

**Mapping the Quality of the Statistical Data on
Police Involvement in Corruption Amongst Police
Agencies in Bosnia and Herzegovina (BiH)**

Sarajevo, August 2014

Disclaimer

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Introduction

This project was aimed to research and analyze the quality of the statistical data on police involvement in corruption kept by police agencies in BiH, and to measure their effect on the overall integrity of the police system. The project also aimed to increase transparency of police agencies as well as generate dialogue on the methods of generating statistics and quality of the statistics themselves. The project is emphasizing the importance and need of harmonizing manners for data collection and keeping statistics and possibilities of achieving harmonization across BiH.

“Mapping the Quality of the Statistical Data on Police Involvement in Corruption Amongst Police Agencies in Bosnia and Herzegovina” is the first evidence-based research on police corruption in BiH. Most of research of local and international NGOs and other bodies stating that there is a high level of police involvement in corruption in BiH have been based on the citizens’ perspective or were victim-based. None of them had dealt with real and relevant data from official registers and there is no evidence-based research on police corruption that takes into account the relevant statistical data. Hence, the real picture on police corruption in BiH is still not clear. However, the methodology used in mentioned research is somehow “justified” and understandable. This is due to the lack of real and objective statistical data on police corruption in Bosnia and Herzegovina. The lack of legislation regulating this obligation usually leads to misinterpretation and wrong assessment of police behavior. In addition to that, the lack of clear international standards regulating this area makes the issue more dubious.

Methodological Framework

In order to measure the quality of the police corruption statistics, a research tools has been designed. It was a questionnaire containing 6 groups of questions with specific parameters for measuring way of keeping statistics; each group refers to an area of police work for which a kind of evidence is kept and which can be useful for measuring police corruption stat. These groups are:

- Citizens' complaints
- Internal proceedings/investigations
- Disciplinary proceedings
- Analytical sheets
- Prosecutor and court decisions
- Other registers

A questionnaire was designed based on the experience of previous similar projects and knowledge of police work. Additionally, several police agencies were visited in order to discuss

the questionnaire and parameters so to be sure that they will be understood by all police bodies on the same way. The questionnaires were sent out to 10 police bodies, out of which 9 were able to prepare responses and take part in the research:

- Border Police of BiH
- Ministry of Interior of Republika Srpska (MoI RS)
- Ministry of Interior of Sarajevo Canton (MoI Sarajevo Canton)
- Ministry of Interior of the Central-Bosnia Canton (MoI Central Bosnia)
- Ministry of Interior of the Tuzla Canton (MoI Tuzla Canton)
- Ministry of Interior of the West Herzegovina Canton (MoI West Herzegovina Canton)
- Ministry of Interior of Zenica-Doboj Canton (MoI Ze-Do Canton)
- Ministry of Interior of the Una-Sana Canton (MoI Una-Sana Canton)
- Ministry of Interior of Herzegovina-Neretva Canton (MoI Herz.-Neretva Canton)

MoI Sarajevo Canton considered this research very fruitful and important so its representatives expressed a willingness to compare the qualities of police corruption stats amongst their Police Administrations (regional units) within the Cantonal Police. Hence, additional research was carried out within this project and it refers to mapping qualities of the police corruption statistics within Sarajevo Canton.

The answers on the questions were followed by giving scores, which are reflected in the charts. Hence, the level of the quality of the stats as represented in the charts reflects the answers of the police bodies to the questionnaires, not the attitude or impression of the research.

General Remarks

Generally speaking, practice of data registering and keeping stats on police corruption in BiH is quite good, taking into account complex police structure and the lack of clear rules and legislation regulating this area.

Why are there no real and objective data on police corruption? Previous research “Corruption Crime Statistics and Police Number Reporting” completed by the Centre for Security Studies in January 2014¹ revealed some interesting and important facts regarding statistics on police corruption. Actually, there is no practice of keeping “statistics” on police corruption in the true sense of the word. However, police bodies do keep some kind of evidences on several types of proceedings and these evidences are the only source for measuring police corruption by police

¹ Read more at: http://www.css.ba/wp-content/uploads/2014/01/Corruption_Crime_Statistics_BiH_final.pdf

bodies. This is very important because this data enable police bodies to give an evidence-based picture on police corruption.

Manner and methodology of recording data on general crime in BiH, keeping police statistics, verification and reporting to external subjects differ across the country. This is caused by the complex state structure in BiH what reflects on the police structure and jurisdiction so every particular police agency acts as an independent entity.²All these facts reflect the statistics on police involvement in corruption. Police bodies in BiH do not keep individual statistics only on this type of “police misconduct”. **In fact, this data can be obtained manually only, i.e. through available registers on citizens' complaints, internal proceedings/investigations, disciplinary proceedings, analytical sheets (which are filled on the basis of the crime registers and reports) and courts' and prosecutors' decisions (if registers on these decisions are kept).** Generally speaking, when it is about relevancy and final decisions on criminal responsibility and, only prosecutor and court statistics should be taken into account because these institutions come as "higher" instance than the police and, in fact, final verdicts are the most relevant categories. However, these institutions and High Judicial and Prosecutorial council (HJPC) do not produce separate statistics related to police employees and this information can be found only on a special request. This research dealt only with the statistics kept by police bodies.

The manner of keeping all these registers as well as counting rules vary from one police agency to another. This is logical and indeed is not the subject of critique because, as mentioned, there are no legislation and clear rules regulating this area. Therefore, we can say that the level of objectivity of statistical data on police corruption recorded in two BiH entities, in agencies on a state level and in Brčko District is somewhat different, and in general, is not very realistic. It is interesting to mention that there are external, independent offices for citizens' complaints against the police officials established at each particular level of the police organization. Like police bodies, these offices do not keep stats register on police corruption because they receive only complaints of citizens against police behavior so comprehensive stats on police corruption are not available.

All law enforcement agencies (LEAs) have designed and adopted their internal action plans against the corruption among their own staff, as a result of the general BiH Anti-corruption Strategy 2009-2014. The action plans presume, more or less, clear indicators for their implementation, but to make problem worse, none of them proscribe an obligation for keeping statistics on the police corruption.

² Read more about complex police structure and its jurisdictions in BiH in “Overview of Policing in Bosnia and Herzegovina”, Chapter II “Organization, Numbers and Competences” and Chapter IV “Structural Analysis of Jurisdiction in Legislation and Practice” at http://www.css.ba/images/docs2/pregled%20stanja%20policije%20u%20bih_english%20final.pdf

However, there seem to be some good practice in recording police corruption, which can help having a little bit more realistic picture on this issue. According to the available statistics on criminal charges submitted to the prosecutor offices kept by Federal Ministry of Interior (MoI), the number of police and other officers (civil servants) employed in Federal and Cantonal MoIs is always available, while other details are not registered in the evidence.³This is the only case where we can have more or less the exact number of police employees in the Federation of BiH involved in corruption, i.e. officials against whom the criminal charges were submitted. Not all police agencies have a particular column in their statistical reviews on the police officers. Instead, they state this detail can be found within their reports by using the manual way of counting. However, once the criminal cases are brought under the prosecutor's jurisdiction and further investigations or court proceedings, the statistics on police corruption are no longer available. Additionally, there is also a very good experience of MoI of Republika Srpska, which needs be mentioned. When it is about citizens' complaints, internal investigations and disciplinary proceedings, this Ministry has an electronic database, which is currently being improved. So the way of counting these proceedings and cases will be simplified because it will be automatically updated. This is very desirable and recommended practice. In addition to that, we can say that the MoI of Republika Srpska provides a little bit more realistic data on police corruption when it comes to the level of that entity, due to its centralization and way of keeping statistics that is same all around the RS.

Generally, and as explained earlier, there are no particular provisions and regulations obliging police bodies to investigate corruption in police as a particular crime. Below is a table with the review containing laws on police bodies and articles that proscribe obligations to the police to compile evidence and investigate all types of crime.

³This data is registered in forms "KD" within the "Statistical review on crime offences and reported perpetrators" which FMoI and Cantonal MoIs are obligated to keep in accordance with the "Instruction on mutual reporting on occurrences in the area of public security between MoIFBiH and cantonal MoIs on issues relevant to safety in FBIH".

REVIEW OF THE LEGAL FRAMEWORK PRESCRIBING OBLIGATION FOR LEAs TO INVESTIGATE CRIME OFFENCES

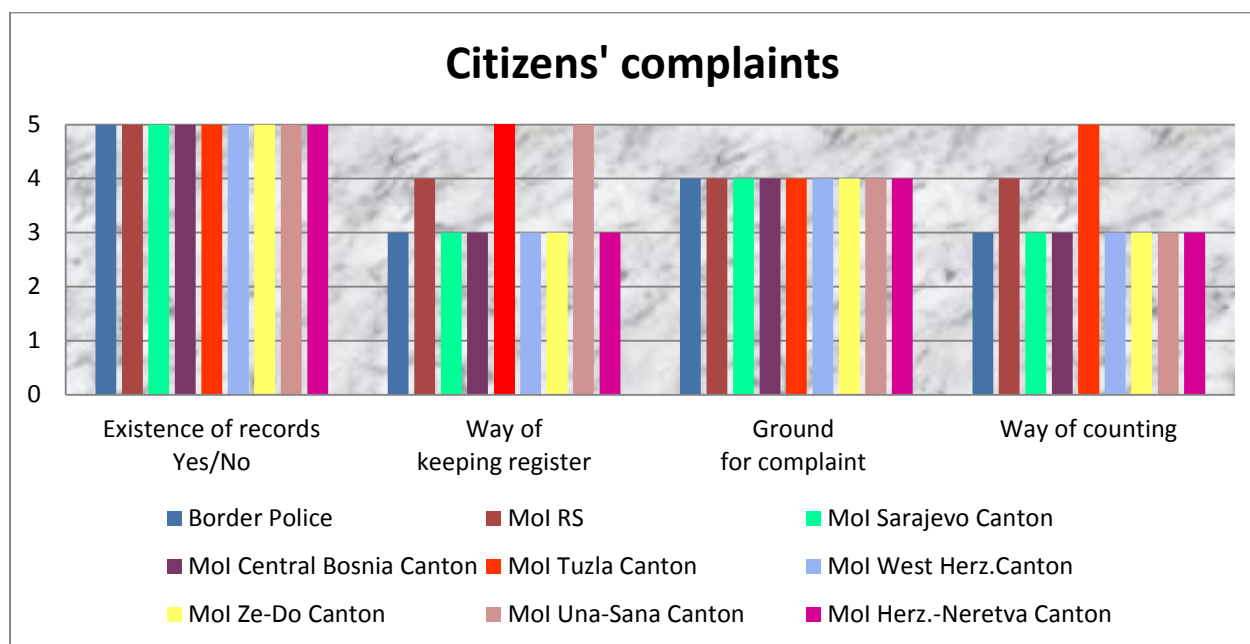
POLICE BODIES /LAW ENFORCEMENT AGENCIES (LEAs)	Name of the LEA	Law	Official Gazette ⁴	Relevant articles			
	State Investigation and Protection Agency - SIPA	Law on SIPA	Off. Gazette of BiH, no. 27/04	Art. 3 parag. 1, line 1, 2 i 3			
		Changes and amendments to Law	Off. Gazette of BiH, no. 49/09	Art. 2			
	Border Police BiH	Law on Border Police	Off. Gazette of BiH no. 50/04, 27/07, 59/09	Art. 7. parag. 3,4,5 and 6			
		Law on border control	Off. Gazette of no. 53/09, 54/10 and 47/14	Art. 32			
	Moi RS	Law on Moi RS	Off. Gazette of RS no. 4/12	Art. 4. parag. 1, line d,đ,e, i			
	Moi F BiH	Law on Moi F BiH	Off. Gazette of F BiH no. 49/05	Art.2 parag. (1) line 1 Art. 18. parag. (1) line 1			
	Cantonal MoIs						
	MOI Una-Sana Canton	Law on Internal Affairs of the Una-Sana Canton	Off. Gazette Una-Sana Canton no. 1/97	Art. 2. line 2 Art. 12. line 5			
		Changes and amendments to the Law	Off. Gazette Una-Sana Canton no. 1/02	Art. 1			
MOI Posavina Canton	Changes and amendments to the Law	Off. Gazette Una-Sana Canton no. 8/02	Art.. 1				
	Law on Internal Affairs of the Posavina Canton	(Off. Gazette no. unknown)	Art. 2 line 3 Art. 12 line 5				
MOI Tuzla Canton	Law on Internal Affairs of the Tuzla Canton	Off. Gazette Tuzla Canton no. 4/2010	Art. 8 line b) Art. 18 line b)				
MOI Zenica-Doboj Canton	Law on Internal Affairs of the Zenica-Doboj Canton	Off. Gazette Zenica-Doboj Canton no. 15/04	Art. 2 line 2				
MOI Bosnia-podrinje Canton	Law on Internal Affairs of the Bosnia-Podrinje Canton	Off. Gazette Bosnia-Podrinje Canton no. 9/2010	Art. 8 line b) Art. 19 line b)				
MOI Central Bosnia Canton	Law on on Internal Affairs of the Central Bosnia Canton	(Off. Gazette no. unknown)	<i>(Text of the Law not available)</i>				
MOI West Herzegovina Canton	Law on Internal Affairs of the West Herzegovina Canton	Off. Gazette West Herzegovina Canton no. 12/2003	Art. 2. line 5 (-) Art. 3. st (1) Art. 22 line 2 (-)				
MOI Hercegovina-Neretva Canton	Law on Internal Affairs of the Hercegovina-Neretva Canton	(Off. Gazette no. unknown)	Art. 2 line 2 Art. 12 line 5				
MOI Sarajevo Canton	Law on Internal Affairs of the Sarajevo Canton	Off. Gazette Sarajevo Canton no. 22/00	Art 2. line 2 Art. 12 line 5				
	Changes and amendments to the Law	Off. Gazette Sarajevo Canton no. 28/02	Art.1 st (2)				
MOI Canton 10			<i>Text of the Law not available</i>				
BRČKO DISTRICT POLICE	Law on Police Brčko District	(Off. Gazette no. unknow)	Art. 12 points c) and i)				

⁴ Changes and amendments to laws are not listed here unless the changes directly altered their respective jurisdictions. In addition, for some of the MoIs it was impossible to find the exact edition of the Official Gazette in which the laws, their changes and amendments were published. For this reason some of the edition numbers were not listed. The same system was applied to some amendments and additions to law.

Results and Findings

According to the answers from police bodies

I - Citizens' complaints



Citizens can submit their complaints on police work in written and in oral form directly before a police body. It implies that citizens can complain on police corruption in this way, apart from complaining to external independent committees.

It is important to mention that Mol of Republika Srpska developed an online application that enables citizens to report police corruption online. All allegations are investigated by the Unit for Professional Standards, which is directly in charge of the correspondence with a citizen who reported the case to the police.

There are 4 parameters used by this research to measure the quality of this type of record and its relevance for data on police corruption:

- Existence of records on citizens' complaints within a police body
- The way of keeping registers on complaints (electronically, manually - in handwriting or in both ways)
- Existence of a column or any other relevant part of the register, which can help to find out what the ground for complaint is
- The way of counting complaints

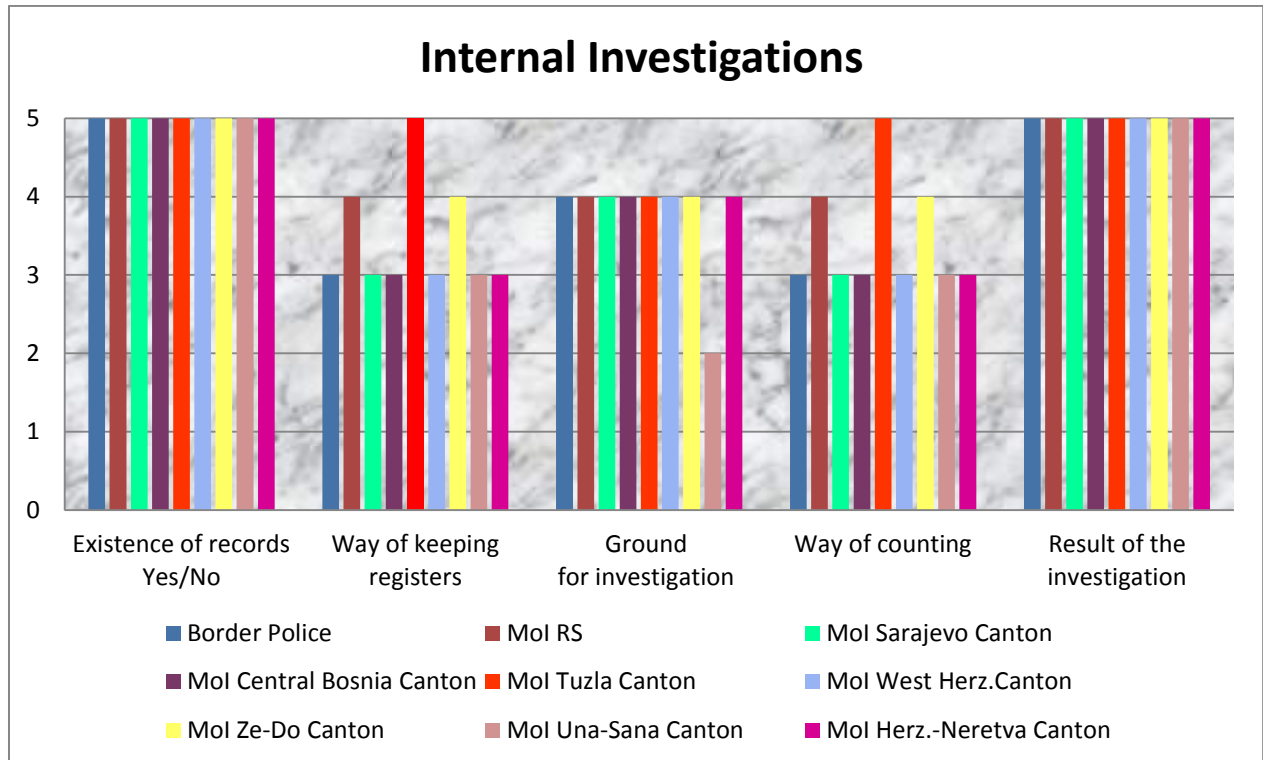
Existence of records Yes/No. All police bodies keep some kind of records on citizens' complaints.

Way of keeping register. Most of police bodies keep the records manually, while MoI RS does it electronically and MoI Tuzla and Una-Sana Cantons do both manually and electronically (once the data is entered in a register book, it is entered in the computer). Registers contain columns and rows; one row relates to one case and columns relate to particular data on a case.

Ground for complaint. Registers in all police bodies contain a column with the title of the ground for submitting a complaint against the employee of the police agency (i.e. which breach of duty or a criminal offence that the complaint about). So the officer who fills the register describes the grounds for complaint in the appropriate cell of the register. Hence, the offence or groups of offences that create the grounds for the complaint (ex. corruption) are not offered in the titles of the columns. If this was the case, the appropriate cell in the table could be marked/checked in each particular case and this would make the way of counting more easily (the counting could potentially be done automatically). And most importantly, it would save time of the staff when preparing reports.

Way of counting. Existence of the column with the grounds for submitting complaint enables police to count how many citizens' complaints regarding specific type of crime or unethical behavior (ex. police corruption) have been received within a particular period of time. Since the grounds for submitting a complaint is not offered in the titles of the columns, the counting is always done manually by passing through the register. The exception is MoI of Tuzla Canton which has developed an excel database which enables user to sort the data according to the title of the ground for complaints and get the number of complaints related to police corruption very easy. MoI RS is currently developing its database and the way of counting will be simplified soon.

II - Internal investigations



All police bodies keep some kind of records on internal investigations. These records are very important because they can provide several types of information on internal investigations which have been carried out for corruption within police. In this research, we didn't deal with the level of objectivity and independence of the internal investigation, but just with the level of objectivity of available statistics on internal investigations.

There are 5 parameters used in this research to measure the quality of the registers on internal investigations and its relevance for data on police corruption:

- Existence of records on internal investigations within a police body
- The way of keeping registers on internal investigations (electronically, manually - in handwriting or in both ways)
- Existence of a column or any other relevant part of the register which can help to find out what is the ground for initiating internal investigation
- The way of counting investigations
- Existence of a column containing information on the result of the internal investigation

Existence of records Yes/No. All police bodies keep registers on internal investigations.

Way of keeping register. Most of police bodies keep registers on internal investigations manually (in handwriting), while Mol RS and Mol Zenica-Doboj Canton do it electronically and Mol Tuzla Canton does it in both ways (once the data is entered in a register book, it is

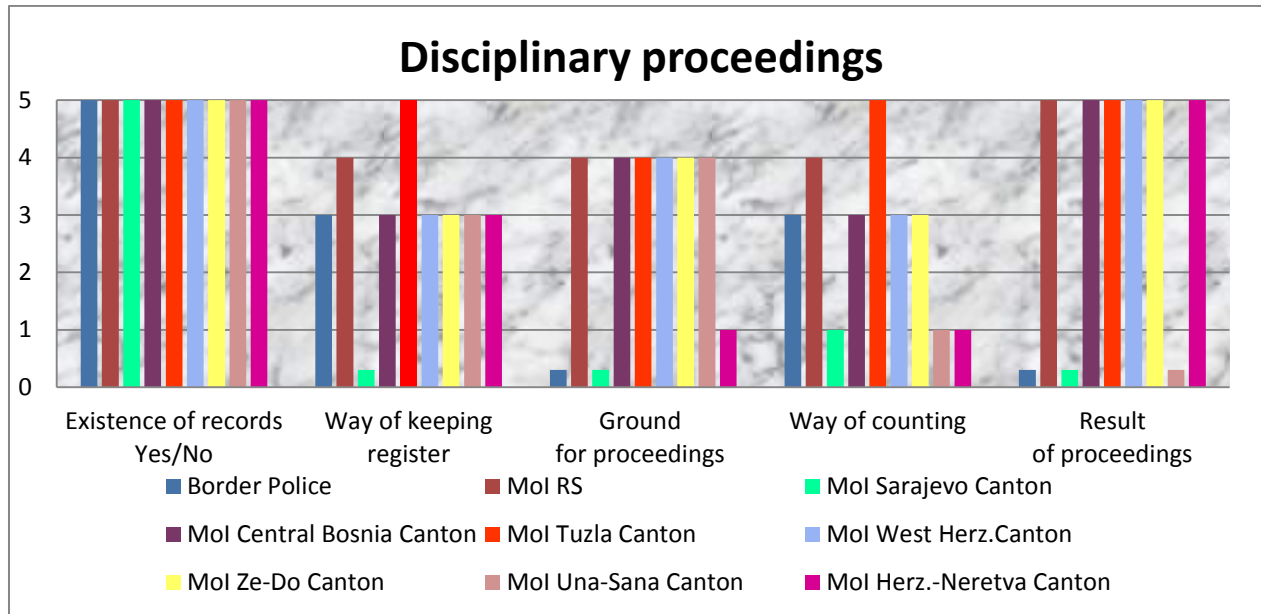
entered in the computer). Registers contain columns and rows; one row relates to one case and columns relate to particular data on a case.

Ground for investigation. Registers in all bodies contain a column with the title of the ground for initiating internal investigation. So the officer who fills the register describes the ground for initiating investigation in the appropriate cell of the register. Hence, the offence or groups of offences which create/s a ground for initiating an internal investigation (ex. corruption) is/are not offered in the titles of the columns. If this was the case, the appropriate cell in the table could be marked/checked in each particular case and this would make the way of counting more easily (the counting could potentially be done automatically). And most importantly, it would save time for analytical staff when preparing reports.

Way of counting. Existence of the column which contains the ground for initiating internal investigation enables police to count how many internal investigations re specific type of crime or unethical behaviour (x. police corruption) have been carried out within a particular period of time. Since ground for initiating an investigation is not offered in the titles of the columns, the counting is always done manually i.e. by passing through the register. In Mol Tuzla Canton, there is a database which enables user to sort the data according to the title of the ground for investigations and get the number of investigations related to specific type of crime or unethical behaviour very easy. Mol RS is currently improving its database what will enable automatic counting. Additionally, in the Mol Ze-Do Canton, there is an inspector of the Unit for Professional Standards who is designated to follow the situation re police corruption in that Ministry and there is a special register containing details on all officials of the Ministry who have been reported for corruption.

Result of the investigation. Registers on internal investigations of all police agencies contain a column with the result of the investigation.

III - Disciplinary proceedings



All police bodies which took part in the research keep records on disciplinary proceedings. The importance of these records is quite high, because all employees of the police who have been prosecuted or later processed by courts are also disciplinary treated before their respective police agencies. The details of the grounds for the prosecution or court proceedings are kept in the files of the disciplinary commission (i.e. boards in charge of disciplinary proceeding). Therefore, registers on disciplinary proceedings, if being kept, are very important source for the information on police involvement in crime.

There are 5 parameters used in this research to measure the quality of the registers on disciplinary proceedings:

- Existence of records on disciplinary proceedings within a police body
- The way of keeping registers on disciplinary proceedings (electronically, manually - in handwriting or in both ways)
- Existence of a column or any other relevant part of the register which can help to find out what is the ground for initiating disciplinary proceedings
- The way of counting disciplinary proceedings

Existence of records Yes/No. All police bodies keep some kind of registers on disciplinary proceedings. The only difference is what is the look, form and type of the register. Some of police bodies created a specific register for this purpose, while others use a regular register of incoming letters. Regardless of the type, we consider the register useful for this purpose as long as it contains necessary fields as described below.

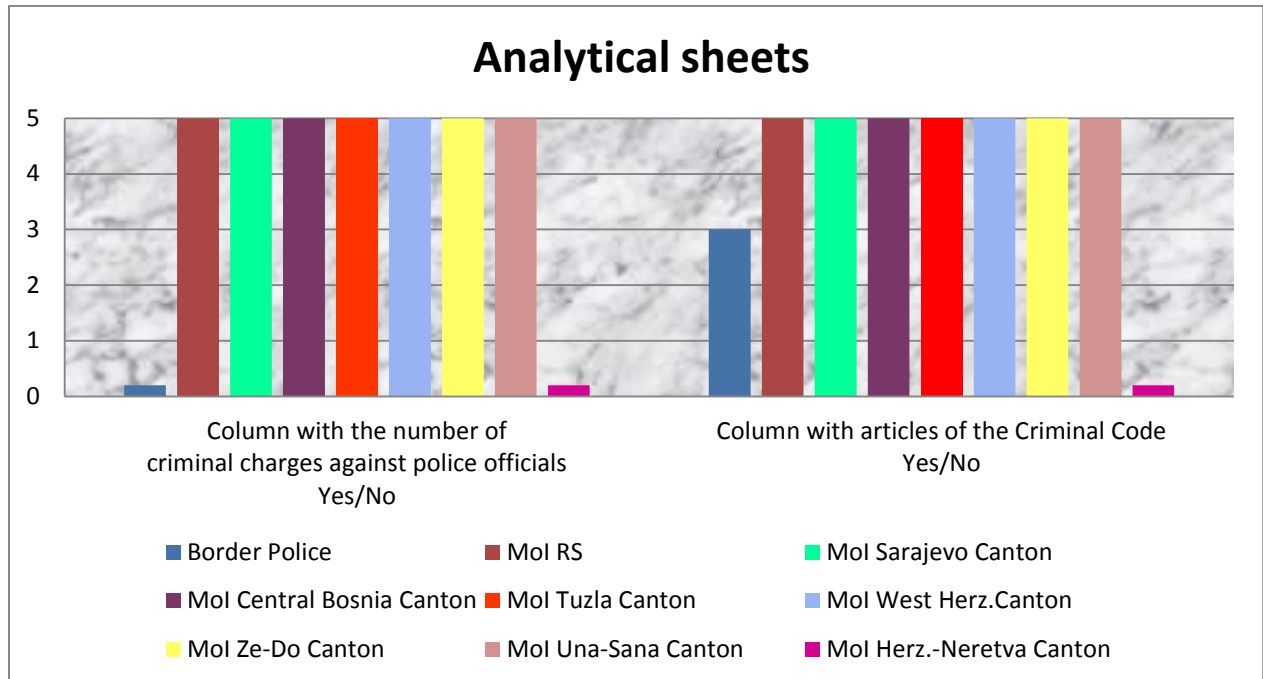
Way of keeping register. Mol of Tuzla Canton keeps these registers in both ways - in a paper form and electronically while Mol RS does it electronically. The rest of the police bodies keep these records in a paper form - in handwriting.

Ground for proceedings. There are several police bodies whose registers contain a column with the title of the ground for disciplinary proceedings, i.e. a call from which a reason for disciplinary proceedings can be found (ex. corruption). They are Mols of: RS, Central Bosnia Canton, Tuzla, West Herzegovina, Zenica-Doboj and Una-Sana Canton. The officer who fills the register describes the ground for initiating disciplinary proceedings in appropriate cell. Accordingly, the offence or groups of offences which create/s a ground for initiating a disciplinary procedure is/are not offered in the titles of the columns so the counting has to be done by passing through the register. If this was the case, the appropriate cell in the table could be marked/checked in each particular case and this would make the way of counting more easily (the counting could potentially be done automatically). And most importantly, it would save time for staff when preparing reports. Registers of the Border Police, Mol of Sarajevo Canton and Mol of Herzegovina Neretva Canton do not contain such a column in the register so the reason for initiating disciplinary proceedings cannot be found in the register.

Way of counting. Existence of the column which contains the ground for disciplinary proceedings initiated for a specific criminal offence or breach of duty enables police officials to count how many disciplinary proceedings re specific type of crime or breach of duty have been carried out within a particular period of time. Since ground for initiating a disciplinary proceedings is not offered in the titles of the columns, the counting is always done manually i.e. by passing through the register. In Mol Tuzla Canton, there is a database which enables user to sort the data according to the title of the ground for initiating disciplinary proceedings and get the number of proceedings related to specific type of crime or breach of duty very easy. Mol of RS is currently improving its database and the improvement will enable automatic counting.

Result of proceedings. Registers on disciplinary proceedings of most of police bodies which took part in the research contain a column with the result of the proceedings. Exceptions are Border Police, Mol of Sarajevo Canton and Mol of Herzegovina-Neretva Canton as their registers do not contain such a column.

IV - Analytical sheets



All police bodies (apart from Mol of Herzegovina-Neretva Canton) use analytical sheets in which they enter the number of criminal charges submitted to the prosecutors' for particular criminal offences. Analytical sheets of most of the police bodies (apart from the Border Police) contain a column related to the number of police officials against whom the criminal charge is submitted. Since these forms are not common to all police bodies, it happens that their form and content is different. Eg. all police bodies have sheets in which a column with articles of the Criminal Code is available. Border Police uses these sheets but they do not contain a column related to the number of police officials reported for crime.

V - Data on prosecutors' and courts' decisions

Police agencies do not keep registers on courts and prosecutors decisions. This is understandable because this information is not exchanged on a regular basis between police at one side and courts and prosecutors offices at the other side. However, taking into account that some disciplinary proceedings against police officials are ended once the final court or prosecutors' decision is brought, it comes logical that police bodies should have information on these decisions. It would be desirable if following information is available to police agencies:

- Ordered investigations
- Accusations
- First instance verdicts
- Final verdicts
- Type of verdict

Therefore, some bodies like MoI of Republika Srpska developed a kind of such a register which is not in formal use but serves for a non-formal source of information.

VI - Other registers

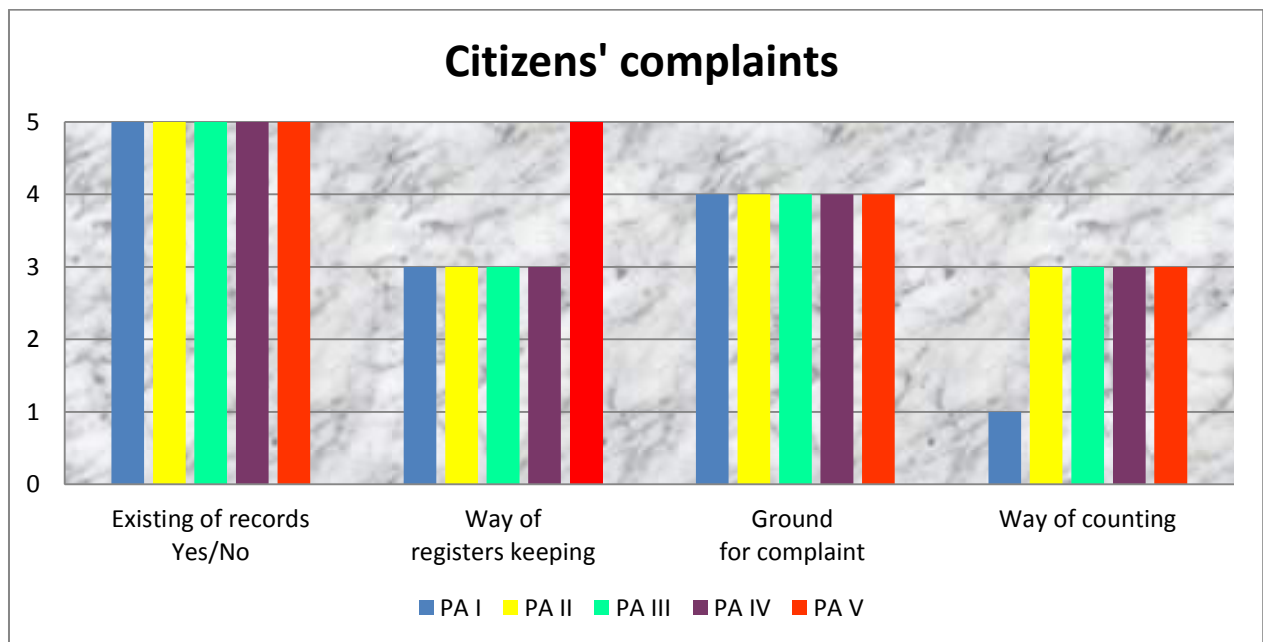
None of the police bodies in BiH keep any particular register (apart from those mentioned earlier) on involvement of their employees in corruption.

ADDITIONAL RESEARCH

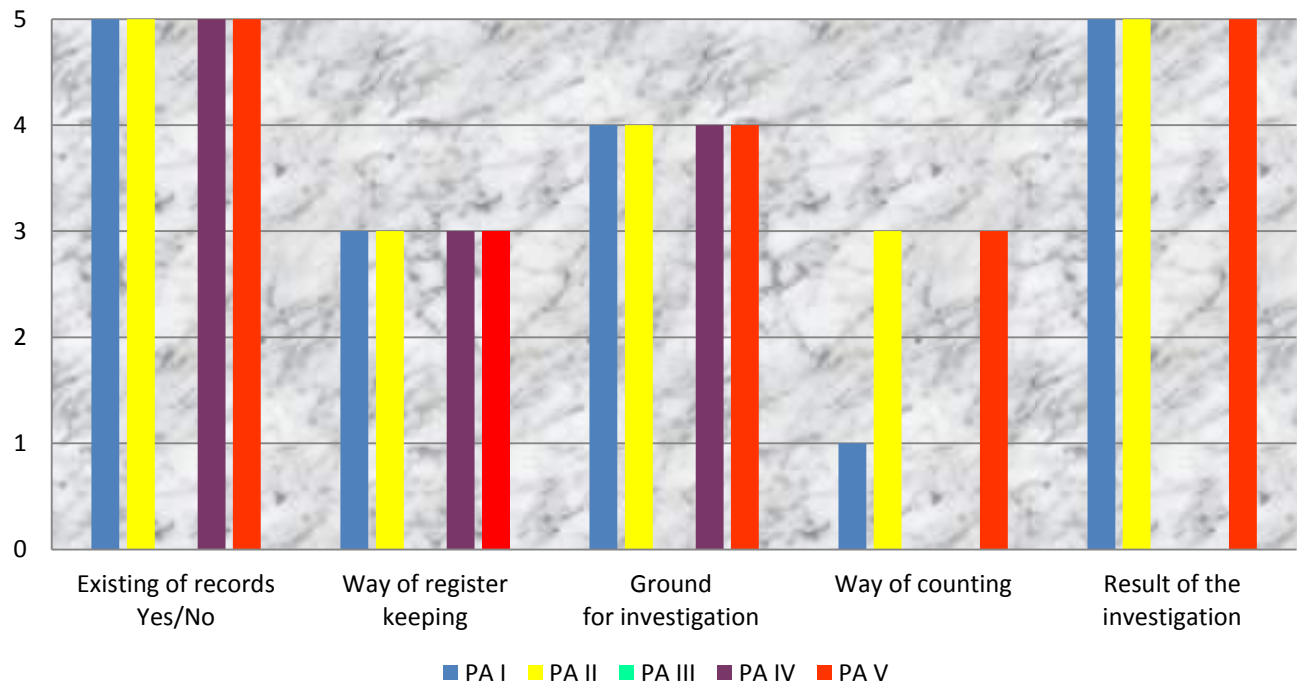
Mapping the Quality of the Statistical Data on Police Involvement in Corruption Amongst Police Administrations (PA) within the MoI Sarajevo Canton

As mentioned in the Methodological Framework, MoI Sarajevo Canton considered this research very important and expressed a willingness to compare qualities of police corruption stats amongst their Police Administrations (5 Police Administrations).

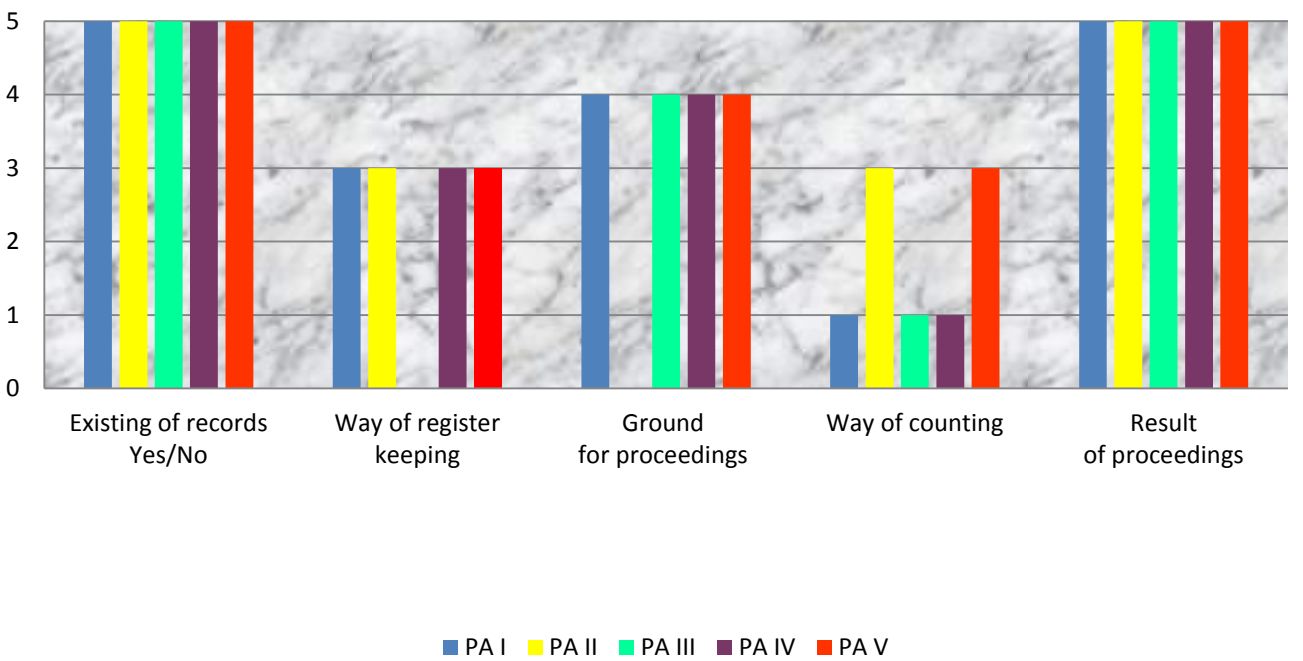
The answers on the questions are outlined below and are reflected in the charts. The methodology and scoring was the same like the one used in comparing the quality of the stats amongst police agencies. Some police administrations did not fill some parts of the questionnaire and, after the consultations with the MoI of Sarajevo Canton, it is considered that they did not understand the questions. In such situation, the part of the answer (a pillar in the chart) is blank.

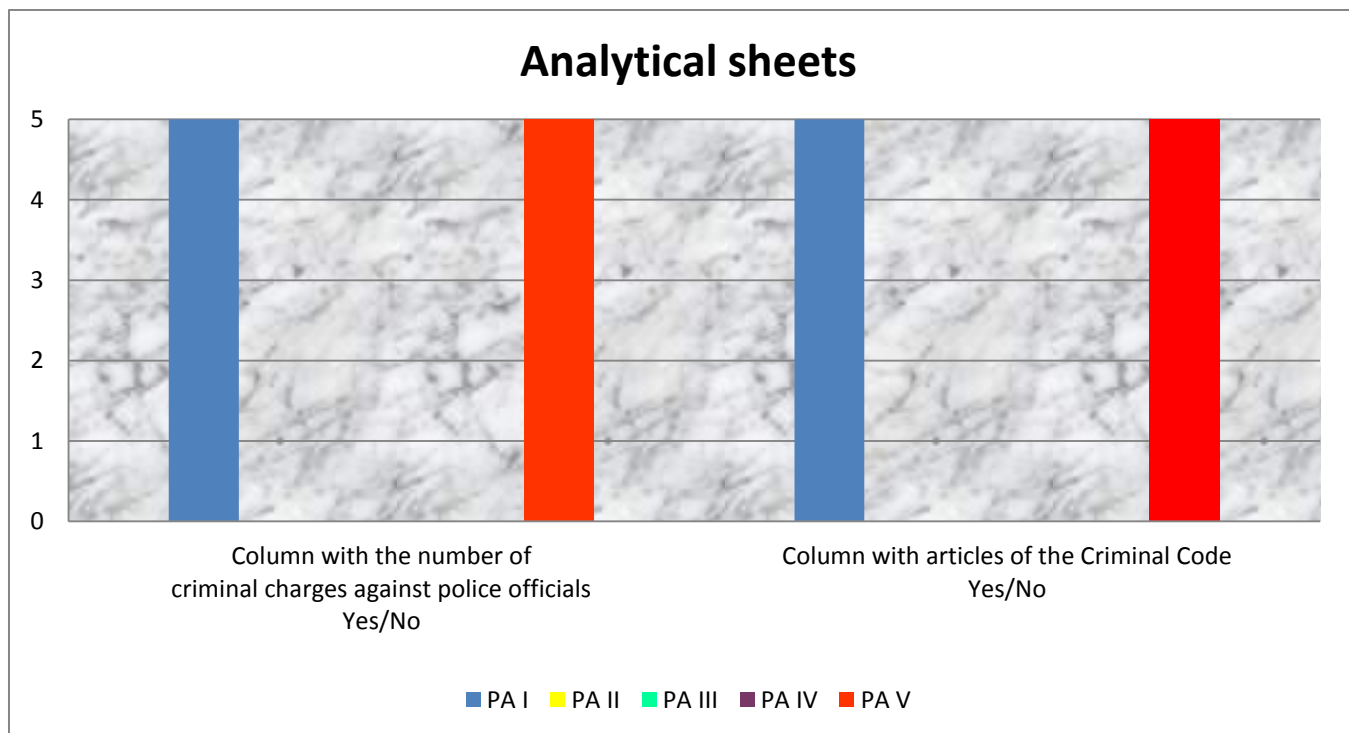


Internal Investigations



Disciplinary proceedings





Data on prosecutors' and courts' decisions

Like all police agencies, none of the police administrations of the MoI Sarajevo Canton keep registers on courts and prosecutors decisions nor any other registers on police corruption, apart from those elaborated in the research.

Conclusion

Bearing in mind a very complex structure of the police in BiH, as well as the lack of regulations on stats on police involvement in corruption, the existing practice on data registering and keeping stats on police corruption in BiH is quite good. The source of these details in police bodies is found in several types of registers being kept by police such as: registers on citizens' complaints; registers on internal proceedings/investigations; registers on disciplinary proceedings and analytical sheets. However, since the corruption is a criminal offence, and courts come up with the verdicts and keep statistics, the most relevant data on police involvement in corruption should be obtained from the courts or the HJPC. The number of police officials prosecuted and sentenced for corruption can be given by these institutions as relevant bodies in the country, but it can be given only based on a special request.

The practice of keeping stats on police corruption varies from one police agency to another. Therefore, this research implies on the importance of harmonizing manners for data collection and keeping statistics across BiH. This would enable objective comparison of the statistical data amongst police agencies and provide objective data on police corruption in the country. The research can also assist police agencies which did not take part in the research to improve their statistics. Finally, harmonization of manners for data collection and keeping stats on police corruption would make BiH closer to the EU in terms of applying best practice of keeping statistics on crime.

*Centar za sigurnosne studije
Centre for Security Studies*

*Branilaca Sarajeva 13/I, 71 000
Sarajevo*

Tel: +387 33 262 455 / 262 456

Fax: +387 33 223 250

e-mail: info@css.ba

www.css.ba