

**COUNTERING
POLICE CORRUPTION:
EUROPEAN PERSPECTIVES**



**CENTER FOR
THE STUDY OF
DEMOCRACY**

This publication reviews the policies and institutional mechanisms for countering police corruption in several EU member states. To be effective, anti-corruption efforts should be based on a system of independent and mutually accountable institutions which are sufficiently empowered to implement their objectives. This report emphasises the last two decades of experience in the UK, Belgium and Austria in modernising their anti-corruption policies and institutions. In addition to the institutional and legal framework, concrete measures and methods (risk assessment, integrity tests, etc.) are also examined. The Bulgarian and Romanian experience in countering corruption in law enforcement institutions is also reviewed with an emphasis on some of the main problems and gaps that undermine effective counter measures.

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ABBREVIATIONS

ACPO	Association of Chief Police Officers (UK)
AIG	General Inspectorate of the Federal and Local Police (Algemene Inspectie) (Belgium)
ANI	National Integrity Agency (Romania)
BAK	Federal Bureau of Anti-Corruption (Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung) (Austria)
BIA	Federal Bureau for Internal Affairs (Büro für Interne Angelegenheiten) (Austria)
CEPOL	European Police College
Committee P	Permanent Oversight Committee on the Police Services (Comité permanent de contrôle des services de police) (Belgium)
DEA	US Drug Enforcement Administration
DGA	Anti-Corruption General Directorate of the Ministry of Internal Affairs (Romania)
DNA	National Anti-Corruption Directorate (Romania)
EACN	European Contact-Point Network against Corruption
ECOFIN	Directorate for Economic and Financial Crime
EPAC	European Partners Against Corruption
FPS	Federal Police Service (Belgium)
GRECO	Group of States against Corruption
HMIC	Her Majesty's Inspectorate of Constabulary (UK)
HMRC	Her Majesty's Revenue and Customs (UK)
IGEO	Directorate of Individual Investigations (Belgium)
IGIN	Directorate of Audit and Inspection (Belgium)
IGST	Directorate of Statutory Competencies and Assessment of Police Chiefs (Belgium)
IPCC	Independent Police Complaints Commission (UK)
IPS	Integrated Police Service (Belgium)
LPS	Local Police Service (Belgium)
MIA	Ministry of Internal Affairs (Romania)
MPS	London Metropolitan Police Service
MoI	Ministry of Interior (Bulgaria)
NCIS	National Crime Intelligence Service (UK)
NSCOG	National Service for Combating Organised Crime (Bulgaria)
NYPD	New York City Police Department
OCAM	Coordination Body for Threat Analysis (Belgium)
OCRC	Central Office for the Repression of Corruption (Office Central pour la Répression de la Corruption) (Belgium)

OECD	Organisation for Economic Cooperation and Development
OLAF	European Anti-Fraud Office
PSD	Professional Standards Department (UK)
SANS	State Agency for National Security (Bulgaria)
SOCA	Serious and Organised Crime Agency (UK)
UKBA	UK Border Agency
UNCAC	United Nations Convention against Corruption
UNODC	United Nations Office on Drugs and Crime
WKStA	Central Public Prosecutor's Office for Combating Economic Crimes and Corruption (Austria)

EXECUTIVE SUMMARY

In countries with endemic corruption, integrity reforms can only be successful if anti-corruption institutions succeed in tackling internal corruption challenges. Recent studies have shown that police corruption in Bulgaria continues to be a serious challenge. Given such findings, substantial investments and anti-corruption reforms need to be made a political priority. A sharp decline of corruption in law enforcement would provide society with the necessary tools to pursue tangible change. The experience of established democracies is that a successful transformation depends on the introduction of sets of anti-corruption instruments applied not only within law enforcement but also across the entire public administration.

Corruption among police officers has been viewed with an increasing concern by the authorities and the public in many European states. As a result, while no common approach has ever been tested with respect to the judiciary, elected politicians or the customs, countering police corruption has become an all-European effort. During the last decade, several European countries developed multi-institutional systems for police integrity. On EU level, platforms like the European Partners against Corruption (EPAC)¹ were introduced, enabling specialised anti-corruption institutions to cooperate and share experience. In addition, Europol, Interpol and the UN developed and shared the blueprints of common standards and good practices in preventing police corruption.

The current report is a review of the institutional infrastructure in place for countering corruption in five EU countries: the UK, Belgium, Austria, Romania and Bulgaria, with a special focus on the first two, where the anti-corruption systems are well established.

A precondition for efficient operational measures is the availability of the following key elements that can be found in countries with well-developed integrity systems:

- Ensuring the **autonomy** of anti-corruption institutions and units from the police forces and preventing political interference, especially in complex and serious corruption cases.
- **Checks and balances among anti-corruption institutions** through several levels of mutual control.
- Linking anti-corruption to the **supervision of professional standards**.
- **Linking anti-corruption efforts to the safeguarding of civil rights** through the enactment of a system for independent processing of complaints.
- **Adequate resources and sufficient powers of anti-corruption departments** by establishing local level structures, allowing them full access to operational

¹ www.epac-eacn.org

information and enhancing their effectiveness by introducing a method for distinguishing between minor and serious corruption cases.

- Replacing the traditional reactive approaches with **active measures** such as the use of integrity tests, undercover agents and identification of corrupt officers or officers at risk using database analyses (for example, scanning personal assets declarations).

THE EUROPEAN EXPERIENCE

EU member states apply varying approaches to the control over police and the investigation of corruption. In most cases the agencies investigating corruption are outside the police but are nevertheless directly subordinated to the minister of interior or the minister of justice.

In countries where the anti-corruption infrastructure is well-developed these functions are implemented on several levels both within the police (targeting minor offences) and by independent institutions. The most serious cases are investigated by independent centralised bodies usually appointed by parliament or the president/minister, as is the case of the Belgian Committee P (Permanent Oversight Committee on the Police Services), as well as the Independent Police Complaints Commission and Her Majesty's Inspectorate of Constabulary in the UK.

In **Belgium and the UK**, professional standards were introduced as part of a comprehensive police reform (enacted in 2001 in Belgium and in 1999 in the UK) prompted by growing public mistrust in the police following a series of corruption scandals that revealed police incompetence and irregularities.

These two well-developed integrity systems share some common parameters:

- **Professional standards:** these cover a large array of issues that directly or indirectly impact the integrity of the police and the levels of public support and trust in them. The anti-corruption approach follows the so-called *slippery slope* theory: when left unsanctioned, small infringements lead to more serious offences. Hence the need for zero-tolerance policies by senior officers. The enforcement of professional standards links control and the application of quality criteria in assessing everyday police operations to disciplinary proceedings.
- **Institutions exercising control and oversight at various levels:** differentiating minor offences from serious corruption crimes at the initial stage of investigation. Serious crimes are investigated by specialised services outside the police or by independent commissions, appointed by the parliament. Minor infringements are dealt with at the level of internal control and local professional standards departments by following transparent rules. The emergence of this complex anti-corruption infrastructure is the result of applying the principle of independence, checks and balances among the institutions. This structure aims to foil potential attempts to interfere with investigations. These institutions have sufficient resources at their disposal and guarantees of autonomy at operational and organisation levels.

- **Anti-corruption enforcement based on risk analysis and assessment.** In the UK, the system of professional standards is largely shaped by the model of intelligence-led policing where the identification, analysis and management of current or expected risks and problems provide guidelines to enforcement measures, not vice-versa. Thus, the entire set of controlling institutions at central and local levels, whether independent or within law enforcement bodies, concentrate significant resources and efforts in assessing corruption threats and risks as the basis for strategic and management decisions. In Belgium, the assessment of the threats and risks and the monitoring of the organisational processes are a significant component of the internal control system. In the UK, the professional standards departments are not confined to simply acting on complaints but rather collect evidence through targeted intelligence.

Austria is one of the countries with relatively low levels of corruption and high public confidence in the police. Nevertheless, public outcry over a series of high-profile corruption scandals in recent years shook public institutions, including the police, and forced the government to implement more determined and comprehensive anti-corruption policies. A difference with the British experience is that in Austria no national situational analyses or assessments of police corruption risks have been carried out. The analytical capacity in the field of anti-corruption is just beginning to evolve in Austria.

Efforts to this effect mainly revolved around the work of the Federal Bureau of Internal Affairs which was established in 2001. However, its standing as the main anti-corruption body was sufficiently recognised by other institutions while the risk of political appointments and interference with its work was still present. Since 2008, following recommendations by the Council of Europe's anti-corruption advisory group GRECO, Austria has been adjusting the definitions of corruption offences in its Criminal Code and introducing harsher penalties. In 2010, the Federal Bureau of Internal Affairs was reorganised through a special legislative act which introduced the **Federal Bureau of Anti-Corruption** (BAK). The new statutory basis provided BAK with a clearer definition of its mandate, in addition to supplementary provisions securing closer cooperation with other bodies. BAK's mandate combines enforcement with prevention, analysis and monitoring of corruption not only in law enforcement institutions but also in the entire public sector. Its remit includes serious corruption offences, defined by several articles of the Criminal Code, in addition to related economic and financial crimes.

Gradually, BAK has established itself as the main body coordinating the country's efforts in countering corruption. It has pursued a preventative approach where the priority measures are defined in partnership with the criminal police and the specialised prosecution on the basis of analysis of operational gaps and recommendations from the investigation bodies.

In **Bulgaria and Romania**, especially after their accession to the EU in 2007, significant institutional and legal changes were enacted that led to limiting police abuses at lower and medium levels. Under EU pressure, new anti-corruption institutions were established and gradually widened their remit and introduced state-of-the-art methods of risk analysis. In both countries, new institutions have been established in the last few years focused on combating police corruption. This innovation led to an increasing number of complaints being investigated

and penalties imposed. At the same time, the specialised bodies performing criminal investigations into cases of police corruption started to actively seek out breaches of integrity.

The various anti-corruption bodies – in Bulgaria, the Directorate Internal Security of the Ministry of Interior, and in Romania the General Ant-Corruption Directorate of the Ministry of Internal Affairs and the National Anti-Corruption Directorate of the prosecution – are increasingly making an impact on police corruption in agencies such as Border Police and Traffic Police, where corruption had been endemic.

Still, at the local and national levels cases of conflict of interest and high-level corruption continue to present a serious challenge in both countries.

In Romania, political pressure on investigations of corruption among senior public officials and attempts at limiting the powers and independence of the specialised anti-corruption institutions indicate that the situation is still precarious.

In Bulgaria, regardless of the enhanced effectiveness and remit of the Directorate Internal Security, a number of structural deficiencies still impede a more tangible reduction of police corruption. These include a lack of resources (especially at the lower levels where most petty corruption is investigated), the absence of a policy integrating prevention, investigation, human resource management, oversight of professional standards and the processing of complaints. Corruption investigation should also become more independent, including thorough use of internal surveillance, intelligence, development of IT resources and independence from ministerial interference. The use of more forceful investigation and enforcement methods, such as integrity testing, needs to be strictly regulated by law.

INTRODUCTION

Corruption among law enforcement officers came to the forefront of public attention in most European countries and in the United States in the last two decades. Countering police corruption is somewhat different from similar efforts with respect to other public officials like magistrates, elected politicians or the tax administration, where no standards or EU-wide approaches exist. In the US, the UK and in other European countries the national strategies were aimed at reforming the law enforcement bodies, often implemented under the supervision of the legislative bodies. Within the EU, specialised platforms like the European Partners against Corruption (EPAC)² work on fostering cooperation and experience sharing among institutions charged with countering corruption. Interpol and the United Nations Office on Drugs and Crime (UNODC) also develop and propose common standards and good practices in preventing police corruption.

This report does not intend to propose concrete operational measures for corruption prevention (which is often the purpose of various manuals and toolkits by international institutions). Such measures can be ineffective if applied without understanding the nature of the larger institutional and legal context. The report reviews the anti-corruption systems and institutions in five European countries: the United Kingdom, Belgium, Austria, Bulgaria and Romania. Special attention is paid to institutions in the UK and Belgium, as they are integrated within comprehensive and well developed anti-corruption systems. As for the other countries reviewed in the report, only some of the necessary anti-corruption components are in place. The report emphasises five elements that enhance the effectiveness of anti-corruption measures, namely:

- Independence of anti-corruption institutions and units;
- Linking anti-corruption efforts to the supervision of professional standards and the safeguards for civil rights;
- Checks and balances among anti-corruption institutions;
- Adequate resources and powers at the disposal of anti-corruption bodies;
- Pre-emptive methods instead of the traditional reactive approaches to anti-corruption.

The independence of anti-corruption units is the starting point in building successful policies for countering corruption. The report describes various models and ways to achieve an appropriate level of independence and impartiality. One is through the establishment of investigative and oversight institutions outside the police and the Ministry of Interior. These institutions may partner with the internal security departments of the police, but at the same time guarantee that an independent investigation could still be performed in cases

² www.epac-eacn.org

where a risk of bias exists. These institutions are either subordinated to more than one ministry (for example, the management is appointed by both the minister of interior and the minister of justice), or are directly subordinated to the parliament (as is the case with Committee P in Belgium). The independence is also safeguarded by allowing the institutions autonomy in managing their information systems or by giving them independent and full access to operational police systems. Another way of enhancing their independence is through staffing these bodies with representatives of other public and private institutions (prosecutors, judges, human rights lawyers, NGOs), instead of police officers.

Linking anti-corruption to the upholding of high professional standards and the safeguarding of human rights. Research of police corruption across countries has established a link between the professional conduct of policemen and their vulnerability to corruption. This correlation is particularly obvious in minor cases of corruption. The slippery slope theory is based on the observation that corrupt officers usually have a history of incidents of violating professional discipline and neglecting their professional duties. This is the reason why in both the UK and Belgium the anti-corruption departments and institutions are concerned with the professional conduct of the officers as well. Part of an officers' duty is to act in conformity with the established standards, and not to abuse citizens' rights. This warrants the development of mechanisms for processing citizens' complaints and petitions by these departments and units. Needless to say, some of these complaints can point to acts of corruption by police officers.

Checks and balances among anti-corruption institutions. The existence of several investigative institutions which not only cooperate, but also exercise oversight and investigate each other is another important component of the system. This approach often includes a division of responsibilities based on the type of investigations. For example, more independent institutions usually are tasked with investigations of more serious cases involving senior officials, and cases where there is a risk of bias in the police internal investigation bodies.

Adequate resources and powers for the anti-corruption departments. In both the UK and Belgium significant investments were made in human resources and operational capacities. In these two countries the ratio of investigation officers to the overall number of police officers is several times larger than in Bulgaria. Anti-corruption units may also be staffed with highly qualified analysts who undertake the complex statistical and technological analyses necessary to uncover corruption cases.

Pre-emptive anti-corruption methods and measures instead of traditional reactive approaches. Adequate resources permit the application of zero tolerance policies and a strategic approach that goes beyond investigations only of cases where "an alarm has been raised." One way of introducing these is to implement the intelligence-led approach in the anti-corruption departments. Such proactive units have access to operational information or collect such information themselves in an effort to uncover cases of corruption. Another model to be used is the introduction of risk analysis based on information from various sources: from databases linked to the HR departments (containing analyses of the assets declarations of officers) to the databases containing information about infringements of work discipline or professional duties. This

makes it possible to identify officers who are likely to be involved in corruption. All these methods, however, require well-structured and maintained databases and guaranteed access of anti-corruption departments to them.

In the UK, much like in the US, zero tolerance to corruption is supported by more aggressive methods in investigation and prevention. The use of integrity tests that put officers in situations where their participation in corruption crimes is controlled has gradually been accepted by legal practice. A fine line between provocation and integrity testing has been drawn that permits the use of the latter under certain conditions. In the US, corruption prevention based on detailed preliminary checks in selecting new officers (for example in the US Customs and Borders Protection service) involves the use of polygraph tests as well.

In Bulgaria, the lack of independent investigative anti-corruption bodies outside the Ministry of Interior (Mol) presents a serious challenge. Such a body could be particularly effective given the excessive political control over internal investigations of police corruption. Another problem is the lack of modern databases and management systems, especially systems for HR management as well as for operational information. Last, but not least, is the problem of inadequate staffing of units dedicated to police integrity. The number of officers in the Directorate Internal Security is several times smaller (even scaled to the size of the police force) than that in countries like Belgium and the UK. In Bulgaria, where there is widespread petty police corruption, far bigger investments in human resources should be made in investigating and preventing corruption, in addition to the administrative anti-corruption measures needed.

This report is based on a review of secondary sources, in addition to a series of interviews with representatives from the Directorate Internal Security in Bulgaria, the Romanian General Anti-Corruption Directorate (DGA), the UK Serious and Organised Crime Agency's anti-corruption unit, the anti-corruption unit of the London Metropolitan Police, the Belgian General Inspectorate of Police (AIG), the Central Office for the Repression of Corruption (OCRC) and the Federal Bureau of Anti-Corruption (BAK) in Austria. Most of the interviews took place during three workshops in London, Brussels and Vienna, where representatives from the Directorate Internal Security, DGA and the Center for the Study of Democracy exchanged views with representatives of local institutions countering police corruption. In addition, during a week-long training seminar held in Pravets, Bulgaria, investigators and trainers from the UK, Belgium and Austria presented practical approaches, instruments and best practices in the field of investigations and prevention of police corruption.

The literature used includes official documents of the analysed institutions and publicly accessible research papers on police corruption. Most of the publications on police corruption and anti-corruption cover a small number of countries: the US³, Australia⁴, the UK and the Netherlands⁵.

The present report is structured into seven chapters. The first two discuss, in more general terms, the specifics and causes for police corruption, in addition to the approaches used for countering it. The first chapter presents some

³ Ivkovic (2005), Klockars et.al. (2006), Punch (2009).

⁴ Prenzler (2009).

⁵ Punch (2009).

typologies, already established in academic literature, of the forms and dimensions of police corruption, in addition to the factors which impact it. The second chapter reviews the institutional anti-corruption models, the criteria for effectiveness of specialised anti-corruption bodies, and the various methods for preventing and suppressing it applied by internal control bodies.

The following five chapters focus on the specific experience of the UK, Belgium, Austria, Romania and Bulgaria in countering police corruption. Every chapter reviews the general corruption context in the country discussed, in addition to the evolution that led to the present anti-corruption infrastructure. The institutional organisation, mode of operation and the role of the key anti-corruption bodies are also examined. The approaches to corruption investigations are analysed for the respective country.

1. POLICE CORRUPTION⁶

Corruption in the public security sector is a broad topic, yet the majority of academic or policy studies, as well as anti-corruption policies, have focused on the issue of corruption in the police forces. This emphasis stems from the concern that corruption of policing can rapidly undermine the rule of law and significantly curb citizens' basic human rights.

This part of the report focuses on the main definitions of corruption in the police, its causes and forms. It will also present a scope of the typologies most frequently used in the academic literature.

1.1. DEFINING POLICE CORRUPTION

One of the most popular definitions describes police corruption as '[...] a deviant, dishonest, improper, unethical or criminal behaviour by a police officer'⁷. In some EU police forces, such as the French for instance, a more restricted definition is in use. It does not include the involvement by police officers in criminal activities. In other countries police corruption may refer simply to police misconduct or to involvement in criminal activities without there being a briber: for instance in theft or drug use⁸.

The boundaries between a police officer's misconduct, corruption and other offences, involving police misconduct are blurred. For example, misconduct does not need to be illegal, as some forms of deviance fall under the internal police regulations rather than under criminal law. This is particularly relevant to instances of police corruption involving a failure to act – for example, when crimes are not investigated or evidence has not been properly secured.⁹

Another matter of academic debate is whether the intent behind corrupt acts is for personal or collective gain, and what qualifies as gain. Given this distinction, police corruption is defined as 'any illegal conduct or misconduct involving the use of occupational power for personal, group or organisational gain.'¹⁰

⁶ This chapter is based on a 2012 Frontex-commissioned report prepared by the Center for the Study of Democracy: Study on anti-corruption measures in EU border control. See: CSD (2012).

⁷ Barker and Roebuck (1973: 3).

⁸ Miller (2003: 2); Newburn (1999: 14).

⁹ Punch (2009).

¹⁰ Sayed and Bruce (1998).

Some definitions take into account the different types of police deviance:

‘Corruption occurs when an official receives or is promised significant advantage or reward (personal, group or organisational) for doing something that he is under a duty to do anyway, that he is under a duty not to do, for exercising a legitimate discretion for improper reasons, and for employing illegal means to achieve approved goals.’¹¹

Most definitions of police corruption include ‘the abuse of power/authority’, as well as the ‘intention to gain further advantage, private or organisational’.¹² In relation to the former aspect, some scholars argue that what is corrupted is the ‘special trust’ granted by the role.¹³ As such, a police officer who steals from the crime scene is corrupt, while he is simply a thief when he steals from a shop or from his friends, as then he acts outside his police role.

1.2. CAUSES AND TYPES OF POLICE CORRUPTION

While the general causes of corruption have been subjected to a number of studies, the specific causes of police corruption have been much less rigorously examined. The main reason is the lack of reliable data: many types of police corruption are not amenable to study through public surveys (such as those of Eurobarometer or Transparency International). Police corruption in the US and in Western Europe has been exposed by media investigations and as a spill-over from political scandals which shows that cases of misuse of public office at the highest levels, in addition to cases of police corruption related to serious and organised crime, are almost inaccessible to traditional research instruments and have not been effectively analysed by anti-corruption departments.

Many of the general causes of corruption in the public sector (especially economic and cultural factors) also apply to the police. These factors can be split in **two categories: structural** (i.e. causes that lie outside police) and **institutional** (causes that arise within the police itself).

1.2.1. *Structural factors*

Geographic/territorial perspective

The geography of a state or a city can also affect the levels of police corruption at national and local levels. National capitals, large cities, or tourist resorts with their large markets for illicit goods and services usually make law enforcement more vulnerable to corruption pressure than in other places. Transportation centres (e.g. port cities) and hubs also represent zones of increased corruption transactions in general, and illicit police involvement in particular.

¹¹ Punch (1985: 14).

¹² Newburn (1999: 14).

¹³ Ibid.

A particularly salient territorial factor is the vicinity of international borders.¹⁴ Often, such peripheral zones represent a huge challenge to law enforcement owing to the linkages between legal and illegal activities in cross border trade.

The combined effect of irregular migration and smuggling usually causes higher corruption pressure on officers at border crossing points and those controlling the green border. Human smugglers usually seek to corrupt passport control officers, technical staff at passport application offices and the officials who issue residential registrations or marriage certificates.¹⁵ Corruption plays a significant role in the facilitation of irregular border crossings, in simplifying the issuing of visas and in the prevention of prosecution of smugglers.

Historical perspective

Although police corruption is both a universal and recurring phenomenon, its varying forms are shaped by the evolution of national institutions. One of the classic studies on this phenomenon compares the forms, causes and consequences of police corruption in four countries: the US, UK, Belgium and the Netherlands.¹⁶ According to its findings, police corruption in the US is an offspring of the institutional links between the police and city mayors through which corrupt city government infiltrated the police. The different nature of politics and urban governance in Europe is the reason why organised graft is less prevalent than in North America. Where political influence over the police exists, it usually does not concern local government but national authorities. In a well-known example from Belgium – the so-called ‘Dutroux affair’ – inadequate police action led to the early release of a convicted rapist, who enjoyed protection from senior officials and subsequently murdered five young women. A parliamentary inquiry concluded that the police were hindered by political interference in their investigation, irregular promotions of officers, as well as by institutional rivalries.¹⁷

Most of the police corruption in Northern Europe is either of the ‘noble-cause’ variety or corruption that stems from incompetence or failure to perform duties adequately. Noble-cause corruption refers to misconduct justified with the aim of achieving good results. Officers may, for instance, bend or break the law in order to bring perpetrators to justice. For example, in the UK physical violence was used by the police to bring IRA members to justice. In both the UK and the Netherlands some of the most notorious cases are linked to illicit cooperation between prosecutors and organised criminals to uncover contraband and distribution schemes.¹⁸ It is difficult to establish when ‘noble cause’ corruption is driven by concern for the public good or by career considerations.

In Italy, the influence of the mafia has curtailed the work of law enforcement in the southern regions of the country. Officers in that region refrain from

¹⁴ Schendel and Abraham (2005: 44).

¹⁵ UNODC (2010a: 96).

¹⁶ Punch (2009).

¹⁷ Punch (2009).

¹⁸ Punch (2009).

investigations because they would face corruption pressure and obstruction from local police officers who are well-connected to the mafia.¹⁹

In Eastern Europe, the police has been stigmatised by its association with the former communist regime which has isolated it from the public. The crony networks formed in the pre-1989 period were carried over into the new police forces. In Bulgaria, the negative public perception of the People's Militia (as the police was called then) led to the recruitment of new officers, often from the families of retired officers. This practice caused the emergence of family and crony networks in the police force which continue to facilitate the exchange of personal favours and family-based loyalties.²⁰ The loyalty of State Security – the communist regime's secret service – to the Communist Party was transformed into direct political control over the Ministry of Interior and – during the post-communist transition – by the party in government over the police. What resulted was a political interference in police work and ultimately a linkage between political and police corruption.

Furthermore, in the process of the transition into democracy thousands of police and special services officers across Eastern Europe and the former Soviet Union were laid off and many turned to organised crime. They maintained their informal contacts with former colleagues, which made them particularly suitable as means for corrupting police officers.

1.2.2. *Institutional factors*

Traditionally, police corruption is viewed either as an **individual phenomenon** or as a **systemic phenomenon**.²¹ The New York police, for example, used to view police corruption as cases of individual deviance. This approach changed when the Knapp Commission, after investigating widespread corruption in the NYPD in 1971, came to the conclusion that the 'rotten apple' theory served only to allow senior officers to divert attention away from underlying problems in their forces.²²

The result was a refocusing on the specifics of police work that make officers vulnerable to corruption. Abandoning the rotten apples theory allowed analysis to focus on the nature and context of police work, identifying the constant factors that allow police officers to pursue their own agenda. Other contributing factors were also highlighted – the necessary discretion in carrying out police functions,²³ the internal solidarity and confidentiality (even by the management),²⁴ and contacts with criminals.

¹⁹ CSD (2010: 90).

²⁰ CSD (2010: 218-219).

²¹ Analysis of the causes and forms of political corruption follows several conceptual frameworks: Punch (2009); Newburn (1999); Van de Bunt (2004).

²² Knapp Commission report on police corruption (1972).

²³ Police discretion is a powerful factor in Anglo-Saxon policing but has less relevance in code-based criminal justice systems.

²⁴ Heads of police usually come from the ranks of the force and share some of the values of their subordinates. The UK police service can only be entered at the lowest level of the hierarchy. Other police forces in EU member states have different rules limiting the effect of this factor.

Other, variable factors that are not inherent to the profession and vary with time, place and culture are just as crucial to the opportunities and pressures that create police corruption.²⁵ Among such factors are community structures, the organisation of the police force (i.e. hierarchical versus decentralised), their connections to local politics and the level of anti-corruption activities, e.g. the existence of internal corruption investigation departments.

Police corruption is also affected by the way anti-corruption structures respond to incidental corruption acts and regular corruption activities.²⁶

High levels of corruption exists in forces where police officers have demanding responsibilities that are not matched by the remuneration they receive, and where they operate in an environment of secrecy and peer solidarity whilst coming into contact with people who have considerable resources and a strong interest in breaking rules and ethics.

These conclusions are partly supported by the experience of the London police: severe corruption was ended through a radical re-structuring of police pay and work conditions which came into effect in the early 1980s. This massive change in the remuneration of the police also attracted for the first time a wave of better-educated recruits from higher socio-economic backgrounds. It would thus be over-simplistic to argue that pay in itself was the driver.

Law enforcement hierarchies

Comparative analyses find that strong hierarchical management is particularly risky in structures that are not subjected to effective external control, as the concentration of power in the police leadership can corrupt the entire group.²⁷ One example is France, where the hierarchically structured police service became vulnerable to corruption influence from the government.²⁸ Recent research²⁹ based on registered cases of official corruption in the French police has found that the higher the officers and members of specialised units are in the hierarchy – the more likely they are to be involved in documented cases of corruption.³⁰

In Eastern Europe the high level of centralisation in interior security institutions, inherited from the Soviet model, contributes to corruption that easily reaches the highest echelons, including within the Ministry of Interior.³¹ This conclusion is also supported by research into police corruption in Japan.³² Japanese police officers are well-disciplined conformists who rarely turn to corruption by themselves. However, when they do commit corrupt acts, they do so to comply within a police subculture that is deviant and highly bound by a 'code of secrecy'.

²⁵ Newburn (1999: 14).

²⁶ Newburn (1999: 22-23).

²⁷ Edelbacher and Peruci (2004: 364).

²⁸ CSD (2010).

²⁹ Maguer (2004: 283-305).

³⁰ CSD (2010: 262-263).

³¹ CSD (2009).

³² Yaokoyama (2004: 326-330; 342).

On the other hand, decentralisation does not automatically relieve law enforcement from corruption risks. The police forces in the United States are a good example. Even on the state level no centralised control is imposed on police subdivisions since they are subordinated to local authorities. This lack of centralised control is at the root of a series of corruption scandals that shook several American cities.³³

Fragmentation and operational autonomy

Police forces have a number of different units which have various functions and are usually given the necessary operational autonomy to carry out their work. This, however, builds barriers between them, inhibits cooperation, and may lead to turf battles between them. The fragmentation and relative autonomy inhibit oversight and effective public accountability.³⁴ The disjunction occurs between two types of police: the 'street cops' and the management level. Policy and policing strategy are usually designed by management officers who may have little legitimacy or credibility at street level where the policies and strategies have to be implemented. This results in miscommunication and often deliberate distortion of the intentions of the management.

Contact with offenders

The regular contacts of police officers with offenders or informants increase the risk of lowering their ethical standards, of corruption and in extreme cases of involvement in crimes.³⁵ Moreover, some methods can have unintended consequences, for example when in some high-profile crime areas (drug trafficking or organised crime) undercover work brings officers close to underworld crime figures and large amounts of cash. Another example is the use of controlled delivery, as in the well-known scandal of cooperation between the US Drug Enforcement Administration (DEA) and the Amsterdam police in 1994.³⁶ In an operation countering the illegal drug trade, the DEA engaged in the controlled import of narcotics whereby police agents posed as drug traffickers. The goal was to offer the imported drugs to illegal traders, apprehend them in the process, and recapture the narcotics before they reached the illegal market. The operation failed due to poor oversight, difficult implementation, double-crossing by informants and corruption among customs officials. Huge amounts of narcotics were permitted to enter the Netherlands. Thus, the operational autonomy of 'creative' officers allowed the Dutch government to effectively become the largest importer of drugs into the country at that time, without significantly affecting the drugs trade.³⁷

Blue code of silence

One of the defining characteristics of the police is the exceptionally strong sense of group loyalty among officers. This is often referred to as the 'blue wall' or the 'blue code of silence.' This code is part of police culture, of an 'us vs. them'

³³ Palmiotti (2005: 283-299), Malinowski (2004: 21-46), CSD (2010).

³⁴ Punch (2009).

³⁵ Punch (2009).

³⁶ Punch (2009).

³⁷ Punch (2009).

mentality, where police officers are reluctant to report unethical behaviour by their colleagues. A number of explanations of this phenomenon have been advanced. First, the nature of the battle against crime in many urban areas creates and reinforces this mentality - especially if the demands made by senior officers on their subordinates are unrealistic. Secondly, it is in the nature of policing that very small teams of officers can suddenly and unexpectedly encounter real physical threat, and at such moments colleagues must be able to rely on one another even at the cost of rule-bending.

The code is applied selectively in accordance with the corruption levels in the police forces. Officers who regularly disregard these established rules could be shunned by their colleagues.

Other institutional factors

The following features in the organisation of police forces facilitate corruption practices:³⁸

- **Autonomous networks within the police force:** those networks are closed worlds, operating on their own with little, if any, interaction with the rest of the force. Oversight requires extraordinary efforts, while poor control allows deviation from the official duties. Isolation from other social and professional groups explains the higher levels of police corruption in some EU member states.³⁹
- **Poor or missing external oversight** allows corruption to slip 'under the radar' and go undetected and/or ignored for extended periods of time, until a major scandal breaks out.
- **'Cover your back' policies.** This is another manifestation of a disconnection between levels of the hierarchy. Pressure on senior officers to deliver results could make them turn a blind eye to rule-bending by junior officers. If problems arise, the senior officers do not take on the responsibility for any wrongdoing and hide behind the 'rules must be obeyed' slogan. This behaviour might foster further distrust and resentment by junior officers.
- **Murky guidelines** can result in inadvertent deviation from the rules. It also makes corrupt offences more difficult to sanction and prosecute.
- **Impossible mandate.** The primary mission of the police is to reduce criminality, but many other external factors (economic or social) often have a stronger effect on crime than the police. The pressure on the police force to fulfil this mission creates conditions where implementation of the formal code of conduct can be distorted for the 'public good'. Some modes of investigation, especially in relation to organised crime, require a long-term investment of time, personnel and the means to cope with the complexity of the cases they only yield results in the long term. Pressure from superiors to justify those investments can lead to some rule-bending to get things done faster and be able to justify the investment being made.
- **Lack of a meritocratic culture** in the police force.
- **Low standards of recruitment** of police officers.

³⁸ Punch (2009); Newburn (1999); Sherman (1974).

³⁹ CSD (2010).

1.3. FORMS OF POLICE CORRUPTION

To suggest appropriate anti-corruption measures, one needs to have a clear understanding of the extent and forms of corruption in a given police force. It needs to be clear whether there are only isolated corrupt individuals (rotten apples), or corrupt groups of officers, or entire corrupt units or departments. A great deal of research has been put into creating typologies of the different forms of police corruption.

1.3.1. According to the offender's profile

Common approaches towards the understanding of police corruption are to classify either corrupt police practices or the profiles of policemen likely to engage in corruption. A popular framework classifies police corruption using four categories.⁴⁰ It applies the concept of workplace crime to depict how police corruption takes on different forms according to the rank and assignment of the particular officer, as reflected by his or her group and institution ('grid'), or position on the institutional ladder. Based on an analysis of the team and institutional cultures of police officers, the classification describes four different types of corrupt behaviour, two of which ('donkeys' and 'hawks') are related to individual 'deviance', while two ('wolves' and 'vultures') are related to 'group deviance'.

TABLE 1. POLICE CORRUPTION ACCORDING TO OFFENDER PROFILE

Type	Grid	Group	Description
Donkeys	Strong	Weak	Work characterised by both isolation and subordination: individual deviance of lower-level officers
Hawks (rotten apples)	Weak	Weak	Extensive freedom, distance from organisation, individual deviance (example: higher ranking officers, or officers working on highly confidential material)
Wolves	Strong	Strong	Strong group identity creates a subculture that facilitates organised deviance; group protection against external controls
Vultures	Weak	Strong	Freedom to aggressively seek exploitable situations, using the cover provided by the group

Source: Mars, 1982.

⁴⁰ Van de Bunt (2004).

This typology can be usefully applied to EU member states. In countries with low levels of corruption but with large criminal markets and strong criminal networks, cases of police corruption of the ‘wolves’ or ‘hawks’ types are occasionally revealed.⁴¹ While the former type is evaluated as indicative of the improvement or worsening of corruption practices, the latter type presents serious challenges.

As officers, hawks have excellent knowledge of the system and the clear understanding that any wrongdoing would lead to severe consequences, and therefore they are extremely cautious, even paranoid. On the other hand, corrupt officers operating in this type of environment have more advanced knowledge of investigations, agents and technologies than the experts in internal affairs units. In order to further reduce risks, they operate within limited time periods.

The category of ‘extreme deviance’, exemplified by predatory behaviour, can be added.⁴² Such officers actually do little, if any, police work, and are just criminals in police uniform using the police and its capabilities to pursue personal criminal careers. They are of the ‘vulture’ type who aggressively seek and create opportunities using the police institution as an enabler.⁴³ In countries with ineffective institutions and lack of internal controls over the police and investigators, ‘vultures’ are the norm.⁴⁴

Depending on the type of behaviour adopted, it is differentiated between the following types of police rule-breakers:

- **Noble causers** (professedly working for the public good): Rule-benders who maintain that the only way they can enforce the law is by using unorthodox means; this is justified (by them) as indirectly serving the public good.
- **Innovators and number-crunchers**: These work on the edges of the law to achieve ambitious results. In certain circumstances numbers (i.e. the statistics that measure their performance, such as the number of solved crimes) become an end in themselves: these officers end up falsifying statistics to keep their score high. This pressure is self-generated, there is no external briber, no bribes, and nobody is searching for an external tangible gain, although these officers are often driven by vanity and a striving for status.
- **Crusaders**: This type of officer despises criminals and is obsessed with crime fighting, sometimes at the expense of official methods and policies. They tend to target particular types of cases or individual offenders.
- **Ideological combatants**: A variation of the ‘crusader’ where the whole institution is biased against a certain category of ‘criminals’; a modern example of this was the Royal Ulster Constabulary and its interventions against the Irish Republican Army; in other words, this is politically motivated police deviance.
- **Lone wolf**: An individual driven by a personal crusade; he is also similar to the crusader, but is characterised by an obsession with ‘that one case’. Officers taking this approach often develop tunnel vision regarding police work.
- **Cowboys**: Reckless policemen, closer to the folk-hero vision of the cowboy, using unorthodox methods and criminal slang, conforming to a cool macho

⁴¹ CSD (2010: 81).

⁴² Punch (2009).

⁴³ Punch (2009).

⁴⁴ CSD (2010: 82).

image. The term 'cowboy' has a negative connotation among policemen; comprising: showing lack of discipline, rule breaking (typically driving too fast), playing practical jokes on colleagues, treating supervisors with (near) contempt, bullying weaker colleagues, being recalcitrant about following instructions, 'taking liberties' in their relations with criminals. They nevertheless have a reputation of responding rapidly and generously if a colleague is in trouble and being secretly admired by some of their superiors.

These types of behaviour and attitudes to rule-bending are dynamic and can overlap to some extent, or change over time. The style of behaviour adopted depends either on personality or on the prevalent behaviour in a specific group or unit.

1.3.2. *Classification as a tool for defining priorities*

Effective countering of corrupt practices in the police requires an adequate classification of the various abuses according to their seriousness and prevalence. This is why a number of classification schemes are used in the countries most active in limiting police corruption.

One of the oldest schemes includes five distinctive types: corruption activities/actors, type of misconduct, level of peer support and the level of organisation of the deviant behaviour,⁴⁵ as well as the ways in which the police force reacts to corruption offences. The analysis of additional factors such as the ways, aims and motivation of the corruption act⁴⁶ allows the introduction of additional categories of corrupt practices.

The classification in the table below does not include practices which are not considered corruption, but incorporates professional misconduct or forms of problematic behaviour.

This classification includes elements of the most frequently used types of police corruption. It is hierarchical and is based on the assumption that **corruption**

Box 1. TYPES OF MISCONDUCT BY POLICE OFFICERS

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.

⁴⁵ Barker and Roebuck (1973).

⁴⁶ Newburn (1999: 15-16).

**Box 1. TYPES OF MISCONDUCT BY POLICE OFFICERS
(CONTINUED)**

Extortion

- Limited protection payments for criminal operations.
- Regular protection payments for criminal operations.

Kickbacks

- Paying for favouritism regarding the delegation of legitimate tasks.
- Payment (among police officers) in return for the awarding of work-related opportunities for corrupt incomes.
- Payment regarding delivery or favourable treatment in 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.⁴⁹

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 activity.
- Pre-meditated criminal acts for personal gain.
- Extension of corruption, such as pooling of corrupt money among officers or selling stolen goods.

Source: Adapted from the classification of Barker and Roebuck (1973), Punch (2009), Sayed and Bruce (1998).

in the police usually starts with minor offences but ends with more serious felonies.⁴⁷ Even this comprehensive classification does not include all types of deviant behaviour and especially more brutal forms such as violence, sexual harassment, racism and direct involvement in organised crime.⁴⁸

One of the most widespread and simpler classifications includes the following four concepts of deviant behaviour of police officers within the definition; all include abuse of authority in its various forms and reflect the anti-corruption instruments applied (See Table 2).

⁴⁷ This phenomenon, initially described by Kleinig (1996: 174), is known as the 'slippery slope'. See also Punch (2009: 67).

⁴⁸ Barker and Roebuck (1973).

⁴⁹ Punch (1985:11).

TABLE 2. DEVIANT BEHAVIOUR OF POLICE OFFICERS

Type of misuse of public office	Description	Tools to deal with
Deviance	All forms of police activity that transgress internal regulations, the law and public expectations of legal and ethical conduct by the police	Internal regulations, Codes of conduct
Misconduct or 'occupational deviance'	Drinking on duty, poor punctuality, disrespect of a superior, neglect of duty	Internal disciplinary codes and regulations
Corruption	Taking petty bribes is the banal form of corruption; serious corruption may constitute attempts to pervert the course of justice, receiving payments or favours, corrupt handler-informant relationships, leaking confidential information, extraction and supply of seized controlled drugs, firearms or other material and conspiracies in relation of all these.	Criminal law
Crime	Gratuitous violence, armed robbery, rape and murder	Criminal law

Source: Punch (2009).

In examining the anti-corruption systems in the five countries, this report examines the ways in which priorities are set in order to address the different levels of seriousness of deviant police behaviour.

2. COUNTERING POLICE CORRUPTION

Effective anti-corruption policies in the police are conditional on the availability of two sets of instruments: the general anti-corruption institutional infrastructure and the introduction of concrete measures to prevent and counter corruption. The institutional infrastructure includes all the institutions which participate in the efforts to curb political or administrative corruption, in addition to the specialised anti-corruption units of the police. This linkage is warranted by the fact that more than often political and administrative corruption is intertwined with corruption in the police forces.

This part of the report reviews the main institutional models in the fight against public sector corruption and corruption in the police forces in particular. It discusses the merits of the main categories of specialised anti-corruption institutions with their functions, remit and organisational subordination. The key factors for the effective work of these institutions are emphasised.

The report examines the impact of preventive and enforcement measures as well as policies undertaken by the police forces in the European Union and in the US. The most frequently applied administrative and operational measures integrated in the systems of internal control and management of police have a number of aims related to both the prevention and the countering of corruption, in addition to safeguarding citizens' rights.

An important aspect of the anti-corruption infrastructure at the EU level is the availability of a common system of measures and principles of police oversight. Most member states adhere to the principles of EPAC. These principles define a key role of the independent bodies for police oversight which are intended to prevent, identify and prosecute police abuse of power.⁵⁰ This network and its branch – the European Contact-Point Network against Corruption (EACN)⁵¹ – facilitate corruption investigations in the EU. The European Commission also intends to support the development of targeted educational programmes organised by the European Police College (CEPOL) focusing on corruption problems, including police corruption. The Group of States against Corruption (GRECO) undertakes regular assessments of the anti-corruption infrastructure of its member states which may also include the anti-corruption measures within the police forces.

The anti-corruption measures and mechanisms in law enforcement bodies should be examined within the larger national anti-corruption infrastructures. This linkage is warranted by the risks of serious illicit pressure on the law

⁵⁰ EPAC (2011: 61).

⁵¹ From 2008 onwards this body includes the anti-corruption institutions of the member states, in addition to the European Commission, the European Anti-Fraud Office (OLAF), Europol and Eurojust (the institution for judicial cooperation in the EU).

enforcement bodies by political or judicial institutions. Both politicians and judicial prosecutors could exert influence to push the police to investigate their political opponent and/or to discontinue investigations of government officials. In some EU member states where law enforcement bodies lack internal anti-corruption mechanisms they depend on the larger infrastructure of anti-corruption measures and policies, which could include the following instruments: legally established requirements for civil servants (including mandatory revenue and assets declarations; conflict of interests provisions, etc.); laws and regulations of public procurement; criminalisation of money laundering and forfeiture of assets from criminal activities; provisions ensuring the transparency of public institutions.

2.1. GENERAL APPROACHES TO COUNTERING CORRUPTION

Throughout the 1990s the anti-corruption debate and the efforts of a number of states focused on the emergence of specialised agencies for curbing corruption as a form of institutional and regulatory innovation, in addition to the efforts to redefine the role of the traditional anti-corruption bodies.⁵² One of the oldest such agencies is the Independent Agency against Corruption in Hong Kong established back in 1974, which became a frequently replicated institutional model.⁵³ Several Eastern European countries introduced such institutions which were charged with preventing and curbing corrupt behaviour and were seen as a way to overcome the inability of traditional law enforcement bodies to cope with the problem.⁵⁴

Public scandals, political crises, systematic corruption and external political pressure usually facilitate the introduction of such specialised institutions. The assumption by both the national governments and the international organisations that law enforcement and judicial institutions have failed to cope with the problem leads them to view anti-corruption agencies as the ultimate institutional response. Since the end of the 1980s, a growing sharing of experience among states has resulted in the replication of certain models in several countries, regardless of the fact that the outcome from such transplants is highly uncertain. The preconditions for the effective application of such imported institutional models are their adaptation to the local political context, needs and vulnerabilities, and further integration within a holistic anti-corruption strategy and vision, rather than their ad hoc use as tools for tackling a critical situation or in the framework of government campaigns aimed at defusing social tensions and foreign donor anxieties. The imitative nature of such institutions is evident in their political subordination, in addition to their limited resources and powers.

Several international agreements for countering corruption recommend the institutionalisation of specialised bodies to fight and prevent corruption.⁵⁵ In 1996 the Organisation for Economic and Cooperation and Development (OECD) was one of the first to recommend to its members the introduction

⁵² Sousa (2010: 5ff).

⁵³ OECD (2008).

⁵⁴ Ibid.

⁵⁵ OECD (2008).

of specialised bodies to fight corruption as an integral part of their 'ethical infrastructure'.⁵⁶ The United Nations Convention against Corruption (UNCAC, chapter 6)⁵⁷ also stipulates the enactment of institutions with preventive and prosecutorial functions.

Specialisation is an important factor in the fight against corruption. Since there is no universal model of a specialised anti-corruption agency to be replicated successfully at national levels, countries need to choose an appropriate model, taking in consideration several **factors such as**: the level of corruption in the country, the capacities and competences of the existing institutions, the constitutional framework, the criminal law traditions, the financial and human resources of the country, etc. The introduction of a new anti-corruption institution or the enhancement of the anti-corruption component in an existing one should be preceded by a situation analysis and should be consistent with an anti-corruption strategy.

The comparative review of the types of specialised institutions shows the existence of a great number of approaches and solutions. The OECD has systemised the **following categories**, according to their functions:

- **Multifunctional agencies** with law enforcement powers and preventive functions. This model is based on the logic of integrating all the anti-corruption functions in one institution (except for the prosecution). Such agencies exist in Hong Kong and Singapore, and more recently similar bodies have been launched in Lithuania and Latvia. Although these centralised multifunctional agencies are often praised for their effectiveness, one should take into consideration the specific national context – relatively small countries where corruption is not an endemic problem. Another feature is that these agencies were initiated at a certain stage of the democratisation process and the integration of these states into the global markets. The replication of these agencies in bigger federations or in states with systemic corruption would lead to inconclusive outcomes.⁵⁸
- **Law enforcement bodies, departments and units.** The law enforcement institutional model for countering corruption could take different forms and be applied in the framework of prosecutorial institutions or within the system of criminal justice. Its functions could include tasks of identifying, prosecuting and indicting within the remit of one institution (an example is the National Anti-Corruption Directorate with the Romanian prosecution). In most cases, however, the function of proceeding with a criminal indictment falls within the remit of other institutions. In some countries the law enforcement model combines preventive, coordinating and analytical functions as well. This is one of the most widespread models in the countries of Western Europe.⁵⁹ This model also includes the departments of internal affairs and internal investigations of police corruption. Such departments exist in Germany (the Department for internal investigations in the police

⁵⁶ Sousa (2010), OECD (2008).

⁵⁷ UNCAC (2004).

⁵⁸ OECD (2008).

⁵⁹ Examples include the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime, the Central Office for the Repression of Corruption in Belgium and the Office for the Prevention of Corruption and Organised Crime in Croatia.

in Hamburg), and in the UK (the Anti-corruption department in the London Metropolitan Police).

- **Specialised prosecution and court.** Although the international agreements for countering corruption do not recommend specialised courts or the creation of specialised bodies in pre-trial proceedings, such institutions were introduced in some states: Austria (Korruptionstaatsanwaltschaft), Spain (the Special Attorney General's Office for the Repression of Economic Offences Related to Corruption), Romania (the National Anti-Corruption Directorate) and Hungary (the Central Investigation Service within the State Prosecution). Some of these institutions have their own investigative functions and units, while others depend on police support. According to the OECD, the institutionalisation of a specialised court is a step which should be carefully considered as it could introduce dual standards in justice. On the other hand, efforts to concentrate all resources and expertise within single institutions (the police or the prosecution) could backfire when even a well investigated case could fail in court as a result of the lack of resources and knowledge, or because of a large backlog of criminal cases.
- **Institutions with preventive, coordinating and strategic functions.** This model includes institutions with one or more preventive functions. They may be tasked with studying corruption, risk analyses, monitoring and implementation of national anti-corruption strategies and action plans, reviews and recommendations to the legislation, monitoring of the conflict of interest declarations and revenues and assets statements, development and approval of ethical codes, anti-corruption education of officials, and intra-institutional and international cooperation. Such institutions are the Service Central de Prévention de la Corruption in France, the State Commission for the Prevention of Corruption in Macedonia, the Group for Anti-corruption Monitoring in Albania, the Permanent Commission against Corruption in Malta, the Commission for the Prevention and Countering of Corruption in Bulgaria at the Council of Ministers, etc.

2.2. EFFECTIVENESS OF ANTI-CORRUPTION MODELS

Although there is no single answer to the question about the most effective institutional model, there is a broad consensus about the following common characteristics of successful models⁶⁰:

1. **Independence and accountability.** These characteristics work only where there is political will to limit corruption. The institution charged with this task must be operationally and structurally independent. This is particularly important for law enforcement bodies (and to a lesser extent for the prosecution), which in most cases are very centralised and hierarchal structures, controlled by the interior minister or the justice minister. In such systems the risk of intrusion is significantly higher, especially when the investigators or the prosecutors do not have autonomous powers to make their own decisions on cases and when their superiors have legal leeway to influence the process.

⁶⁰ OECD (2008), DCAF (2012), Sousa (2010), UNCAC (2004), UNDP (2005).

In general, the bodies charged to investigate and prosecute need a greater independence from political influence compared to preventive institutions. The specialised law enforcement bodies need different hierarchical rules for reporting and specialised procedures for management appointments. These are the main categories which define their independence:⁶¹

- a) **Organisational independence**, secured legally (ideally in a special law), which defines a clear mandate, functions and powers, and the positioning with respect to other institutions. Ensuring the least possible interference, transparent procedure for the selection, appointment or dismissal of the directors, a vetting system for new recruits, and a competition-based recruitment procedure are among the prerequisite of this independence. It should be mandatory for the head of the institution to be appointed following a broad political consensus, instead of his or her appointment being at the discretion of a single politician (for example the prime-minister).⁶²
 - b) **Operational independence**: the anti-corruption bodies should exercise their functions without unnecessary interference from third parties (for example from the executive branch) in their investigations or in defining their priorities, methods or results from inspections, access to information systems guaranteeing operational autonomy.
 - c) **Financial autonomy**: limiting the opportunities for obstructing the anti-corruption bodies' activities through budget restrictions.
2. **Specialisation and powers**. Use of effective methods in collecting evidence and investigating, access to information and professional training of the officers. For better effectiveness the jurisdiction of the body could be limited to serious crime.
 3. **Adequate resources**. Financial and human resources, securing a sustainable funding, fiscal independence.
 4. **Analytical capacity**. The assessment of corruption risks and vulnerabilities and the analysis of registered cases and the outcome from investigations facilitate a better distribution of resources and setting of operational priorities.

2.3. INSTITUTIONAL MODELS FOR COUNTERING POLICE CORRUPTION

Specialised bodies for countering police corruption can exercise external and internal control and monitor police work. They can be more effective than other institutions (parliament, executive branch, prosecution and the judiciary) as they can employ the required resources and time, in addition to their expertise.⁶³ Such specialised institutions could be designed to focus on corruption or according to the institutions they supervise. Some oversee only police activities, while others target the whole public sector or a specific ministry. There are two types of specialisation of anti-corruption institutions:

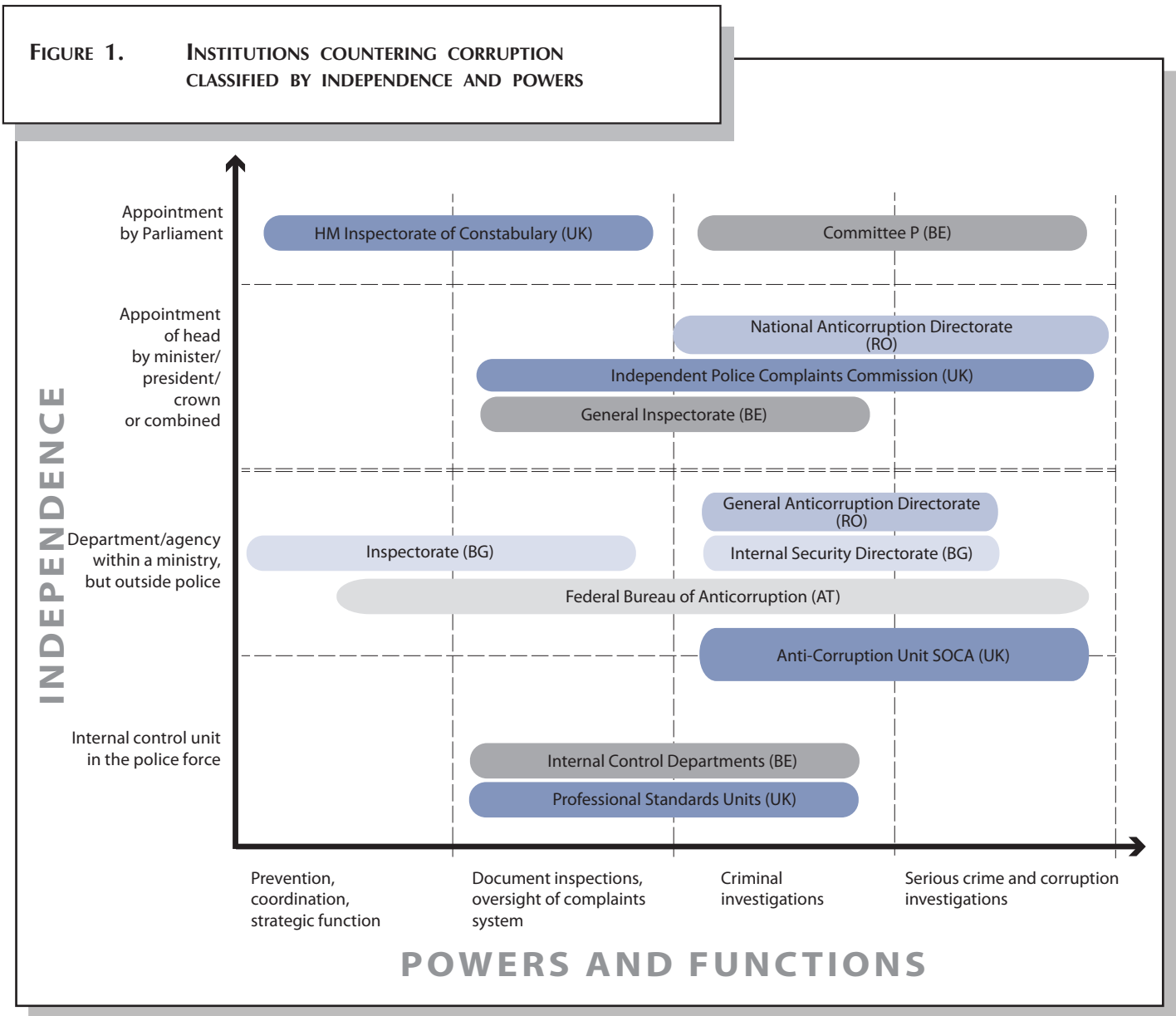
⁶¹ Hussmann (et al.) (2009: 21).

⁶² DCAF (2012).

⁶³ DCAF (2012: 211).

- **Specialised bodies for countering corruption in the entire public sector.** Examples of such bodies are the Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung of Austria and the Office Central pour la Répression de la Corruption of Belgium. They usually cover the three main functions recommended by UNCAC: prevention, police investigations, education and awareness raising. The risk these types of institutions face is the lack of sufficient resources and specialisation needed for investigating all the leads and information about corruption in the public administration. This could cause them to underestimate the importance of countering police corruption or to limit investigation to relatively minor incidences of misbehaviour. Such risk can be avoided by refocusing these bodies' activities on countering more serious offences (Belgium), defined by provisions of the Criminal Code (Austria).
- **Specialised bodies for police supervision.** They investigate and review all forms of misconduct by police officers, including violence, human rights abuses, etc. Their tasks are to ensure that the complaints about police abuse are investigated in an adequate manner and in accordance with the law. They can investigate only more serious cases of crime and offences by police officers in order to secure full independence and transparency of investigations of high public interest. The mission of such bodies is primarily to ensure public confidence in the police. Such bodies are the Committee P in Belgium and the Independent Police Complaints Commission (IPCC) in the UK. One of the advantages of such supervisory bodies is their ability to consider corruption within the entire framework of police activities and to identify the behavioural models and the link between corruption and other offences. However, they too are exposed to the risk of underfunding and can underestimate corruption threats, as they also target several other serious infringements, such as police brutality. This risk is larger in institutions which are charged with examining complaints by citizens as this requires significant resources.
- **Specialised bodies investigating police corruption.** They are exclusively focused on the investigation and prevention of corruption in the police forces. The advantage of this type of institution is their narrow mandate and specialisation, which allows them to build sufficient expertise, receive adequate resources and have the time to investigate corruption. Institutions of this type are the Internal Security Directorate of Bulgaria's Ministry of Interior, and the General Inspectorate of the Federal and Local Police in Belgium. In the UK, most of the police services have their own professional standards departments, which examine corruption signals and other disciplinary infringements, in addition to the power to collect intelligence information and to initiate independent investigations. The independence of such a body from the police and/or from the relevant ministry is particularly important, although not always ensured. As they function in the framework of police forces, such units have certain limitations and usually avoid investigating corruption among senior officers or corruption related to organised crime.⁶⁴

⁶⁴ CSD (2010: 83).



Source: CSD, 2013.

2.4. MANAGEMENT AND INTERNAL POLICE CONTROL

2.4.1. System of internal police control

The system of internal control of the police forces includes all the preventive and enforcement activities undertaken by the management. In order to be effective, anti-corruption measures should be applied by the police force itself, supported by the management and overseen by an external supervisory body. The measures must take into consideration the role of every officer, in addition to that of the structural unit as a whole.

The Geneva Centre for the Democratic Control of the Armed Forces developed a detailed toolkit with instruments for enhancing the integrity and countering corruption in police forces, which contains the following classification of the internal control measures:

TABLE 3. TYPES OF INTERNAL CONTROL

What is the purpose?	Preventive – to prevent corruption from occurring.	Identifying and limiting – countering corruption.
Where in the organisation?	Administrative – in support, administration and management functions	Operational – in police operations and interventions.
In what way?	Proactive – acting in advance to initiate change.	Reactive – acting in reaction to specific complaint or suspected case.

Source: DCAF, 2012.

Operational anti-corruption measures

The operational measures focus on the main tasks of police officers– patrolling, identity checks and investigations. Their aim is to guarantee that these tasks are implemented efficiently and adequately. In addition, the operational measures are also aimed at curbing corruption risks and corruption behaviour of police officers while on active duty, i.e. they can prevent and disrupt corruption and have organisational effects.

The following are among the most widespread operational measures:

- The **four eyes principle**, i.e. every decision should be countersigned by another officer;⁶⁵
- **Rotation and random assignment of shifts;**
- **Recording of all interviews with citizens;**
- **Plain-clothes patrols** in vulnerable sites;
- **Video cameras in police cars;**
- **Limit cash payments to police officers;**
- **Streamline administrative procedures** and remove administrative barriers.⁶⁶

Police forces use the following measures for detecting and flushing out corrupt conduct⁶⁷:

- **Integrity testing** that may be applied personnel in positions of higher risk or carried out at random. In some police departments in the United States it is

⁶⁵ Kunze (2007: 2).

⁶⁶ Ali (2000: 8).

⁶⁷ Prenzler (2009: 65-78).

mandatory that a certain percentage of officers (as high as ten per cent in some departments) undergo an integrity test.

- **Drug and alcohol tests.**
- **Periodic checks and integrity testing** (including financial auditing) **of the officers that replicate recruitment vetting.**

Administrative and management measures

Administrative measures enforce compliance with internal regulations, standards and operational manuals for police officers. They include control procedures on purchasing, use of equipment, personnel management, logistics, individual and group training, etc. These include:

- Defining and applying security rules and procedures, including IT security (handling of passwords, ICT systems, etc.).
- Recruitment standards and vetting; personnel management.
- Inspections and documentation checks.
- System for filing and records management.

Some measures to prevent corruption are related to **the process of recruiting future police officers**. Different types of integrity tests aimed at revealing the personal characteristics and the past activities of the candidates are in use in a number of countries:

- Polygraph tests;
- Drug tests;
- Home visits;
- Intelligence checks on associates;
- Character profiling of applicants during initial training and interviews;
- Checking of personal finance;
- Checks of academic achievement.

The way these measures are implemented is also important. They may be implemented by the HR department or a unit within the internal control and security departments. A further measure for preventing corruption within the selection process is the use of a multi-departmental Recruitment Integrity Committee.⁶⁸

Another precondition is the provision of a clearly formulated and comprehensive job description during the hiring procedure or at the stage of promotion or reassignment.

An interesting measure used in some EU member states is the two-tier recruitment and training system for officers and sergeants. In two-tier systems senior officers do not start at the street level, and are protected to some extent from the corruption influence of the street.⁶⁹ However, such two-tier recruitment tends to create a 'them versus us' mentality in which junior ranks do not hold senior officers in high regard. This does not foster a homogeneous, cohesive police force.

⁶⁸ Prenzler (2009: 65-78).

⁶⁹ Punch (2009: 23).

Retired officials should also be monitored in terms of their post-retirement jobs, in order to avoid ex-officers serving as intermediaries between police and criminals.⁷⁰

Another category⁷¹ covers the various disciplinary actions that can be taken against staff and which act as a deterrent. When prosecution for corruption cannot be pursued due to insufficient evidence, administrative sanctions may still be used:

- Dismissal from the service;
- Demotion;
- Denial or deferment of promotion;
- Fine or reprimand (for example, official warning);
- Early retirement;
- Reassignment to unattractive positions.

Minor offences may be sanctioned with a 'written reprimand,' especially where new recruits are concerned. They are more likely to be unsure about the rules or to have innocently picked up bad habits from more seasoned police officers. The written warning serves a dual purpose: 1) early indication to the officer of the need to correct his/her conduct, and 2) provide a basis for long-term monitoring of deviant behaviour (the warning goes on the HR record for future reference). This approach has been advocated in Australia and welcomed by officers in the UK.⁷²

Whatever measure is adopted, a clear set of rules is needed, possibly within a single 'disciplinary matrix.'⁷³ Other authors have recommended that officials convicted of corruption and fired on such grounds should not be reinstated in any related public service for a considerable period of time.⁷⁴

Reporting of corruption

The introduction or strengthening of programmes to encourage the reporting of corruption should also be managed by human resource departments. These programmes should include:

- Protection for bribers who decide to report corruption. Programmes to protect whistleblowers could include ombudsman, anonymous letterboxes or phone lines, or witness protection programmes.
- Appropriate channels to blow the whistle without raising suspicion.⁷⁵
- Legal obligation for officials to report witnessed or suspected acts of corruption, possible disciplinary sanction for failing to do so.⁷⁶

⁷⁰ Kim (2003: 9).

⁷¹ Ali (2000: 7).

⁷² Porter and Warrender (2009: 19).

⁷³ Prenzler (2009: 93).

⁷⁴ Kim (2003: 9).

⁷⁵ Punch (2009). Failed attempts to blow the whistle which result in the whistleblower being identified and subject to harassment, informal sanctions, loss of position, etc., are usually well publicised, and accounts are useful in pinpointing weaknesses in provisions for whistleblowers.

⁷⁶ Kim (2003: 11).

- Disincentives and penalties for evading reporting requirements or for making accusations in bad faith.

2.4.2. *The impact of organisational and operational anti-corruption measures*

The anti-corruption measures that police forces adopt should be tailored to the type of corruption that the police are experiencing. A case that has been examined at length by researchers and policy makers is the corruption in the New York City Police Department (NYPD). Anti-corruption measures adopted by the NYPD after an initial review of corruption in 1970-71 (known as the Knapp Commission) did not sufficiently consider the nature of the corruption identified. For this reason, twenty years later in 1992, the second investigation into NYPD corruption (Mollen Commission)⁷⁷ found that corruption had changed in nature but was still significant.

After the 1971 review, the NYPD adopted a number of measures, but most of them were aimed at reinforcing and strengthening what officers and the NYPD were **supposed** to be doing:

- Decentralisation of command and personal responsibility of district commanders for corruption (there were 180 of them in New York).
- Rotation of officers working in sensitive areas.
- Limiting the autonomy of detectives.
- Strengthening internal investigations ('internal affairs') by introducing proactive tactics such as integrity testing and recruiting 'associates' of the internal investigation departments right out of the academy (i.e. young officers who were reporting on corrupt colleagues).
- Reduced enforcement of some laws (e.g. related to gambling or religious gatherings) that were used by officers to extort most bribes.

These measures managed to transform corruption in the following ways⁷⁸:

- Corruption was less widespread, and instead of entire departments and units being involved, the scope of the problem was limited to small groups and particular crews of police officers.
- Instead of extorting money from gambling facilities and ordinary citizens, corrupt officers had turned to making money from criminals: drugs-related corruption had come to entirely overshadow other types of corruption. In effect corruption had become more 'criminal' and dangerous but less of an irritant to the public.

The Mollen Commission concluded that the ambitious anti-corruption measures had failed to have their intended effect because:

- Internal Affairs departments had **failed to become proactive**, because they lacked independence. The NYPD leadership had stopped them from conducting the necessary bold and comprehensive investigations, fearing that the outcomes would have publicly embarrassed the NYPD.

⁷⁷ The Mollen Commission (1994).

⁷⁸ Punch (2009: 70).

- When significant investigations were carried out, they were broken down into a number of components **targeting individual officers**, even if in fact wider groups of senior officers were involved. Again this was done in order to disguise from the public the true scope of systemic corruption.
- The **recruitment practices** were not affected by the measures, and becoming an officer at the NYPD was still based on favouritism (allowing new recruits to be selected on the likelihood of their tolerating corrupt practices).

Therefore, the Mollen Commission recommended a much greater degree of independence and strongly proactive investigation, new recruitment practices, drug testing of officers, and higher penalties.⁷⁹

Another aspect of failed policy measures at the NYPD on which other authors⁸⁰ have focused, concerns preventing slippery slope situations: i.e. targeting officers who accept small gratuities from the local community ('half-price meals or free drinks') to prevent them from encountering more serious ethical problems. The restrictive policy that the NYPD tried to adopt of zero tolerance of gifts and gratuities of any kind faced a number of difficulties: (1) it was difficult and expensive to enforce such policy; when it became clear that high-level NYPD officials were being treated at a restaurant it developed a strong sense of distrust and cynicism amongst lower ranks; (2) as the measure seems unreasonable, it pushed otherwise honest officers to participate in the 'code of silence' by not only tolerating breaches of such unreasonable prohibitions, but also tolerating other unethical behaviour; (3) the broader cultural context was opposed to such prohibitions, as there was a community culture of giving gratuities to other state employees (postal workers and teachers), and excluding police officers from this culture was inconsistent.

The extended example of the NYPD is provided so that law-enforcement officials can place the anti-corruption measures and practices presented in the following chapters within an operational framework and understand the true complexity of designing an effective anti-corruption regime. Two factors should be taken into account when considering the adoption of an anti-corruption measure:

- First, anti-corruption measures may transform the character of corruption but not its overall impact in any significant way. They may only push corrupt officers into extorting income from another source. In other words, as with all crime prevention measures, there is always the risk of displacement. The NYPD case shows that failing to take the displacement problem into account can make things worse: widespread but rather trivial forms of corruption can be transformed into much more serious and dangerous, if less widespread forms.
- Second, the anti-corruption measures need to stretch beyond targeting the corrupt practices to address broader management and recruitment issues: i.e. a systemic rather than a narrowly targeted approach.

⁷⁹ Punch (2009: 74).

⁸⁰ Ivković (2005: 25-26).

Finally, anti-corruption measures only work if there is strong and dedicated leadership that sets clear ethical standards and boundaries, and does not tolerate corruption.⁸¹

2.5. INVESTIGATIONS

2.5.1. *Internal and external investigations*

As already pointed out, there are varying institutional solutions to police corruption. Specialised investigation units, however, have certain drawbacks which could compromise the investigations. In most cases internal anti-corruption units are part of internal security departments which could be charged with investigating a wider spectrum of misconduct or crimes by police officers.⁸² Such internal units face a higher risk of conflict of interest and investigation failure due to professional solidarity and information leakages when compared to cases in which the investigation is carried out by an external body.

Another risk in corruption investigations by internal units stems from their vulnerability to influences by the senior management because of the chain of command. Also, internal security departments are not always well supplied with the required resources. Furthermore, problems arise from the negative reputation of these units among colleagues, which makes them unattractive for the best investigators and experts.

2.5.2. *Administrative misconduct or crimes*

Investigating and sanctioning police officers need to differentiate between corruption and police misconduct.⁸³ The latter category should not be considered a crime, except in cases when the offences have criminal character. Unethical behaviour should be considered as a remedial problem requiring administrative measures by management. Internal investigation and the anti-corruption units in the police forces could reaffirm their legitimacy if they focus solely on corruption cases. The differentiation between corruption (crime) and administrative misconduct should be made at an early stage of investigation in order to safeguard the trust of the staff in the internal control procedures. The message should be clear that while misconduct is unacceptable, as long as it is not a crime it would be addressed within the organisation. Criminal investigation of corruption is carried under the criminal procedure laws, while the administrative investigations follow the codes of conduct and labour contracts.

The police forces follow two main roads in the efforts to cope with minor offences and accusations:

⁸¹ Punch (2000: 321).

⁸² DCAF (2012: 241).

⁸³ DCAF (2012: 235).

- **Mediation.** Mediation is a process where accused police officers are given the opportunity to reconsider their action. A neutral mediator helps to bring parties together in a way that is mutually satisfactory. Accused police officers may accept the complainants have genuine reasons for feeling aggrieved. This is an appropriate way to deal with minor allegations, and usually a satisfactory response to complaints that have to do with rudeness or inaction. It could be applied to more serious allegations such as harassment or false arrest, especially if corroborating evidence is lacking. As a result of the mediation process police officers can become more self-aware and improve their behaviour; it also allows their managers to signal early warnings.
- **Managerial.** Police managers should have the authority and discretion to deal with minor allegations in a managerial way, allowing for solving small problems without the burden of prosecution. Small incidents could then be managed with remedial solutions like counselling, guidance, retraining or close supervision. Administrative sentencing like a formal warning or cutting down paid vacation days is an effective way to deal with small problems. There must be a legal basis to do so, however, because punitive actions by managers are often beyond their discretion.

2.5.3. *Passive and active investigations*

There are two major approaches adopted by law enforcement bodies in investigating police corruption⁸⁴:

- **Reactive investigations** include activities that the agency undertakes upon receiving a complaint by citizens, police officers, the media or other institutions alleging police misconduct. These avenues of obtaining information about police corruption 'rarely provide a systematic, continuous source of information to prosecutors'.⁸⁵ Reactive investigations often face difficulties in securing corroborating evidence due to the code of silence among the police, the claimant's reluctance to provide information, or insufficient resources of the investigative body to pursue every single complaint.
- **Proactive investigations** are initiated on the basis of information collected by the agency itself. The measures involved in proactive investigations could vary in terms of targets and level of intrusion. For instance, random integrity tests can either target a sample of all police officers or only new recruits. Focused integrity tests are more often used in preliminary investigations and can target a specific police officer or group of officers. Such tests can be done as undercover operations when there are reasonable grounds for suspicion of corruption. Proactive methods also vary in their level of intrusion, ranging from examination of public records, to more intrusive methods, such as electronic surveillance, wiretaps or undercover operations.

While in the US the proactive measures generate an important part of the investigations, in Europe they are an exception or are applied with some restrictions.⁸⁶ The professional standards departments in the local police pre-

⁸⁴ Ivkovic (2005: 102).

⁸⁵ Ivkovic (2005: 113).

⁸⁶ For a detailed comparative analysis of corruption investigation methods in the border police in the EU see Center for the Study of Democracy (2012).

cincts in the UK have the powers to gather intelligence and to undertake their own investigations, using some proactive methods. In many other countries such investigations have to receive a prosecutor's sanction before they can be started formally. The main methods of proactive intelligence gathering (integrity tests, undercover agents and informers) are not widely applied in most countries because of the existing legal limitations or are used only on serious suspicions of a criminal act by a policeman. Usually the investigations are reactive, i.e. they are initiated only after a report or a complaint has been received. Nevertheless, in most of the countries under review, the intelligence gathered by operational methods can be used for initiating a prosecutorial investigation.

3. THE UNITED KINGDOM

3.1. THE GENERAL CONTEXT

Corruption is not a new topic for British law enforcement bodies. The historical evolution of the modern police forces in the UK was marred by a series of public scandals related to serious abuses and offences.⁸⁷ Among the most notorious cases of police corruption in the last four decades were scandals about the cover-up of serious crimes, links of police officers to organised crime, receiving bribes, tampering with evidence and botched investigations. The efforts at tackling the problem were aimed mainly at regulating the conduct of police officers. The *Police and Criminal Evidence Act* of 1984 was an example of such measures, aimed at restoring the balance between police powers and citizens' rights.

The corruption scandals which unfolded at the end of the 1990s refocused public attention, sharpened civil society criticism and compelled law enforcement to recognise the endemic nature of police corruption. This, consequently, has been at the root of key structural and strategic changes enacted in England and Wales in the last several years. One example is the substantial restructuring of police departments tasked with receiving and processing of complaints and reports about misconduct which took place in 1999. This step was undertaken after the publication of a report of Her Majesty's Inspectorate of Constabulary (HMIC) titled 'Police integrity: securing and maintaining public confidence,'⁸⁸ which discussed several of the most notorious corruption cases and outlined systemic failings. As a result, the **professional standards departments** intensified their efforts to build additional capacities for an effective countering of corruption. In 2006, the HMIC proceeded with a general inspection of these departments and, following a review of their anti-corruption functions, recommended measures to raise the standards of police work. Such specialised and comprehensive inspections of the work of the police forces became standard practice in the work of a number of bodies: HMIC, the Independent Police Complaints Commission and the Association of Chief Police Officers. Their efforts are considered a key element in safeguarding and maintaining public trust in the police.

The professional standards system is based on an intelligence-led approach where identification, analysis and management of future risks precede the enforcement measures, rather than the opposite. This approach enables the

⁸⁷ Punch (2009); Miller (2003); Newburn (1999).

⁸⁸ HMIC (1999).

whole infrastructure of control institutions – central and local, independent or integrated in law enforcement bodies – to amass significant resources and capacities for assessing corruption threats and risks, which in turn facilitates important strategic and management decisions.

3.2. CORRUPTION THREATS TO POLICE SERVICES

3.2.1. *Corrupt activities and their scale*

The first ever national strategic police corruption threat assessment was published in 2003 by the National Crime Intelligence Service (NCIS).⁸⁹ Essentially, the document recommended to police services to introduce their own annual assessments of corruption threats, which will subsequently be used for the national assessment. The update of the assessment from 2005 made three main conclusions about corruption threats to the police:

- Corrupt behaviour is practised by a small minority of employees.
- It is predominantly haphazard, opportunistic and solitary in nature, though there is evidence that organised crime groups are targeting police employees to obtain intelligence in relation to themselves, informants and police operations.
- The most common and damaging type of corrupt action is the **unauthorised disclosure of police information**. The recipients of such disclosure range from the criminal to the curious.

In 2010, the anti-corruption department of the Serious and Organised Crime Agency (SOCA) presented its assessment of corruption threats for the British law enforcement bodies.⁹⁰ Its aim was to outline the strategic and operative priorities of the agency's anti-corruption unit, and on a national scale. The report focuses on five main topics:

1. The threat source (corruptor).
2. Actors (corrupt officers).
3. Corruption practices.
4. Corruption vulnerability of police officers.
5. Organisational gaps.

The assessment uses intelligence information gathered by SOCA and questionnaire-based information from the rest of the police services. It concludes that **the most frequently reported corrupt acts** are:

- Unauthorised disclosure of information;
- Abuse of office;
- Theft and fraud;
- Misuse of systems (often but not always linked to unauthorised disclosure);

⁸⁹ HMIC (2006).

⁹⁰ The main conclusions of this document were discussed at the annual conference on the professional standards of the Association of Chief Police Officers, held between 28 and 30 June in Nottingham: SOCA (2010).

- Perverting the course of justice;
- Supplying controlled drugs.

According to several other analyses of institutions which oversee police services, despite the fact that corruption practices are not endemic to British police they cause enormous harm to public trust and reputation loss for those services.⁹¹ A 2011 research of public perceptions by the Independent Police Complaints Commission confirms that the public are more concerned about conventional crime than police corruption.⁹²

A 2011 thematic report of Her Majesty’s Inspectorate of Constabulary states that **vulnerable relationships** between police officers and outside persons are not widespread, but nevertheless exist and could seriously harm police integrity.⁹³ According to the report, these relationships are the result of **insufficient control** by the management.

During the financial 2010/2011, the Independent Police Complaints Commission received over 200 public and 44 confidential reports addressed to the police services about cases which fall within the definition of serious corruption.⁹⁴ The IPCC confirmed that these reports concern the activities of **police officers from all levels of the police hierarchy**, including senior officers.

According to the IPCC, between 2009 and 2011 police corruption allegations (including disclosure of information, obstruction of justice, and office thefts) represented 5% of the 172,115 allegations of wrongdoing, recorded by police forces in the UK.

TABLE 4. RECORDED AND INVESTIGATED CORRUPTION ALLEGATIONS FROM 2008/2009 TO 2010/2011⁹⁵

Corruption allegation category	Total reported	Investigated	
		Substantiated	Unsubstantiated
Corruption practices (including perverting the course of justice and theft)	1,263	47	570
Irregularity in relation to evidence/perjury	3,758	141	2,015
Improper disclosure of information	3,521	356	1,332
Total	8,542	544	3,917

Source: IPCC, 2012.

⁹¹ HMIC (2011), IPCC (2011).

⁹² IPCC (2011).

⁹³ HMIC (2011).

⁹⁴ IPCC (2011).

⁹⁵ Does not contain data from Ministry of Defence police.

About 55% of the corruption allegations were investigated, with 22% of the cases dealt with by local resolution, and on 23% there was no further action.

The investigations could include simple phone inquiries, requiring only a few hours of investigation, and more comprehensive efforts that could take several months. Local resolution cases usually involve a local police supervisor providing an explanation or information to clear up a misunderstanding; providing an apology on behalf of the force; or an outline of what actions will be taken to prevent similar complaints in the future.

Investigations were undertaken in 60% of the allegations for irregularities in evidence gathering/perjury, in 54% of the cases of corruption practices and in 51% of those for improper disclosure of information. Only 12% of the overall number of corruption signals investigated in the period 2008/2009 and 2010/2011 were substantiated.

3.2.2. *Threat sources and actors*

The findings in SOCA strategic assessment of police corruption threats show that in most cases the corruptors are outside persons, who try to access information gathered by law enforcement bodies. The disclosure of such information could be unintentional as police officers use informal social contacts infiltrated by criminals.

TABLE 5. SOURCES OF CORRUPTION THREATS AND PROFILES OF TARGETED POLICE OFFICERS

Corruptor	Corrupt officers
Partner, family members or friends	Tasked by a third party: misplaced loyalty exploited by the corruptor.
Criminals	Self-tasked: Where an employee seeks personal gain and identifies a corrupt opportunity to commit crime or aid criminals. This may lead to subsequent third party tasking. This also includes the (rare) cases of networked corruption where employees collude to commit corrupt acts.
Private investigators	Infiltration: the deliberate attempt to gain employment in order to abuse the access it affords. Identified cases are rare and require a relatively advanced approach.
Journalists and commercial interests	Unwitting corruption: generally involving exploitation by a manipulative or opportunistic third party and may arise from poor operational or personal security practice. Makes the employee more vulnerable to subsequent, more aggressive, coercive tactics.

Source: SOCA, 2010.

While at the local level the main threats to the police forces are disclosure of information and mishandling of seized narcotics by police officers, at the national level the biggest threat stems from attempts of organised crime groups to control vulnerable officers.⁹⁶

Box 2. CASE STUDY – DISCLOSURE OF INFORMATION AND CONTROL GAPS

An experienced and well respected detective in a large metropolitan police force was renowned for achieving excellent results. His arrest and conviction rate was second to none. It was, however, well known that he had become largely disillusioned with senior officers, who he felt knew or cared little about investigating serious crime, and that he would often pay scant regard to the ethics and values of the organisation. Despite this, he was very much left to his own devices, with little intrusive supervision. Following information from a source, a covert investigation was mounted. It was established that, during unauthorised and unrecorded meetings with an informant, the detective was passing sensitive information about police operations to a major criminal. The relationship between the informant and the detective had become very close and wholly inappropriate. During the course of the investigation it transpired that the detective's level of rule breaking was extensive, for example he was using the police vehicle as his own, making regular shopping trips and social visits and even teaching a member of his family to drive in it. The investigation resulted in the detective's conviction and a term of imprisonment.

Source: HMIC, 2006.

The above case shows that, if left unsanctioned, minor incidents of misconduct could result in more serious forms of corruption. It is precisely such vulnerable areas that organised criminal groups are targeting. This is the reason why risk-reducing strategies in British police try to raise the professional standards focusing on unethical and unprofessional practices which also facilitate more serious offences.

The corruptor could resort to the use of intermediaries, which is perceived as a more dangerous approach as it is used by notorious organised criminal groups.⁹⁷

In a good number of cases, however, information is disclosed to criminals through the officer's social acquaintances, rather than through a single intermediary.

In 2011, **the relationships between police and the media** came to the forefront of public attention due to a particularly notorious case about the hacking of phones belonging to celebrities, politicians and private individuals, in addition to the related bribing of policemen by journalists.⁹⁸ On this occasion, the HMIC published an analysis of the relationships between police officers and outside persons based on a review of investigations into information disclosure in all of the 44 regional police services in the UK.⁹⁹

⁹⁶ HMIC (2006).

⁹⁷ Miller (2003).

⁹⁸ BBC News (2012). Chronology of the scandal with interception of telephones (2005-2012).

⁹⁹ HMIC (2011).

The report states that in the last five years 302 such investigations into the unauthorised disclosure of internal information to the media in the regional police services were carried out. The overall number of investigations about leaked information is much higher.

TABLE 6. INVESTIGATIONS OF CASES OF DISCLOSED POLICE INFORMATION

Information disclosed to	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012
Third parties	826	1,017	1,198	1,531	1,634	686
Social networks	11	36	69	113	167	73

Source: HMIC, 2011.

3.2.3. Factors contributing to corruption

According to the SOCA's assessment of corruption threats, there are three main categories of frequently recurring factors unrelated to the type of corruption behaviour:

- **Personal vulnerabilities:**
 - ◇ Questionable ethics and vulnerability to corruption;
 - ◇ Poor performance and low motivation;
 - ◇ Indebtedness;
 - ◇ Use of drugs or another addiction.
- **Organisational vulnerabilities:**
 - ◇ Low levels of vetting;
 - ◇ Pre-existing corruption concerns;
 - ◇ Lack of adequate supervision;
 - ◇ Employees living and working in the same area.
- **Social factors:**
 - ◇ Inappropriate acquaintances and dependencies outside the workplace;
 - ◇ Relationships with criminals outside of workplace (football, rugby and other sports, pubs, fitness centres, etc.).

3.3. COUNTERING POLICE CORRUPTION

Police corruption in the UK is countered by a range of institutions at both the national and local levels. In addition to the institutions which carry out overall supervision of police work and investigate more serious cases, all the 44 police forces and the specialised police agencies have internal systems for safeguarding professional standards that identify and investigate corruption and other misconduct by police officers.

3.3.1. *National supervisory and monitoring institutions*

The Independent Police Complaints Commission (IPCC)

The IPCC was established with the 2002 Police Reform Act¹⁰⁰ as a response to increased criticism of police work, targeting the existing system of investigating complaints about police misconduct, the level of police independence and its effectiveness.¹⁰¹ Critics claimed that the informal approach to dealing with complaints and allegations against policemen used prior to 2002 did not guarantee satisfactory results and further underlined the lack of public trust. The establishment of the Commission was designed to guarantee greater independence of investigations. Instead of the old informal approach, the 'local resolution' process was put in place when dealing with problems and violations which do not require full investigation. It allows complainants who are not satisfied with the way the local police service has dealt with their complaint to appeal to the Commission. The latter also gives guidelines and clarifications about the way complaints should be dealt with at the local level. In addition, the Commission has the power to take over an investigation if it concludes that local police would not fulfil the requirements of objectivity.

The IPCC is an independent body and its Commissioners are appointed by the Home Secretary. The IPCC Chair and Commissioners can never have worked for the police service in any capacity but are former judges, prosecutors or human rights attorneys.

The main task of the Commission is to guarantee and encourage public trust in the system of complaints against the police in England and Wales. In addition to this statutory responsibility, the IPCC also has a guardianship role which requires it to measure, monitor and where necessary, seek to improve the current system. Approximately 150 of its staff (as of 2011) are responsible for investigations with a further 150 responsible for dealing with direct complaints and appeals. In addition to the staff dedicated to investigations, the IPCC also has a small Intelligence Cell to support its role by analysing data and handling sensitive material. The IPCC has its own anonymous telephone hotline for citizens' complaints, in addition to complaints by police officers who do not wish to report their findings to their police force. The IPCC investigates only the most serious corruption cases and police misconduct, as

¹⁰⁰ IPCC (2011).

¹⁰¹ IPCC (2011).

well as claims by individuals about the way their initial complaint has been dealt with by the local police services. The Commission:

- Conducts its own independent investigation if it decides that the anti-corruption unit may encounter difficulties in maintaining its independence. For example, if the Commission decides that the investigation could discredit the police institution, this would imply growing risks for the internal investigation of the case. Even in such cases, however, the investigation is completed in cooperation with the respective anti-corruption unit.
- A more indirect approach introduces managed investigations which are conducted by the police under the direction and control of the IPCC and supervised investigations carried out under the direction and control of the police with the IPCC setting the terms of reference.

In 2006, the IPCC's remit was extended to include serious complaints relating to staff at the Serious Organised Crime Agency (SOCA) and at Her Majesty's Revenue and Customs (HMRC), and in 2008 to include serious complaints and conduct matters relating to officers and officials at the UK Border Agency (UKBA). An example of such investigation is the one of HMRC officers accused of infringements during their participation in a specialised operation to uncover an alleged missing trader intra community fraud.¹⁰²

Until 2009, when the IPCC investigating police corruption it had to essentially rely on the resources and experience of the departments on professional standards within the police services. In 2009 it was decided that the IPCC would increase its **oversight of corruption matters** and it started developing its capacity to provide greater oversight of such cases. As a result, during the last two to three years, the Commission has moved from supervision to management of more cases and has used its full powers to undertake independent investigations in a small number of high profile cases.

Her Majesty's Inspectorate of Constabulary (HMIC)

The HMIC is tasked with an independent assessment of the overall work of police services: from the small city-districts squads to the specialised services against serious crime and terrorism. The independence of HMIC is guaranteed by the fact that its inspectors are directly appointed by the Crown and are not police or government civil servants. The Chief Commissioner reports directly to the parliament. The HMIC inspectors have the powers to require from police forces any information they need and to inspect them on the spot. The HMIC implements regular inspections of the functional aspects common to all police services and thematic inspections on critical issues. In 2011, for example, following public concerns the HMIC carried out a thematic inspection of the risk arising from inappropriate relationships between the police and third parties and the media.

¹⁰² IPCC (2006).

The Association of Chief Police Officers (ACPO)

ACPO is a professional forum platform for sharing ideas and best practices among all law enforcement, including with respect to anti-corruption. Representatives of the anti-corruption units in the country meet periodically to exchange experience and to discuss trends in corruption and in the level of professional standards.

3.3.2. *Anti-corruption departments in the specialised law enforcement agencies*

Some law enforcement agencies and services in the UK combine their specialised anti-corruption departments with investigative and intelligence gathering functions.

The anti-corruption department of SOCA targets corruption related to organised crime, namely corruption activities of SOCA officers, corruption of public sector civil servants (in the Ministry of Justice and in the other police services), in addition to corruption in the private sector.

The UK Border Agency (UKBA) which is the successor to the British Border and Immigration Office – initially a civil, not a law enforcement service – also has an internal anti-corruption directorate of 30 officers. UKBA's anti-corruption directorate carries out investigations which are not based on intelligence information. Instead it relied on reports from other units or agencies, or on risk assessment analyses. It cooperates with SOCA on cases in which their staff is involved in corruption initiated by organised crime (for example in drugs and cigarettes smuggling). The agency uses (purchases) the necessary surveillance services utilising help from other police forces in the country.

3.4. THE SYSTEM OF PROFESSIONAL STANDARDS IN POLICE FORCES

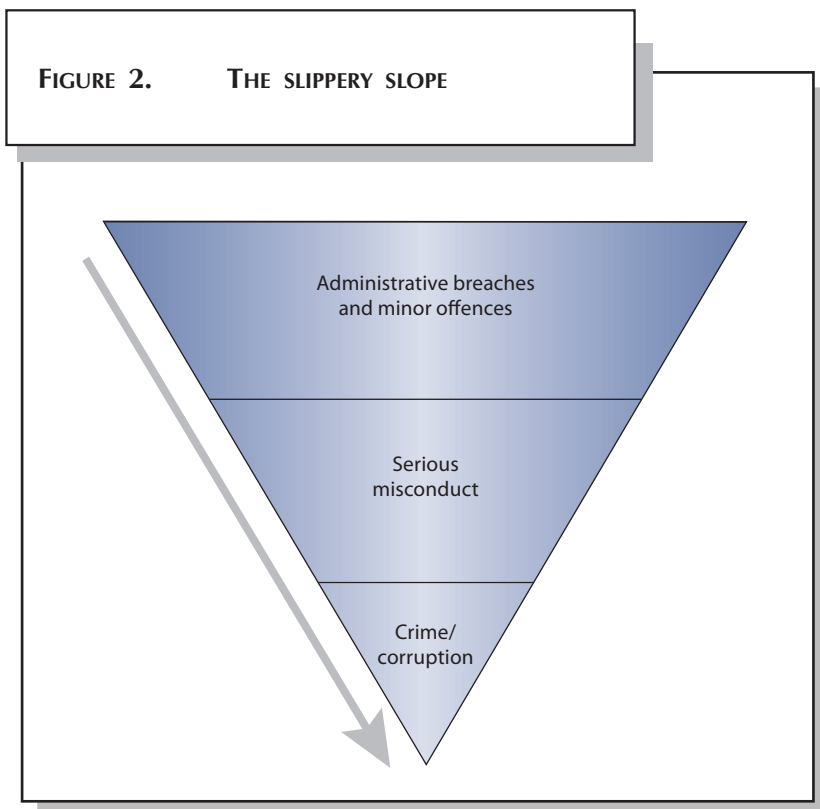
In 1998, ACPO launched its Presidential Working Group on Corruption, which designed a manual of best practices in preventing police corruption. Later on, the functions of this working group were taken over by the ACPO Professional Standards Committee. In 1999, the HMIC published the results of a comprehensive inspection of police services and their integrity undertaken as a reaction to a great number of corruption rows. The report titled 'Police Integrity: Safeguarding and Strengthening of Public Trust'¹⁰³ contained a number of recommendations about enhancing integrity and raising the professional standards of police services.

Following the publication of this report and the input of the Presidential Working Group on Corruption, the police forces began to form professional standards departments (PSD) as an integral part of their structures. They were charged with the functions of the old units on complaints and disciplinary matters, in addition to several new tasks.

¹⁰³ HMIC (1999).

3.4.1. Approach of the professional standards departments

While the traditional departments tasked with processing the complaints and dealing with disciplinary issues launched their investigations only as a response to officially registered complaints, the PSDs actively “cultivate” information from a number of sources about unethical conduct by police officers. This approach allows a formal investigation to be initiated even without a registered complaint.



Source: CSD, 2013 (based on information from SOCA).

The work of the professional standards and anti-corruption departments is based on the slippery slope theory, i.e. that various forms of minor misconduct lead to more serious crimes (Figure 2).

This logic implies that services like the London Metropolitan Police Service (MPS or ‘the Met’), SOCA and other agencies should monitor and analyse all cases of misconduct. For example, in 2011, Met’s Directorate of Professional Standards received an overall of 7,493 complaints. These complaints are periodically summed up in reports, which are studied in order to inform appropriate investigative measures.

3.4.2. Structure and tasks of the professional standards departments

The professional standards in the British police include a range of issues which are directly or indirectly relevant to the state of police services and the levels of public support and confidence in them. The issues include the processing of complaints against police officers, investigations of corruption, enhancing the staff competencies, countering unethical behaviour and abuse of both colleagues and citizens.

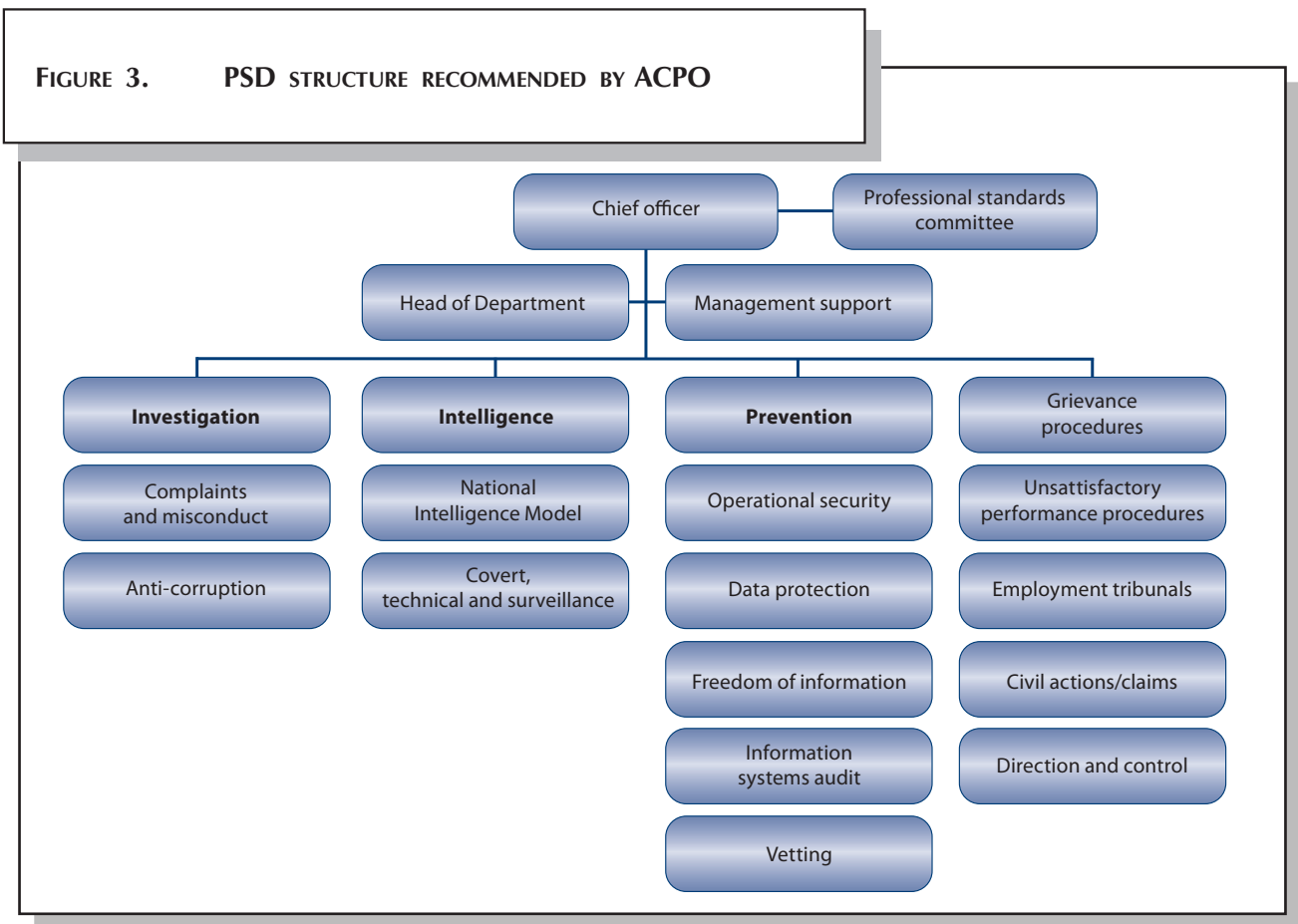
The PSD functions cover the following main areas:

- Investigations:
 - ◊ Internal and external complaints about (disciplinary) offences;
 - ◊ Corruption and other crimes.
- Prevention:
 - ◊ Operational security;
 - ◊ Data protection and freedom of information;
 - ◊ Auditing of IT systems;
 - ◊ Recruitment vetting.

- Intelligence:
 - ◊ Application of the National Intelligence Model;
 - ◊ Threat assessments;
 - ◊ Covert, technical and surveillance intelligence-gathering techniques.

- Other functions:
 - ◊ Conflict resolution at the workplace;
 - ◊ Unsatisfactory performance procedures;
 - ◊ Employment tribunals;
 - ◊ Civil claims.

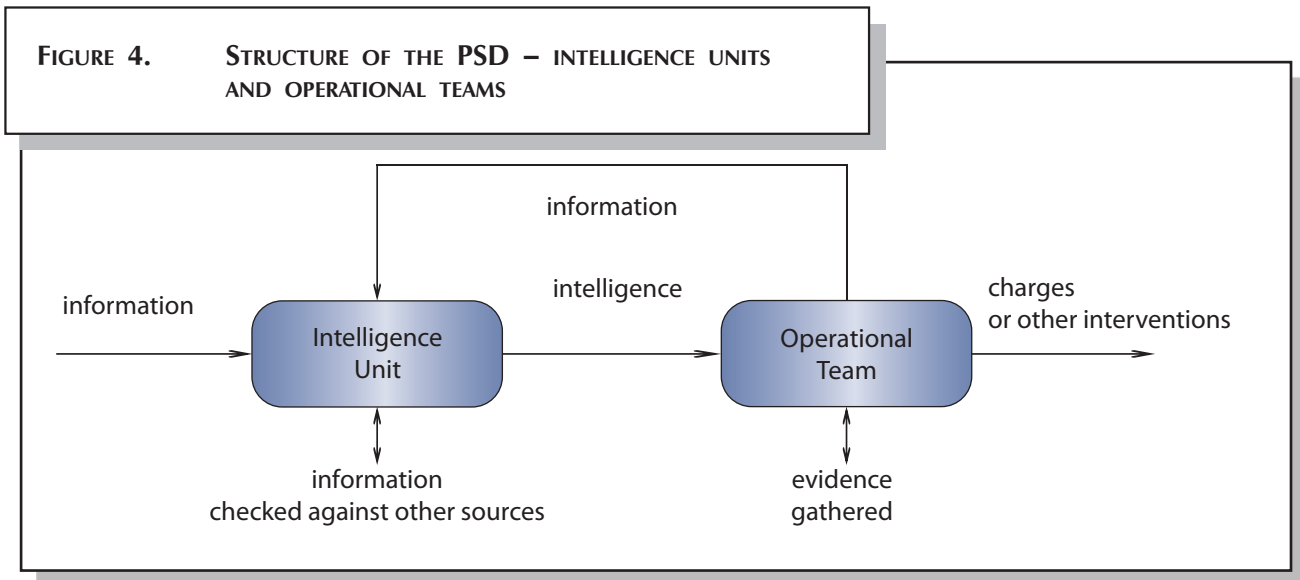
While by 2003 the PSDs of all police forces had developed investigative and intelligence functions and had anti-corruption sub-units, the other functions (preventive, legal) were not covered by the PSDs of some smaller police structures. For example, recruitment vetting was assigned to the HR departments. In some of the smaller police services data protection and freedom of information was assigned to the IT departments. Some police services resorted to outside experts in dealing with disputes and civic claims.



Source: HMIC, 2006.

The anti-corruption teams within the PSDs have varying capacities and resources, and the number of staff corresponds to the size of the police

force. The police services in bigger towns have relatively well developed PSDs capable of conducting complex internal anti-corruption investigations. One example is the Professional Standards Directorate of the London Metropolitan Police, which is the biggest in the country with almost 500 officers who supervise the work of 55,000 police officers. Its staff is almost as large as that of the IPCC. Internal security and corruption investigations are conducted by two different departments within Met's PSD.



Source: Miller, 2003.

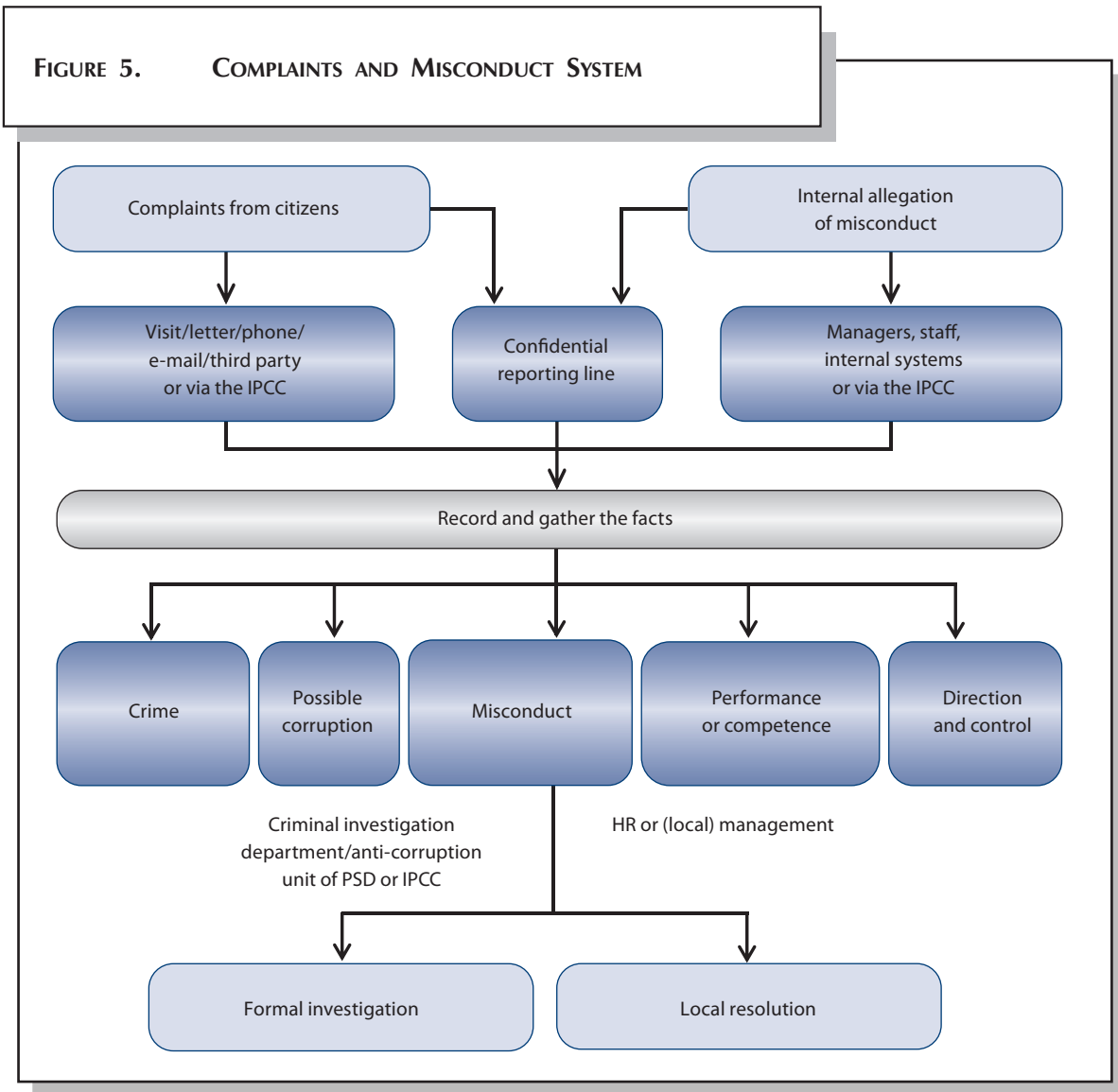
Usually, the smaller services do not have a separate team for corruption investigations. In such cases, the intelligence unit (which often includes one sergeant detective and one policeman detective) gathers information on a corruption act and, after the evidence is collected, the case is taken over by the operational command unit which investigates all complaints against police officers.

The corruption and misconduct investigations are handled within the PSDs by the intelligence unit, in addition to one or more operational units. The intelligence unit has one or more analysts who manage a central database containing all the information about suspects and the cases identified through analysis. The PSD operational unit start their formal investigation of specific officers based on such information.

3.4.3. Investigation of complaints about misconduct and corruption

Information reaching the police forces about misconduct and corruption of its staff comes mainly by way of complaints by citizens. Most of the investigations by the PSDs or other institutions are based on allegations contained in such complaints. A far smaller part of them are based on allegations by

internal sources and on information collected by the PSD.¹⁰⁴ As mentioned above, the units which handle complaints - from both citizens and police officers - are either an integral part of the PSD or function as a separate structure.



Source: HMIC, 2006.

Handling signals about police officers’ misconduct resembles to a great extent the traditional police approach in dealing with crime reports. The assessment of the complaint and the reported misconduct at an early stage is a key precondition which then allows the right course of action to be identified. There are three options when dealing with such complaints:

¹⁰⁴ The IPCC has IPCC (2012). Guidance to the Police Service and Local Policing Bodies on the Handling of Complaints, <http://www.ipcc.gov.uk/en/Pages/statutoryguidance.aspx>

- Local (within the service) resolution, for example by offering an apology;¹⁰⁵
- To launch a formal investigation by the specialised unit within the PSD;
- In cases of serious offences – to refer them to the IPCC.

3.4.4. *Minor infringements*

Less serious misconducts are addressed at the local level, following the proportionality approach which permits cases to be closed with maximum speed and efficiency.

This means that decisions should be taken at the lowest possible management level, with only the more serious cases being deferred to the PSD or to specialised investigation units and formally investigated. Such an approach aims to differentiate at an early stage between the minor instances of misconduct and the serious cases or crime.

Box 3. GOOD PRACTICES - EARLY INTERVENTION

In the Metropolitan Police Service, the post of early intervention officer has been created at Norbury, an operational command unit in South London. The officer has responsibility for triaging cases and identifying those that appear able to be resolved quickly through early intervention. The officer then fast-tracks these cases and has had considerable success in reducing the burden on other investigating officers, as well as in ensuring that these cases are not delayed by joining the already high workload of investigators.

Source: HMIC, 2006.

After it completed its inspection of police professional standards in 2003, HMIC recommended that the PSDs base their decisions on risk assessment. IPCC developed several basic criteria how the PSD and the complaints teams should handle filed complaints signals, i.e. whether to launch a formal investigation or to deal with it locally:

- How serious is the offence alleged in the complaint?
- What are the prospects for a criminal prosecution of the case?
- Is it likely that the complaint would be substantiated?
- Would an investigation of the case bring additional knowledge?

3.4.5. *Serious offences and corruption*

The units within the PSDs that deal with complaints and disciplinary matters have a key role in deciding how to proceed with complaints of corrupt behaviour and serious offences. When there are suspicions of particularly serious corruption acts or other serious offences, or after the department

¹⁰⁵ The introduction of this approach is discussed in detail in a report, commissioned by the IPCC: Herrington (2007).

receives such a complaint it is legally obliged to inform the IPCC and wait for its decision.

Where a complaint reaches one of the following mandatory referral criteria it has to be referred to the IPCC¹⁰⁶:

- Any complaint where there is an allegation that the conduct complained of has resulted in death or serious injury;
- Serious assault by a person serving with the police;
- Serious sexual assault by a person serving with the police;
- Serious corruption;
- Criminal offence or behaviour which is liable to lead to a disciplinary sanction and which, in either case, is aggravated by discriminatory behaviour;
- That a 'relevant offence' has been committed;
- Complaints or conduct matters which are alleged to have arisen from the same incident as anything falling within these criteria.

In addition, the Commission encourages the reporting of all the complaints for offences which are likely to erode public trust in the police and seriously undermine its reputation. It is also recommended to refer complaints to the Commission where there is uncertainty whether the misconduct falls within the mandatory referral criteria as well as cases in which the PSD cannot guarantee the autonomy of an internal investigation team.

Handling of corruption complaints

Special teams in the police services are charged with the task of identifying **corruption cases** and conducting preliminary research before referring the case to the IPCC or to the local investigation units within the PSD. It is within the powers of the force to decide whether the case covers the serious offence criteria. Police forces and police authorities are required by law to refer complaints or conduct matters to the IPCC if the allegation includes 'serious corruption' which is defined in the IPCC's Statutory Guidance as including:

- Any attempt to pervert the course of justice or other conduct likely seriously to harm the administration of justice, in particular the criminal justice system;
- Payments or other benefits or favours received in connection with the performance or duties amounting to an offence in relation to which a magistrates' court would be likely to decline jurisdiction;
- Corrupt controller, handler or informer relationships;
- Provision of confidential information in return for payment or other benefits or favours;
- Extraction and supply of seized controlled drugs, firearms or other material;
- Attempts or conspiracies to do any of the above.

¹⁰⁶ IPCC (2013: 44).

In addition to the main referrals system, cases of corruption may also be referred to the IPCC on a **covert basis**.¹⁰⁷ This may be the most appropriate action in cases where those under investigation are not aware that they are suspected of wrongdoing. The police service does not, however, refer every covert investigation into alleged wrongdoing by officers and staff. The assessment is in two phases. The first phase (into which most cases fall) is that in which it is deemed possible that a crime has been committed by an individual serving in the police force. In these cases, the force concerned seeks to develop any intelligence in relation to that individual. The second phase is where the force has assessed, based on the intelligence, that it is probable that the person has committed a crime. At this stage, the force will refer the matter to the IPCC.

After receiving the case, the Commission decides whether to start its own independent investigation, or to limit its role to a managed or supervised investigation. Another possibility is for the IPCC to refer the investigation entirely to the local force.

In most cases, as the IPCC does not have all the skills or resources to carry out complex covert corruption investigations which require expertise in surveillance and technical support, the investigation is referred to the investigation teams within the police forces. Still, since the public expect the IPCC to have oversight of these investigations, the IPCC will often supervise or manage a covert investigation and may take it over once it moves from being covert to overt in order to direct any criminal and misconduct proceedings and manage the public reporting of the case.

Corruption complaints referred to the IPCC

Between 2008/2009 and 2010/2011 the IPCC reviewed 7,496 complaints about all types of complaints referred by police forces of England and Wales. In the same period, the IPCC received 837 complaints related to corruption.

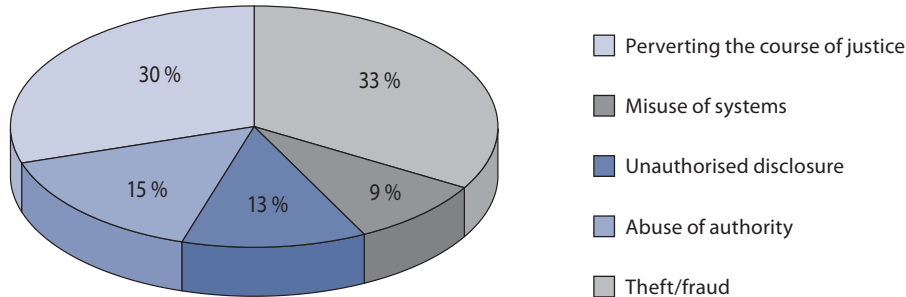
TABLE 7. ALL REFERRALS TO THE IPCC AND CORRUPTION REFERRALS 2008/09 TO 2010/2011

Financial year	All referrals	Corruption referrals	Corruption referrals as a % of all referrals
2008/2009	2,396	215	9%
2009/2010	2,724	289	11%
2010/2011	2,376	333	14%
Overall	7,496	837	11%

Source: IPCC, 2012.

¹⁰⁷ IPCC (2011).

FIGURE 6. TYPE OF CORRUPTION REFERRAL TO THE IPCC 2008/09 TO 2010/11



Source: IPCC, 2012.

During the last three years the latter number has increased as a result of the introduction of more detailed guidelines for identifying corrupt practices. Of these, 723 were ‘overt referrals’, i.e. the suspected officer knew about the complaint, while in 114 cases the person concerned was unaware that there was suspicion about their conduct and might be under investigation without their knowledge. Only 12 of all corruption complaints were then referred to SOCA.

BOX 4. CASE STUDY - UNAUTHORISED DISCLOSURE AND MISUSE OF SYSTEMS

A retired 63-year-old Detective Chief Superintendent and a retired 55-year-old Detective Constable received prison sentences of 18 months and four years respectively after admitting charges of misconduct in a public office and conspiracy to commit fraud. The convictions followed the completion of a covert investigation carried out by the South Wales Police Anti-Corruption Unit under the supervision of the IPCC.

After retiring from South Wales Police, the ex-Detective Chief Superintendent established his own business as a private investigator and his co-defendant had rejoined the force as a member of civilian staff. The investigation revealed that the two men then struck up a corrupt agreement whereby, in exchange for payment, the civilian administrator would conduct illicit checks on police databases and disclose information to the investigator to assist him in his work. The investigation also revealed that the administrator had links with a known criminal and he was found guilty of money laundering after the police seized £200,000 from his property.

Source: IPCC, 2011.

4. BELGIUM

4.1. POLICE CORRUPTION IN BELGIUM: ANTI-CORRUPTION INSTITUTIONS AND MEASURES

Belgium is one of the countries with the lowest levels of corruption in the world. According to Transparency International, in 2012 Belgium ranked 16 out of 176 countries. Individuals seldom if ever are faced with corruption practices and the Eurobarometer surveys register no complaints about police corruption.¹⁰⁸ Corruption in Belgium is usually associated with organised crime, public procurement or other forms of abuse of office for private gain. The 2007 organised crime threat assessment in Belgium shows that 22% of the investigated criminal groups resorted to corruption and attempted to influence in some way police officers.¹⁰⁹ Data from investigative bodies also confirm the presence of police corruption, although it is neither widespread, nor group-based.¹¹⁰

Box 5. BELGIAN POLICE

Law enforcement in Belgium is carried out by the Integrated Police Service (IPS) structured on the federal and local levels, made up of the Federal Police Service (FPS) and the Local Police Service (LPS) composed of 195 Local Police Corps in all local police zones. Both forces are autonomous and subordinated to different authorities but have common status, databases, support, recruitment and training.

FPS investigates violations of federal law as well as crimes that involve more than one local police zone, while LPS handles violations of local law. The FPS and LPS cooperate through the collection and exchange of information on criminal activities in Belgium. The LPS often provides manpower to assist the FPS in conducting public safety operations.

Source: *Belgian Federal Police Service.*

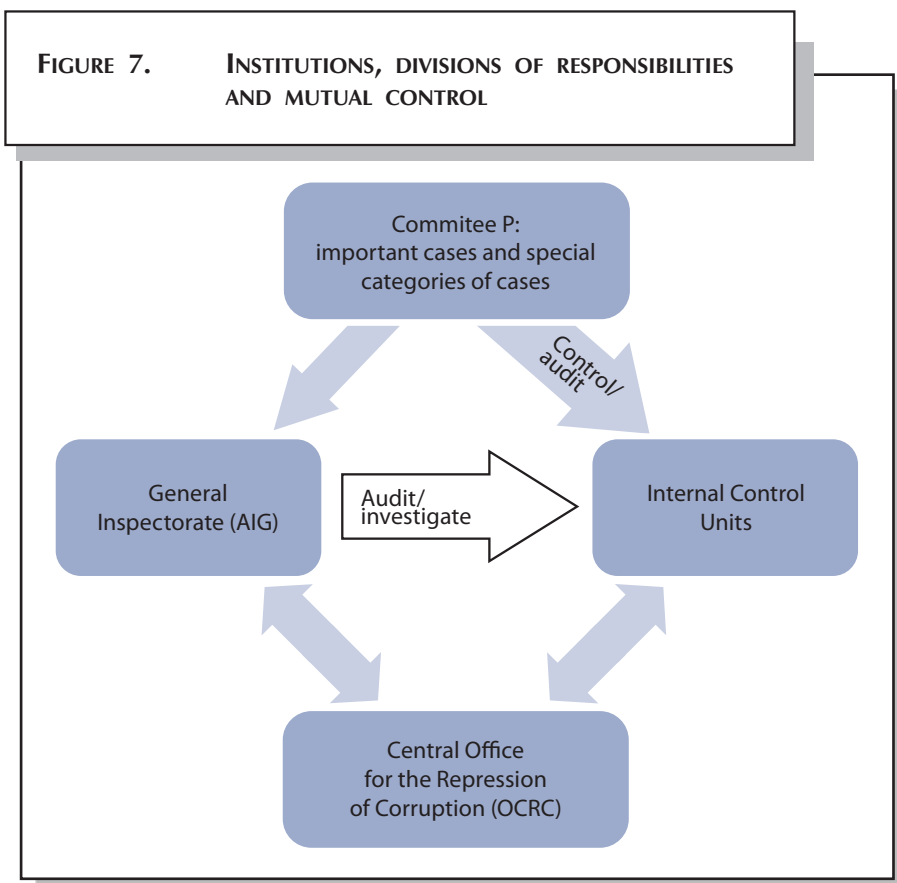
¹⁰⁸ The same survey shows that in Bulgaria 7% of the citizens have given or have been asked to give a bribe to policemen (Eurobarometer, Corruption: Special Eurobarometer 374, feb.2012, p. 137).

¹⁰⁹ Service de la Politique Criminelle, 2007. Rapport annuel 2007 sur la criminalite organisee en Belgique (2005-2006), pp. 33-37. http://www.csd.bg/fileadmin/user_upload/Countries/Belgium/Belgian%20OCTA.pdf

¹¹⁰ Ibid.

For example, in 2011 out of 1,045 cases/investigations carried out by officers of the General Inspectorate of the Federal and Local Police (Algemene Inspectie – AIG) only 6 concern corruption investigations. Other relevant investigations included 26 cases of fraud/counterfeiting, 44 of breaching professional confidentiality, 6 cases of abuse of confidence/theft and 3 of abuse of office.

FIGURE 7. INSTITUTIONS, DIVISIONS OF RESPONSIBILITIES AND MUTUAL CONTROL



Source: CSD, 2013.

The investigations by the Committee P (Comité permanent de contrôle des services de police), which is the other main police corruption investigation institution, are even less focused on corruption, as the main bulk of investigations against police officers concern misconduct or crimes related to professional duties and standards, in addition to crimes committed by police officers in their private capacity (domestic violence, drinking and driving, drug use, etc.).

Countering police corruption in Belgium is carried out by several specialised services and directorates which have clearly defined powers, functions and responsibilities. These institutions cooperate among themselves and with the police forces in investigating other crimes involving police officers. The emergence of this complex anti-corruption infrastructure is the result of the division of responsibilities and checks and

balances among institutions and authorities, which is intended to prevent any institutional cover-up of corruption.

Corruption among police officers is investigated mainly by two independent services: the AIG and the Committee P.¹¹¹ Minor offences are investigated by the 196 internal control departments of the local police forces.

4.1.1. General Inspectorate of the Police (AIG)

The General Inspectorate is a service under the authority of the Minister of Interior and the Minister of Justice. The Minister of the Interior is responsible for supervising its daily management. AIG's mission is to 'improve the functioning of the police services'; it audits the operational procedures of the police, ensures that they meet their statutory obligations. AIG also investigates various incidents of misconduct associated with corruption: document coun-

¹¹¹ Information about these institutions in different languages can be found at: <http://www.aigpol.be/> for AIG and at: <http://www.comitep.be/> for the Committee P.

terfeiting, sabotaging investigations, breach of professional confidentiality, unauthorized access to the information systems, exercise of pressure, etc.

4.1.2. Internal control system

Every local police service has its own internal control departments which enforce compliance with the standards and procedures in routine police work and sanction incidences of unethical, unprofessional and criminal behaviour. These departments investigate cases of corrupt behaviour **of minor importance**. When more serious and systemic infringements by officers, including senior staff are identified, the case is referred to AIG or the Committee P.

TABLE 8. ANTI-CORRUPTION AND POLICE OVERSIGHT BODIES IN BELGIUM

Institution	Responsibilities and powers	Reports to	Staff
General Inspectorate of the Federal and Local Police (AIG)	Audits police operational procedures, examines complaints from individuals and organizations, and notifies the relevant judicial authorities. It also audits the operational procedures of the police forces, ensures that they meet their statutory obligations, and reports system inefficiencies.	Minister of Justice and Minister of Interior	96 (16 of which administrative staff, 16 local, and 64 operational officers)
Standing Police Monitoring Committee (Committee P)	Monitors the FPS and LPS on behalf of the Parliament. As an external body it monitors the overall working of the police, inspection and monitoring services and the way in which all officials with police powers perform their duties. Committee P focuses particularly on the way in which efficiency, effectiveness and coordination are achieved, and the way in which fundamental rights and freedoms are respected. It reviews police procedures and investigates complaints of police misconduct. It is authorised to investigate officers with investigative powers within all public institutions, including tax services and customs.	Federal Parliament	Approx. 100 (five of which members of parliament)
Internal Control Units	These departments ensure compliance with standards and procedures; they also investigate minor corruption cases. LPS cooperates with the Central Office for the Repression of Corruption on non-police related corruption investigations (e.g. of local government officials).	Local Police Services	196 departments in local police structures which vary in size
Central Office for the Repression of Corruption (OCRC)	Investigates complex and serious crimes, including corruption in the private sector and investigates public officials from all ministries, including the police.	Federal Police, Directorate for Economic and Financial Crime	67 (30 of which working in the Financial Section, 27 in the Procurement Section, 5 in the Gaming Commission, 1 football fraud focal point, administrative staff)

Source: CSD, 2013 (based on information from AIG and OCRC).

Several other investigative and state institutions have a supportive role in countering corruption within the Belgian Ministry of Interior. The Central Office for the Repression of Corruption (OCRC), which is a department in the Directorate for Economic and Financial Crime of the Federal Police, is assisting both the AIG and the Committee P in investigations in which civil servants or elected politicians from the ministries of interior and justice are involved. The Bureau of Administrative Ethics and Deontology (within the Federal Public Service Budget and Management Control) participates in the development of strategies and programmes for preventing corruption while the Department for Criminal Policy (of the Federal Public Service Justice) works on the development of criminal policy. In addition to external oversight, the two police services (the federal and the local) have their internal controls. The Federal Police has a system of internal monitoring of the compliance of police work with the ethical code and procedures. Local authorities oversee the local police forces as an integral part of their public service functions. In cases where the authorities represent only one municipality, the mayor and the municipal council supervise local police. In the zones including more than one municipality this function is performed by a police college and police council.¹¹²

4.2. GENERAL INSPECTORATE OF THE POLICE (AIG)

The General Inspectorate is **independent of the police** and its duties, organisation and operating methods, as well as the specific statutory regulations applicable to its members being stipulated in a Royal Decree. The appointment of the General Inspector is made jointly by a committee in which the ministries of justice and interior are represented.

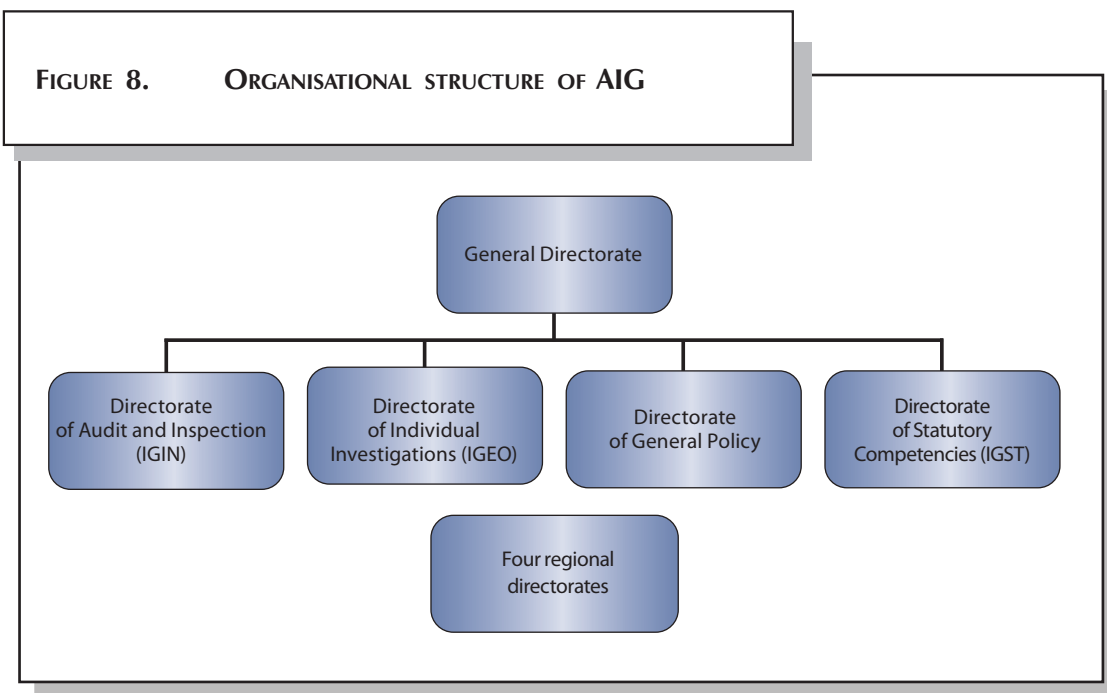
AIG examines complaints from individuals and organisations, and notifies the relevant judicial authorities and Committee P. AIG has the power to conduct **administrative/disciplinary investigations** and audits on request from judges, prosecutors, mayors, police etc., following a complaint and on its own initiative (**the right to perform inspections**). It also conducts **criminal/judicial investigations** into offences committed by police officers on request from the prosecutor. Ninety-five per cent of the AIG investigations are criminal. Administrative investigations are the exception and are done only at the request of the Minister of Interior. Requests for administrative or disciplinary investigations from other stakeholders are not mandatory. Each decision on whether to conduct such an investigation has to be substantiated. Administrative investigations are mostly referred by AIG to local internal control departments.

AIG's also provides **mediation** services for disputes between citizens and police officers. It also reviews draft legislation and regulatory provisions on the performance of the police and provides input and expertise.

¹¹² Structure and Governance of the Police in Belgium, Legal Memorandum, May 2012.

4.2.1. Structure of the General Inspectorate

AIG structure reflects the institution’s priorities; accordingly, its biggest directorates are the Directorate of Audit and Inspection (IGIN) and the Directorate of Individual Investigations (IGEO). **The Directorate of Individual Investigations** conducts inquiries following complaints, collects information obtained through covert sources, the media, provided by the prosecution, etc. AIG uses the database on complaints where information is supplied by Committee P and all other local and federal police internal control departments. A prosecutor can also decide to order an administrative investigation by the internal control departments of the local and federal police. In this case AIG can provide oversight but can also investigate the officers of the internal control departments.



Source: AIG Annual Report, 2011.

The Directorate of General Policy carries out a bi-annual assessment of the performance of the senior staff. A negative assessment can be appealed to the Disciplinary Affairs Council. Members of the senior management (the directors of the 27 districts, the chiefs of local police services, the deputy-inspectors-general, the directors-general of the Federal Police, etc.) are evaluated every 5 years. This Directorate also processes all the evaluation files that are submitted to the Reviewing Committee.

The Directorate of Statutory Competencies of Police Chiefs (IGST) is responsible for reviewing all the draft laws and secondary legislation concerning the police. It is also involved in the promotion of staff to the senior ranks of the police services. The IGST also gives advice to the disciplinary council (appeal body for all disciplinary matters).

The AIG is also assisted by its local units (including one director, one investigator and two auditors) which collect information about problems concern-

ing, for example, the work of a local police chief. They have good contacts with local courts and administrative authorities and prepare AIG investigations locally.

4.2.2. *Autonomy and powers*

Key factors for the proper functioning and efficiency of the AIG are its independence and its relatively broad powers.

The AIG Inspector General is appointed for a 5-year mandate that may be extended after careful consideration by representatives of both ministries.

AIG has its own servers, **own IT services completely detached from the rest of the police**. These are important because otherwise investigations of police corruption would be impossible, in particular when they concern to the IT department. That AIG has its own separate headquarters also contributes to the independence of investigations. Logistics and HR departments are also separated from the police. AIG can call in experts from other departments on specific tasks and for a limited period.

AIG draws on a number of police databases that support its work: national police database, human resources, intelligence database, and complaints database. AIG and Committee P use a common database that contains information about investigations, including those by the internal control departments.

4.3. COMMITTEE P

Committee P is a supervisory body under the authority of the Belgian Parliament. It monitors the executive branch, the police and the counter-intelligence body - the Coordination Body for Threat Analysis (OCAM). It has the power to start investigations of corruption committed by organised groups, or with the participation of criminals. The investigations are implemented by the Investigation Department of the Committee.

Thus, the Committee P focuses on particularly important corruption cases, while the AIG deals with all the other incidents of police corruption. This parliamentary body can limit its activities to certain aspects of a criminal investigation or simply assist the investigation officers. There is a special regulation defining the jurisdiction of every institution and the distribution of activities. Investigations of crimes defined in the Criminal Code (prostitution, organised crime, torture) are split between the two institutions, Committee P and AIG. As an external body the Committee supervises the work of the police and the way in which all officials with police powers perform their duties. It focuses particularly on the way in which efficiency is achieved through coordination between police units, and the way in which fundamental rights and freedoms are respected. Committee P also reviews police procedures and investigates complaints of police misconduct.

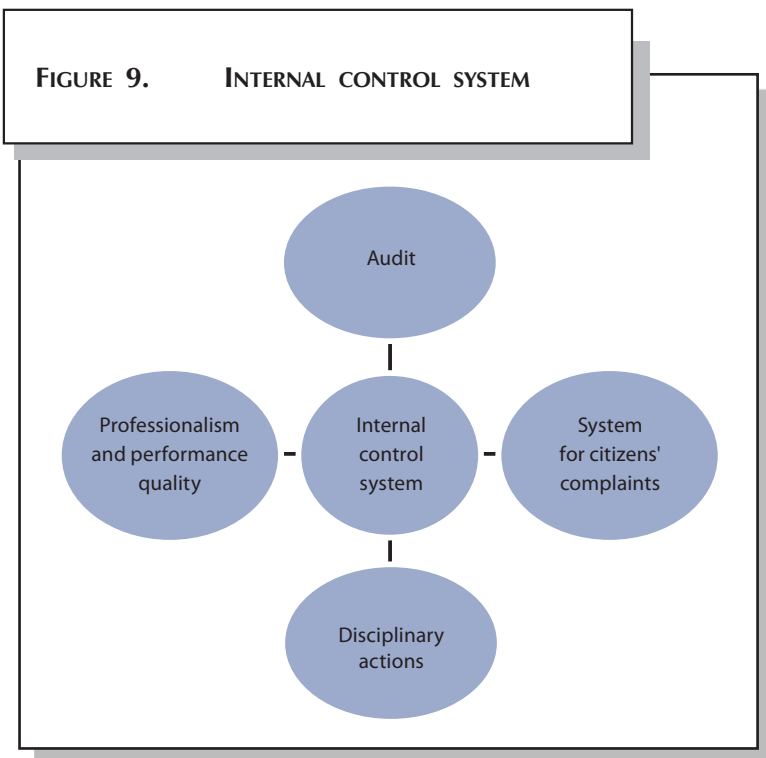
The law differentiates between the powers of the Committee P and AIG in investigating police officers.

4.4. INTERNAL CONTROL UNITS

The internal control department was incorporated in the police in 1994 and its functions are focused primarily on administrative, disciplinary and law-enforcement control within the police.

The main tasks of the internal control departments include:

- Control of the local police service;
- Control of all the members of local police except for the General Directorate members;
- Contacts with Committee P, AIG and the prosecution or the Ombudsman;
- Auditing;
- Processing and investigation of complaints. When such complaints are received, the Committee P is routinely notified and after they are reviewed a report is sent to this parliamentary body;
- Informing other bodies (the police college or the disciplinary council) about any penalties and sanctions imposed.



Source: CSD, 2013.

After the reforms in the Belgian police in 2001, **the system for internal control** gradually went beyond the initial narrow framework by linking control and the professional standards in everyday police work to disciplinary and enforcement functions.

This reform altered the whole approach to internal control. If prior to 2001 it was a mere monitoring instrument, the new system became a management tool for guiding everyday police work. Its concept assumes active involvement of both senior and middle police managers.¹¹³

The internal control system is implemented through a series of measures in five interrelated components:

- **Internal environment or ‘environment control’.** It is defined by the common behaviour characteristics of the managers, rules, routines, ethical norms and institutional culture. This component is the most difficult to control as it is linked to the other four.

¹¹³ A. Turtelblum, Minister of Interior of Belgium (2011). Circulaire CP3 relative au ‘système du contrôle interne’ dans la police intégrée, structurée à deux niveaux (29.03.2011), Moniteur belge, 21.04.2011, http://www.ejustice.just.fgov.be/mopdf/2011/04/21_1.pdf#Page68

Additional institutional factors also impact on the existing environment, like the overall policies for HR management and promotion, and the organisational and management structure.

- **Risk assessment and management.** In addition to corruption-related risks the management also looks at the risks of unsatisfactory performance of professional duties.
- **Control activities.** They include a set of measures applied to reduce identified risks and involve prevention and enforcement, active and reactive. The most effective measures are those that can be integrated, as much as possible, within the existing operational processes.
- **Information and communication.** It includes a database and indicators which enable the management to implement its functions and to control the activities.
- **Oversight or assessment of the internal control system.** These functions are undertaken on a permanent basis by senior management and periodically – by external and independent institutions using audit and impact assessments.

The local police directorates were charged with the gradual implementation of this system in the following order of priority: 1) risks scanning; 2) designing risk management measures; and 3) assessment and monitoring of the internal control.

When certain local police directorates do not apply the above model, or apply it partially and half-heartedly, the Committee P takes measures. Regular evaluations have demonstrated the critical attitude of Committee P to local police, and managers who do not apply the model properly have been dismissed.¹¹⁴

4.5. CENTRAL OFFICE FOR THE REPRESSION OF CORRUPTION (OCRC)

The Central Office for the Repression of the Corruption (Office Central pour la Répression de la Corruption – OCRC) was established as part of the 2001 reform. OCRC is part of the Directorate for Economic and Financial Crime (ECOFIN) within the Belgian Federal Judicial Police. It has the legal powers to carry out investigations on all serious cases of corruption offences in the entire Belgian territory. It can investigate police corruption in cases when officers of the ministries of interior or justice are involved. Employees of all ministries and elected politicians suspected of corruption are investigated by the OCRC.

The main tasks of the OCRC is to investigate complex and serious crimes of corruption in the public service and the private sector, as well as other related offences like misappropriation of public funds, conflict of interest and embezzlement committed by a public office holder, offences in public procurement and public subsidies, authorisations, permits, licenses, etc.¹¹⁵

¹¹⁴ http://www.comitep.be/AdditionalReports/2010-12-15_FR_lokale_recherche_polbru.pdf

¹¹⁵ This part is based on information from the presentations of officers from the Belgian Federal police, in addition to a more detailed information from the OCRC internet site: http://www.polfed-fedpol.be/org/djf_ocrc/pdf/OCRC_presentation_en.pdf

The positioning of the OCRC within the Federal Judicial Police gives the OCRC nation-wide powers. This means that its members can conduct criminal investigations (searches, seizures, hearings, arrests, etc.), either independently of, or in collaboration with, the Directorates in the decentralised judicial districts, depending on the severity of the offence or its sensitive nature, the occupation of the perpetrators, the complexity of the case, etc.

The availability of this operational capacity at the federal level is essential for the following reasons:

- The Federal Judicial Police in the districts do not always give high priority to corruption investigations, given the various other forms of crime within their remit.
- Lack of expertise and capacity on local level to conduct complex or sensitive investigations independently. Constraints in investigating cases stretching over more than one district or related to EU funds.

Along with the central office, Belgium's 27 decentralised directorates of the Federal Judicial Police also handle investigations related to corruption. The Central Office and the regional police services often cooperate on various investigations, however, while the OCRC is specialised in corruption, the local judicial police cover a wide range of economic crimes. For this reason the Federal Police often train investigators in other parts of the country on corruption related investigations.

OCRC has two main sections:

- **Public Procurement Section:** deals primarily with public procurement corruption.
- **Financial Section:** responsible for all other fraud cases (including fraud related to subsidies) and cases of corruption among civil servants and elected officials.

It should also be noted that some of the corruption cases which OCRC deals with concern European Union officials, as the major European institutions are located on Belgian territory. These cases are investigated in close co-operation with the **European Anti-Fraud Office** (OLAF), which has its seat in Brussels.

Moreover, OCRC has developed close ties with two other institutions:

- **Gaming Commission:** Five liaison officers of the OCRC coordinate joint investigations with the Commission related to fraud in gambling.
- **National contact point for football fraud:** unites various partners in the fight against fraud in sports. The OCRC itself is responsible for the investigation of the criminal elements of sports fraud, namely when players and/or referees are bribed.

4.6. ANTI-CORRUPTION TACTICS AND INSTRUMENTS

Below, some of the main instruments and powers used by various institutions are outlined. Some instruments like integrity tests or concrete investigative tactics are not discussed in detail as such information is considered sensitive.

4.6.1. *Disciplinary proceedings and criminal investigation*

As is the case in some other countries, the investigators are faced with the dilemma of whether it would be more expedient to impose administrative disciplinary sanctions than to start a criminal investigation. The two are independent procedures but there could be a conflict when there is insufficient evidence to secure a conviction in court.

The law allows the designated authority to temporarily suspend the disciplinary proceeding and await the outcome of the judicial investigation. There may be a provisional decision to dismiss the officer, to get him/her out of the system – but this would not constitute a disciplinary sanction. The authority could then effectively block his/her mandate because, if a disciplinary proceeding is launched, it has to be completed within 6 months.

A disciplinary proceeding could compromise the criminal investigation by reviewing the same files, interrogating the same witnesses, and carrying out the same activities as in the criminal investigation. For example, in a disciplinary proceeding, the authority cannot request surveillance but it can get to the same results by requesting printouts of the list of telephone calls of the suspect and thus establish his/her contacts. This can consequently compromise and slow down the criminal investigation which has a different purpose.

4.6.2. *Use of surveillance*

In order to use special investigation techniques, AIG submits a request to a judge following a very simple procedure. Still, AIG needs to justify the legal need to use surveillance. The actual surveillance is not done by AIG but by the specialised police services, assisted by an operator. AIG also uses an established procedure when accessing personal data and information from social media websites.

4.6.3. *Recruitment vetting*

Standard background checks are conducted by the local police. AIG gets involved if there is an appeal of a negative decision. Polygraphs are not used, as their results are not recognised in court.

4.6.4. *Case management database*

AIG uses its own comprehensive database for the management of investigations. The database contains all files on the investigations conducted by AIG. Every activity, result and decision related to the case is filed in the system by the officer dealing with the investigation. The system is an AIG internal system, although Committee P enters information on its cases into the system and has access to the AIG cases (but only up to a certain level). **The police cannot consult this database** – this is crucial for the autonomy of the General Inspectorate's investigations. The internal control units of the local police also conduct investigations of minor offences and information on these and their outcomes are filed into this database.

The system is linked to other police IT systems like the HR database which contains the officers' personal files. When an investigation starts it automatically pulls in the officer's HR file. It is also linked with the databases used by the internal control units which contain information about the disciplinary proceeding these units.

In addition to facilitating investigations, the database is used also for the following tasks:

- annual evaluation of the work of AIG;
- statistical purposes;
- compiling the AIG annual report;
- answering queries by the government, ministers, prosecutors, mayors, and other institutions;
- evaluation of officers' performance;
- performing internal control.

4.6.5. *Whistleblower protection*

Several of the AIG investigations were initiated following whistleblower reports. Especially in high-profile or large scale corruption cases, the whistleblower's knowledge of these wrongdoings usually means that s/he had some sort of involvement as well. Thus, whistleblowers would never come forward if AIG could not provide them with protection. In Belgium, there is no legislation on this matter, but AIG sometimes uses the **existing procedures applicable for informants (outsiders) for protecting the identity of internal whistleblowers**.

4.6.6. *Autonomy of the investigators of special cases*

Politically sensitive investigations involving elected politicians, members of political parties or senior civil servants are particularly difficult to manage. There is always the risk of attempts at influencing their outcome, especially by the senior management of the Ministry of Interior or the police. To cope with such risks, a series of measures are applied to investigations considered to be politically sensitive. Some are aimed at securing additional autonomy and to provide protection against political pressures. The investigation team could be provided with facilities less likely to be put under surveillance. In

addition, the mandatory reports could be different from the standard ones to limit the risk of interference or disclosure.

4.7. CONCLUSION

The Belgian system for countering police corruption is well structured and modern. It is based on the following principles: 1) checks and balances among a number of institutions investigating corruption; 2) specific degrees of independence corresponding to the tasks of each department and institution; 3) adequate allocation of resources and a strong regional presence of all major institutions and internal control units; 4) linking professional standards to anti-corruption and zero-tolerance policies to unethical and unprofessional conduct; 5) the use of proactive tactics and instruments for countering corruption. The overall result is that the Belgian police have relatively low levels of corruption.

5. AUSTRIA

5.1. GENERAL CONTEXT

5.1.1. *Police corruption in Austria*

Austria is considered one of the countries with relatively low levels of corruption compared to other countries. Transparency International's Corruption Perception Index¹¹⁶ ranks it among the 16 countries with lowest corruption levels with 7.8 points. On the other hand, during the last 5-6 years several public rows and corruption charges against senior public officials, politicians and businessmen caused public outrage and encouraged perceptions of rising corruption levels in the country.¹¹⁷

The police were no exception. In 2006, the Vienna police chief was charged with abuse of office and unauthorized acceptance of gifts from private companies. He was dismissed and later convicted.¹¹⁸ The scandal involved also the Friends of Vienna Police Club through which senior police officers received numerous gifts and donations under various forms from businessmen in exchange for 'favours'. Among the 'friends' of Vienna Police were also brothel owners and personalities from the gambling business.¹¹⁹

Eurobarometer surveys show that in 2011 80% of the Austrian citizens believed that corruption was a serious problem, compared to 60% in 2009.¹²⁰ At the same time, 25% of the public believes that bribe offering/taking is widespread among police officers, in addition to abuse of police powers. This figure, however, is much lower than the average for the EU (34%).¹²¹

According to data from the Federal Ministry of Interior, during the last two years the most often registered corruption crimes include abuse of office, unauthorized disclosure of information, and to a lesser extent gift acceptance by public officials.¹²² No public data, however, is available about the number of police officers registered as suspected of or involved in corrupt acts, which makes it difficult to assess both the levels and extent of overall corrupt practices and police corruption in particular. This is because the institutions in

¹¹⁶ Transparency International Index (2011).

¹¹⁷ Transparency International Index (2011).

¹¹⁸ Spiegel Online (2007).

¹¹⁹ Wirtschaftsblatt (2007).

¹²⁰ Special Eurobarometer 374 (2012).

¹²¹ Ibid.

¹²² Annual report of BAK 2011 (BAK Jahresbericht 2011); Council of Europe, GRECO (2008).

charge of countering corruption have started analysing it only in last few years. Academic research on police corruption is also scarce.

According to the Vienna Security Service which ceased to exist in 2002, in 2001 the complaints about police corruption were only 9, or 5% of all complaints against the federal police.¹²³ Research of police integrity from 2003 showed that Austrian police officers demonstrate low levels of tolerance towards police corruption.¹²⁴

In its 2008 assessment of the anti-corruption measures in Austria, the Group of States against Corruption (GRECO) of the Council of Europe stressed that no public sector is immune to corruption, evidenced by cases of investigated politicians, prosecutors, policemen and tax officials.¹²⁵

5.1.2. Development of anti-corruption policies and institutions

During the last few years, the will to counter and prevent the various forms of political and economic corruption has been evident in the more energetic efforts to design appropriate policies and institutional solutions.

In 2003, Austria ratified the UN Convention against Corruption which provides for the establishment of a specialised institution for the prevention and countering of corruption. This was carried out by the Federal Bureau for Internal Affairs (Büro für Interne Angelegenheiten, BIA), a structure within the Ministry of Interior, as well as by the anti-corruption prosecution.

In its 2008 assessment of the independence, specialisation and capacity of national anti-corruption bodies, GRECO concluded that Austria is still in the initial stage of countering corruption.¹²⁶ The assessment also outlined the lack of a comprehensive national anti-corruption policy and strategy to combine the efforts of all authorities. In 2008, the Coordination Council for Countering Corruption was established as a multi-institutional body for the purpose of developing and harmonising anti-corruption measures and strategies. The Council meets four times a year and its first meeting was held in February 2010. In 2008, a code of conduct for public officials was adopted.

During the last few years institutional changes were enacted as a response to increased public discontent about the integrity of public officials. In 2009, a **specialised anti-corruption prosecution** was created to prosecute cases of corruption and abuse of office in both the public and private sectors.

In 2010, BIA was reorganized and a new, more comprehensive legal framework was introduced with the adoption of the Law on the Federal Bureau of Anti-Corruption. This body was instituted as a separate unit outside the General Directorate Security Police. The new law gives a clearer definition of its mandate, in addition to provisions that guarantee its closer cooperation with prosecutors and the criminal police.

¹²³ Ivkovic (2004).

¹²⁴ Ivkovic (2004).

¹²⁵ Council of Europe, GRECO (2008, 2010).

¹²⁶ Council of Europe, GRECO (2008, 2010).

Also in 2010, the specialised anti-corruption prosecution was reformed, given a new priority – economic and financial crime – and renamed **Central Public Prosecutor’s Office for Combating Economic Crimes and Corruption** (known by the abbreviation WKStA).¹²⁷ In 2010, countering white-collar crime, including corruption and financial crimes, also became the main priority for the Ministry of Interior. The Ministry approved a plan for enhancing the capacity of the economic police, the financial intelligence units and the assets forfeiture office on both federal and local levels. From 2010, the Federal Bureau has also been steadily increasing its number of staff (from 59 to 124 employees) as well as improving their expertise.

In 2008, the anti-corruption legal framework was improved by introducing more adequate definitions of corruption crimes in the Criminal Procedure Code and the Criminal Code. As of January 1, 2013, changes to the Criminal Code were enacted introducing harsher punishments for corruption crimes.¹²⁸

5.2. THE INSTITUTIONAL CONTEXT

The main institutions in charge of countering and preventing corruption in Austria are the Federal Bureau of Anti-Corruption (BIA’s successor), the Central Public Prosecutor’s Office for Combating Economic Crimes and Corruption, and – in a broader sense – the criminal police.

The 2008 GRECO assessment pointed out that both the law enforcement institutions and the prosecution were not shielded from political influences. Until then, the police and the prosecution had equal responsibilities for the investigations, i.e. the police had the discretion to proceed with criminal investigation independently without immediately informing the prosecution. Responding to this critical opinion, in 2008 changes were introduced to the Criminal Procedure Code defining the leading role of the prosecution in both police investigations and prosecution.¹²⁹ Accordingly, the specialised anti-corruption prosecution was instituted with wider powers.

With the *Law of the Federal Bureau of Anti-Corruption* entering into force in 2010, the police were required to immediately report to the Bureau all cases within its jurisdiction (namely all the corruption crimes under articles 302-314 of the Criminal Code)¹³⁰, in addition to several related provisions targeting economic crime (fraud, money laundering, gifts, anti-competition collusion in public procurement, corruption crimes with the participation of organised criminal groups). The Federal Bureau is the main police partner of the specialised anti-corruption prosecution. After its reform in 2010, the Federal Bureau became the leading institution in countering corruption with larger powers and a clearly defined mandate.

¹²⁷ Bundesministerium für Justiz (June, 2011).

¹²⁸ Korruptionsstrafrechtsänderungsgesetz 2012 (Bundesgesetzblatt No. 1 61/2012).

¹²⁹ Strafrechtsänderungsgesetz 2008 (Bundesgesetzblatt No. 1 109/2007).

¹³⁰ Bundesgesetz über die Einrichtung und Organisation des Bundesamts zur Korruptionsprävention und Korruptionsbekämpfung (Bundesgesetzblatt No. 72/2009).

5.2.1. *Federal Bureau of Anti-Corruption*

The predecessor of the Federal Bureau of Anti-Corruption, the Federal Bureau for Internal Affairs, was instituted in 2001. It was a specialised police department for countering corruption and other crimes according to articles 302-313 of the Criminal Code concerning complaints against officials of the Ministry of Interior or officers from law enforcement bodies in the federal provinces (Länder) and the municipalities.

The BIA director reported directly to the Minister of Interior. However, structurally the BIA was separated from the traditional law enforcement hierarchy and was independent from the General Directorate Public Security in order to make it independent from police influence. On the other hand, despite the fact that the Minister of Interior did not issue instructions to BIA relating ongoing investigations, the Bureau remained part of the MoI chain of command. There were no special provisions or exemptions from the standard subordination principles. In 2008, the Council of Europe criticized the BIA for not been exempt from a direct interference by the Minister of Interior.¹³¹

The BIA could investigate MoI officers and other public officials, in addition to private sector persons, as it had full investigative powers. However, despite the fact that BIA had full jurisdiction in investigating corruption, its remit was not clearly defined by law, which explains why the prosecution preferred to refer such investigations to the federal criminal police. Reacting to GRECO criticism¹³² concerning its independence, the lack of a clear defined mandate and remit and the imperfect mechanism of interaction between the prosecution and the criminal police, Austrian authorities approved a new legal framework that came into force on January 1, 2010. Accordingly, the BIA was transformed into the **Federal Bureau of Anti-Corruption** (Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung, BAK).

Main characteristics

BAK, like the federal criminal police, is subordinate to the Austrian MoI and is separated from the police. BAK has national competencies in the prevention and countering of corruption. It has full powers to investigate a number of crimes defined by the Austrian Criminal Code, such as:

- abuse of office;
- giving and receiving bribes;
- acceptance of benefits;
- acceptance of benefits for the purpose of exerting influence;
- offering benefits;
- offering benefits for the purpose of exerting influence;
- illicit intervention;
- breach of secrecy;
- breach of trust by abusing office;
- acceptance of gifts by officials;

¹³¹ Der Standard (2008).

¹³² Council of Europe, GRECO (2008).

- agreements restricting competition in public procurement, as well as serious fraud and commercial fraud on the basis of such agreements;
- acceptance of gifts and bribery by employees or agents;
- laundering the proceeds from the above offences;
- use of firearms by public officials which resulted in the death of another person.

The law on the BAK from 2010 introduced the following changes:

- Clearly defined **competences covering** a list of crimes;
- A mandate to investigate corruption and related economic crimes committed by all civil servants, individuals employed in companies in which the state holds shares, as well as some cases of private sector corruption.
- A mandate to develop and implement **preventive measures**.
- Establishment of a special **commission for the legal supervision** of BAK.
- Requirement for close cooperation between BAK and the specialised anti-corruption prosecution. BAK is the corresponding police body to this branch of the prosecution.
- Obligation of **police forces to report promptly** to BAK cases within its remit.

The remit of BAK does not include disciplinary issues and infringements of the *Law on Public Officials*. Such infringements are reviewed by the HR departments or by specialised disciplinary commissions.

BAK is the central institution in fostering cooperation with foreign law enforcement institutions on corruption investigations and the main partner of OLAF, INTERPOL, EUROPOL and other similar European and international bodies.

Oversight body

The independent **Commission for Legal Protection** supervises and oversees the BAK. It includes three members elected for a period of 5 years. They are nominated by the government after hearings from the chairpersons of the Constitutional Court, the Supreme Administrative Court, the Commission for Data Security, the Consultative Council on Human Rights and the Court of Audit. They are appointed by the president of Austria.

The Commission members are usually retired senior judges and prosecutors.

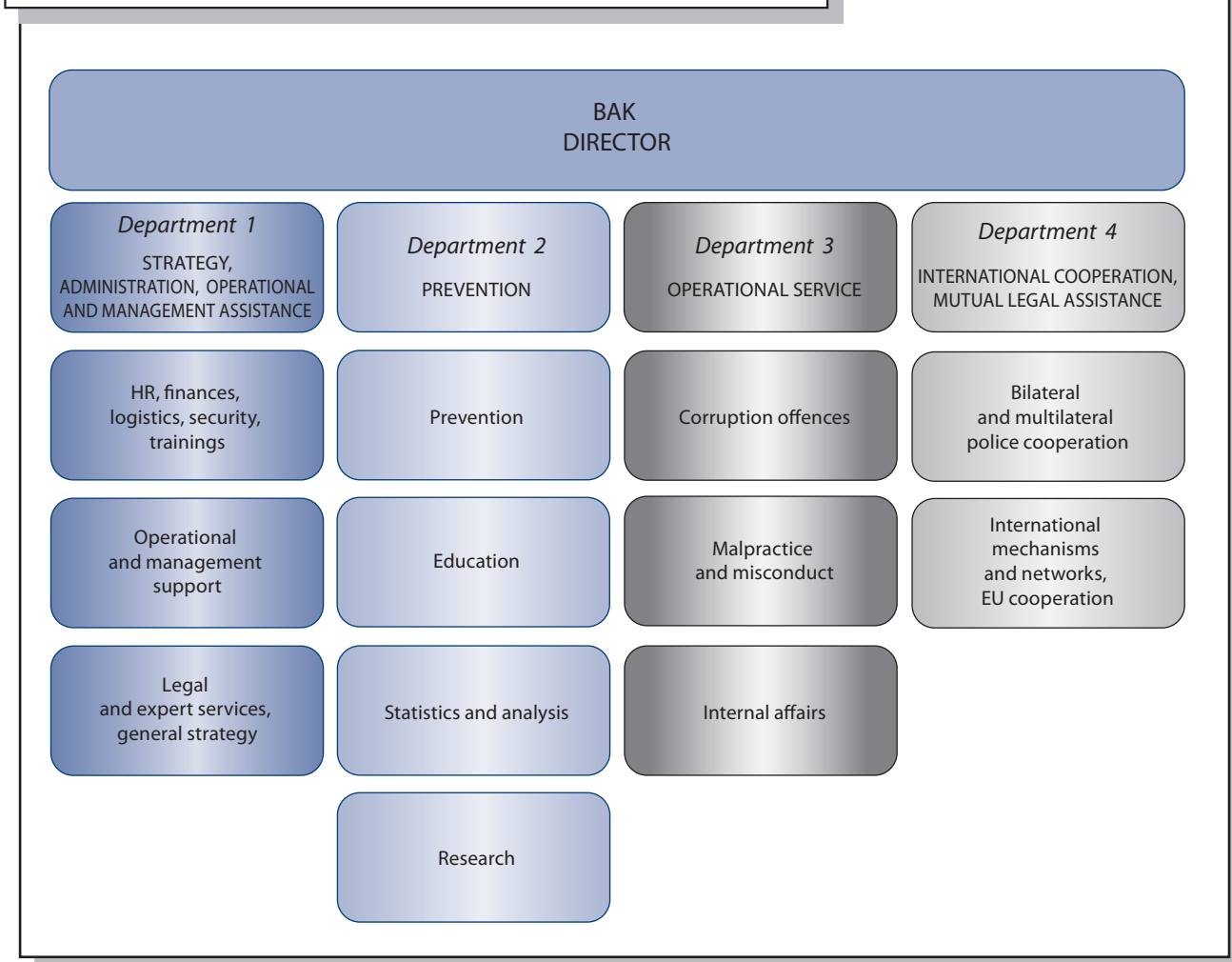
Structure and activities

BAK activities are organized around four main pillars:

- **Prevention** – analysis of corruption practices and risks, collecting and assessing of statistical data, academic research and development of specific anti-corruption measures.
- **Education and training** through information transfer as well as educational and awareness raising campaigns.
- **Law enforcement** – criminal police investigations.

- **Cooperation** – with national and international institutions working in the field of preventing and combating corruption, as well as exchange of best practices.

FIGURE 10. THE ORGANISATIONAL STRUCTURE OF BAK



Source: BAK.

In 2012, BAK had 114 officers, 70 of them with investigative functions. A good part of the officers were 'borrowed' from other institutions and received additional training.

5.2.2. *Specialised prosecution*

The specialised prosecution for combating corruption was established in 2008 and started its work in 2009. Since 1 September 2011, it was renamed **Central Public Prosecutor's Office for Combating Economic Crimes and Corruption** (WKStA).

WKStA investigates crimes involving **serious corruption and abuse of office** when the harm exceeds 5M EUR. In addition, the specialised prosecution is responsible for fraud cases within the social welfare system, in cases of insolvency due to negligence or deliberate bankruptcy and illegal capital increase, in addition to accounting fraud/irregular reporting by executive directors and supervisors, syndics, etc., about the financial situation of large enterprises (with 2000 or more employees and over 5M EUR of capital).

The close cooperation between WKStA and BAK is a legal requirement and is also assumed in the provisions of the Criminal Procedure Code on pre-trial investigations. Thus, BAK and the specialised prosecution are considered institutions with similar powers and responsibilities, the Bureau being the law enforcement equivalent of the anti-corruption prosecution. The WKStA remit includes the oversight of pre-trial investigations and their suspension, indictments and the participation in the judicial process.

A specialised department was also established within the District criminal court in Vienna staffed by judges with experience in criminal investigations. This court can require litigation on cases of the above mentioned crimes even when they are outside their geographic jurisdiction in order to ensure greater effectiveness. By 2011, the WKStA employed 15 prosecutors out of a maximum of 21 staff positions.

5.2.3. The Federal Criminal Police

The Federal Criminal Police has an important role in combating corruption. It is required to report all corruption cases to BAK. In addition, the police cooperate with both BAK and the specialized prosecution on a good number of investigations and in some cases conducts their own investigations of corruption. The Austrian criminal police have two operational departments: Department 3 'Investigations, organised and conventional crime,' and Department 7 'Economic crime'. The latter has the capacity to investigate all types of financial and economic crimes, including corruption, embezzlement and corporate insolvency. Its inspectors on both federal and local levels are required to undergo specialised training on combating corruption, economic and financial crimes. Department 7 includes a unit on financial intelligence and an asset recovery office.

The criminal police take an active part in the prevention measures and training carried out by BAK.

5.3. CORRUPTION COMPLAINTS

BAK has a leading role in investigating corruption crimes. All the complaints about corruption submitted to the police are reported to BAK as the Bureau is a coordination body for all the institutional efforts to combat corruption. All internal and external corruption complaints are processed and submitted to the Single Point of Contact in BAK's Department 1.

TABLE 9. SOURCES OF CORRUPTION COMPLAINTS TO HAVE REACHED BAK IN 2011

Case reported by	Federal police	Private individuals	Prosecution	Mol	Central anti-corruption prosecution	Anonymous	Others
Number	716	179	175	177	43	56	330

Source: BAK Annual report 2011.

After receiving the signal, the Single Point of Contact within BAK proceeds with a preliminary assessment and in some cases takes immediate action. The assessment is carried out in accordance with the '3 pairs of eyes' principle, i.e. at least three officers evaluate the initial facts: an investigative inspector, a legal expert and a management representative. There are three possible outcomes:

- The case is investigated by BAK;
- BAK requires a police force to investigate parts of the case;
- BAK charges another police body with the whole investigation of the case (and in return the police body is required to report to BAK about the results).

TABLE 10. REGISTERED COMPLAINTS AND INVESTIGATED CASES

	2009 (BIA)	2010	2011
Reported complaints	1,431	1,601	1,676
Investigated complaints	1,133	1,336	1,435
By BAK	314	414	447
By other security departments	819	922	988

Source: BAK Annual report 2011.

5.4. INVESTIGATIONS

BAK does not act on its own initiative and starts a formal investigation only when asked by the specialised prosecution (WKStA) or by another prosecution unit or a court.

After receiving the case from the prosecution, its initial evaluation, and following a consultation with the WKStA, BAK decides whether the case should be investigated by the Bureau itself or by another relevant body (in case BAK does not have sufficient capacity to do the investigation).

The operation team of the Bureau can perform all the police investigations on the country's territory, including the use of special investigation methods with the sanction of the prosecution/court. Until 2008, the legal framework also provided for the use of limited array of special investigative techniques like monitoring of the communication traffic and communication channels (telephones, computer data, and post). Since January 2008 several changes were enacted within the Criminal Procedure Code that permit additional measures – external surveillance, covert operations and controlled deliveries. As for the external surveillance, it can even be used for short periods (up to 48 hours) without court permission.

TABLE 11. NUMBER OF INVESTIGATIONS OF THE DIFFERENT TYPES OF CRIMES IN THE PERIOD 2010-2011

Criminal Code articles	Type of crime/offences ¹³³	Total 2010	Investigated by BAK in 2010	Total 2011	Investigated by BAK in 2011
302	Abuse of office	586	278	701	268
313	Crimes related to misuse of powers	503	32	397	10
310	Breach of office secrets	43	20	22	7
83	Body harm	7		18	
127	Theft	15		14	
153	Breach of trust	11	7	14	10
304	Corruptibility	24	21	20	18
107	Dangerous threat	8		11	
307	Bribery	10	8	9	6
303	Negligent violation of personal freedom or home privacy	12		8	
	Other	117	48	98	128
	Total	1,336	414	1,312	447

Source: BAK Annual report 2011.

¹³³ The Austrian Criminal Code differentiates between 'criminal act' and all the other types of offences. Criminal acts are punished by sentences starting from 3 years to lifetime, while offences carry lighter sentences.

The technical tools needed for surveillance and covert operations are controlled by Department 1 of the BAK, which is separated from the operation unit in order to prevent unauthorized use of these methods by investigation teams. BAK has specially equipped premises for conducting interviews with both eye-witnesses and suspects.

It should be noted that the above mentioned data includes only the number of the 'lead crimes,' i.e. even if there is more than one type of crime involved in a case it appears in the statistics under one title only. For example, in 2011 the number of the investigated lead crimes was 1312, while that of all the crimes involved was 1993.

In its annual report BAK presents also a criminological analysis of the investigated criminal acts, which contains a clearer differentiation between the different categories of crimes. For example, in 2011 the criminal category most frequently investigated **was improper procedures** (14.3%), followed by **disclosure of information and data protection violations** (11.2%), and **enrichment with money or valuables** (8.5%). In 2010, 16.2% of all the investigated offences were related to unauthorised disclosure of information.

5.5. PREVENTION

Since 2010, prevention and development of anti-corruption measures have been part of the legally defined functions of BAK.

The Department 2 'Prevention' of the Bureau uses several methods for achieving these tasks: collecting and analysis statistical data about investigated offences, using academic research and empirical surveys of corruption, its causes and forms, analysis of operational information, assessment of the legal framework, etc.

Although the anti-corruption measures proposed by BAK are not mandatory, their application is facilitated by being developed in partnership with the police services and reflect actual needs and vulnerabilities.

5.5.1. *Research and analysis*

The research unit within the Prevention Department of the Bureau has the task of collecting information and knowledge about combating corruption and to submit 'empirically substantiated conclusions about the causes, manifestations and the impact of corrupt behaviour'. This unit bridges the anti-corruption efforts of the academic institutions and law enforcement. This function also involves participation in research and in academic publications.

5.5.2. Prevention projects

In its efforts to identify vulnerable sectors that require anti-corruption measures, the Prevention Department cooperates with the investigation teams in the criminal police and exchanges information with the operational team of BAK. The heads of police departments often initiate this dialogue and discuss with BAK the problems which require more complex and focused efforts. After a preliminary assessment BAK and the management of the police department concerned decide what kind of measures would be undertaken. This decision lays the ground for a prevention project which is coordinated by BAK and involves the application of several analytical instruments in a joint effort with the police department concerned. This process is significantly facilitated by the fact that all the officers in the Prevention Department of the Bureau have many years of operational experience, easing the informal exchange of information.

A preventive **thematic project** can take up to two years to implement. It requires an array of tools, including research, legal analysis and assessment of the work in progress, in-depth analysis of statistical data about corruption, and analysis of the operational information from selected case studies.

One of the main instruments used by BAK in developing prevention projects is case analysis, which includes:

- **Overall case analysis:** statistical data analysis of corruption complaints and their investigations. Applying an analytical matrix, the data are assessed in order to discover patterns in the suspects' profiles and their corrupt behaviour. To this end BAK is using its own statistical database.
- **Individual case analysis** is performed separately from the overall case analysis. Some particularly complex or characteristic corruption cases are selected, for example those linked to organisational and repeated misconduct, or cases which are of significant public interest. The purpose is to identify factors and mechanisms that facilitate corrupt behaviour. This approach is based on a detailed review of the circumstances under which the crime was uncovered, the enforcement work undertaken, and the outcome from the ensuing judicial or disciplinary process. The following methods are used in this type of analysis:
 - ◇ Analysis of **work processes**;
 - ◇ Researching **the causes and the motivation of corrupt behaviour**, the suspect's profile, motivation and methods;
 - ◇ Assessment of the respective **legislation**, legal framework and internal regulations; identifying vulnerabilities and gaps;
 - ◇ **Interviews** with officers from the concerned police department or with other persons close to the suspected person;
 - ◇ **Feedback** from the prosecution, the criminal police, courts and disciplinary bodies about the outcomes of the investigation and if necessary asking for additional information.
- **Operational analysis of completed investigations.** It is performed by a special team from Department 3 – Operational Service. So far this criminological instrument has been used in the analysis of 10 investigations.

After the assessment BAK submits a report with the results and elaborates on action plans, recommendations and training materials with the assistance of a team of experts including legal experts, economists, sociologists, investigators, and PR experts. The following table gives information about the BAK-developed prevention projects since 2010:

TABLE 12. IMPLEMENTED AND ONGOING PREVENTION PROJECTS BY BAK

Name of the project	Objectives	Partners	Target group
Management of informants and 'trusted persons'	Legal safety of police activities in recruiting and managing informants. Specialized training courses for criminal police officers.	Criminal police	All police officers who deal with informants in both federal and local criminal police
Management and handling of narcotics	Confidence in handling narcotics in the process of seizure, storage and submitting the evidence to judicial authorities.	Criminal police	Local units of the criminal police
Handling of narcotics for police dog handlers	Defining clear rules for receiving, storage and use of narcotics in the process of training police dogs.	Federal police dogs training centre	Police dogs handlers
Indebtedness of police officers	Enhancing transparency, overcoming existing taboos, and devising strategies to cope with indebtedness.	The Federal police academy, Schuldnerberatungen GmbH (association of the firms and organizations, consulting indebted persons in Austria)	Employers in relation to measures for retracting sums from the salaries of indebted employees; employees in crisis situations
Handling cash collected from fines	Confidence in dealing with cash received from fines of citizens. Development of non-cash payment systems and/or tax systems that are not liable to forgery.	Local administration in Lower Austria	All field police officers who are authorized to receive/collect cash payments

Source: BAK Annual report 2011.

As it does not have the resources for implementing many similar projects, BAK is developing a **Manual for Implementing Projects for Corruption Prevention** to be used by other institutions in their efforts to devise and apply anti-corruption measures under the supervision of the Bureau. The

Manual contains guidelines for the application of the above mentioned analytical methods. In its future work BAK intends to examine the different methods of assessing the effectiveness of used measures.

5.5.3. Training

The training department helps enhance expertise and share knowledge gained from analytical and prevention activities. BAK offers a basic course on anti-corruption for wider target groups in the entire public service. It contains a theoretical part, in which basic legal aspects of countering corruption are explained, in addition to information about the main forms and manifestations of corrupt behaviour. It also contains practical lectures from operatives of the investigative bodies.

Furthermore, special courses for members of the criminal police and the Austrian Federal Ministry of the Interior cover specific topics, for example how to recruit and deal with informers.

In addition, the unit organises anti-corruption courses for trainee police officers within their main curricula in the Police Academy.

6. ROMANIA

6.1. GENERAL CONTEXT

6.1.1. *Level of police corruption in Romania*

Corruption is one of the most serious challenges faced by Romanian society. After Romania joined the European Union, corruption and the anti-corruption measures taken by the national authorities are the most salient topics in the regular EC progress reports on Romania under the cooperation and verification mechanism.¹³⁴

Romania is among the EU member states with the highest corruption levels, with 96% of the Romanians considering corruption a major problem in the country.¹³⁵ The 2011 Eurobarometer survey shows that 78% of the population believe that corruption levels in their country are above the EU average, while 64% are convinced that giving and taking bribes are widespread practices within the police.¹³⁶ The latter is one of the least trusted institutions in Romania.¹³⁷

6.1.2. *Development of anti-corruption approaches and institutions*

Faced with domestic criticism and European pressure in recent years, Romania has had to undertake significant efforts to develop its anti-corruption infrastructure. A national anti-corruption strategy was adopted, in addition to new statutory laws of the three main agencies specializing in countering corruption: the National Integrity Agency (ANI), the National Anti-Corruption Directorate (DNA) and the Anti-Corruption General Directorate of the Ministry of Internal Affairs (DGA).

- **The National Integrity Agency (ANI)** was established in 2007 as an autonomous administrative body specialised in collecting asset declarations and monitoring them for potential conflicts of interest or inconsistencies, and identifying illegally acquired assets. Despite many legal challenges of the Agency's regulations before the Constitutional Court in the period 2007-2010, ANI conducted a growing number of investigations and indictments against public officials in the last few years. The Agency has access to several data-

¹³⁴ European Commission (18 July, 2012).

¹³⁵ Special Eurobarometer 374 (2012).

¹³⁶ Special Eurobarometer 374 (2012).

¹³⁷ Transparency International (2011).

bases, including the car register, the real estate register and the cadastre, in addition to the databases of the financial intelligence, the tax authorities and the Ministry of Internal Affairs (MIA).

- **The National Anti-Corruption Directorate (DNA)** was established within the General Prosecution Office of the Supreme Court of Cassation and Justice and is specialised in investigating corruption offences at medium and senior levels. The DNA has offices in 41 Romanian counties and in the capital city. In its 2012 monitoring report the European Commission notes that since 2010 the DNA indicted a number of senior public officials and brought their cases to court.¹³⁸ Since 2007, the Directorate has investigated a deputy prime-minister, several former ministers and managers of public enterprises. In 2011 alone, the Directorate worked on 233 investigations against 1,091 suspects.
- **The General Anti-Corruption Directorate (DGA)** is a structure of the biggest ministry in the country – MIA. It is a specialised unit charged with prevention and combating of corruption within MIA.

The establishment of DNA and DGA is considered a significant step forward in countering corruption in the country, as both bodies are proactive and their work leads to a growing number of investigated and prosecuted cases – including cases against several senior public officials. Their cooperation with key bodies like the General Prosecution's Directorate for Combating Organised Crime and Terrorism is strengthening. DGA deals with both enforcement and prevention with respect to corruption within the police and other bodies of MIA. In the last several years, DGA has adopted a proactive approach, also investigating cases delegated by the prosecution, even when they fall outside its traditional competencies – police and MIA. This is due to DGA's high degree of specialisation and institutional capacity in applying special investigative tools. Its methodology for assessing corruption risks is applied by the entire Ministry.

The efforts of these institutions, however, are frequently undermined by attempted political interference under the disguise of recommendations and proposals for alternative appointees to positions in the prosecution, direct political pressure to influence the outcome of some important investigations, as well as recommendations for revising the anti-corruption legal framework (one example was the decriminalisation of some types of bank fraud). In 2007-2008, attempts were made to change the rules in appointing and dismissing the management of the General Prosecution and the DNA and also to impose some budget limitations. Although initially these initiatives failed, in 2012 they again resurfaced in the parliamentary agenda. According to the European Commission, the continuing political instability in the country undermines the sustainability of the progress made by these important institutions.

For this and other reasons, despite the results the EC continues with its critical assessments of the performance of anti-corruption institutions with respect to political corruption and asset forfeiture. The latest report of the progress of Romania within the framework of the EC's Cooperation and Verification Mechanism (June 2012) states that the activities of the anti-corruption agencies have not achieved convincing results, and that 'Too few

¹³⁸ European Commission (2012).

cases of conflict of interest are pursued, in particular in public procurement, and even when pursued in court, sanctions in this area are not dissuasive.¹³⁹ It also points to the lack of transparency in criminal assets forfeiture.¹⁴⁰ These shortcomings warrant accusations, especially targeting ANI and DNA, of ‘instrumenting political cases’¹⁴¹ which erodes public confidence.

6.2. ANTI-CORRUPTION GENERAL DIRECTORATE (DGA)

DGA was established in 2005 as a specialised anti-corruption body of MIA. The latter is the largest public institution in Romania with a staff of 150,000. DGA has dual subordination – administratively to the Minister of Administration and Interior and professionally to the respective prosecutor who oversees its investigative activities. This status aims at safeguarding the independence of its operations, and empowers the Directorate to implement preventive measures. The DGA has 42 county offices. Its staff includes around 600 officers working in four directorates (intelligence, criminal investigations, prevention and support). Several support units also function under the direct authority of the director general: logistics, HR, finances, legal department, internal inspection, etc.

The **Strategic Committee** of DGA provides support, supervises the Directorate and carries out monitoring, analysis and assessment of its activities. The Committee includes senior civil servants, heads of MIA directorates, the chief of the national police and representatives of four NGOs. The Strategic Committee develops recommendations for enhancing the Directorate’s performance.¹⁴²

The main functions of DGA are:

- Investigating corruption offences by MIA staff;
- Receiving and processing citizens’ complaints and petitions;
- Performing law enforcement and judicial police work;
- Conducting integrity tests;
- Carrying out prevention work and organising anti-corruption awareness campaigns;
- Drafting risk assessment and strategic analyses and developing recommendations.

6.2.1. *Countering corruption*

In its capacity of judicial police DGA performs the following anti-corruption activities:

- Receiving complaints and other information about corruption practices of the MIA staff.

¹³⁹ European Commission (2012).

¹⁴⁰ Ibid.

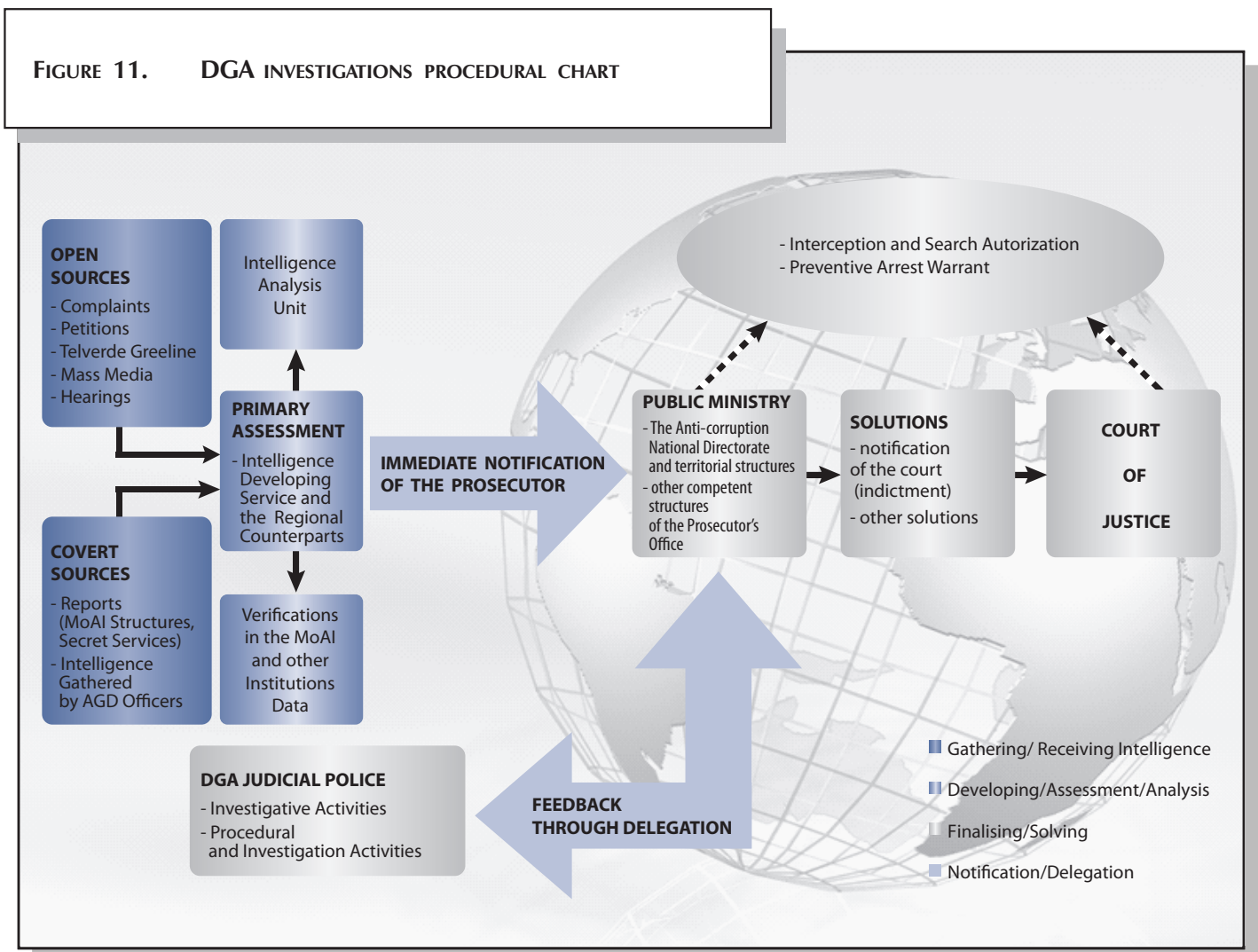
¹⁴¹ Transparency International (2011: 116).

¹⁴² Transparency International (2011: 119).

- Verification and processing of complaints, collecting information and intelligence data on concrete cases.
- Performing all the procedures needed to refer the investigation to a prosecutor.
- Collecting evidence of cases of corruption or related crimes using overt or covert sources.

6.2.2. Corruption investigations

The DGA can launch an investigation in two cases: when required to by a prosecutor or on its own initiative in cases when it is informed through public sources about a corruption offence (petitions, complaints, the hotline 'Telverde', the media, parliamentary hearings) or through operational channels (intelligence collected by DGA, evidence from the units and secret services of MIA). The DGA inspectors verify the received information through special investigative methods, surveillance, integrity tests or consulting databases (including passport data, criminal files, assets declarations, commercial registry, etc.).



Source: DGA.

Its intelligence unit collates the available information using special software (i2) and compiles operative analysis of the investigated cases. In addition, it prepares a tactical and strategic analysis of the activities dealing with preventing and countering corruption.

In accordance with the country's Criminal Code, when sufficient information and circumstantial evidence of a potential corruption offence become available, DGA passes the information to a prosecutor at the National Anti-Corruption Directorate in cases of a serious corruption crime, or to the local prosecutor from the territorial prosecution service in other cases. Subsequently, the prosecutor requests a team of investigators from the DGA to perform the criminal investigation, which may include the following activities:

- gathering intelligence information;
- collecting evidence related to the crimes being investigated;
- interrogation of suspects;
- performing searches and apprehending suspects (under the supervision of the case prosecutor);
- using undercover agents.

Preliminary investigation

In recent years DGA has worked on several investigations, most of which were referred to it by the specialised prosecution (DNA). For example, in 2008 the two bodies were closely cooperating in a complex corruption investigation related to the **issuing of driving licences**, while in 2010/2011 they undertook major operations targeting cigarette smuggling and routine bribe taking by **Border Police officers**. A significant number of officers were charged and dismissed, while 230 border guards from 6 border checkpoints were brought to court for taking bribes and participation in an organised criminal group.¹⁴³

Since 2007, the DGA referred to the DNA over 1,000 cases, which resulted in more than 220 corruption charges against senior MIA officials.¹⁴⁴ Over the same period another 6,300 corruption investigations of a different type were referred to the prosecution and led to 830 judicial proceedings. The EC believes that the DGA should build on these positive results and widen the scope of its activities to include the public procurement sector, and the links between police officials and organised crime.

In 2011, the DGA focused its activities on countering organised criminal activities with the involvement of corrupt MIA officers: tax and excise fraud, smuggling of cigarettes and other goods, theft of fuel and cars, illegal car registration and fake driving licences. The 2011 annual report of the Directorate refers to information gathered about 63 organised criminal groups numbering 737 criminals, of which 273 were police officers. In addition, 75 investigations of cases of tax and excise fraud involving 163 ministry employees were carried out.

¹⁴³ CSD (2012).

¹⁴⁴ European Commission (2012).

TABLE 13. INVESTIGATION OF TAX FRAUD AND SMUGGLING IN 2011

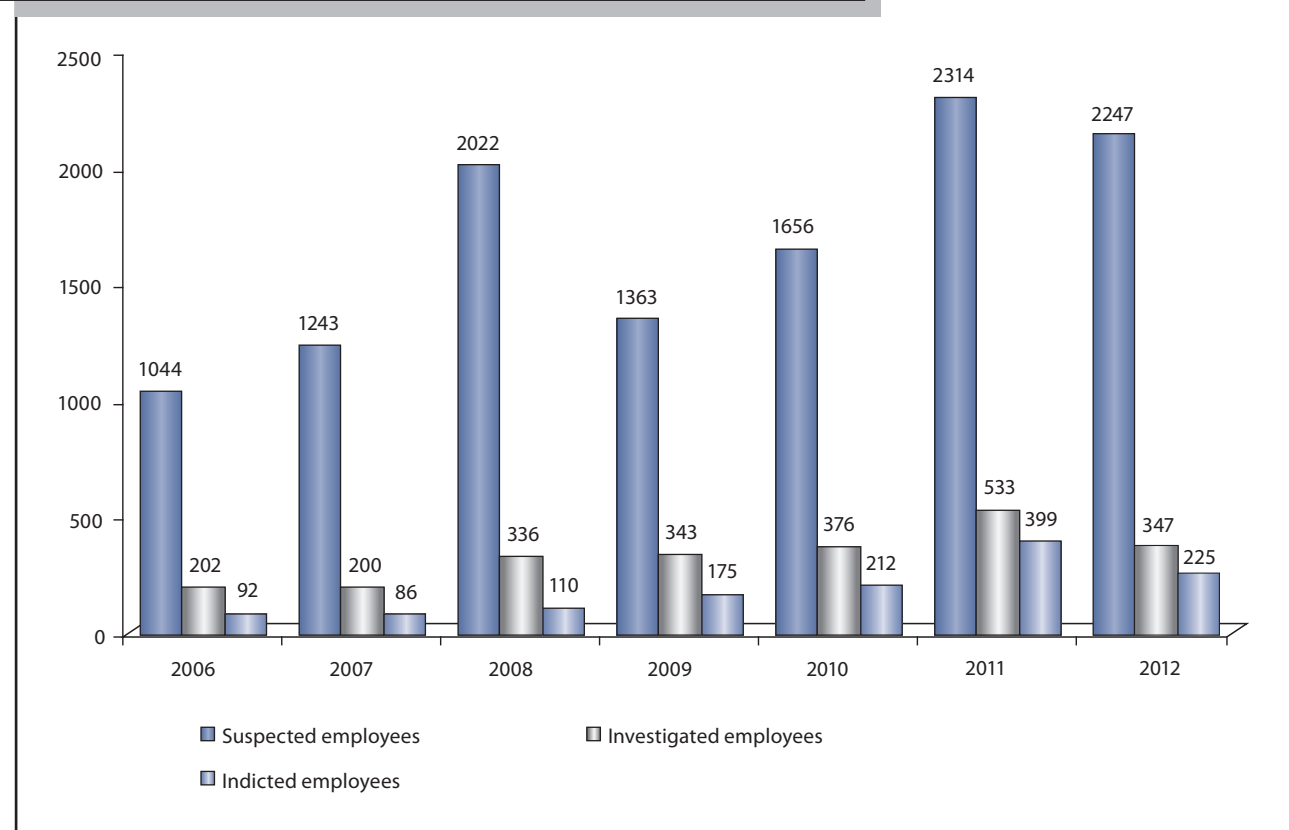
	Number of investigations	Number of organised criminal groups	Number of suspected MIA officers	MIA staff with criminal charges
Tax and excise fraud	75	63	163	167
Cigarette smuggling	53		113	15

Source: DGA annual report, 2011.

Results

Of all the 10,715 hotline complaints received in 2011, only 161 investigations were launched. The majority of complaints were not relevant or contained insufficient information. In that same year, of the 2,497 cases submitted for prosecu-

FIGURE 12. NUMBER OF INVESTIGATED AND INDICTED MIA STAFF



Source: DGA Annual report 2011 and 2012.

tion, half (1,270) were investigated on the initiative of DGA while the remaining 1,227 cases were investigated following notification from the prosecution.

In the last several years the number of investigated persons jumped from 1,744 in 2006, to 3,752 in 2010, and 5,222 in 2011. Almost half of them were MIA staff. Indictments follow this trend – from 1,503 in 2010 to 1,947 in 2011; 533 of them were employees of MIA – 50 in management positions and 483 employees in the middle and lower positions. In 2011, criminal proceedings were instituted against 399 MIA staff, 33 of whom in management positions and 366, at middle and lower level positions.

Statistical data for 2010 shows that most of the investigated and indicted MIA staff were from the police services. No relevant statistical data was made public for 2011.

DGA data show that from 2006 to 2011 joint efforts of the Directorate and the prosecution led to the indictment of 1,074 MIA staff (38 of whom were acquitted) into the following categories:

- Public order and security – 84%;
- Administration – 14%;
- Central structure and other structures directly subordinated to the minister – 2%.

As for the convicted members of the law enforcement structures of the MIA, they fall into the following categories:

- Officers – 28%;
- Sergeants – 67%;
- Employees with temporary contracts – 5%.

TABLE 14. MIA STAFF INDICTED IN 2010

Unit	Total number of staff	Investigated	Indicted
Police	54,791	222	109
Border Police	16,430	38	11
Constabulary	28,515	9	3
Emergency situations servicemen	30,552	69	71
Public administration	5,450	19	12
Other ministerial structure	14,139	19	6
Total	149,877	376	212

Source: DGA Annual report 2011.

Undercover investigations

These types of investigations are performed in accordance with the applicable legal framework (the Criminal Code, the Criminal Procedure Code and Law № 78/2000) under direct supervision from, and following permission by, a prosecutor. In 2011, the DGA undercover investigators were used in **57 criminal cases** in operations along the Romanian borders with non-EU member states.

Important undercover investigations that ended with an indictment include a case against 9 persons (4 of them magistrates/lawyers) accused of taking bribes and the uncovering of a Romanian-Hungarian criminal group using corruption mechanisms to import forged Hungarian driver licences.

6.2.3. Assessing corruption risks

In 2009, DGA adopted a comprehensive methodology for assessing corruption risks and identifying vulnerable sectors within the Ministry. The first risk analysis was completed in 2010. The analysis is, in reality, a self-assessment performed by working groups from all ministry divisions and coordinated by DGA. The working groups prepared questionnaires and held interviews with employees from various levels of the ministry structure.

The assessment methodology includes the following stages:

- **Identification and description of risks:** identifying and describing corruption risks which include corruption-related challenges and their potential effect as a basis for further assessment.
- **Assessment:** classification of corruption risks according to their probability and expected impact; vulnerability assessment and defining risk priorities in order to undertake immediate prevention and control measures.
- **Planning of control measures:** identifying the opportunities for prevention/control and the estimated impact of these measures; developing and implementing prevention action plans.
- **Communications and reports:** establishing contacts and correspondence with the internal and external partners at every stage of the process of the corruption risks management.
- **Regular monitoring and reassessment:** monitoring of the situation and updating the risk assessment; assessing the effectiveness of DGA efforts to cope with those risks and proposing recommendations for changes.

The planning stage of risk assessment includes two phases:

- Forming working groups with representatives from the directorates/units tasked with risk assessment.
- Organising training courses for working group members using questionnaires for self-assessment (the so-called 'risk registers').

The identification and assessment include completing risk identification and description fiches (separately for each risk factor), preparation of reports

assessing the applicable legal provisions and risk registers. Sources used include:

- Interviews with members of the management of the institution/unit concerned;
- Information from the internal control and audit units;
- Analyses of identified corruption cases.

Assessing the vulnerability of a given unit include the following tasks:

- Assessing the **probability of corruption acts** – the probability (P) is assessed on a 5-point scale (almost certain, probable, possible, less probable and low level of probability);
- Assessing **corruption impact** on the budget (the corruption cost), delay of planned activities, the impact on work and performance and the impact on the staff.
- Assessing **vulnerability** using the formula risk vulnerability (E) = probability of occurrence (P) x the overall impact (I);
- Classification of risks according to the **seriousness of risks** using the formula priority/seriousness (I) = E/time needed for reacting;
- Developing of a **corruption risk register** and measures for prevention and control.

The main documents in preparing the report are based on the risk identification and description fiches focusing on each separate risk factor, on the reports assessing the legal provisions, and on the risk registers. After processing the information contained in those documents, it is transformed into a database. The data is then collated into two categories: **general risks** for all the ministry structures, and **specific risks with relevance for individual units**.

In order to avoid potential bias, quantitative data is not used in preparing the assessment of risk probability. The presentation of the data includes all the risks identified, their causes, the impact of their occurrence, and the measures recommended by the working groups.

6.2.4. Prevention

Prevention by DGA involves consulting and training ministry staff, in addition to organising public educational campaigns on anti-corruption. In line with its role and mission, DGA analyses the nature of corruption crimes, administrative and law enforcement measures, risk factors, sectors vulnerable to corruption pressure, public officials' duties, ethics and professional deontology. In addition, strategic and risk analyses are prepared to facilitate the choice of measures taken to eliminate the causes and factors likely to lead to corruption.

In its prevention work DGA cooperates with various partners: MIA divisions (the security service, border police, the gendarmerie, etc.), NGOs, the media and directly with the citizens.

7. BULGARIA

7.1. GENERAL CONTEXT

Despite the fact that the Bulgarian police enjoy stronger confidence than institutions like the parliament, the prosecution and the courts, public opinion considers corruption within the Ministry of Interior to be exceptionally widespread. According to the 2011 Eurobarometer survey, 70% of the Bulgarians - far above the EU average figure (34%) – believe that bribe-taking is widespread in the police. The situation is worse only in Cyprus, where police corruption is suspected by 75% of the citizens.¹⁴⁵ Other national and international surveys of the last decade confirm the Eurobarometer findings about public perceptions of corruption in the Bulgarian law enforcement.

These extremely critical attitudes are fed not only by political scandals and by frequent coverage of ‘police corruption’ in the media but also by the personal experience of respondents. Data from the 2011 Eurobarometer research confirm that Bulgaria ranks first in the EU in terms of the percentage of respondents pressured to pay bribes by police officers (7%). According to this research, between 2009 and 2011 the number of instances where policemen had asked for bribes did not change substantially and amounted to 450,000 annually. Bulgaria tops the list of EU member states with widespread police corruption, followed by Lithuania and Latvia (6%), Romania – 4%, etc. Police corruption is the main factor behind Bulgaria’s fourth ranking in the EU in terms of bribes paid.

The high incidence of everyday police corruption is not limited to junior officers. After Bulgaria joined the EU a minister of interior was dismissed over accusations of illicit contacts between the deputy-chief of a specialised police service and an alcohol producer, in addition to investigations of corrupt behaviour of regional police chiefs. Although in the last few years, especially after the country joined the EU in 2007, important institutional and legal changes have been introduced limiting police misconduct at medium and senior levels, conflicts of interests and corruption on both local and national levels of the police continue to present a serious challenge.

¹⁴⁵ The Eurobarometer survey was conducted in September 2011 and was published in February 2012 (Special Eurobarometer 374, 2012).

7.1.1. *The background of police corruption*

After 1989, the Ministry of Interior, having been instrumental in safeguarding the communist rule through repression, underwent some of the most comprehensive and profound changes in comparison with other government institutions. In the period 1990-1993, the number of policemen dismissed was between 12,000 and 19,000. This figure represented almost one quarter of the Ministry's staff and included between 60 and 90% of the officers at the medium and senior levels. Moreover, the sharp political conflicts in the country in the 1990s and the key role which the Ministry of Interior is believed to have played in them led to significant dismissals of police directors at national and regional levels – in addition to mass layoffs of middle ranking officers.

At the same time, the beginning of the transition to democracy coincided with a sharp increase in crime with the number of the criminal incidents growing between 4 and 5 times and, in some types of crime - even ten times. This kind of criminal environment coupled with a severe economic downturn and consecutive political crises led to the emergence of a large number of criminal groups, peaking during the financial and economic crisis of 1996-1997. The combined effect of the worsening criminal situation, political insecurity and the sharp decline in the remuneration of Mol staff caused police corruption (as well as general corruption) to rise at almost all levels.

7.1.2. *Institutional developments during the first years of transition*

The main reason for the rise of police corruption was the dissolution –immediately after the democratic change of November 1989 – of the previous government institutions which countered police abuses.

In the period of 1944-1989, the main body which investigated abuses within the Ministry of Interior was the notorious State Security. It was an almost exact replica of the Soviet KGB and one of its most important functions was the total control of law enforcement. Within the State Security the Sixth Department of the Sixth Directorate¹⁴⁶ handled surveillance, control and investigations of Mol officers. In addition to monitoring the political loyalty of the staff, the Department had exceptional powers to investigate abuses within the bodies of interior security. A vast apparatus was built involving undercover agents with virtually unlimited powers to investigate and a considerable experience was accumulated. With the dissolution of State Security in February 1990, the removal of the political control over the Mol officers was combined with the abolition of the body countering police abuses. One of the results of this reform was that the Mol Inspectorate – although it lacked sufficient powers and resources – became the only service charged with investigating crimes committed by Ministry

¹⁴⁶ This department was established in 1968 and was the successor to Department 9, which functioned since the beginning of the 1950s and played a key role in the big purges of 1951-53. Department 6 was known as “the political” department, as its activities were aimed against the so-called “acts against the state”, although an important part of its remit was countering abuses within the Mol.

staff. The Inspectorate was additionally pressured into confining its work to offences at the junior levels.

Efforts to fill the vacuum in countering corruption in the MoI began only after the political stabilisation in the country in the late 1990s/early 2000s (especially after the start of the EU accession process in 2001). One factor behind this change was that the two main topics of EC criticism, namely organised crime and corruption, were closely linked to the corrupt practices within Bulgaria's law enforcement. Efforts to make the work of the MoI Inspectorate more active were undertaken with the opening of a telephone hotline and an internet site for the submission of complaints. In 2002, a specialised unit was established within the National Service for Combating Organised Crime (NSCOC)¹⁴⁷, with two subunits – one targeting corruption within the MoI, and another specialised in corruption within national and local public administration. The Inspectorate remained the main supervisory body within the Ministry of Interior, although it could not make use of some of traditional effective methods such as informers, undercover agents and surveillance. As for the NSCOC, the subunit specialising in MoI corruption, it was understaffed having only 7-8 personnel. An anti-corruption unit was also established within the National Security Service, tasked with intelligence collection. These institutions had no local offices and lack the necessary channels for conducting a systematic and comprehensive investigation, which encouraged the regional police chiefs to continue to deal with cases of police infringements and offences in a rather informal way.

The combined effect of the growing political criticism from the EU and the internal political conflicts led Bulgaria to introduce in 2008 a new 'supra-structure' for intelligence and counter-intelligence – the State Agency for National Security (SANS). The National Security Service was merged into SANS. SANS also targets corruption and especially corrupt practices among senior civil servants, ministers, in the legislative and judicial branches, in addition to the traditional priorities in safeguarding the country security. Two factors define its specific role: 1) SANS is outside the MoI, and 2) it is subordinated directly to the Prime Minister. This gives it a certain degree of independence in investigating corruption among senior officers and management of the MoI. However, it has no police powers and is a purely intelligence-gathering agency.

In 2008, a new MoI directorate – the Internal Security Directorate – was established and given wide powers. It is the successor to the Internal Security unit of the National Police and has the powers to investigate all MoI services.

¹⁴⁷ It was renamed as General Directorate for Combating Organised Crime (known by its Bulgarian abbreviation GDBOP).

7.2. ANTI-CORRUPTION BODIES OF THE MINISTRY OF INTERIOR

Internal Security became the second MoI directorate, besides the Inspectorate, which focuses mainly on police abuses and is directly subordinated to the Minister of Interior. The new directorate has much wider powers and in this respect is similar to internal security structures in the US and in other EU countries. In order to better coordinate the police anti-corruption policies between these two MoI services, a 15 member internal Interdepartmental Council to combat corruption was established.¹⁴⁸

Pursuant to MoI internal regulations, immediately after receiving information or complaints about corruption, the heads of the main directorates within the Ministry should refer all the materials to:

- The director of the MoI Inspectorate – in cases where the information was received from overt sources or complaints;
- The director of Internal Security Directorate – in cases where the information was received through operational methods.

During the last few years a set of measures and preventive mechanisms has been created. One of the most important steps was the introduction – by way of the *Conflict of Interest Prevention and Ascertainment Act* – of mandatory assets declarations for MoI officials who are ‘public office holders’.¹⁴⁹ These declarations are published on the MoI internet site,¹⁵⁰ in addition to a separate register containing the names of staff found to have breached conflict of interest provisions.

7.2.1. *The Inspectorate of the Ministry of Interior*

The *Ministry of Interior Act* gives controlling, preventive and disciplinary functions to the Inspectorate. It is directly subordinated to the Minister of Interior. Currently 35 officers work in its two divisions: “Control of Management” and “Countering Corruption in the Ministry of Interior” (which has less than 10 employees).

The Inspectorate has the following functions:

- Prepares an assessment of corruption risks in the MoI services and directorates;

¹⁴⁸ The Council is chaired by the Secretary General of the MoI and includes the directors of the Inspectorate, the heads of the general directorates of the MoI (GDBOP, GD National Police, GD Border Police and GD Fire Protection and Public Safety), the heads of the specialised directorates Information and Archives, Coordination, Information and Analysis, the director of the MoI Institute of Psychology, the Police Academy rector and the director of the Sofia Regional Directorate.

¹⁴⁹ Owing to the specificities in the work of some categories of MoI employees (GDBOP, Surveillance and Technical Operations Directorate and the anti-terrorism squad) a provision permits their declarations, after registering, to be destroyed according with the classified information law.

¹⁵⁰ According to the law, this requires a written permission from the official. In cases the employee declares in a written form his refusal for his/her data to be published, what appears on the internet site is his/her personal staff and that the declaration has been submitted.

- Jointly with other MoI directorates undertakes inspections aimed at preventing and reducing corruption;
- Prepares positions on assigned tasks, reviews complaints received by the MoI and supervises the implementation of inspections;
- Receives, processes, inspects and analyses all complaints about corruption submitted through the Ministry internet site, the anonymous telephone line and by email;
- All complaints and the outcomes of the inspections are filed in a database maintained by the Inspectorate.

Quantitative data about complaints and inspections are indicative of the level of effort at the Inspectorate. The first line of action is to work with the complaints. In 2001, the number of the staff that were subject to inspections sharply grew reaching up to 699 persons, but afterwards fell to around 300 cases per year. In 2011, a new surge was reported: 633 complaints about corruption and misconduct by policemen were received.

Analysis of the channels of submissions of complaints show that most are sent through the internet site – 396, by phone – 129 and through administrative channels – 108.

In 349 (or 55%) of the cases the complaints led to inspections performed by the Inspectorate officers, while in 212 (33,5%) of the cases they were referred to the MoI management. High ranking MoI staff were subject to 11% of the inspections. Only in 28 (8%) of the cases the complaints were deemed substantiated while 15 (4%) were 'partially substantiated'.

As a result of the inspections, 74 disciplinary sanctions were imposed, 6 cases were referred to the prosecution and in 7 cases the MoI management was advised to dismiss the officers accused of misconduct, while in the rest of the cases lighter sanctions were imposed.

The second line of action, indicative of the work of the Inspectorate, is the number of the disciplinary proceedings instituted as a result of analysis of the information received from the MoI divisions. In 2011, there were 130 such cases: 86% (112) of them were linked to corruption, in 5 cases there were indications of crimes having been committed and 13 were cases of serious misconduct. In 97 of the disciplinary proceedings the persons were dismissed from the MoI, in 10 cases they received disciplinary sanctions and were subject to administrative measures, 23 were deemed unsubstantiated whilst criminal proceedings were undertaken against 72 MoI employees.

7.2.2. Internal Security Directorate

The establishment in 2008 of the Internal Security Directorate of the MoI paved the way for creating a body with greater autonomy. Its officers are subordinated directly to the head of the Directorate and the Director reports directly to the Minister of Interior. The Internal Security Directorate is the first service since 1990 that has offices around the whole territory of the country. Simultaneously, for the first time a MoI division specialised in countering offences within the ministry received wide powers combining covert methods with police powers.

The Internal Security Directorate employs 86 officers, working in 4 territorial departments (covering all the 27 regions in the country), in addition to an analysis and logistics department.

It has some functions similar to the Inspectorate: undertaking screening inspections, participating in the assessment of corruption risks in the MoI, participation along with other MoI divisions in the inspection of signals, participation in disciplinary proceedings, etc.

For the first time since 1990 the service specialised in countering police abuses within the MoI is capable of examining complaints by applying the following intelligence methods:

- The use of a network of undercover agents;
- The use of informers;
- The use of surveillance techniques – audio, video and physical surveillance, monitoring of telephone and internet communications, technical surveillance, etc.

The Internal Security Directorate can undertake proactive measures, another first in this kind of service. The Directorate is actively seeking and collecting evidence of corruption of MoI staff on the basis of risk analysis even when no complaints have been submitted.

TABLE 15. MEASURES AGAINST OFFICERS BY RANKING CATEGORY

Type of measures	Number					
	Total	B and V – management and senior experts	G – expert staff	D and E – staff with or without supervisory functions	Persons on employment contracts	Unknown perpetrator
Criminal proceedings	112	8	22	95	4	38
Dismissed from the ministry	79	8	16	50	5	
Measures pursuant to the MoI Act	68	12	21	29	6	
Measures pursuant to conflict of interest law	23	2	4	17		
Isolated from the corrupt environment	46	9	14	22	1	

Source: Ministry of Interior.

The use of covert methods for collecting information is a much more effective way to verify corruption offences since officers, especially senior and experienced ones, can be particularly skilful in covering up of their abuses and crimes.

The increased capacity of the Internal Security Directorate is evident in the statistics about its inspections. In 2011, the Directorate succeeded to screen 728 such cases: in 475 complaints overt methods of verification were used, 39.4% of which turned out to be substantiated. In 305 cases covert methods were applied and in 143 of them initial suspicions were confirmed. This shows that when covert operational methods are used the percentage of uncovered misconduct is much higher although the verification process takes longer.

Another indicator of the effectiveness of the Directorate is the outcome of investigations. Statistics of the measures taken on the basis of substantiated complaints in 2011 show that high percentage of staff have been dismissed from the ministry and a high number of criminal proceedings have been instituted.

Statistics about the number of signals that reached the Internal Security Directorate in 2011 indicate the level of effort at the MoI divisions and SANS in countering corruption and point to potential problems.

In 2011, 592 case files were opened after receiving information from the following structures:

- 35% – obtained through independent investigative activities of Internal Security Directorate/MoI;
- 24% – obtained by the Sofia City and Sofia District directorates of the MoI;
- 11% – by the Information Directorate of the MoI;
- 4% – by the General Directorate Combatting Organised Crime, MoI;
- 4% – by Border Police, MoI;
- 3% – by SANS;
- 1% – by General Directorate Criminal Police, MoI;
- 3% – by other MoI structures;
- 5% – received in accordance with the procedures for processing complaints and recommendations.

7.3. THE IMPACT OF THE ANTI-CORRUPTION INSTITUTIONS OF THE MINISTRY OF INTERIOR

Data from the Inspectorate and Internal Security Directorate indicate that 1,200 complaints were followed up in 2011.¹⁵¹ However, there is some duplication in the statistics on substantiated complaints since disciplinary proceedings are reported by both divisions (as they have different competencies in investigating the offences). According to expert estimates, around 300 infringements were substantiated and 100-120 persons have been dismissed and as many have been indicted.

In 2011, the number of complaints was significantly larger compared to 2010. There were 32.4% more in the Internal Security Directorate, and 130.7% more in the Inspectorate.¹⁵²

One of the reasons for this increase is that following the organisational changes it became impossible for complaints to remain within the division and be dealt with by the division chiefs and instead had to be referred to the Internal Security Directorate or to the Inspectorate (depending on the nature of the complaint). On the other hand, there are indications of an increased willingness by the public and in some MoI divisions for submitting complaints.

These statistics should be compared to the overall corruption pressure coming from MoI staff estimated by Eurobarometer at 450,000 incidents of bribe seeking annually. The discrepancy between these two numbers is all too obvious. Most of the substantiated complaints have been about officers in the traffic police and security police.¹⁵³ According to research data, the average number of bribes per working shift is two. This means that – given the 450,000 incidents – the number of staff who seek bribes varies between 1,200 and 1,400. An additional analysis could assess what should be the average number of investigated officers in order to bring about a sharp decrease of corruption incidents related to traffic violations. The special administrative measures, for example, aimed at increasing the responsibility of the local level management and a focus on Border Police by the Internal Security Directorate in the period 2010-2012 (driven mostly by Bulgaria's bid to join the Schengen Agreement) led to a tangible reduction in the number of bribes at border checkpoints. According to data from the MoI Inspectorate, in 2012 complaints by foreign citizens were half of those in 2011.¹⁵⁴

¹⁵¹ In 11% of the cases the results were duplicated because the Inspectorate sent these complaints to the Internal Security Directorate.

¹⁵² These 300 cases of misconduct could be better understood against some additional statistics. First, there is the overall number of MoI staff at the end of 2012 – 51,706 persons. Next, the cases of misconduct should be compared to the number of staff who left the ministry but did not retire. In the period 1997 – 2001 (when the MoI was headed by Mr. Bogomil Bonev and by Mr. Emmanuil Yordanov) 6,000 quit the service; during the mandate of Mr. Georgi Petkanov (2001-2005) this number was 2,700, during his successor, Mr. Rumen Petkov, (2005-2008) – 1,600, and during the period 31.07.2009 – 31.12.2011 – 6,900.

¹⁵³ Security police is the largest branch of the police performing patrols in the populated areas of the country.

¹⁵⁴ These data however, should be used carefully as they involve a relatively small number of cases.

In addition to these enforcement measures, a positive step that followed analysis done by the Interdepartmental Council was the limiting of the powers of the security police to stop vehicles on the road. According to 2007 research data, 90% of police stops in Bulgaria - involving 600,000 persons annually - are vehicle stops. The reason for such high proportion is that in 2006 the security police, in addition to traffic police, was given the right to perform vehicle stops.

CONCLUSION

MODERNISING ANTI-CORRUPTION SYSTEMS

The European experience in countering police corruption discussed in this paper suggests a number of ideas for modernising the anti-corruption systems in Bulgaria and Romania. In both countries substantial reforms and investments are needed to reach European standards. Several priority issues need to be addressed by policymakers:

- **The independence of the institutions.** Direct political control of police forces exercised by the ministries of interior and interferences by ministers and senior management in on-going investigations compromise the independence anti-corruption departments need. Investigations, especially those targeting senior police officers, often have political repercussions. As a result, senior police management is rarely investigated and the cautiousness of anti-corruption teams easily turns to negligence when superiors are involved. There are a number of approaches taken by other European countries to protecting anti-corruption institutions from undue influence: introducing dual subordination (for example to the Mol and to the Ministry of Justice); establishing information systems independent from those of the Mol while enjoying full access to the latter; and establishing their own surveillance units, since without such units it would be difficult to investigate, for instance, corrupt officers of the specialised surveillance divisions of the interior ministries. A number of measures could be applied in Bulgaria in order to achieve greater independence for the investigative bodies. One such measure would be the establishment of an inspectorate with investigative powers that should remain outside the Mol structures while subordinated to the minister of interior. A more radical step would involve the additional subordination of such a body to the minister of justice. In Bulgaria, the division of responsibilities between the Internal Security Directorate and the Inspectorate in the Mol, although warranted by a number of factors in the past, is not justified in the long run. The merging of the two bodies, and in particular of their information databases, would create the precondition for a more comprehensive approach in countering corruption.
- **Developing a system to deal with complaints.** Complaints by members of the public are still not considered a primary source for information leading to investigations. The lack of an effective and independent mechanism for verifying these complaints on both local and regional levels (including with investigative methods) erodes public trust in the police.

- **Expanded regional structures.** The experience in other European countries indicates the need for a more immediate presence of internal control departments in the police. In Bulgaria, establishing such departments at the district MoI directorates could further enforce compliance with professional standards while also introducing the method for distinguishing between minor and serious corruption cases. Such a two-tier control mechanism would eliminate the informal approach in dealing with complaints about lesser corruption practices, thus allowing additional human resources to focus on countering more serious crimes.
- **Human resources.** The lack of a state-of-the-art system for human resource management hampers and slows down anti-corruption investigations, creating risks of information leakages. In Romania, electronic personnel files, although available, are still not integrated in the DGA investigation process. There is no analysis of the link between the disciplinary sanctions imposed by departments like Disciplinary Matters, on the one hand, and the analysis of professional gaps. Such an analysis could facilitate efforts to devise the analysis of corruption risks and the investigations undertaken by the Directorate Internal Security in Bulgaria.

A number of other operational measures could enhance the effectiveness of the system of countering corruption. A serious setback is the absence of an early filtering mechanism for minor offences. This could be overcome through the introduction of a professional standards division supplying local MoI divisions with a criterion for the screening of lesser violations and addressing them at an early stage. Such a system, as evidenced by the West European experience, frees up resources in the specialised, national level bodies and helps avoid the slippery slope syndrome.

There are also serious legal impediments to the powers of investigation and the use of intrusive methods in countering corruption. The introduction of integrity tests should be reconsidered. During the last few years attempts were made in Romania to introduce such tests, albeit with some limitations. Understanding them as 'provocations to bribery' could be overcome by making them conform to procedural standards so that their results could be admissible as evidence in court. When the integrity test reproduces an everyday situation and the amount of cash involved is not significant it could not be interpreted as provocation. These tests need not be used as a precondition for starting investigations, but rather for lighter, disciplinary sanctions and for risk analysis. With the development of future operational databases and the computerisation of the human resources system, more complex methods for analysing both risks and countermeasures could be designed.

The experience of the US and in the UK in countering police corruption suggests that in order to be effective, measures should be proportionate to corruption levels. Often police management is inclined to present the corruption situation as a matter of individual deviation by a handful of officers bent on breaking the law. Reality, however, is more complex – the prevalence of corruption practices within entire services and regional police departments warrants the application of comprehensive policies to countering corruption, in addition to prosecuting individual officers.

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