unit, not because it is so good or professional but because it is so unpredictable and liable to different outside interventions.

- Breaking the code of silence, which undermines efforts to hold police accountable for abuse, since it is used as a shield to hide misconduct. Its forms vary from simple non-reporting of misconduct by a fellow officer to the so-called “testilying”, giving false testimony in court. To break the code of silence is an almost impossible task in concrete cases, it has to be broken before that through proper and persistent ethical training and through clear definitions of legal and ethical behaviour expected from police officers in every country. This problem has not been tackled at all in Slovenian police.

- How to discipline police officers – practice shows that even the strictest sanctions often do not work as they are sometimes applied in a very lenient way, so it would sometimes be better to use retraining or counselling instead. Some additional measures can be applied, such as tracking systems for officers who have been known as those who often break the law or police ethics and strict application of police officers’ decertification procedures. In Slovenia the most commonly used method is for the superiors to frighten police officers with possible sanctions for their misconduct. In addition some decertification procedures were occasionally used.

- Human rights of police officers – it is always tempting to handle the police officers possible corruption offenders not as subjects of anti-corruption measures but as their objects. The great danger of police corruption sometimes causes the introduction of measures which cannot be used against other citizens: intrusive surveillance methods, no privilege against self-incrimination, disclosure of property of police officers and their relatives, anonymity of investigators of police corruption, (...). When it comes to the court, the situation is very simple and confirmed by several judgments of the European Court for Human Rights: police officers enjoy exactly the same amount of basic human rights as all other citizens, not more and especially not less. Therefore any police anti-corruption measure which goes beyond this limit could be considered illegal and counter-productive.

In Slovenia at least one of the measures which the police management might use against police officers is not in compliance with the national constitution and with the European Convention on Human Rights, since it allows wire-tapping of

official telephone lines without a court order, only on the basis of a decree from the Director General of Police.

3.2. DO ANTI-CORRUPTION STRATEGIES WORK?

There are some general principles which all anti-corruption strategies should adhere to: the necessity to apply a broad spectrum of measures, individual measures must complement each other and be interrelated in time and action, every area has to receive an in-depth, timely preparation of anti-corruption strategies to ensure its proper absorption and halt spontaneous resistance.

Most common police anti-corruption strategies fail because they do not fulfil the above requirements for success.

The majority of unsuccessful strategies can be found in countries suffering from a high degree of police corruption where mostly outside factors are the biggest obstacles for success: poor economic conditions and resulting low wages, indifference of the public and politicians towards the problem of corruption in the police, constant changes in the police infrastructure and attempts by political parties to gain control over the police. From the internal factors the most serious obstacles are the nature of police work itself (it is not praised in public, usually underpaid, with broad discretionary powers) and the code of silence.

In general it can be said that a successful police anti-corruption strategy will especially make sure: that all police officers see it as part of a bigger attempt to professionalise and improve the status of a police agency, that the measures start with a careful process of selection of candidates followed by proper training, that the concept

of zero tolerance is accepted and implemented, that unlawful and unethical behaviour is understood as a criminal offence or breach of professional ethics with serious consequences, that specialised police anti-corruption units remain independent in all circumstances, that proper economic conditions for police officers are ensured, that correct and exemplary behaviour of the top police management serves as an example worth following, that the public takes part in the complaint procedures,

Slovenian police have adopted the "anti-corruption programme" in 2002. Substantially the programme is a reasonably good document, which fulfils all the basic requirements for successive anti-corruption strategies. It gives the definition of corruption, the principles and goals of the programme, criteria for establishment of an unlawful or unethical behaviour of police officers, inside and outside factors influencing the level of police corruption. But the strategy still does not bring the expected results and it is very simple to see why.

Namely the programme does not foresee any implementation measures, there are no time limits and no evaluation procedures.

The most important failure was the absence of a proper introduction of the programme: Slovenian police officers almost did not notice that there was a brand new anti-corruption programme among them and for them and it is no wonder that they do not take it as their own programme.

4. CONCLUSIONS

It is not easy to fight corruption within police forces. The example of Slovenia, where officially the level of police corrup-

VOCABULARY

wire-tapping:
das Abhören, das Anzapfen von
Telefonleitungen

VOCABULARY

to prevail:
sich durchsetzen, überwiegen

tion is still low, shows that it is sometimes impossible to determine the reasons for successes and failures. Almost everything that could go wrong, went wrong in Slovenian police lately but it is still predominantly ethically oriented force, or else – everything we know on police corruption in Slovenia is wrong. As always, the truth lies somewhere in between: the efforts of Slovenian police to discover and prevent its corruption are not on a very high level and the results – the discovered cases of corruption – can not be better. In addition, a culture of non-corrupt behaviour still prevails among police officers, even if there are not plenty of factors on the side

of their organisation which would be deliberately created for the minimisation of corruption risks in the force. It is encouraging to see that almost everything on how to fight police corruption in theory is known in the force but it remains to be seen how and especially when this knowledge will be implemented. Until then the famous blue line, the professional, lawful and ethical way of conducting police duties in Slovenia will slowly get thinner and thinner.

¹ *There was not one single course on implementation of new police powers after the adoption of the Police Act in 1998.*

² *In general and in the field of police corruption.*

³ *Germany.*

⁴ *Australia, Estonia, Poland, Singapore, USA and Great Britain.*

⁵ *Argentina, Denmark, Czech Republic, Finland.*

⁶ *Bulgaria, Mexico, Portugal, Slovenia.*

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