

Overview of textbook “Anti-corruption activities in law enforcement agencies”

Prepared by E.V. Sopnevaya, V.V. Sergeev, D.A. Ryasov, teachers from the Stavropol branch of the Ministry of Internal Affairs (MVD) University at Krasnodar, with assistance from the Terrorism, Transnational Crime and Corruption Center at George Mason University.

Executive Summary

“Anti-corruption activities in law enforcement agencies,” a special course prepared by teachers from the Stavropol branch of the Ministry of Internal Affairs (MVD) University at Krasnodar, explores one of the most corrosive problems facing Russia. The authors begin by outlining the basics anti-corruption programs in Russia’s law enforcement agencies, focusing particularly on legal foundations, goals, and methods of combating corruption. Next, the authors examine the sociological basis for corruption in law enforcement agencies, with an emphasis on how the Russian state has historically wielded unchecked power and how this has contributed to low levels of trust in law enforcement agencies. The authors subsequently break down the different forms of crimes of corruption in law enforcement agencies, including bribe-taking by Department of Motor Vehicles officials, illegal confiscations during operational investigative activities, and other forms. After providing this important context, the authors turn their attention to the current state of corruption in law enforcement agencies and to the reasons why law enforcement personnel commit crimes of corruption. The authors then identify criminological elements that may assist policymakers in combating corruption, focusing on the important of legal tools. Finally, the authors provide concrete recommendations aimed at addressing corruption in law enforcement agencies.

INTRODUCTION

The special course “Anti-corruption activities in law enforcement agencies” provides a detailed theoretical and practical study of criminal-legal, criminological, and social-political problems relating to combating corruption in law enforcement agencies. This study is an integral part of preparing qualified specialists in judicial and law enforcement activities.

In its complete form, the textbook includes seven main topics, in which a general outline of relevant issues is provided along with lecture texts and supplementary information that includes statistical and legal analysis. The textbook’s authors extensively use the results of research conducted by TraCCC’s Stavropol Center on anti-corruption.

TOPIC 1: “Conceptions and directions of anti-corruption activities in law enforcement agencies”

For this first topic, the authors seek to inform students about the basics of anti-corruption activities in law enforcement agencies, including legal foundations, goals, and methods of combating corruption. In demonstrating the relevance and importance of this subject, the

authors note that “nearly one-half of crimes committed in 2005 by officials against agency interests (5,700 crimes) were done by individuals working in the law enforcement agencies of the Russian Federation (2,400)¹. According to a 2009 poll, 32% of law enforcement officials surveyed report that violations of the law, including corruption in law enforcement agencies, are increasing.²

In addition, the authors write “in order to order to make progress on the National Anti-Corruption Plan, the MVD has approved and is implementing an institutional plan for 2008-2010 and continues work on realizing the second stage of the Personal Security Guarantee Concept for the MVD and Federal Migration Service over 2010-2012. Law enforcement agencies are actively working to implement anti-corruption measures, respond to corruption, minimize the consequences of corruption, and re-work the status of anti-corruption officers.”

According to the authors, “the most important event in creating a legal basis for fighting corruption happened when Russia signed the UN Convention against Corruption, which was subsequently ratified by Federal law on March 8, 2006. The ratification into Federal law of the Council of Europe Convention on Criminal Responsibility for Corruption on July 25, 2006 can also be seen as a positive step. During the 2006 G8 summit in St. Petersburg, Russia joined the group’s anti-corruption initiative and on February 1, 2007 became an official member of the “Group of States against Corruption” (GRECO).

Special Russian Federation (RF) laws against corruption include the following: Federal law “On combating corruption,” RF Code on administrative law violations, RF Civilian procedural code, RF Criminal procedural code, RF Criminal code, Federal law “On the system of government service of the Russian Federation, Federal law “On law enforcement,” Decree of the President of the Russian Federation “On a few issues of the Ministry of Internal Affairs of the Russian Federation, Decree of the President of the Russian Federation “On measures to combat corruption,” Decree of the President of the Russian Federation “On confirming general principles of behavior of government employees.”

The authors note that it remains important to develop a strong theoretical base for reworking the methodological underpinnings of the legal battle against corruption. As corruption has international dimensions, the authors advocate for building international consensus on this issue.

¹ Ippolitov K. and Makarov V., Principles and basic directions for anti-corruption programs, *Investigator*, No. 10, 2008.

² Staff members from Center for Social, Political, and Criminological Research and the Center for the Study of Organized Crime and Corruption at the Stavropol branch of the Ministry of Internal Affairs (MVD) University at Krasnodar conducted a sociological survey of 435 law enforcement officials from different regions (Stavropol krai, Krasnodar krai, Astrakhan oblast’, and the Chechen Republic).

TOPIC 2: “Social Conditionality of Anti-Corruption Activities in Law Enforcement Agencies”

In this section, the authors examine the characteristics and social-historical background of corruption in modern Russian society as well as socio-economic factors relating to the formation of anti-corruption systems in Russian law enforcement agencies.

Understanding the nature of corruption in Russia not only sheds light on how people relate to the government, but also how the government has gradually changed society. Unsuccessful attempts to combat corruption, behind which the most important were private or class-based interests and not the interests of the population as a whole, led to the result that the only reaction to the development of different forms of private sector-government collusion was legal nihilism on the part of the Russian population.

Other historical conceptions of the Russian legal mentality revolve around inherent legal nihilism with respect to the social value of law as well as a peculiar statism, which manifests itself as extreme and unreasonable government power. As a result, the Russian legal mentality can be characterized not only by political demagoguery and populism, but also by eclectic views, impressions, and ideas. The authors also note the population’s historical lack of defense against the government.

Nevertheless, high-ranking Russian government officials have identified corruption as a serious problem. In the “National Security Concept of the Russian Federation,” the criminalization of societal relations and the growth of organized crime are named as underlying factors presenting internal and external threats to the country’s national security.³ In addition, the President of the Russian Federation’s Message to the Federal Council highlights the fact that “despite measures taken, we have been unable to eliminate one of the most serious barriers to our development: corruption.”⁴

It is entirely justified, however, to note the negative tendencies associated with the beginning of economic and political reform: “The experience of the 20 year reform period shows that national economic transformation in a country with plentiful natural resources happened not only in the absence of a specific plan and widespread social acceptance of the ideology behind such a transformation. As a result, this allowed powerful elites to continue the process of self-enrichment in difficult socio-economic conditions at the expense of the population. Law enforcement personnel also took advantage of privatization policies.” During this period, widespread commercialization of government structures took place and generated significant capital for civil servants, including law enforcement personnel.

As a result, Russian society was divided into rich and poor. According to official statistics, Russia had 720 billionaires in 2005 and this number increased by 50 in 2006.⁵ A majority of Russian citizens, including law enforcement personnel, however, can be

³ National Security Concept of the Russian Federation. - Approved. Presidential Decree of 17 December 1997 (as amended. Presidential Decree of 10 January 2000) // Rossiyskaya Gazeta. - 2000. - 18 January.

⁴ http://www.kremlin.ru/appears/2006/05/10/1357_type63372type63374type82634105546.shtml

⁵ Grebenichenko S., Davydov, V., In the approximation to the line, *Society and Humanities*, No. 1, 2007.

found on the opposite end of the economic spectrum, largely without even a basic social safety net. Law enforcement personnel also lack a social safety net or savings, while many have significant debt tied to consumer credit cards.⁶ Referencing relevant sociological research, the authors highlight the finding that there is an indirect relationship between financial security levels and corrupt activities by law enforcement personnel. The greater the level of financial security of law enforcement personnel, the lower levels of criminal activity and vice versa.

The authors note that the current state of social and legal policy necessitates the formation of an improved system of anti-corruption activities. Current laws provide law enforcement agencies with broad jurisdictional authority, which give the MVD with greater responsibility for proper organization of the work of its constituent bodies. However, guaranteeing the constitutional rights and freedoms of citizens during the implementation of administrative measures is often overshadowed due to immediate operational concerns. According to the authors, these violations are due to a lack of respect and understanding of laws.

TOPIC 3: “Basic Understanding and Different Forms of Corruption-Related Crimes”

In this section, the authors provide background on corruption-related crimes committed by law enforcement personnel. In particular, the authors highlight the systemic nature of corruption in these government structures.

1. Existing traditional corrupt relations

These include planned, long-term profit-seeking participation of law enforcement personnel in black market activities as well as in legal industrial, trade, and commercial ventures, less so in state and municipal government companies. Periodic transfers of fixed bribes allow for property theft, violations of tax laws and other economic crimes, which neutralize the effectiveness of law enforcement activities. Part of the illegal profits collected by law enforcement leadership is transferred out of necessity to prosecutors, politicians, and others. This self-serving abuse of power occurs in 3.2% of all judicial reviews and pre-trial investigations.⁷

2. Bribe-taking in the economic sphere and by DMV officials

Through systematic solicitation and acceptance of bribes, law enforcement personnel offer little or no opposition to the illegal activities of different groups engaging in activities such as organized gambling in public spaces, conducting retail business without appropriate licenses or in violation of license limits, or trading in unauthorized locations or objects. More rarely does one come across a more dangerous and odious form of

⁶ In 2006, 25% of the population used consumer credit cards: Tikhonov A., Do Russians have a safety margin, *Sociological Research*, No.1, 2007.

⁷ Information on the conditions of crime in law enforcement agencies of the Russian MVD are provided by the Internal Affairs Department of the Russian MVD from 2004-2007.

criminal activity: corrupt law enforcement personnel ignoring groups engaged in drug trafficking, pick pocketing, robbery, and car theft.

Extortions from beggars, prostitutes, and pimps working at train stations, public squares have become increasingly common. Corrupt communications allow law enforcement personnel to protect lawbreakers from exposure by citizens or other law enforcement personnel, which enables evasion of criminal and administrative liability.

In addition, it has been reported that officials from the Department of Motor Vehicles (DMV) registration division, usually acting in concert with notaries and sometimes with carjackers, will register stolen vehicles purchased by unscrupulous owners or will remove registrations of stolen vehicles (including those registered with Interpol) that are owned illegally by individuals from organized criminal groups. Sometimes an owner will even pay a bribe to unregister his vehicle, having given up hope that it will be found.

More cautious corrupt officials may place confederates in the DMV's registration division, who are instructed to remove information about a particular stolen vehicle and restore the information once an appropriate bribe is received. Furthermore, by using false customs declarations and other documents, vehicle owners can avoid customs duties and illegally register vehicles purchased abroad. In addition, there are numerous instances of law enforcement officials providing individuals involved in accidents with information on the other party involved in the accident, which results in non-legal dispute resolution, often through coercion, physical violence, or extortion.

3. Acceptance of bribes from individuals who do not maintain corrupt relations with law enforcement officials and who do not commit crimes or administrative violations.⁸

This form of corruption in law enforcement agencies takes place more often than corruption rooted in mutual secrecy and latency. Here, corruption occurs in the process of providing social-legal oversight, preliminary investigations, and court proceedings. As demonstrated by archival materials, the likelihood of prosecuting someone exists only in the case where "consensus" is not achieved by "parties" to a corrupt "bargain;" extortion, blackmail, and provocation are used to ensure that a bribe-taker fulfills his unlawful obligations. The decision to give a bribe, especially when it is not voluntary, sometimes encourages critical rethinking which results in the bribe-giver ultimately reporting the incident to law enforcement officials. In many cases, the decision to report corruption can end up in a bribe-giver being charged for other crimes, which usually forces the bribe-giver to retract his claims.

4. Unlawful operational-investigative activity.

Contrary to provisions of the Federal Law of the Russian Federation "On operational-investigative activity" from August 12, 1995 and departmental regulations, salable law

⁸ Alekseev, AI Criminology: A course of lectures. - M., 1998. - S. 188-190; Criminology, ed. AI Debt. - M., 1997. - S. 285, 302.

enforcement officials engage in unsanctioned work, act as private detectives, or operate in concert with criminal groups.

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Often, as demonstrated by a number of criminal cases, this work involves the acquisition, safeguarding, or sale of drugs or weapons, fraud, the acquisition or sale of property gained through criminal means, swindling consumers, hooliganism, poaching, assault, etc. By collecting compromising evidence, lawbreakers can easily be blackmailed.

5. Corrupt searches during administrative oversight

Officials from highway patrol agencies and private security companies charged with monitoring and inspecting drivers, passengers, and vehicles, often identify individuals (especially at night) who may be under the influence of alcohol or narcotics and may have weapons or other controlled objects. It also often happens that drivers' licenses, technical documents, first aid kits, emergency equipment, and proper proof of registration are missing. Sometimes drivers and passengers are unjustifiably accused of using drugs or alcohol. Aggressive behavior and rough treatment by law enforcement personnel, as well as the possibility of prolonged detention and administrative or criminal liability, provide motivation for corrupt deals by drivers and passengers.

6. Covert corrupt partnership with private detective companies

For those interested in additional income, some managers, operational personnel, and other law enforcement personnel find potential clients for private detective companies among individuals making criminal complaints to law enforcement agencies. These people have either suffered a crime themselves or have relatives who are victims and are willing to pay a significant sum to trace a missing person, uncover a crime, return stolen property, or other contractual services. In these instances, criminalized law enforcement officials demonstrate unwillingness to address criminal complaints, claim a heavy workload, and warn of disclosing more serious crimes. In the course of denying legal protections guaranteed by the state, criminalized law enforcement officials direct victims to private detective companies so as to turn a criminal complaint into a source of profit. These law enforcement officials then use the operational and budgetary resources at their disposal to fulfill contracts concluded by "private" detectives with victims or their relatives. As a result, corrupt officials receive unlawful payments for fulfilling their service obligations, which undermine the authority of law enforcement agencies and forces crime victims to endure additional material damages.

7. Government suppliers

Law enforcement officials accept bribes from private companies seeking to provide logistics services, building construction and repair, as well as vendors offering vehicles, special equipment, communications devices, uniforms, footwear, and other items.

8. Other crimes committed in the course of active duty:

- For example, law enforcement officers will steal items during searches, confiscate property, and use their badges to gain access to secure areas in order to commit theft. In the course of such activities, officials use service vehicles, communications equipment, weapons, uniforms, their official documents, and other items. Additionally, private security guards will sometimes enter into agreements with thieves so that stolen goods may be removed through security posts or private security guards may provide criminals with intelligence on where wealthy individuals live and how they might be robbed;
- Law enforcement officials often have taken part in poaching rings;
- Misappropriation or embezzlement of property which temporarily falls under the control of law enforcement officials;
- The economic crisis has engendered systematic theft of packages and supplies sent to by prisoners by prison officials;
- Theft of money and valuables from individuals who have died in the course of automobile accidents or murders, as well as during special operations to free hostages or capture armed criminals;

9. Dependence on corruption

In situations where the state abdicates its role guaranteeing the well-being of citizens, the population becomes more and more oriented towards assuring individual well-being by acquiring and creating private property. As it is preferable to obtain valuable property at minimal prices, especially homes, dachas, and summer houses, this has become an important motivation for many law enforcement officials. Efforts to obtain supplies and labor at low cost encourages law enforcement officials to use unlawfully use their influence and contacts. This gives rise to dependence on corrupt activities, which makes it impossible for law enforcement officials to carry out their state functions.

As dependence often becomes a prerequisite for developing corrupt relationships, it generates additional forms of undesirable behavior by law enforcement personnel, including:

- constant use of alcohol by law enforcement officials, which is expensive and encourages unlawful relationships with alcohol providers and individuals providing alcohol alternatives;
- the tradition of arranging meals for inspection agents as well as managers and fellow law enforcement officials on their birthdays as well as awarding special ranks and state prizes. State, religious, and professional holidays also provide opportunities for law enforcement officials to abuse their positions and force restaurant and store owners to provide free meals, alcohol, and other items;
- maintaining informal, sometimes friendly relations, with criminals in order to obtain use of facilities or other services;

- extracting material benefits by working with suspects, defendants, witnesses, victims, experts, lawyers, and others during criminal and civil investigations. ⁹

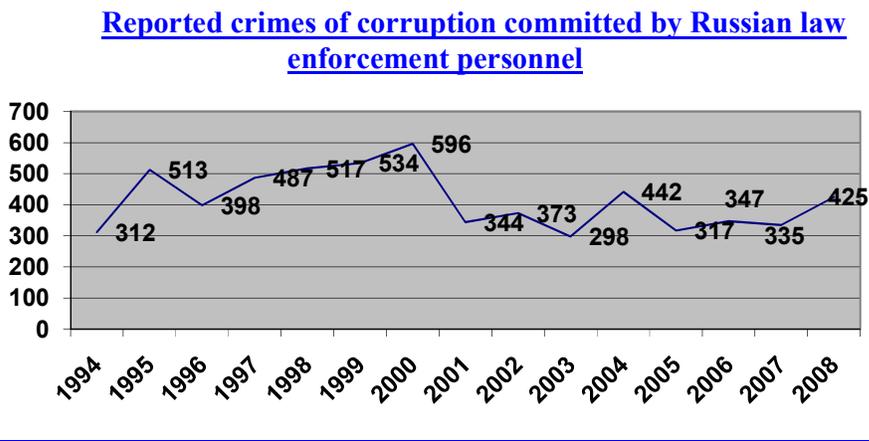
TOPIC 4: “The Current State of Corruption in Law Enforcement Agencies”

This topic focuses on available statistics on crimes of corruption committed by law enforcement officials. Research demonstrates that the dynamics of corruption in law enforcement agencies have changed significantly over the past 12 years. Until 1998, a definite growth in corruption in law enforcement agencies was observed, as general crime rates in Russia also grew and oversight over law enforcement agencies shrank. Starting in 1998, however, a series of important changes took place. First, nearly 300,000 law enforcement officers were transferred from the MVD to the Ministry of Justice. Second, oversight mechanisms were re-established over law enforcement activities. Third, changes in personnel policies improved psychological support for law enforcement officers.

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As indicated in the figure below, however, the number of reported crimes of corruption committed by law enforcement personnel rose significantly in 2003 following a significant drop-off in 2000-2001. In 2005, the number of reported crimes corruption decreased, but there was a steady increase in subsequent years.

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Analysis of data from 2008 reveals increases in certain categories of crimes and decreases in others. For example, crimes involving improper use of authority increased 2.2%; bribe-taking increased 10.5%; and forgeries by law enforcement officials increased 3.1%. While previously negligible, there was a noticeable increase in the unlawful provision of passports and the use of false information to gain Russian citizenship. The data indicates also, though, that illegal confiscations decreased by 36.2% and false testimonies, expert opinions, and mistranslations decreased by 21.5%. In addition,

⁹ Basis of the fight against organized crime, Ed. B.C. Ovchinskii, VE Eminova, N. Yablokov. - M., 1996. - S. 285.

decreases were noted in the illegal concealment of crimes (24.3%), unlawful suspensions of preliminary inquiries and investigations (15.3%), and unjustified refusal to initiate criminal proceedings (9.8%).

In addition, the results of surveys of experts, law enforcement officials, and citizens have demonstrated that at a number of crimes of corruption committed by law enforcement officials are either unreported or concealed. Accordingly, the degree of latent crimes involving law enforcement personnel can be traced to a combination of socio-economic conditions and state policy towards law enforcement activities as well as collective and individual mindsets. e high degree of latency in crimes of corruption. Understanding the degree of latency assists in developing a fuller picture of criminological conditions and may help establish defined indicators of the quality, effectiveness, and functionality of the law enforcement system as well as identify ways of improving the justice system and control over crime.

TOPIC 5: “Reasons why law enforcement officials commit crimes of corruption”

This topic explores the causes and conditions, including both subjective and objective factors, as to what leads law enforcement officials to commit crimes of corruption. The authors believe that it is necessary to look at several distinct elements here: a) who is the typical law enforcement official; b) what are the micro-level causes of corruption-related offenses in particular law enforcement departments or divisions; c) what macro-level social, economic, political, ideological, organizational, and managerial determinants promote corruption-related crimes in law enforcement agencies. In particular, the authors draw attention to the following issues:

- 1) Male law enforcement officials are much more likely than female law enforcement officials to commit crimes of corruption.
- 2) The average age of law enforcement officials committing crimes of corruption is 20-27.
- 3) Officials who have served less than two years and junior officers/managers serving between 6-10 years are most susceptible to committing crimes of corruption.
- 4) Individual law enforcement officials are on the whole much more educated than ordinary criminals.
- 5) A majority of law enforcement officials committing crimes of corruption do not have radically different moral and psychological outlooks than law-abiding law enforcement officials.
- 6) The most common reasons law enforcement officials commit crimes are the following:
 - Desire to appear professional
 - Career advancement
 - Desire not to spoil relations with work colleagues
 - Greed
 - Desire to demonstrate power over others

TOPIC 6: “Criminological features of anti-corruption activities within the MVD”

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This topic aims to provide a systematic basis for understanding anti-corruption activities in law enforcement agencies as well as to examine programmatic aspects, problems in coordination, and regulations designed to prevent corruption from occurring. In exploring this topic, the authors highlight how many law enforcement officials hold second jobs, which according to one researcher, goes as high as 40%.¹⁰ This figure, however, depends considerably on size of the jurisdiction in which a law enforcement official is working: in large cities, this figure may reach as high as 80%, while in smaller cities the figure hovers around 10-15%.¹¹ Accordingly, these figures suggest that for many law enforcement officials, official activities are secondary to unofficial activities, which bring in more income. As a result, the authors advocate for the adoption of federal laws on state service and the fight against corruption, as well as policies governing the conduct of on duty law enforcement officials as well as their relationships with different state agencies, businesses, and private organizations. While many legal scholars agree that the system of combating corruption should focus on economic, political, and moral aspects, followed by legal measures, the authors argue that legal measures should take precedent.

CONCLUSIONS

The authors offer a variety of recommendations designed to address ongoing corruption in law enforcement agencies. In part, the authors advocate for amending Federal Law “On the system of state service of the Russian Federation” to include provisions that prohibit hiring individuals previously convicted of crimes of corruption. Additionally, the authors make the following recommendations:

- 1) The introduction of an electronic filing system for individuals fired from law enforcement agencies for undermining agency credibility;
- 2) Allowing law enforcement officials to hold secondary jobs in the private sector, as long as jobs do not present a conflict of interest;¹²
- 3) Eliminating private contact between on-duty officials and citizens as well as the gradual introduction of electronic documents and modern information technology;
- 4) Establishing administrative punishment mechanisms for false accusations of corruption;
- 5) Strengthening legal requirements for divulging financial information on civil servants and their families.

Overall, this textbook is an objective, in-depth and comprehensive analysis of one of the most serious and important for the state of Russia's development problems. The authors hope that this tutorial will use not only in universities in the region, but also universities

¹⁰ Колесник Н.В. Некоторые вопросы усиления социальной защищенности сотрудников милиции // Вестн. МВД Российской Федерации. - 1995. - №6. – С. 103.

¹¹ Там же.

¹² Куракин А. В. Государственная служба и национальный план противодействия коррупции // Следователь. - 2008. - № 10. - С. 38-44.

all other regions of Russia, as well as attract the attention of foreign scholars dealing with Russia.

