

П – HONESTY

О – DETERMINATION

Л – LOYALTY

И – INTEGRITY

Ц – EXPEDIENCY

И – ENDURANCE

J – BRAVERY

A – PROMPTNESS

**Republic of Serbia
MINISTRY OF INTERIOR**

**POLICE OFFICERS HANDBOOK
ON CORRUPTION**

“Integrity builds trust”

Belgrade, December 2011



Republic of Serbia
MINISTRY OF INTERIOR
Cabinet of the Minister

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Introduction of the Minister of Interior – Mr Ivica Dacic

Corruption in all its manifestations damages the economy, undermines the rule of law and weakens trust of citizens into the state institutions. The reduction of trust creates an environment in which possibilities for the increase of crime are developed. Efficient and independent police, trusted by the public are a crucial part of a democratic society. Great improvement have been achieved so far, but we still have a lot to do and this Twinning project that has been realized by the Internal Affairs Sector under the title "Police Reform: Internal Affairs" within IPA Programme financed from the EU funds, together with the selected twinning partner, being the consortium of the United Kingdom and the Czech Republic. This is the first step in the modernization process in order to increase the standards, awareness and general values as the response to the corruptive activities and abuse within the police. It is therefore very important that we have a forward thinking and dynamic leadership in the police, which can set up the standards, undertake decisive steps and make difficult decisions in order to make the Ministry a modern and public oriented service. The motto of this project is simple, "Building trust through integrity" - that is our goal.

We alone cannot fight corruption. The fight against corruption is common and there must be coordination of all entities participating in this fight, both on the national and international levels: judiciary, prosecutor's office, police, customs, non-government sector, media, financial institutions, etc. We can undertake leadership, but the values, standards and behaviour also must be incorporated in our daily work process. Zero tolerance is the only response. Positive action that speaks more than words. Managers must be accountable for the actions of their employees. The fight against corruption is not a simple thing. It attracts major media attention and they usually focus on negative aspects of these investigations. Their positive messages and good results are often lost. For example, the fact is that we have recognized the shortcomings and are willing to undertake measures to detect unprofessional behaviour. I expect that all police officers take very seriously our commitment to disable any form of corruption through the implementation of the zero tolerance policy.

We know that the EU standards are very high and that we have to realize them on our way to the European Union accession. This Handbook is a step in changing the

work methodology by which we want to contribute to raising the standards and including the police leadership into building a system to combat corruption.

Anti-Corruption Handbok for Police Officers is dedicated to an extremely current topic and represents an instrument, which will assist professional, ethical and legally based activities of the police officers of the Ministry of Interior in the fight against corruption.

I emphasize that the majority of the police officers exercise their powers professionally and lawfully and conduct the difficult duty of protecting human rights and freedoms with the best and noble intentions to implement the law, protect public order and safety of citizens and their property, fight crime, corruption, terrorism, etc. While doing that their lives are often endangered, which makes this a high-risk profession.

A number of police officers abuse their powers and therefore I emphasize our fundamental commitment that everyone must be accountable for illegal actions he or she conducted in such cases. There are no exceptions and will not be. The Ministry of Interior makes major efforts to create a strong, modern and professional police with good human resources, ready to act within their legal powers to protect resoulutely all citizens from all forms of threats and enable efficient execution of their rights. Without trust and support of citizens there is not a good police service, and there is no trust in the police if it does not respect the law or citizens. Our duty is to protect the rights of all citizens and to build confidence in the police.

The goal of this Handbook is to make all knowledge and experiences related to this issue available to everyone in the Ministry of Internal Affairs, to be able to recognize the danger of corruption risks, as well as to raise awareness to a higher level and promote the universal ethical values. In life it is always better to prevent than cure, so special attention should be paid to the prevention of corruption and the education of experts who fight against it. Therefore, this Handbook will be a useful document for training and consultancy in which police officers will learn about the issue of corruption in the police, ethical standards, professional culture and integrity.

With the wish that this Handbook contributes to lawful performance of delegated tasks within the scope of work of the Ministry, I wish all officers of the Ministry of Interior of the Republic of Serbia major success in their daily work to the benefit of citizens and the community.

MINISTER

Ivica Dacic

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Purpose of the Handbook

The Handbook for the police officers on corruption has been developed within the Twinning Project under the title “Police Reform: Internal Affairs”, which has been realized by the Internal Affairs Sector together with the selected Twinning partners from the United Kingdom.

It represents an instrument that will strengthen motivation for professional, ethical and legal-based conduct of the Ministry of Interior police officers thus encouraging the anti-corruption process.

It has been designed so that it contains professional conduct of the police officers acceptable for the modern police, as well as the public expectations from the police. Furthermore, it provides that police officers are accountable for their actions, and that they reflect the highest professional standards in cooperation internally and with the public.

The Handbook is intended for police officers of the Ministry of Interior in their direct and daily work while conducting measures and actions to prevent corruption.

Furthermore, it can be used for education of police officers of the Ministry at various levels of professional training and development.

This version of the document covered the summary of all elements and entities participating in the suppression of corruption in the Ministry of Interior of the Republic of Serbia, while the extended version (80 pages) will be available at the home page of the Ministry of Interior of the Republic of Serbia (web site <http://www.mup.rs> in the link Sectors – The Internal Affairs Sector of the Police).

1. THE CONCEPT OF CORRUPTION

Although it is the phenomenon of the ancient origin, typical to all state organizations during their long history, corruption (*corruptio*-Latin, *corruption*-English or *corruzione*-Italian, meaning deterioration, bribe, venality, to bribe¹), as a negative, socio-pathological and criminogenic phenomenon still attracts attention not only professional and political, but also wider, general public.

Corruption is manifested in different shapes and forms. All those different shapes and forms of its manifestations can be summarized under certain criminal offences of corruption.

Both at the domestic and international levels, there is no unique definition of corruption, but in its general meaning it is characterised by the abuse of power, relevant to a function, job or position in the social or economic hierarchy, for the purpose of illegal gain of material wealth or status.

Corruption involves a set of all punishable actions, by which the holder of certain state and other public function abuses his position and the institution he works for thus harming the public interest (he should be serving) to such an extent and in such a way that it undermines the public trust towards the society and the state².

The National Parliament of the Republic of Serbia, at its Seventh session of the Second regular sitting held on 8th December 2005, made the Decision on determining the National strategy on the fight against corruption. This strategic document defines corruption as „*a relationship based on the abuse of power in the public or private sector for the purpose of gaining personal benefit, or benefit for another person*“.³

This definition includes not only accepting and giving bribes, but all the criminal offences that are carried out for greed by abusing power, extending the term to the abuses conducted in the private sector.

In addition, in the international law there are several legal acts of the universal and regional character that prohibit corruption and provide for measures, means, procedures and authorities for its suppression and prevention.

The United Nations Convention against trans-national organized crime⁴, which was adopted at the international conference in Palermo in December 2000, determines the concept and elements of corruption in Article 8⁵. Thus, corruption is defined as a manifestation or a form of criminal offence within the organized trans-national crime⁶.

¹ Vujaklija M. „*Lexicon of Foreign Words and Phrases*“, Belgrade, 1980, p. 472

² Petrovic B., Mesko G., *Criminology*, Sarajevo, 2004, p. 183-184

³ „Official Gazette of the Republic of Serbia“, no. 56/05

⁴ „Official Gazette of the FRY – International treaties“, no. 6/2001

⁵ Pavisic B., *Criminal Law of the Council of Europe*, Zagreb, 2006, p. 259-261

⁶ For more details check: Derencinovic D., *Comment on the UN Convention against corruption*, Zagreb, 2005.

According to this definition, corruption is a criminal offence conducted deliberately (with the forethought)⁷ by undertaking the following activities:

a) the promise, offering or giving to a public official, directly or indirectly, of an undue advantage for the official himself/herself or another person or entity, in order that the official act or refrain from acting in the exercise of his/her official duties (offering bribe) and

b) the solicitation or acceptance by a public official, directly or indirectly, of an undue advantage for the official himself/herself or another person or entity, in order that the official act or refrain from acting in the exercise of his/her official duties (accepting bribe)⁸.

Criminal Law Convention on Corruption adopted by the Council of Europe in 1999,⁹ among other things, in Article 2 proscribes active bribery of domestic public officials as the offence committed intentionally, the promising, offering or giving by any person, directly or indirectly, of any undue advantage to any of its public officials, for himself or herself or for anyone else, for him or her to act or refrain from acting in the exercise of his or her functions.

In Article 3 this Convention proscribes passive bribery of domestic public officials as the offence committed intentionally, the request or receipt by any of its public officials, directly or indirectly, of any undue advantage, for himself or herself or for anyone else, or the acceptance of an offer or a promise of such an advantage, to act or refrain from acting in the exercise of his or her functions.

Furthermore, Article 12 of this Convention proscribes for „Trading in influence“ as the offence committed intentionally, the promising, giving or offering, directly or indirectly, of any undue advantage to anyone who asserts or confirms that he or she is able to exert an improper influence over the decision-making of any person such as: domestic or foreign state officials, members of domestic or foreign public assemblies in the private sector, officials in the international organizations, members of the international parliaments and judges and officials of the international courts, whether the undue advantage is for himself or herself or for anyone else, as well as the request, receipt or the acceptance of the offer or the promise of such an advantage, in consideration of that influence, whether or not the influence is exerted or whether or not the supposed influence leads to the intended result¹⁰.

⁷ Degan V. Dj., Pavisic B., *International Criminal Law*, Rijeka, 2005, p. 202-208

⁸ Group of authors, *Criminal Legislation of the Republic of Serbia*, Belgrade, 2006, p.1014-1019

⁹ Official Gazette of the FRY – International treaties, no. 2/2002 and 18/2005

¹⁰ Group of authors, *Criminal Legislation of the Republic of Serbia*, detailed quotes p. 1106-1110

2. LEGAL FRAMEWORK FOR THE FIGHT AGAINST CORRUPTION IN SERBIA

2.1. Criminal Code of the Republic of Serbia

In the criminal law system of the Republic of Serbia, criminal offences of corruption are systematized in Chapter thirty three (XXXIII) of the Criminal Code of the Republic of Serbia¹¹, in the group of criminal offences against official duty.

The Code provides for a number of criminal offences that can contain the elements of corruption: a) abuse of office, b) unlawful mediation, c) accepting bribe, d) giving bribe, e) violation of law by a judge, public prosecutor or his deputy and f) giving or accepting bribe related to voting.

Besides those, the elements of corruption could be in other criminal offences such as: a) dereliction of duty, b) unlawful collection and payment, c) fraud in service, d) forgery of official documents, e) revealing of official secret, f) embezzlement, g) services, as well as other criminal offences provided for in the current criminal law regulations of the Republic of Serbia for the official who conducted them for personal gain.

The criminal offences of giving and accepting bribe are among the core of corruptive criminal offences that can always be classified as corruption.

The criminal offence of accepting bribe is proscribed in Article 367 of the Criminal Code of the Republic of Serbia and it consists of a direct or indirect request or acceptance of a gift or another gain or acceptance of promise of a gift or another gain, by an official or responsible person in order to use his official authority to conduct an official action that he must not conduct, or not to conduct an official action that he must conduct or to conduct an official action that he must conduct or not to conduct an official action that he must not conduct, as well as request or acceptance of a gift or another gain after conducting or non-conducting some of the mentioned official actions, and related to them.

The criminal offence of giving bribe is provided for in Article 368 of the Criminal Code of the Republic of Serbia and it consists of making, offering or promising a gift or other benefits to an official, another foreign official or responsible person in an enterprise, institution or other entity to act within his official authority and conduct an official action that must not be conducted or not to conduct an official action that he is obliged to conduct, or to conduct an official action he must conduct or not to conduct an official action he must not conduct, or to act as an intermediary with this type of bribery of an official, a foreign official or responsible person.

¹¹ „Official Gazette of the RS“, no. 85/2005, 88/2005, 107/2005, 72/2009 and 111/2009

2.2. Other legal provisions

Besides the Criminal Code of the Republic of Serbia and the Criminal Procedure Code, a number of other laws were also introduced with the aim to fight organized crime and corruption more efficiently, such as: the Law on the Anti-Corruption Agency¹², the Asset Forfeiture Law¹³, the Law on accountability of legal entities for criminal offences¹⁴, the Law on the prevention of money laundering and terrorism financing¹⁵ and the Law on organization and authorities of the state bodies in suppressing organized crime, corruption and other particularly serious criminal offences¹⁶ and other legal provisions.

Law on organization and authorities of the state bodies in suppressing organized crime, corruption and other particularly serious criminal offences determines establishment, organization and authorities of the state bodies and their special organization units for the purpose of detecting, prosecuting and trial for the criminal offences defined by this law.

The Republic of Serbia approved a number of laws and other regulations based on the international conventions it signed and ratified with the main goal to suppress organized crime, corruption and other serious crimes, establish and organize bodies to realize these goals, define the procedures for detecting and proving the criminal offences of organized crime and corruption as well as the rules on lawful, professional and ethical conduct of the police officers and other bodies when detecting, proving and sanctioning the criminal offences of organized crime and corruption.

*The Law on changes and amendments to the Criminal Procedure Code*¹⁷ contains the new provisions referring to the criminal offences of organized crime, corruption and other extremely serious crimes. These provisions introduce the new investigative methods such as surveillance and recording of telephone and other conversations, falsifying legal business, controlled delivery, undercover agent, cooperative witness, etc.

2.3. Regulations in the area of policing

The authority and jurisdiction of the Ministry of Interior are defined in accordance with the provisions of the Law on Ministries¹⁸ and the Law on Police.¹⁹

On the basis of the Law on Police, a number of by-laws were approved to proscribe the manner of carrying out police duties, rights and responsibilities of police officers

¹² „Official Gazette of the RS“, no. 97/2008 and 53/2010

¹³ „Official Gazette of the RS“, no. 97/2008

¹⁴ „Official Gazette of the RS“, no. 97/2008

¹⁵ „Official Gazette of the RS“, no. 20/2009, 72/2009 and 91/2010

¹⁶ „Official Gazette of the RS“, no. 42/02, 27/03, 39/03, 67/03, 29/04, 58/04, 45/05, 61/05 and 72/09

¹⁷ „Official Gazette of the RS“, no. 72/2009

¹⁸ „Official Gazette of the RS“, no. 65/08

¹⁹ „Official Gazette of the RS“, no. 101/2005

and other employees of the Ministry, the most important being the following:

- 1) Decree on the principles of internal structure of the Ministry of Interior;²⁰
- 2) Code of Police Ethics;²¹
- 3) Decree on disciplinary accountability in the Ministry of Interior;²²
- 4) Book of regulations on the complaints procedure;²³
- 5) Book of regulations on the manner of policing;²⁴
- 6) Book of regulations on the police powers;²⁵
- 7) Instruction on the procedure of police officers to minors and young adults²⁶ and
- 8) Decree on strike of police officers.²⁷

3. NATIONAL STRATEGY FOR THE FIGHT AGAINST CORRUPTION

The National strategy for the fight against corruption²⁸ and the Action plan for its implementation are the basic documents for combating corruption in the Republic of Serbia.

The crucial elements that are foundations of the National strategy for the fight against corruption are: 1) efficient implementation of the anti-corruption regulations, 2) prevention – eliminating opportunities for corruption, and 3) increasing public awareness and knowledge for the purpose of public support to implementation of the anti-corruption strategy.

The Strategy recommendations relating to: the political system; judiciary and police; the system of state administration, territorial autonomy, local self-governance and public services; the public finances system; the economic system; media and participation of public and civil society in the fight against corruption, are incorporated in the Action Plan that foresees individual activities and entities that will undertake them and deadlines for their implementation.

The anti-corruption bodies and organizations also play an important role in the implementation of the National strategy for the fight against corruption.

Within the Government Sector those are: the Anti-Corruption Agency²⁹, the Anti-Corruption Council³⁰, Commissioner for Information of Public Importance and

²⁰ „Official Gazette of the RS“, no. 8/2006

²¹ „Official Gazette of the RS“, no. 92/2006

²² „Official Gazette of the RS“, no. 8/2006

²³ „Official Gazette of the RS“, no. 54/2006

²⁴ „Official Gazette of the RS“, no. 54/2006

²⁵ „Official Gazette of the RS“, no. 19/2007

²⁶ „Official Gazette of the RS“, no. 101/2005

²⁷ „Official Gazette of the RS“, no. 71/2007

²⁸ „Official Gazette of the RS“, no. 109/05

²⁹ „Official Gazette of the RS“, no. 97/2008 and 53/2010

³⁰ <http://www.antikorupcija-savet.gov.rs/>

the Protection of Personal Data³¹, Ombudsman – Protector of Citizens³² and the State Audit Institution.³³ Within the Non-Government Sector, among organizations that contribute to the fight against corruption with their activities, the following ones are the most prominent: Transparency International³⁴, the Centre for civil society development "PROTEKTA"³⁵, the Civil society against corruption³⁶, etc.

4. METHODS TO CONFRONT CORRUPTION

4.1. Preventive action

Successful opposition to corruption as a form of organized crime involves three phases³⁷. The first phase, in which the state participates with all of its relevant bodies and entities, has the main goal to eliminate the conditions favourable to the emergence and development of corruption, and to indicate their first manifestations. The second phase consists of the operational activities of investigative and other agencies to identify existing forms of organized crime and corruption, to undertake measures to detect and prove the concrete criminal offences in these areas. In other words, it is to reveal the perpetrators and secure evidence that will result in a verdict. The third phase includes the prosecution of perpetrators, the effectiveness of the criminal proceedings and harsh penal policy.

The prevention of crime and corruption imply a system of measures and activities aimed at eliminating all direct objective and subjective conditions and circumstances conducive to the appearance and performance of crime. Preventive action implies a variety of measures that many authors classify under the political, economic and legal measures.

Political measures imply constant monitoring of all social deviations, monitoring and harmonisation of the regulations with other countries, technical equipping of the police, provision of regular financial resources for the work of the criminology institutions, prosecutor's offices, judiciary, educational institutions, the activities of informing and promoting, constant relationship with other police and enforcement services.

Economic measures must adapt to modern economic and political situation in the country and its social policy.

Legal measures are directed towards activities of all three branches of government: legislative, executive and judicial branches. This means that the parliament should approve the new laws and

³¹ <http://www.poverenik.org.rs/>

³² <http://www.ombudsman.rs/>

³³ <http://www.dri.rs/>

³⁴ <http://www.transparentnost.org.rs/>

³⁵ <http://www.protecta.org.rs/>

³⁶ http://birodi.rs/index.php?option=com_content&view=article&id=42:istaivanje-organizacije-civilnog-drutva-u-borbi-protiv-korupcije

³⁷ Nincic Z., *Serbia and corruption*, Andrejovic Fondation, 2010

changes to the existing ones, and the executive power to implement them and adopt by-laws. In terms of prevention, the judicial power does not imply only fast and effective prosecution and strict punishment of the criminal offenders, but also constant monitoring of penal policy.

4.2. Repressive action

Unlike the preventive measures with the aim to prevent and deter the person from committing the crimes of corruption, the repressive measures eliminate the consequences of corruption crimes. The repressive measures do not act directly on the causes of corruption, but by detecting the offences and the perpetrators, they strive to eliminate the consequences caused by the corruptive activity.

Criminal sanctions hold the key position among the dominant repressive measures, particularly the fines related to the perpetrator of the crime of corruption. These were the basic instruments in the fight against corruption within the criminal policy until the awareness of the limited effect of the repressive measures has prevailed. The importance of the preventive measures was emphasized, not only in combating corruption, but also in combating other forms of crime.

5. PILLARS OF THE ANTI-CORRUPTION ACTION IN THE MINISTRY OF INTERIOR

The main pillars of the anti-corruption action in the Serbian Police are the Internal Affairs Sector, Criminal Police Directorate, other sectors and directorates in the Ministry Headquarters, as well as regional police directorates.

Articles 171 to 179 of the Law on Police prescribe the scope of work and jurisdiction of the Internal Affairs Sector of the police.³⁸ This Sector is authorized and accountable for supervision of legality of the police work, particularly with regard to respect and protection of human rights in carrying out police tasks and using police powers.

The Internal Affairs Sector of the police is an organizational unit of the Ministry, which is not an integral part of the Police Directorate. Assistant Minister – Head of the Sector is selected in the open job announcement and appointed by the Government of the Republic of Serbia for the period of five years. Authorized officials in the Internal Affairs Sector have all police powers when conducting control and with regard to their rights and duties, they are equal to other authorized officials.

³⁸ The Law on Police „Official Gazette of the RS“, no. 101/2005;
For more information see: <http://prezentacije.mup.gov.rs/sukp/sukp.htm>

The Sector acts on the basis of suggestions, complaints and petitions of individuals and legal entities, upon written statements of the police offices and on its own initiative or on the basis of gathered information and other knowledge relating to work and conduct of police officers when applying the official authority.

The Sector conducts background checks of all allegations and findings that indicate possible abuse and transgression of authority by police officers towards the suspects under the measure of detention and retention, as well as verification of all information about the overstepping of authority when applying repression, and files criminal charges against police officers who have exceeded statutory authority and proposes the initiation of appropriate disciplinary procedures.

The Minister conducts control of work of Head of the Internal Affairs Sector of the police, police officers employed in the Sector and other police officers in the Ministry accountable for the internal control of the policing.

In addition to the Internal Affairs Sector, the Criminal Police Directorate, by its organizational structure, represents one of the main pillars of the Ministry in the fight against corruption conducted both by the citizens and employees in the police.

It has organizational units within its structure that are specialized for the fight against corruption such as the units for applying specialized investigative techniques and operational-technical measures and actions, for criminal-intelligence-analytical work, for financial investigations, etc.

Other organizational units within the Ministry also have mechanisms for control and supervision of the police officers' conduct within their methodologies.

6. METHODS TO UNCOVER THE CRIMINAL OFFENCES OF CORRUPTION

The main method of learning that any of the criminal acts of corruption has been conducted is in the operational activity of the police, which by using the operational-tactical and technical measures and actions and certain investigative actions, collects and provides operational information on evidence.³⁹

Furthermore, information on the criminal offence of corruption can also be obtained if reported by the co-workers of the individual who accepted bribe, or the individuals asked to give bribe, other individuals, as well as from anonymous reports or those written under the pseudonym.

It is therefore necessary to check thoroughly any information on corruption gathered by the police of public prosecutor.

³⁹ Boskovic M., *Criminal methodology*, the Police Academy, Belgrade, 1998

Operational importance of public objections should not be ignored. The diversity of manifesting forms and executing methods of the criminal offences of corruption, makes it impossible to have universal methods for their clarification and proving evidence. However, the practice still points to some important facts and circumstances to be determined in all forms of these criminal offences. Those are, primarily, a form of corruption, time, place and executing methods, the motive, the circumstances, as well as the presence of the perpetrator, instigator and other individuals who participated in conducting these criminal offences.

For the purpose of collecting and obtaining personal and material evidence for the prosecution of the criminal offences of corruption, the police officers undertake certain operational-technical and investigative actions.

Among the operational-technical actions, the following ones are mostly undertaken: information collection, check up, surveillance, insight into certain records and documentation, as well as certain operational-technical means and methods, while the investigative actions imply: search, seizure, investigation, identification and forensic analysis.

7. TYPOLOGY OF THE POLICE CORRUPTION

The following basic types of corruption feature most often in the police:⁴⁰

- 1) *Corruption of authority* – abuse of position by a police officer in order to get a kind of material gain, without breaking the law (free meals, services, etc.),
- 2) *Kickbacks* – accepting goods, services, etc. as a return favour for including certain firms into the logistics and services for the police,
- 3) *Occasional (Opportunistic) theft* – theft from the persons deprived of their liberty (also known as "rolling"), from victims of traffic accidents, victims of crimes or from the dead person's body or property,
- 4) *Shakedowns* – accepting bribes for non-implementation of laws, such as failure to arrest or seize of property, failure to submit reports, etc.,
- 5) *Protection of illegal activities* – police protection of those involved in illegal activities (prostitution, human and drug trafficking, etc.) enabling further unhindered activities,
- 6) *„The Fix“* – impeding or preventing criminal investigations or proceedings,
- 7) *Direct criminal activities conducted by police* – a police officer commits a crime against life and body or property for personal gain "clearly violating the organizational and criminal-law norms",
- 8) *Internal Payoffs* – purchase, exchange and sale of the advantages and privileges within the police organization (transfer, promotion, etc.),
- 9) *„Flaking“* – planting or adding the evidence (especially present in cases of investigations of illegal drug trade).

⁴⁰ Anti-corruption Handbook, Transparency International, Source Book 2000

8. WHAT CAN WE DO TO REDUCE CORRUPTION IN THE POLICE?

8.1. Internal capacity (organizational expectations)

The Ministry of Interior of the Republic of Serbia, as one of the pillars in the fight against corruption, can increase its internal capacity thus making a significant influence on the reduction of corruption in the police.

The basis for strengthening the internal capacity of the Ministry of Interior is in compliance with the following principles⁴¹:

- make corruption within the police structure a high risk criminal offence
- improve and maintain high standards of honesty, integrity and ethical behaviour within the police structure
- support employment and training of police officers as individuals of integrity, honesty, ethical standards and high level professionalism

In order to achieve the above mentioned principles the following things need to be conducted:

- provide the legal, professional, competent and ethical treatment and full respect for and protection of human rights in carrying out police duties and tasks and the use of police powers
- build educational strategies to improve the competence and efficiency at work and provide continual training, specialization and professional development of the bodies accountable for investigation and prosecution of crimes
- improve working conditions and material-technical capacity of the police
- improve the financial and social status of police officers
- ensure transparent selection of candidates in the employment process and development of the integrity test model
- improve the management system in the police units and the efficient management of human resources

⁴¹ Organised Crime Training Network for operational managers in South Eastern Europe (OCTN), The Project on the police integrity increase – Summary of the international legislation and the EU acquis, Ljubljana, 2011, p. 32

- build an effective system for the professional career development in the police (promotion, transfer, referral to education, training, etc.)
- rewarding professional and ethical behavior of police officers
- establish the mechanism for monitoring and enforcement of high standards of conduct in the performance of police functions
- develop the crime prevention strategy
- strengthen the role of unions in protecting the rights of police officers.

8.2. The accountability of managers

All police officers of the Ministry of Interior are obliged to act with humanity and respect the dignity, reputation and honor of every individual and other fundamental rights and freedoms of citizens, giving priority to the rights of the affected compared to the same rights of those who threaten those rights and taking into account the rights of third parties.

The police managers are particularly accountable for this. They supervise the work of police officers and provide them with the professional assistance.

Besides the supervision of the lawful and proper performance of police duties and the application of police powers, the police managers are accountable for behavior of the employees in accordance with the Code of Police Ethics, and are obliged to develop virtues among them and the attitude of belonging to the service.

The police managers, who know the staff well, are able to initiate greater efficiency in the delivery of policing, reduction of their professional and personal difficulties and the causes of corrupt behavior.

Police officers who are understood and respected by their managers feel greater responsibility in their work and are less prone to various forms of illegal behavior.

The managers are obliged to provide the gender, racial, religious, ethnic and other equality, prevent all forms of discrimination among employees, facilitate their promotion and rewarding in accordance with their performance and professional qualities and ensure respect for the other values in the Ministry. They should have strong moral values and serve as an example to their staff by their behavior, thus promoting their own and the reputation of the Ministry.

They should also be trained to recognize the signs that any of the officers is prone to corruption.

8.3. The accountability of police officers

In addition to accountability of the heads of police, each police officer is personally responsible for his work and behavior.

Each police officer is obliged to:

- act professionally, responsibly and humanely and respect human dignity, reputation and honor of every individual and all his rights and freedoms,
- conduct his tasks and duties professionally and take care about his own and the police reputation,
- not to require or receive prizes and gifts for the performance of official duties and tasks,
- make distinction between official and personal interests and does not use his official position to achieve personal interests,
- in case someone attempts to bribe him, informs immediately his superior and the Internal Affairs Sector of the police,
- not to spread or reveal official information even at the request of his relatives, friends and acquaintances,
- not to give motive to any third party to influence his professional and lawful conduct of official duties and tasks due to his poor financial situation,
- make clear by his behaviour to all in his environment that he is incorruptible,
- report certain police corruption case to the relevant state authorities, if thinking that his report was not addressed appropriately, and
- eliminate any discrimination in dealing with minorities, marginalized and socially vulnerable groups.

9. RESPECTING THE ZERO TOLERANCE PRINCIPLE

The law must be applied fully in respect of any police officer who commits a criminal offence of corruption, because the police cannot expect to enforce the law among citizens if that is not done or cannot be done with regard to their own employees or within their organizational units.

No one is exempt from liability for unlawful conduct, violation of laws and regulations, whether that is a police officer or citizen. Every police officer whose conduct does not comply with the current legal provisions will be held accountable for his behavior.

Development and implementation of the zero tolerance strategy is one of the challenges accepted by the police in order to reduce corruption within its own structure.

The lack of clear criteria of what is an acceptable and what is an illegal action of police officers is a significant factor influencing the extent of corruption. For this reason it is extremely important as a preventive action to determine the initial "zero tolerance strategy" for the conduct of police officers.

This behavior and the degree of tolerance must be known to all police officers and the general public.

A police officer conducts an improper and unethical action, if for personal benefit and the benefit of others he:

- uses in an unlawful manner or attempts to abuse his/her position,
- contrary to his duties discloses, publishes, delivers or makes available to an unauthorized person official information, data or documents or informs the individual about their contents,
- seeks without grounds for doing it, and contacts the persons convicted for a criminal offence which is prosecuted ex officio, or are in criminal proceedings for such an action,
- seeks, accepts or agrees to accept for himself or another person, the services of other individuals or legal entities without appropriate compensation,
- creates debt in monetary or other material form towards an individual or legal entity, which can influence his performance of the tasks and make him dependent on the person or entity,
- performs or participates in a business or other activity which is not compatible to the law or other regulations,
- intermediates or use mediation for his relatives, friends or acquaintances in the process of admission of candidates to work in the police, etc.

The above mentioned actions of police officers were listed as examples of illegal and unethical actions, thus they are not exhaustive, but were used to facilitate clarification of the concept and principle.

10. PUBLIC EXPECTATIONS

The right of citizens to have insight into the work of state bodies, and therefore the police, is one of the basic prerequisites of effective control of the authorities. The right to have insight into the activities of civil servants, including police officers, stems from the fact that by paying tax returns, the citizens finance the work of state administration and that it acts in the public interest. However, striving to preserve the privileges acquired by the position in the state hierarchy urges police officers to operate hidden from the public or to conceal information from the scope of the delegated authority.⁴²

⁴² Fatic A., Korac C., Bulatovic A., *Ethical standards for criminal intelligence work*, Centre for security studies, Belgrade, 2011, p. 30

Accountability of the police refers to the obligation of police officers to report to the authorities – and ultimately the citizens – for their performance of the delegated duties. The focus of the concept of accountability and work transparency is on explaining and justifying their own actions to other subjects. The public expects that the police corruption is rigorously punished, and that such cases are regularly announced to the public.

Public confidence in the police is acquired by mutual interaction and signifies mutual interest in the suppression of all manifestations of corruption in the police and the entire society.

The increase of safety and protection of citizens, increases public confidence in the police, improves cooperation of citizens with the police, influences change of public awareness of the need for joint fight against corruption.

11. HOW TO REPORT CORRUPTION TO THE POLICE?

1. A police officer who believes that he has been asked to conduct an illegal, inappropriate or unethical action, which includes abuse of office, or is otherwise inconsistent with the Code of Police Ethics, should report it in accordance with the law⁴³.
2. The police officer should report to the competent authorities, when suspecting that another police officer has violated the Code of Police Ethics.
3. The police officer who has reported any of the above mentioned in accordance with the law and believes that the reaction does not meet his expectations, may report it to the relevant managers.
4. For the issues that can be resolved by the procedures and appeals defined in the law, on the grounds acceptable to the relevant police officer, he should follow the legal instructions given to him.
5. The police officer should report to the competent authorities any evidence, allegation or suspicion of illegal or criminal activity relating to the Police Service, which he finds out during his work performance or resulting from it. Investigation of the reported offences should be carried out by the competent authority.
6. The police institution should ensure that the police officer who reports anything of the above mentioned on the basis of suspicion or in good faith, is not jeopardized.

⁴³ Organised Crime Training Network for operational managers in South Eastern Europe (OCTN), Project on the police integrity increase – Summary of the international legislation and the EU acquis, Model Code of Conduct for Civil Servants adopted by the Committee of Ministers at 106th session held on 11th May 2000, description of quotation p. 18

A police officer can not be held accountable for alerting the Internal Affairs Sector of the police or another state body in charge of the fight against corruption⁴⁴.

Corruption of police officers and the Ministry of Interior employees can be reported in the following ways: verbally, in written form, by a phone call, by fax, by Internet, through the Ministry web site, etc.

The cases of corruption within the Ministry of Interior can be reported to: the Internal Affairs Sector of the police on the phone number 011/31 21 555, as well as the e-mail address sukp@mup.gov.rs

Other complaints and compliments on the work of police officers can also be reported on the above mentioned phone number and e-mail address.

In addition, corruption can be reported to the Criminal Police Directorate, as well as the nearest police stations and regional police departments.

Any criminal offence, including corruption, can be reported on the phone number 92 or the phone number of the nearest police station.

The reports can also be submitted to the relevant public prosecutor's offices.

All above mentioned state bodies are legally obliged to undertake actions when reported on the corrupt behaviour.

The citizen reporting on corrupt behaviour of police officers or the Ministry of Interior employees may remain anonymous, depending on the method of reporting (oral or written). When submitting the report he will be advised that he can remain anonymous and that during the procedure undertaken upon the report he preserves the confidentiality of the data available to him.

In order to protect people from false allegations and the state bodies of the excess work they would have when checking the claims of such charges, the legislator prescribed measures to prevent false reporting in Article 334 of the Criminal Code of the Republic of Serbia:

The citizens are held accountable if they commit the criminal offence of false reporting. Thus, whoever reports a person of committing an offence prosecuted *ex officio*, while aware that such person is not the offender, whoever plants traces of the criminal offence or otherwise causes instigation of criminal proceedings for an offence prosecuted *ex officio* against a person whom he knows is not the perpetrator of that offence, whoever reports himself as perpetrator of an offence prosecuted *ex officio* although aware that he is not the offender,

⁴⁴ Article 174 of the Law on Police

as well as whoever reports commission of an offence prosecuted *ex officio* although aware that such an offence has not been committed.

12. CODE OF ETHICS AND INTEGRITY OF POLICE OFFICERS

Police officers in the Ministry of Interior of the Republic of Serbia in the performance of their official duties should adhere to the following principles: serve the public interest, transparency, strengthen the integrity and impartiality, legitimacy, fairness, accountability, effectiveness and efficiency.

- In carrying out their duties, police officers must respect and protect human dignity and adhere to human rights of all individuals⁴⁵.
- Use of force by police officers must be in exceptional circumstances, to the extent reasonably necessary under certain circumstances for the purpose of preventing crime or in case of lawful execution or assistance when arresting the offenders.
- Issues of confidential nature that are in the possession of police officers, should continue to be confidential, unless an official duty or the needs of the judiciary have different requirements. Major attention should be paid to the security and use of such information, which may be disclosed only within the official duty or in order to serve the needs of the judiciary. Any disclosure of such information for other purposes is totally inappropriate.
- Not a single police officer is allowed to initiate, encourage or tolerate any form of torture or other cruel, inhuman or degrading treatment or punishment, or to invoke superior orders or exceptional circumstances such as war or pre-war conditions, or threats to national security and internal political instability or any other emergency, as a justification for torture or cruel, inhuman or degrading treatment or punishment.
- Police officers should provide full health care of individuals who are in custody and in particular should take immediate action to provide medical examination whenever necessary.
- Police officers must not commit a single offence of corruption. They also need to oppose rigorously and combat all such acts. Any offence of corruption, in the same way as any other abuse of authority is completely contrary to the profession of police officer.

⁴⁵ Organised Crime Training Network for operational managers in South Eastern Europe (OCTN), Code of Conduct for officers of the Enforcement Agencies developed by the UN High Commissioner for human rights and adopted at the General Session by the Resolution 34/169 on 17th December 1979, description of quotation, p. 7.

Personal integrity that determines ethical behavior of an individual is the essence when using police powers. The citizens have confidence in the police, if the police guarantees that its operations maintain consistently high level of integrity. Such an attitude towards integrity within the police is exactly the thing that guarantees the citizens that those who break the law will be prosecuted in a fair and impartial procedure.

This kind of individual integrity is the essence of ethical standards, which have become necessary to perform police work in democratic societies.

Nothing does more damage to the police profession, as revealed scandals and examples of improper and unethical behavior of police officers.

The integrity value of a police officer is measured by his ethical behavior.

FINAL CONSIDERATIONS

Corruption is one of the most serious problems in our country, after poverty, political instability and crime. Layering or de-structuring of our society, among other things, also has had the consequence that in Serbia, corruption is rarely seen as a personal problem, a problem of consciousness and conscience of individuals. The citizens believe that it reflects more on political life and business environment, than the life of themselves and their families. Such a perception of corruption and corrupt relations in general, determines the overall attitude of citizens and the society towards this negative social phenomenon.

The fear of crime is growing rapidly and much faster than the escalation of crime itself, so it is emerging as one of the most serious threats to normal life of citizens. The appearance of corruption (especially in the police) leads to more fear, which has a direct impact on citizens and forces them to change opinions, behaviour and feelings that lead to them losing confidence in state institutions and in general the basic values of society thus "forcing" them to be dissatisfied. If this discomfort increases and lasts, it can lead not only to individual events, but also to mass "civil disobedience".

From the social perspective, all social factors should act systematically and in an organized way in undertaking necessary measures of monitoring the situation and problems and detecting and removing the causes that lead to the criminal offences of corruption, and it should be done significantly more than before and within their jurisdiction, the scope of work and accountability.

It is necessary to develop and perfect the legal acts related to corruption or which may affect the creation of conditions for the appearance of corruption so as to be flexible and adaptable to changes occurring in society and in line with the models of the international law. Accordingly the Ministry of Interior should develop its own by-laws and norms of ethical codes, as well as the organizational structure and model of functioning in accordance with the real changes occurring in society, and depending on the real needs those changes create.

Developing professional integrity of the police is not the exclusive task of the Ministry only, but also of other factors in the society.

The occupation of police officers in the society should be professionally classified by differentiating or classifying specialized police jobs into the groups of similar police operations or professional vocations (for example, a traffic policeman, border policeman, constable, detective, inspector, forensic technician, police manager, etc.). These police professional vocations with all their necessary features need to be defined as such in the national system of classification of occupations.

Such a status would enable the performance of certain police tasks to become a permanent and paid occupation, on the basis of having particular professional qualification.

One cannot neglect the development of professionalism, not only the existence of such features in a professional activity, but also in a broader sense as the attitude of police officers towards their work and police organization. In order for the police profession to be adequately valued, the following should be developed: higher standards of professional accountability, indisputable code of ethics, clear political neutrality, commitment of a police officer to build up his professional skills, the scientific research in the police, the modern systems of education for the police occupations with modern and licensed curricula and verification system as well as the system of knowledge and skills sustainability.

The integrity of the police profession should also be developed by creating the work conditions (space, equipment, tools, vehicles, laboratories, teaching aids, etc.) that would help the fight against corruption adequately and to the highest extent. Furthermore, the conditions should be created that will enable police officers to meet their living needs and those of their family from their work, salaries or competences, thus gaining security, economic independence, commitment and ability to achieve satisfaction with their jobs.

In order to develop the police profession integrity, the Ministry of Interior should conduct an assessment of the job vulnerability to corruption as the basis for strategic, tactical and operational planning of the fight against corruption. Furthermore, it should develop and modernize the standards for the systems of selection, supervision as well as promotion of the employees.

The supervision and evaluation system should be developed and harmonized with the system of career development in the police and promoted as one of the required and constant management functions.

The system of career development should be made public, available, transparent and based on the competences and competitiveness of the knowledge and skills. It should be developed in a way that enables the lowest possible discretionary behaviour and decision making on one side and on the other side provide equal conditions for each police officer, and what is very important, the system must ensure transparency of the procedures.

The question „*Quis custodiet ipsos custodies?*“ („Who will guard the guards?“) also appears. The internal control system should be further developed towards meeting the following conditions: (1) the instruments of control are properly constructed, efficient, strict, independent and fair, (2) the same attitude towards the reports on violations conducted by the police officers and (3) the effects of the internal control are public regardless of the outcome.

The third condition (without minimizing the first two) is certainly the most important to the police profession and every individual police officer, as well as to the public and every individual citizen.

It is important to the police profession – because a corruption event or case is related to and personalized in an individual, a person with the name and surname and not the profession.

It is important to an individual police officer – because in case there are no elements that would explicitly lead to the prosecution of the police officer, it should be announced to public in order to initiate rehabilitation of the individual.

It is important to the public – because thus the public is able to have the continuous insight, monitoring and assessment of the activities of the police organization in the fight against corruption; and to an individual citizen – because it increases trust in the police and reduces fear of crime thus enabling one of the main human needs - security.

So called informal internal control mechanisms should also be developed:

- Self-control based on adoption of the standards of behaviour and activities as a part of conscious reactions to certain situations. Development of self-control can be related to: the type of training, police ethics, police culture or subculture, the systems of evaluation, promotion and accountability.

- Inter-personal control as the control mechanism especially among the work teams.

- Police associations – unions, which should, inter alia, make efforts to develop professionalism, as a basic prerequisite for meeting the needs of police officers. Proposing possible models in modernizing labour standards or timely indication of negative events and phenomena, and suggesting ways in terms of preventive action to minimize or remove the conditions favourable for the appearance of corruption (and other negative phenomena) is certainly important. This is particularly important because the majority of members of labour unions are from the operational units, which means that their job is in “the very centre of the events and phenomena”, so they reflect in a positive or negative sense on them as well as on the citizens, police organization and society.

- The process of socialization as a control tool because of daily contacts with the citizens both during and off work ours and active participation in the social life of the community.

There should be daily insisting on respect of legality and the profession by developing personal authority of an individual and the professional authority towards the citizens and society.

Public trust should be gained up to the level at which there will be no silence in any illegal event or phenomenon, no fear of potential consequences in case of reporting of an event or phenomenon or suggesting a model to solve a problem, to the level of having corruption related to an individual instead to the police profession, changing awareness of police officers to the fact that they are also citizens and awareness of the citizens that they are also accountable for creating security in the community where they live and work.

NOTE:

This Handbook will be set up on the website of the Ministry of Interior on the Internet address: <http://www.mup.rs>

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USEFUL LINKS

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<http://www.poverenik.org.rs/>
<http://www.ombudsman.rs/>
<http://www.dri.rs/>
<http://www.transparentnost.org.rs/>
<http://www.protecta.org.rs/>
http://birodi.rs/index.php?option=com_content&view=article&id=42:istaivanje-organizacije-civilnog-drutva-u-borbi-protiv-korupcije
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The Manual was prepared by:

Tadija Dimitrijević, Internal Affairs Sector

Mr Nebojša Pantelić, Internal Affairs Sector

Ranko Đurašković, Directorate for Police Education Professional,
Development and Science

Milan Radivojević, Directorate for Police Education Professional,
Development and Science

If you want to make a comment or give guidelines regarding Anti-Corruption manual or wider version of Manual that is available on Ministry of Interior intranet page, please send us your suggestions on Internal Affairs Sector e-mail: sukp@mup.gov.rs

Address:

Ministry of Interior

Republic of Serbia

Internal Affairs Sector

Bulevar Zorana Djindjica 104

11070 Novi Beograd

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