

The remit of the Journal of criminal justice and security is to participate in contemporary criminal justice research relating to the examination and development of theory, structure, process, cause and consequence of societal responses to crime and criminality, and other security issues. While it incorporates the social and behavioural aspects of criminology, criminal justice is a much broader field of study because it is interdisciplinary in nature, covering the study of policing, prosecution, courts, prisons and other correctional and supervisory institutions, and security provision in contemporary society. The Journal of criminal justice and security research work applies basic scientific approaches to the following areas:

- *understanding the social, psychological, philosophic, economic, historical, legal and political aspects of crime, deviance and justice;*
- *exploring the aetiology, prevention, control and response to criminality and criminals;*
- *assessing the extent and form of crime and deviant behaviour in society;*
- *studying criminal law and legal procedures;*
- *studying law enforcement in practice and the work of prosecution services, the courts and correctional facilities;*
- *studying other social control mechanisms and methods of security provision in contemporary society.*

Letnik 8/št. 3 in 4/ december 2006

Year 8/ No 3 and 4/December 2006

strani / Pages: 179-402

Izdajatelj / Publisher:

*Univerza v Mariboru, Fakulteta za varnostne vede, Slovenija
University of Maribor, Faculty of Criminal Justice and Security,
Slovenia*

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Special issue – Policing and Criminal Justice in Contemporary Society

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Tehnični urednik / Technical Editor:

mag. Igor Belič/M.A.

Oblikovanje / Design:

Fleks d.o.o.

Tisk / Printed by:

Fleks d.o.o.

Naklada / No. of copies:

300 izvodov

Naslov uredništva:

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Editorial

This issue contains nineteen articles exploring issues of policing, criminal justice and security. The papers present research and academic commentary from several, principally European, countries and examine a variety of topics. Articles deal with the sociology of the police, historical perspectives on British policing, policing violence, the police and the media, criminal investigation strategy and police management, the investigation of specific crimes, tax policy, illegal evidence, police corruption, police integrity, police professionalism, industrial espionage, women and terrorism, social entropy theory in crime studies, data mining and an essay on Slovene penology. The last section of the issue consists of two reviews - international activities (2001-2006) of the Faculty of Criminal Justice and Security at the University of Maribor, the publisher of this

journal, and an author and subject index of the journal since its inception in 1999. The authors of the articles come from different academic, national and cultural backgrounds. Therefore, this collection represents not only a multi-method approach to the study of criminal justice and security issues, but also a meeting of different academic traditions. We hope that readers will enjoy reading this issue, which represents a collection of work by predominantly non-native English speaking authors who are active researchers and teachers in the fields of criminology, criminal justice and security studies.

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Sociology of Police: (Unrealised Potential of Social Science)

Renato Matic

REVIEW ARTICLE

ABSTRACT

This paper tries to explore the potential of the social sciences to make use of sociology, as they did of psychology and criminology, in their attempts to explain the different types of social action, values, processes and relations relating to the interaction between the police and society.

Considering the wide use of sociology in researching the military, an institution that shares its social roots with the police, the first section provides an overview of military institutions and their influence on other social domains, and aims to show the potential of sociology to study the institutionalisation of the structures that have historically been developing in order to protect society and its members.

Consequently, the following sections analyze the potential of sociology to study the police by studying social processes, values, relations and action. The following are thereby implied: social relations become stabilized through the repetition of structures that ensure the long-term prevention of threats to civil security; the protection of social values and how this presents concrete everyday goals for police activity as well as permanent goals for the police vocation; social processes, phenomena and events constantly renew the purpose of police; and specific forms of socially responsible behaviour, as opposed to deviant behaviour, that become institutionalised through police activity.

UDK 351.74:316

Keywords: *Sociology, Police, Purpose, Function, Security, Safety, Sociability*

1 INTRODUCTION

Though the military and the police as social institutions share a common primary purpose, the organised use of violence aimed at protecting the security of a certain social entity (Giddens, 1985), their development, within a socio-historical context, has taken place independently of each other. Military institutions have, over time, acquired their present structure and purpose which can vary from the protection of the ruling elite or state boundaries to expansionistic wars. Various political interpretations of national interests (such as defensive protection or self-defence, or even the fighting wars for 'national interests') often direct military activity regardless of professional criteria. Accordingly, the sociology of the military as a scientific discipline has been developing with the presumption that there are conflicts between societies. Also, expectedly enough, it developed in the twentieth century, when the militarisation of society dominated other social domains. "The military profession as a social agent/

mechanism shaped by the forming processes of the modern nation state/society... turns out to be complementary to modern management and control over the organised violence structures. Thus, its 'destiny'... is unbreakably connected to the viability of that institutional dimension of modernity" (Smerić, 2005:581).¹

On the other hand, the structure and purpose of the police as a social institution stabilizes norms and patterns of action, ranging from the protection of the public to the protection of public order and peace. Public order and peace can easily be interpreted and maintained in such a way so as to deviate from the protection of the public to the protection of specific groups, primarily the ruling elite and its interests. Still, after having overcome several historical variations, police activity in

¹ This is an English translation, made by the author of this article, of the statement by Tomislav Smerić.

contemporary democratic societies is increasingly becoming focused on the protection of citizens as individuals and their rights and interests. In accordance with that, the sociological interest in the police as a social institution has become more concerned with the civil aspect of social development, as well as the individual level of sociability, which presupposes social cooperation. In spite of this, the applicability of sociology for studying and explaining the purpose and function of the police in society, and for studying and for explaining the institutional expectations posed by society, remains unrealised. What are the chances this could be changed?

It is highly probable that globalisation processes will exert an increasing influence at all social levels. One must take into consideration challenges and global threats (such as those posed by terrorism, organised international crime, uncontrolled nuclear weapons and environmental concerns) that will spread regardless of legislative intervention. Social institutions, particularly those protecting civil and general security, will be forced to adjust quite dramatically if they are to resist those threats efficiently. That adjustment implies additional capacities of technical and expert equipment, and adaptations to new and different forms of social environment.

This paper discusses the need for sociology, the science of social action types, values, processes and relations (upanov, 1995), to use its potential for explaining the social dynamics of the relationship between the police and society. This need is particularly obvious in the case of globalisation processes, as they presuppose the development of international cooperation to oppose traditional international conflicts. Supranational and global activities, as well as efficient international liaison between police institutions, are supposed to defy the advanced processes of the already mentioned global threats. However, military institutions, the specific character of which are framed by national politics, seem to be of inadequate capacity to effectively resist the global threats, despite recent changes and the existence of supranational military organizations. Apart from this, the social purpose and function of the police in relation to new and unprecedented social developments will be analysed.

To sum up, therefore, the paper provides a short overview of the sociology of military institutions and its influence in helping us to understand the police.

1.1 Using the Sociology of the Military to Understand the Sociology of the Police

Max Weber considers the police and the military to be structures of organised legitimate violence and, as such, necessary for the existence of the state. He studied the role of military services throughout human history and compiled a list of services that such institutions perform in society. "Discipline, as the basis of warfare, gave birth to patriarchal kingship among the Zulus, where the monarch, however, was constitutionally limited by the power of the army commanders – similar to the (manner in which) the Spartan (kings were checked by the) ephors. Similarly, discipline gave birth to the Hellenic polis with gymnasia. When infantry drill was perfected to the point of virtuosity (as in Sparta), the polis had inevitably an aristocratic structure; when cities resorted to naval discipline, they had a democratic structure (Athens). Military discipline was also the basis of Swiss democracy, which in heyday of the Swiss mercenaries was very different from the Athenian but controlled – in Greek terms – territories with inhabitants of limited rights (perioeci) or with no rights (helots). Military discipline was also instrumental in establishing the rule of the Roman patriciate and, finally, the bureaucratic states of Egypt, Assyria and modern Europe" (Weber, 1978:1152). "From the disciplinary aspect, just as from the economic, the seigniorial vassal represents an extreme contrast to the patronomial or bureaucratic soldier. And the disciplinary aspect, is a consequence of the economic aspect... Military discipline gives birth to all discipline" (Weber, 1978:1154)

Among contemporary work focusing on relationships between military services and society, an important study is 'The Armed forces and Society' by Edmunds, Forster and Cottey (2002) who provide a survey of recent literature on this subject, citing Edmonds, Gow, Dandeker, Moskos, Wood and Shaw. Then, Edmonds (1988) suggests that the nature of the military's task – where personnel are expected to have 'unlimited liability' and the prospect of being killed is almost a 'definitional' aspect of service – does make it different from other institutions in society such as the police or the civil-service. These tasks, he argues, necessitate the transfer of individual values to those of the group, and require the maintenance of particularly high levels of moral and discipline. As a result, armed services fulfil a highly specialized function, the effect of which is to separate them entirely, and geographically to a great extent, from civil society (Edmonds, 1988). Gow (1992) takes a different approach, identifying legitimacy as the key element in the relationship between the military and society. He argues that

military legitimacy has both functional and socio-political bases. The functional basis of military legitimacy derives from its 'military mission' – which he defines as the protection of the state from external threat. The socio-political bases of military legitimacy are more complex, and stem from the nature of the military's relationship with political authority, its role as a symbol of political unity and national pride (informed by military traditions and past military activities), its contribution to the socio-economic infrastructure of the state and its role as an instrument of education and socialisation. This military legitimacy is the basis of a 'social contract' between soldiers and the socio-political community, and for Gow (1992), support for the military will be forthcoming if it performs effectively, in accordance with its functional and socio-political bases of legitimacy, or if there is some attachment to those bases that overarch poor performance. Dandeker (1994) notes that while the armed forces share 'institutional qualities' – such as the need for teamwork, leadership and loyalty to the organisation – with other civilian organisations, their war-fighting role necessitates a level of coercion in military discipline which sets them apart. Thus, he observes that, 'the functional imperative of war ensures that the military will always stand apart from civilian society'. Moskos and Wood (1988) have suggested that societal pressures are leading western military institutions to a shift from an institutional structure to a more civilianised and organizational one. Authors argue that these changes are significant enough to be considered a new, post-modern phase of military organisation and military-society relations. For them, the post-modern military is characterised by an increasing interpenetrability between civilian and military spheres; a diminution of differences within the military itself, particularly between different ranks and services; non-traditional military operations such as peacekeeping; the increasing importance and prevalence of supranational or multinational command structures or at least legitimation for military operations; and the internationalisation of the military themselves. Shaw (1991) argues for a dual conception comprising of the post-military and the common risk society. For Shaw, the Cold War was, for much of the industrialised world, characterized by the militarisation of society through the necessity for mass armies and conscription. Moreover, in many states this militarisation was reinforced by a conception of society which emphasised a contract between the state and its citizens.

Contrary to, and in parallel with the process of militarisation, especially in the decades following the Cold War, the need to strengthen civil society grew stronger. This need stressed the social

processes that lead to stronger cooperation and solidarity both between international agents and within democratic civil societies, which had for a while been characterised by conflict. In spite of this, political decisions and activities, which for decades or even centuries had relied on the use of force, have caused incalculable consequences. This is indicated by the aforementioned global threats such as terrorism, organised international crime, uncontrolled nuclear weapons and environmental concerns. On the one hand, there exists post-modern fatigue and the widespread consequences of an unshakeable trust in the absolute power of technology (Lyotard, 1984), in which case the institution of the military was of strategic importance. On the other hand, there is an ever greater need for collective and individual safety. This kind of context regarding the interrelation between social demands and the real possibilities for their fulfilment opens up new spaces of social expectations imposed on the police as a social institution. Though sociologists' interest in the structural relations between society and the police are limited, objective circumstances will necessarily produce a shift in perspective.

From the next section on, the specific potential of a sociological interpretation of policing is analyzed, focusing especially upon social processes, social values, social relations and social action as the four basic areas of sociological interest.

1.2 How Sociology Can Help Us Understand and Explain the Police as a Social Institution

Sociological conceptual apparatus and theories can be applied to the study of the police both as a social institution and as a set of special forms of social activity: the approach of functionalism which sees policing as a form of adaptation; Weber's notion of police as an institution participating in the fulfilment of basic functions of the state; the conflict model that questions police legitimacy given that it exclusively serves the ruling stratum; the approach of interactionism that focuses on everyday interactions between citizens and the police. "Police can be defined in sociological terms as a social structure or an organization, the inner relations of which are regulated in such a way so as to not only mediate the idea of the existence of protection to social members but also produce the permanent and stable experience of the organised protection from physical assault, theft, robbery etc" (Matic, 2005:986).

The result of this approach is that it provides the foundations for a sociological sub-discipline dealing with:

- 1) the ways in which social relations become stabilised through the repetition of structures that ensure the long-term prevention of threats to civil security;
- 2) the protection of social values and how this presents concrete everyday goals for police activity as well as permanent goals for the police vocation;
- 3) those social processes, phenomena and events that constantly demand and renew the purpose of police; and
- 4) specific forms of socially responsible behaviour, as opposed to deviant behaviour, that become institutionalised through police activity. (Matić, 2005).

Understanding the police as a stabilised social relations structure that exists for the social purpose of protecting the security of citizens, leads us towards an understanding of the social institution of the police as one premised upon, "standardization of behaviour in time and space" (Giddens, 1979: 96).

1.3 Social Relations Stabilised as Structures of Patterns

The process of police activity institutionalisation can be understood in terms of the stabilization of normative patterns, which organise the relations of social agents in order to gradually create relatively permanent functional solutions to public demands for protection. The police as an institution perform the basic functions of the state, i.e. personal security and public order protection, while other functions include the establishment of rights (legislative authority), protection of acquired rights (judicial authority), nurturing hygienic, pedagogical, socio-political and other cultural interests (different branches of public administration) and, finally, specially organised protection from external dangers (the military). The existence of the structures of organised legitimate violence can, in a wider sense, be linked to political sovereignty, which, according to many commentators, is the third necessary condition for the state sovereignty of a nation state after economic and cultural sovereignty.

The need for security for the public presents a permanent goal for the police. The necessary protection and prevention of deviant behaviour that this entails has developed as a crucial form of the social activity of the police. This is the reason why it is possible to define the institutionalization

of the police or the development of the police as a social institution as the process-stabilising normative patterns that regulate relations between actors; a process aimed at creating relatively permanent functional responses to the demand for public protection. In other words, the police as an institution emerge and develop by raising the complexity of its structure and keeping the same goal, based on the primary human need for security. An individual realizes his or her social character by integrating into various forms of communities and societies, and fulfils the need for security by delegating the realization of that need. The social response to that imperative consists of a series of relatively permanent and stable interaction patterns, precise enough to achieve the associated specific goals, within the specificity of the traditional structure. Achieving the specific associated goals refers to the expected and specialised activities which maintain order and lead to the arrest of perpetrators of deviant actions, actions recognisable by the harmful consequences for both the individual and the wider society. The relatively permanent and continuous repetition of these goal-achieving activities, in accordance with external expectations, closes the circle of the fulfilled need for security. As this fulfilment of security need came to be recognised as one of the most important social tasks in human society, specific activities fulfilling that need were taking different forms, from spontaneous reactions to highly professional institutions.

The next section deals with social values, the protection of which presents explicit everyday goals of police activity as well as permanent goals of the police vocation. Discussion will focus upon how security has transformed from a basic human need into a social value, the protection of which led to the institutionalisation of police structures.

1.4 How Security as the Basic Human Need Becomes a Social Value

Social values are, together with social norms and symbols, basic cultural elements. It is possible to view values as the ideals pursued by a particular society and its members. Such ideals in a certain society's culture become intergenerationally transmitted conceptions of desirability. Individual internalisation of a collective value is considered to be a successful result of the socialisation process. Further unbroken continuity of that value on the individual level is ensured by the individual action of each member. The continuity of preserving values on a supra-individual, social level is maintained so that a society defines a certain value as its own imperative (Parsons, 1965), for

the realization of which special social structures/institutions are established. Thus, societies are expected to continually strive for consensually accepted values/imperatives.

All natural individual needs of a human being demand to be permanently and fully satisfied, which is to say that each of them has a potential to develop into a social activity, which leads to the process of institutionalisation. It is important to point out here that the process of institutionalisation in sociological tradition implies relatively permanent stabilisation of those values and norms that are manifested in achieving certain goals, and the stabilisation of the expected ways and rules to be respected thereby. This is how basic patterns, known in sociology as structures, are created and they are the ones enabling the further development of specialised institutions. These institutions will be the key factor in ensuring the social action responsible for the permanent satisfaction of a tangible social need. This will fulfil social expectations and perpetually renew the purpose of the existence of the institution.

The central need, the fulfilment of which demands a specific form of activity aimed at protection, is the need for security. It can be held important for the police institutionalisation process as understood here. The phenomenon of security in its social sense can be defined as the sum of personal rights and freedoms of all members of a given society. These rights are neither mutually exclusive nor oppositional, but complementary. The feeling of security can be defined as a stable and permanent satisfaction with the subjective assessment of the amount of peace and order in one's everyday interactions with other members of a society. The fulfilment of the need for security is also a social activity. Its aim is to protect. In parallel with this social activity, the process of police institutionalisation takes place. This institutionalization process can be viewed from two levels as defined for the purposes of this paper: from the level of primary or homogenous security experience and from the level of differentiated or heterogeneous security experience (Matic, 2005).

The first level, that of perceiving security as the primary or homogenous experience, is connected with the knowledge that an individual is never exposed to uncertainty or potential dangers alone but always as a member of a group or community, within which danger and uncertainty are faced equally by all. We arrive here by at the issue of informal social control, which realises itself via social integration i.e. via the inclusion of an individual into common life and shared activities.

One should, however, in no way disregard the symbolic aspect of this social integration which is realised by a mere awareness of inclusion in, and belonging to, a certain form of sociability. Still, neither symbolic adherence to a community nor any form of social control associated with it provides any actual protection when facing the real source of danger.

The second level, of experiencing security as differentiated and heterogeneous, includes a series of horizontally coexistent forms of sociability. They are the result of the differentiation of social roles, the majority of which do not directly correspond to a real need for security. On the contrary, the function of the mentioned social roles is rather to support or complement agent's experience of the social world as the secure world. These forms of sociability can be seen as the institutions of informal social control (Matic, 2005).

Along with the previously mentioned levels of security, there are some forms of sociability that can be viewed as stages in a series of differentiated forms of formal social control, which present the direct response of a society to its members' need for security. The institutionalisation of the police service should be viewed in the same context, as it can be elementarily analysed according to two developmental aspects: philogenetic and ontogenetic (Mati, 2005). From the point of view of philogenetic development, or the development of the human species, the presence of certain members of a society who successfully face new and potentially dangerous situations based on their personal individual distinctions (such as wisdom, courage, physical strength and organisational skills) presents a primordial form of social response to members' need for security in primitive, or early forms, of human sociability. It is appropriate here to use Mumford's parable about the shift of the role of hunter. This was the 'profession' of every healthy adult male member of Palaeolithic communities given the importance of the activity (Mumford, 1984). However, with the advent of sedentary lifestyles and the widespread cultivation of land, the former importance of the role began to decline. In that period, no differentiation in the contemporary sense existed between the military and police function because of the almost everyday danger for community on the entire territory. Due to that, this paper will outline some historically well-known forms of police activity institutionalisation. It is in this sense important to recall Herbert Spencer, who, within his main typological division of societies into militaristic and industrial ones, describes the dominant social activity of the majority of male members of militaristic societies as the

obligation to meet the need for security (Supek, 1987). According to this, it is possible to talk of groups specially educated and trained to protect other members of a society (for example, a ruler with his family and a small circle of aristocrats) in archaic societies, if we use Parson's typology (1991), or in militaristic societies, if we speak in Spencer's terms. That stage of social development implies the need for the establishment of order and peace in a controlled area. Order and peace as social values are different from security, because they developed as secondary needs in the already formed societies. That is why they are not fulfilled through the personal experience of the members of a society, but are subject to various interpretations. The privilege to interpret social values/goals is mainly held by the same social groups that create the social norms serving to protect and renew the existing or imposed values. Because all the members of a society have to comply to those rules and norms, partial goals and interests can easily be seen as general values. That way the security of only some members of a society, as well as their perception of public order and peace, covertly becomes transformed into common social goals. The protection of these guarantees ignore the security and peace for all the members of a society. The development of the police as a social institution has been subject to a series of deviations, in the sense of serving only some particular social groups.

To what extent do current social processes and their changing demands, coupled with a return to the satisfaction of primary social needs in the new circumstances presented by contemporary democracies, imply permanent relativity of the function and purpose of the police as a social institution?

The following section discusses social processes, phenomena and events that constantly renew the purpose of police.

1.5 Has the Function and Purpose of the Police in Contemporary Society been Transformed?

Democratic societies at least purport to, place the highest values on the human being, his or her personality, freedom from coercion, freedom of choice and his or her equality with any other person. Also, the focus is put on both the human rights, those belonging to a human being by the very fact that he or she is a human, and civil rights, those a person is guaranteed by the fact he or she belongs to an organised social community. To serve professionally and ethically and to devote themselves to the protection of citizens

is not a mere ideal of the police but an officially sanctioned police strategy in most contemporary democracies. The main thesis is that the purpose of the police as a social institution is, "based on permanent harmonizing of the human need for security, recognized and promoted in society as a value, and a series of norms as specific relations being structured through the institutionalization of police activity" (Matić, 2005: 985).

All that has been said presents an attempt to analyse the police as a social institution, which retains its basic social function by creating a series of responses to society's imperative for citizens' security, despite various deviations from the ideal principles contained in the credo 'to serve and protect'. The institution of the police fulfils its social purpose by permanent adaptation, by achieving a series of set goals and by integrating and raising the complexity level of its structure. That social purpose refers to the constant need for society and the police to be permeated by the same values and action patterns and can be termed the principle of sociability. The concept of sociability associated with the police does not refer to the mere presence or existence of the police in society i.e. to the pointlessness of police outside society. Neither does police sociability mean the mechanical copy of a society's specific cultural features that can be found in all its other institutions as well. It is also not about supra political capability i.e. the police's professional ability to overcome various political interests and changes. The purpose of the police is likewise not directed at establishing harmony between police activity and state interests. Finally, what police sociability refers to is the permanent need for common values and action principles, which should mutually and functionally permeate both society and the police.

Can we then, considering the discussed points, assume that the purpose and function of the police has changed since its introduction? The answer to this question can be affirmative if we take into account numerous deviations from the principle to serve and protect (Matić, 2005). However, bearing in mind the continuity of police development and at the same time seeing it in sociological terms of change and adjustment, it is of crucial importance to point out that the principle to serve and protect is not a new task of the police in contemporary democracies, but a reaffirmation and a renewal of the primordial human need for security. This need got to be transformed via social development firstly into a common value and eventually into a consensual commitment to the security of all the members of a society. As long as the police serve citizens and protect them, raising both the perception and the objective level of security, and

as long as it harmonises the activity of the state, the main provider of services in a given area, its social function is fulfilled i.e. the principle of sociability is realised (Matic, 2005).

The fourth aspect of the sociological approach to the police explains specific forms of police activities that can be understood and explained in sociological terms of social action.

1.6 Police Activity as a Social Activity Opposed to Deviant Activity

Social action implies, “any unit or sequence of social activity or behaviour that is intentional or purposive and involves conscious deliberation rather than merely being the result of a biological reflex. For Weber, meaningful social action consists of any course of action which subjective meaning guides the action and where this action is oriented toward others” (Jary & Jary, 1991:4). As police activity is a special form of social activity, we can talk of it as of a specific form of socially responsible behaviour institutionalised through police activity as an opposition to deviant behaviour/activity.

Among authors observing the basic phenomena of human sociability from the perspective of conflict theories, the police are seen as an instrument of power exercised by those social groups who, apart from having authority over legal coercion, hold most of the economic and political power as well. In other words, the police exercise the will of the ruling social strata against other social groups, which get to be completely suppressed by various forms of coercion, regardless of whether legal support is present. The tradition of interactionism sees society as a complex of innumerable flowing interaction moments and that is why institutions in general and the police in particular, present a series of prepared responses (Mead, 1992) to empirically predictable situations. The police participate in the process of negotiating the phenomena of crime and social deviance, and thereby introduce into that frame their own perception i.e. “a series of in-advance-prepared responses” that contain, in addition to expert knowledge and experience, elements of institutional culture as well as numerous prejudices, personal limitations and calculations. Still, the role of police officer within that process is often crucial for directing further negotiating process and for the creation of a new type of reality. This happens in such a way that individual actors (police officers) introduce into the interaction pattern a meaningful form, which can prevail over the recognition of the actual and factual in the objective/external reality. Due to that, a criminal is sometimes not the real perpetrator

but the selected actor who will eventually accept the role imposed upon him and start acting accordingly.

These concepts can serve in further operationalisation of indicators for empirical research about the social purpose, function, activity and experience of citizens interacting with the police as a social institution.

2 CONCLUSION

Sociology as a social science has the most comprehensive theoretical conceptual framework for studying police phenomenon. The paper has presented arguments to support the sociological study of policing, and an introduction to sociological theoretical conceptualisations of those social relations, structures and processes in which the police appear as social agents. Additionally, when we consider the empirically verifiable fact that the presence and professionalism of the police are required and expected on a daily basis and on all social levels, it is obvious that a coherent body of knowledge within the framework of sociology could satisfy many of the requirements imposed on the social sciences today.

This paper has analysed the empirical and theoretical capacity of sociology to discuss in a more systematic way the imperatives that social change has imposed on the police and the expectations that the police should satisfy if they are to fulfil their social purpose. Considering the fact that, as has already been pointed out, social processes, social values, social action and social relations comprise sociological research and that the sociological imagination presents a specific potential of social sciences, the future contribution of sociology to this field should take place on four levels. These are:

- a) Social processes, primarily globalisation, affect the role of the police, which has, traditionally, been performed within national borders. This primarily refers to the fact that crime has disregarded all official political, economic and cultural obstacles;
- b) The ways in which the aforementioned social processes are reflected in the social values that traditionally formed the basis for the existence of the police as a social institution i.e. for the social purpose of the police. In other words, does the principle ‘to serve and protect’ present a universal value? Can it be mediated to others without regression to culturocentrism;

- c) Through exploring the concept of police activity as a special type of social activity, that, through further development of high expertise and professionalism, can assume the identity of not only normative, but also value, opposition to deviant behaviour. This refers to not only formal but also meaningful action led by the principle to serve and protect', that contributes to the fulfilment of prerequisites for social responsibility i.e. socially responsible action; and
- d) Through addressing the ways in which the future stabilisation of social relations within police as well as between police and society will take place. Also, it will juxtapose traditional hierarchical, less efficient police activity and more advanced, network-like criminal activity.

These are only some of the questions that sociology of police as a sociological sub discipline should answer, That the need for security is a universal human need and, consequently, that police service is a universal form of social activity (in those societies recognising security of its members as the general value and common interest) serves to illustrate the full relevance of a sociological approach to police.

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Socio-environmental Influences on the Police Culture of the London Metropolitan Police Force between the 1930s and 1960s

Tom Cockcroft

ORIGINAL SCIENTIFIC ARTICLE

ABSTRACT

Police culture is generally viewed in unproblematic terms that position police behaviour and values as being determined by the 'universal' nature of police work (See Skolnick, 1994, Reiner, 2000). This paper will argue that such conceptions, in practice, lead to narrow and biased (and, essentially, un-cultural) frames of reference that fail to satisfactorily explain the nuanced nature of police culture. Through reference to the data generated by a police oral history project (see Brogden, 1991, Weinberger, 1995) the paper will examine evidence to suggest that substantial variations in police behaviour can be identified between different policing locations within the Metropolitan Police Force. Furthermore, the paper will forward the suggestion that substantial variations in police behaviour and values (and, therefore, culture) might be attributable to different geographical locations (and the subsequent variations in social relations particular to each) rather than institutional-led policy. In conclusion, the paper will argue that a greater appreciation of the impact of wider cultural factors are required for a more sophisticated understanding of police occupational culture.

UDK: 351.74:17(410)

Keywords: Police culture, police history, oral history, qualitative research.

1 INTRODUCTION

Police culture, at least in Western contexts, appears at times to be a convenient yet unsophisticated tool with which to make sense of those police behaviours or values that we generally consider inappropriate, illegal or, merely, unpleasant. Indeed, scholars in the field of police studies (for example Reiner, 2000, Skolnick, 1994) have tended to accept the 'police culture' moniker as a wholly appropriate (and unproblematic) heading under which to conduct their studies of the social worlds of police officers. Recent years have seen moves towards adopting more theoretically adroit conceptual underpinnings (for example, Chan, 1997) and new methodological approaches (for example, Cockcroft, 2005). Nevertheless, there is certainly an argument to be made that police culture, as a general term, fails to reflect the diversity of experience, opinions and actions of police officers as an occupational grouping.

This paper will seek to explore the idea that the study of police culture has traditionally been

based on models of police culture that tend to offer limited scope for a more sophisticated understanding of police values and behaviour. In particular, the paper will forward the argument that future analyses of police culture will require an acknowledgement of the impact of non-organisational factors in explaining some police values and behaviours in certain situations. In particular, specific reference will be made to data from an oral history project which investigated the views of 26 retired London police officers who served in the Metropolitan Police Force of England between the 1930s and 1960s.

2 A CRITICAL OVERVIEW OF THE TERM 'POLICE CULTURE'

Police culture has become an incredibly powerful term in respect of both its breadth and its pervasiveness. It has been used to explain the existence of informal values and behaviours within the police institution (Chan, 1997), the

situational application of principles of police conduct (Manning, 1989) and a common and structured set of understandings that act as a means of cushioning the harsh realities of policework for the occupation's practitioners (Reiner, 1992). That we tend to adopt a degree of selectivity regarding which areas of policing are considered appropriate focuses for our cultural analyses is perhaps unsurprising given contemporary concerns regarding accountability, targeting and community relations. Correspondingly, the relationship between the police and ethnic minority groups has repeatedly been subjected to analysis in terms that position police occupational culture as a key (and essentially negative factor). Conversely, the potential utility of police culture to enhance occupational working practices remains relatively unexplored. There is some evidence to suggest that, in some quarters at least, the tendency to use cultural explanations to explain those examples of police behaviour we find offensive might be increasing. As Foster (2003) shows, whereas Lord Scarman's report into the disorder of the early 1980s viewed police racism in terms that emphasised the individualised nature of such behaviour, the enquiry into the police investigation of the Stephen Lawrence murder (Macpherson, 1999) sought to explain police racism in terms of 'institutional racism'. Such a distinction is important – the notion of the institution as the locus or causal factor in explaining police behaviour immediately draws attention away from both the individual and the wider societal environment. Our reluctance to actually define what constitutes police culture, its extent and its limits betrays the possibility that 'police culture' is, in many respects, an unhelpful means of explaining what the police do and why they do it.

Mills' (1967) analysis of the language of 'motive' provides an appropriate foundation from which to question the often deterministic framework that we invoke in our attempts to understand police behaviour. Mills (1967, p. 442) describes the limitations associated with our use of the 'vocabulary of motives', not least the way in which linguistic representation becomes a prescriptive shortcut to the 'interpretation of conduct' (p.440). Sumner (1994) draws on Mills' work to suggest that such vocabulary draws attention away from the individual in explaining why a certain phenomenon occurs.

The use of non-demarcated phrases such as 'police culture' serves to remove behaviour from its specific and individualised context through generalisation¹. Furthermore, by doing so we not only simplify our understanding of the reasons for specific behaviour but limit our understanding

to that of 'rationalisation' rather than 'real motive' (Mills, 1967, p. 442). Such a model brings clarity to our understanding of police behaviour in a number of ways. First, it helps to explain the imbalance between the 'individual' and the 'institution'. As Fielding (1988) wrote, "...one cannot read the recruit as a cipher for the occupational culture" (p. 135) and it is unfortunate that, traditionally, we have adopted a conception of culture that fails to appreciate the agency of the social actor as well as the institution. Second, it helps us to account for the general reluctance to address the impact of wider environmental factors in determining variations in police behaviour and values. Although some research has addressed, for example, the variations in policing in terms of a rural/inner city divide (see Cain, 1973, Shapland and Vagg, 1988), research has failed to unequivocally embrace more nuanced appreciations of environmental influences upon policing. Indeed, where variations in policing have been observed in the past, research has tended to explain these in terms of different typologies or orientations within a dominant police culture. One such example of this is Reiner's (1978) 'typology of police orientations' which describes six different individual types of police officer, characterised through variations in their perceptions of such variables as the role of the police, the relationship between the ranks, the promotion system and job satisfaction. Such variations within a 'common' culture highlight important questions regarding the pervasiveness of a uniform culture in the light of such variations.

Furthermore, clarity is required in terms of the ability to explain variations between areas in the characteristics of the 'dominant' police culture. Research that has sought to explain distinctions between areas in the general traits, styles and behaviours of the police has tended to situate the cause of such changes as being decisions made at a management level within the organisation (see Foster, 1989). Correspondingly, scholars such as Reuss-Ianni and Ianni (1983) have attempted to explain variations in cultural style in respect of the different roles that different officers fill. Such research is welcomed in that it allows us to understand the cultural impact of the growing specialisation of police work. However, such frameworks do little to enlighten us regarding the fact that, in many instances, cultural dynamics and reference points appear to persist irrespective of the rank or role of the officers involved. Such top-down approaches fail to appreciate that styles of

1 For example, Skolnick (1994) situates the origins of the 'working personality' solely within occupationally determined variables such as danger, authority and the need for efficiency.

policing have, historically, been determined by the decision-making of individual officers in the face of specific situations encountered during their work (see Brogden, 1991). Correspondingly, much of the culture of the CID² in the East End of London was, claimed Hobbs (1989), caused by the 'symbiotic' relationship between the public and the police force in the area. The entrepreneurial basis for East End culture was seen as pervading the occupational personalities of both the police officers and the 'villains'. Accordingly, both were seen as players in a game based upon, "...the trading of moral identities" (Hobbs, 1989, p.179) which served to confuse the distinction between 'cop' and 'criminal'.

As such, it might be suggested that any investigation of police behaviour needs not only to appreciate the role of the organisation in determining styles of police behaviour but also the interaction between the individual officer and their immediate environment. Thus, and as Chan (1997) suggests, the term 'police culture' has been used to a large extent as a means of describing a set of social relations where the agency of the individual is dwarfed by that of the organisation, where the culture of the organisation exists in a cultural vacuum devoid of wider non-organisational influence and, finally, where the behaviour of officers is ultimately determined by the universal (and relatively rigid) role of the police officer. In this respect, police culture has come to denote a set of values, behaviours and, sometimes, problems which, our 'vocabulary of motives' suggests, can be 'controlled' by the police. Furthermore, the limited analytic frameworks that we invoke to understand such behaviour do little, as Fielding (1997) claims, to further our appreciation of 'why' people do the things they do rather than simply providing a critical account of 'what' they do.

This vocabulary of motives can be understood in terms of a two-dimensional lens through which, variously, we seek to understand the values and behaviours of police officers and which focuses upon the 'negativity' of police culture, its focus on law enforcement as opposed to service provision roles and, finally, the pervasiveness of organisational influence. The negative light in which police culture is viewed is, as Narayanan (2005) notes, intrinsically linked to a reformist strand of sociology that concerns itself with the relationship between police behaviour and due process. In short, the prevailing tautological wisdom within criminology appears to be that poor police practice must have a cultural explanation ergo police culture must, essentially,

be negative. This apparent pessimism over police culture's moral standing has undeniably influenced the way in which we undertake research into policing. Bayley (1983) noted that at the time of his writing remarkably little was known about the police. What we did know about the police was driven by a 'moral repugnance' (p.23) at how the police policed rather than their impact upon society. In many cases, when researchers did draw back the 'sacred canopy' (Manning, 1977, p.5) of policework they were met with practices, attitudes and opinions which encouraged censure. Similarly, Bayley's (1983) assertion that the police may have a greater appreciation of the control needs of the community than those commenting on their conduct does highlight a crucial issue for police research which is in many cases, although not exclusively, undertaken by members of the academic community. As Van Maanen (1978) notes, many analyses of police work undertaken in the name of social science have served mainly as a means of highlighting the incongruity between stated aims and actual practices and, perhaps unsurprisingly, policing has been a perennially popular focus for such endeavours. Only rarely, has research sought to address the possibility that police culture may have some positive utility.³

As early as 1964, Banton noted that, for many observers, any sociological study of institutional behaviour was assumed to be an attempt to explain inappropriate or unproductive occupational behaviour. Such assumptions appear to be reinforced by much of the published research in the area of police culture where, as Waddington (1999) notes, any observer of the policing literature will be supplied with a, "...diet of macho, racist sexist thugs" (p.291). This is not to suggest that such areas fail to be of importance but that the study of police occupational culture needs to take place through a critical lens that not only acknowledges the difference between actual practices and official intent, but which also acknowledges the subtleties and variations within police behaviour and its causes.

Our understanding of police culture may also be compromised by our apparent inability (or reluctance) to make sense of the bifurcation of the police role into two apparently contradictory areas - law enforcement and service provision. Such a divide might simply reflect what Manning (1978) refers to as the 'impossible' mandate

² Criminal Investigation Department

³ For example, MacAlister (2004) draws on contemporary literature into occupational stress to illustrate the idea that police culture may serve a positive function within the police arena although such research that aims to identify the utility of police culture is uncommon.

whereby the police are seen as constructing a suitable façade in the light of their own culture, the expectations of the public and of the criminal law. Despite this, research that purports to explore the cultural dynamics of police officers (and the social worlds they inhabit) have tended to portray such environments as wholly dictated by the law enforcement aspects of policing. That the law enforcement remit is integral to the cultural world of the police is indisputable. However, any analysis of police culture that fails to appreciate the cultural impact of the service provision role of policing is liable to misrepresent the reality of ‘policing’. As Her Majesty’s Inspectorate of Constabulary noted in a thematic report addressing the policing of plural communities:

“The journalistic shorthand that summarises the thinking of operational police officers as being explained by “a canteen culture” is as misleading as it is mischievous. It is acknowledged that the location reference is merely evocative of what is seen as a collective attitude. These very canteens witness the conversations of officers who still see service to all members of the public as an intrinsic part of their vocation. The number of officers who are nominated each year for community awards are part of this same culture” (1999, p. 29)

Such concerns lead to some awkward debates regarding the purpose, nature and utility of police culture research. Zedner (2003, p.199) sensitively unthreads the contested purpose of the criminological enterprise and identifies a division between two camps, the ‘useful’ and the ‘useless’, with the former seeing criminological knowledge as being driven by its relationship with policy and the latter seeing it as being a purely academic exercise with no policy purpose. Much work in the area of police culture has unashamedly been driven by the joint requirements of policy and a ‘reformist orientation’ (Narayanan, 2005, p.8) drawn from civil libertarian thought. Arguably, such a coupling of civil libertarian thought with a broadly policy-based mandate contradicts Van Maanen’s (1978) desire for police research that avoids being led by prevailing wisdoms and accepted knowledge.

There is therefore some scope for reasoned debate regarding whether or not the study of police culture should be policy-led, ‘theoretical’ or both. Ericson (2003) notes that recent years have seen criminology, particular those areas of it that deal with policing, emerge as another part of the governmental apparatus concerned with risk-management. As such, policing research has

tended to reject the systemic issues associated with police work and adopted a utilitarian framework of analysis to dealing with easily identifiable ‘issues’ that require easily quantifiable ‘solutions’. The effect of this increased emphasis upon research which addresses policy implementation, according to Reiner (2000), has been to neglect the ‘hidden’ aspects of policing which were so integral to earlier research in this field. Seven years have passed since Reiner concluded that controversies, such as the investigation into the murder of Stephen Lawrence, might just provide the stimulus to provide a return to the more theoretically-informed approaches of the past. Unfortunately, to date such changes have not yet taken place.

That the variety of the police role is not paralleled by a readily accepted conception of police culture that allows alternative readings of police values and behaviours, their intensity and utility is unfortunate. Despite persistent calls⁴ for a more advanced appreciation of what the police do and why, there has been a general reluctance to critique the simplistic way in which we view the relationship between police values and behaviour and the social relations which inform them. Alternative methodological approaches may allow for a more critical understanding of police culture and allow us to progress beyond the unsophisticated stereotypes prevalent in many analyses.

3 METHODOLOGY

The work of Weber (1946, 1949) goes some way to contextualising Van Maanen’s (1978, p.314) criticism that police research is consistently used to test rather than discover theory. Weber’s work, quite simply, stresses the importance of interpreting any behaviour in the light of the meanings that social actors attach to actions rather than merely confirming or disproving that such behaviours exist. For such an approach to succeed in satisfying Mills’ demands for methodologies that explain rather than merely rationalize requires an approach to research that is both appreciative and critical. Furthermore, to fully appreciate the impact or extent of police culture requires an appreciation of the social relations, expectations and roles that constitute the environment of policing through the eyes of police officers.

Any analysis of police culture which fails either to appreciate the increasingly complex notion of ‘policing’ or to recognise the complex sets of social

⁴ As far back as 1978, Manning’s (1978b) asserted that policing was not endowed with a common culture.

relations which constitute the 'community' is at risk of perpetuating a framework of understanding that under-estimates the impact of culture in its widest sense. Such approaches, according to Punch (1985), lead to confusing explanations which present all police behaviour in terms of a specific occupational culture whilst, simultaneously, refusing to acknowledge that police officers might be subject to other, non-occupational, cultural forces. Punch (1985) develops his argument by suggesting that future research and analysis in the area of police culture will benefit from the adoption of, "...historical, comparative (cross-cultural and cross-national), and organizational levels of analysis" (p.186) to make sense of the complex intersection between the social and occupational worlds of police officers.

Punch's (1985) declaration of the need to utilise different methodological tools in order to understand police occupational culture prompted the adoption of the oral historical method. Although the field of policing has seen two major works of oral history (Brogden, 1991, and Weinberger, 1995) there has been a general reluctance amongst historians to consider biography and oral history of equal empirical status to orthodox historical practice (Popular Memory Group, 1982). Furthermore, this, according to Grele (1998), has led to an institutionalised scepticism about such narrative-driven accounts amongst professional historians. 'Orthodox' historians have criticised oral history for perceived weaknesses such as the problem of memory (Cutler, 1970) and its 'facile democratisation' and 'complacent populism' (Passerini, 1979, p.84). Swain (1965) argues that oral historians have generally failed to substantially address these problems and Colman (1965) went as far as to stress the need for oral historians to construct accepted academic and methodological conventions regarding the use of oral history. Such tensions concerning the academic worth of oral history has meant that the methodology continues to occupy a scholastic stasis, according to Bornet (1955), somewhere between 'authentic' sources such as diaries, reports and eyewitness accounts transcribed shortly after the event and 'non-authentic' sources such as hearsay.

Such considerations aside, the adoption of such a methodological approach to explore police culture did allow for a research framework that avoided what Van Maanen termed 'methodological self-consciousness' (1978, p.315). That is, oral history has, to many of its practitioners, a core ideal based on empowering the subject of the research (Cockcroft, 2005) and it is this that serves a welcome balance to the numerous ethnographic

works in the area of police culture. The police oral histories written by Brogden (1991) and Weinberger (1995) immediately draw attention to the diversity of police work both over time and between geographical location and provide evidence to support Manning's (1978) contention that a common police culture simply cannot exist.

However, such explanations are unlikely to find widespread support in policy circles. First, we must question the extent to which we can assume that historical approaches to understanding our social world have any currency within the current policing context. Despite the fact that sociology and history have, according to Abbott (1991), converged at times through a sharing of theoretical, if not methodological, knowledge the relationship between the two has largely been characterised by a, "pleasant but empty cordiality" (Abbott, 1991, p.201). Arguably, one might reason that sociological approaches are significantly more accommodating of a research environment that demands 'social facts'. As Abbott notes, historical approaches to the study of social relations tend to generate much greater amounts of data than sociological studies meaning that the development of straightforward causal arguments is simply not always possible. Furthermore, the work of Cross and Barker (1991) demonstrates the ways in which oral historical data may often challenge hitherto accepted knowledge and, perhaps more importantly, call into question the use of the customary generalisations we use to simplify complex sets of social relations. Quite simply, such alternative methodologies tend to provide a richness and variety of data by virtue of the fact that they tend to avoid standardised samples from homogeneous populations, and, importantly, allow the motivations of the social actor to be heard. Punch's (1985) appeal for historical, comparative and organisational analyses of police culture appears to have largely gone ignored, perhaps unsurprisingly, in a policy-driven arena which focuses increasingly upon straightforward problems and their solutions.

3.1 Sample

Twenty-six retired police officers from the Metropolitan Police Service were interviewed during the course of the research with all having served between the 1930s and the 1960s. Nine had served in CID and seventeen had worked as uniformed officers. Nineteen of the sample achieved the rank of police constable, five the rank of sergeant and two the rank of inspector.

4 FINDINGS⁵

Existing literature (for example, Skolnick, 1994, and Smith, and Gray, 1983) in the field of police culture tends to give the impression that few if any variations occur in the culture between police stations or areas. However, many officers in the sample were of the opinion that the particular social nuances of a station or area might greatly influence the culture among the officers there. For example, one interviewee claimed that stations got either a good or a bad reputation, the result of factors as varied as the socio-economic make-up of the area to the strategies implemented by senior officer.

This research appeared to show a large variation in cultural dynamics between both geographical areas and police stations. One interviewee spoke of how the culture of a police station was largely determined by the attitude of the police officers. For example,

“...it depended entirely on the station, you see, stations got bad names and good names... some stations, you would have a lot of young, pushing blokes at the station and the discipline would be really very hard...but, generally speaking, the PC’s had...the last word because if a bloke wanted something done on his relief... say there had been complaints...they’d say, “We want...”...but, you see, if one of these pushing blokes came...they’d walk past them...and wouldn’t take any notice at all...so it worked both ways...” (Extract 1 - Officer ‘R’).

The above quote shows how the presence of motivated officers in a station could lead to a stricter and more disciplined regime being imposed at a police station. However, the quote also illustrates how the low amounts of supervision and high amounts of discretion which characterised beat policing led to officers in some areas having substantial freedom to police in whichever style they wished to. This appeared to happen regardless of the atmosphere nurtured inside the station by more senior officers.

Over half of the officers claimed that the geographical location of the station was a very important factor in determining the behaviours and attitudes of the police officers. One officer said that,

“...People did take on the colour of their area... and I knew several pleasant people from A division, Cannon Row⁶, and round there... Buckingham Palace and that...but they did take on an element of bullshit to be honest...just the same as West End⁷ coppers took on another rather more unpleasant aspect...and perhaps we took on the characteristics of the East End⁸... and we’d use...certainly I used Yiddish words all the time and criminal slang...” (Extract 2 - Officer ‘V’).

Perhaps the greatest cultural chasm between geographical areas in inner London existed between the East End and the West End. Five officers pointed to the cultural distinctions between East End policing and West End policing, a distinction seemingly informed by the dominant social and cultural composition of the areas,

“...we found that the Londoners in the East End, round about my days, were friends. In the West End, Chelsea⁹ and around there...it was cosmopolitan...the people were snooty and looked down on coppers...they wanted to rule the roost and you had to be careful how you dealt with them, but with the East Enders, I don’t say you could get away with anything, but you could deal with East Enders a lot more easily...I found that East Enders wanted to be friendly with the police more than the West Enders. And when I went out to Enfield¹⁰ it was wartime...a lot of young men had gone to the War...they’d built an estate out there and transferred a lot of people from the East End and when they started clearing the slums from the East End a lot of East Enders came out there, but...I don’t think it seemed to be the best of the East Enders...we didn’t get on with those like we did when they were on their own patch around Whitechapel¹¹ and so on...” (Extract 3 - Officer ‘B’).

⁵ Where possible, geographical locations are referenced in terms of their distance and direction in relation to Charing Cross Station, a central London landmark.

⁶ 1 km South of Charing Cross

⁷ The West End has routinely been viewed as perhaps the most affluent and fashionable division of London. Its inner district comprises Bloomsbury, Holborn, Covent Garden, Seven Dials, Soho, Fitzrovia, Westminster, Marylebone, Mayfair and St. James’s. Historically, it has also comprised an outer district to the west of Park Lane that also includes Knightsbridge, Belgravia, Pimlico, Chelsea, South Kensington, Bayswater, Paddington, Notting Hill and Holland Park.

⁸ The East End refers to a district without formal boundaries to the east of the walled City of London. It is usually seen as including Stepney, Whitechapel, Bethnal Green, Poplar, Shoreditch and Hackney. However, sometimes this district is sometimes expanded to include the outer-lying boroughs of Newham and Waltham Forest.

⁹ 5 km West of Charing Cross

¹⁰ 16 km North-East of Charing Cross

¹¹ 5.5 km East of Charing Cross

Similarly,

“...I was loaned to C Division for six months...in the West End and I was an East End copper...and I was then in Piccadilly¹² on traffic duty and I saw a woman standing on the edge of the kerb...she was an old lady and I said, “C’mon Ma” and she came across the road...she stopped in front of me...she said, “I’m not your ma”...I said, “Oh, I’m sorry”...I went across the road...never thought anything more of it...When I went off at 2 o’clock I was called into the office and she’d made a complaint...she’d complained that I’d called her ‘Ma’...to me it’s laughable...but up in the West End...He said, “You’re an East End copper. You call the women ‘Ma’ in the East End...but you mustn’t do that here. It must be ‘Madam’”. It just shows you the difference between the East End and the West End...” (Extract 4 - Officer ‘X’).

As the above quotes appear to show, officers appeared to have a far greater empathy with the public of the East End. The officers seem to have identified themselves far more closely with the values, behaviours and traditions of the East End which were predominantly working class. This, in many respects, might be considered unsurprising given the large amount of working-class men (and, more latterly, women) who have joined the police force. The West End, however, tended to be populated with the middle and upper classes who were perceived as expecting the police to show deference to them by virtue of their background.

However, despite the fact that officers appeared to prefer policing the working class neighbourhoods of the East End, that is not to say that officers enjoyed a good relationship with the public in all working class districts. The following officer describes the differences between policing the working class neighbourhoods of the East End and of South London,

“...it depended on the area you worked, you see. Your working environment and the people you deal with have such a great bearing on how you feel when you work. Now, I worked in the East End of London...thoroughly enjoyed it...but you’ve got...a mixture of villains, hooligans, all walks of life...but basically I liked working with them. Subsequently, many years later, I went to work over at...a part of my patch was Kennington¹³ with those big blocks of flats...Disaster!..Brixton¹⁴ I worked at...Stockwell

Park Estate¹⁵...Disaster! Because the people there didn’t want you. They wanted to run themselves but run it their way which was the wrong way...the blokes [fellow officers], they didn’t have the same sort of attitude,...They were a bit, ‘Bloody Hell. I’ll be glad when I’ve got my three years and my five years and they bloody move me. This is hard work’. So, yeah, you did get a change...” (Extract 5 - Officer ‘D’).

Another ex-officer spoke of the differences between different parts of London,

“...I served at...the Elephant and Castle...When I went to the Elephant and Castle¹⁶ and the bloke said, “You’re in the underworld now”...you were! And you had to talk a different language. This old copper said, “You’ve got to talk their language...It’s no good trying to be nice and kind to them ‘cause they won’t appreciate it”...” (Extract 6 - Officer ‘M’).

Once again, it appears that officers in working class areas sought to adopt some of the local mannerisms or speech to be accepted by a community. It is interesting to contrast this with the attitude of some of the more prosperous areas where officers were discouraged from becoming part of the environment. It may be the case that some areas of London were viewed differently by many officers because of the fact that a different type of policing was required and that this differentiation was made in terms of the socio-economic class of people who lived or worked there. The following two quotes show how officers stationed in Kensington had a somewhat different role from those in the East End,

“...I was transferred to Kensington which wasn’t bad...when I saw the Chief Inspector...he told me that, at Kensington¹⁷, my main job was to keep the people happy so we didn’t get any complaints...and if I caught any thieves on top of that, better still. But the main object was to stop Kensingtonians complaining. I did that quite successfully as far as I was concerned...totally different policing to what it was in South London at the time...” (Extract 7 - Officer ‘F’).

Similarly,

“...I liked the smaller station...Kensington was a little station and very friendly...everybody got on well...it was a little family almost...we were

¹² 0.5 km West of Charing Cross

¹³ 3 km South of Charing Cross

¹⁴ 5 km South of Charing Cross

¹⁵ 4 km South of Charing Cross

¹⁶ 3 km South of Charing Cross

¹⁷ 4 km West of Charing Cross

mainly dealing with tourists and traffic and the big things like Olympia [a conference centre in Kensington] and Earls Court¹⁸...I suppose that I didn't, like the East End would have done... didn't get so much involved in the community work..." (Extract 8 - Officer 'L').

Thus, it seems that for Kensington, at least, police work did not so much revolve around law enforcement as keeping happy both residents and tourists alike. This shows a marked difference with policing in the East End where officers were drawn more into the fabric of the environment and, therefore, played a greater role in the lives of the inhabitants. Policing more prosperous areas necessitated a more removed presence and this can be seen as being due to two main factors. In short, the East End was perceived to have a crime problem whereas Kensington was not perceived to have a crime problem. It also appears that there may have been a reluctance on the part of the police to enforce lower level laws against the inhabitants of wealthier areas. One officer said,

"...St John's Wood¹⁹ is a very, very, predominantly Jewish area...I mean, you may pick up on the fact that I'm talking about Greeks, Irish, and Jews...policing in those days was very, very, conscious of different groups, if you like...you could say the police were very fascist, I don't mean that in a heavy duty sense of the word, but fascist in that they were white and Anglo Saxon and British and everything else was kind of like foreign, so to speak. But St John's Wood was very, very, wealthy...pop stars and people like Bob Monkhouse and Joe Loss used to live there...and, yes, you did behave differently...if you found Joe Loss's car parked on a yellow line in St John's Wood you could put a ticket on it...but it was a pointless and wasted exercise... so, yes, you did treat people differently..." (Extract 9 - Officer 'I').

Whilst a minority of the interviewees claimed that small police stations instilled more camaraderie than the larger stations, one officer claimed that a significant crime rate or element of danger was also required to create a strong bond between the officers. The following quote appears to show how the size or location of a station can affect the culture within it,

"...Well, it depends on their size...and the locality you're in. Now, Barnes²⁰...I was a DC there and there was one Sergeant...and we were the lord

of the manor. We were attached to Richmond²¹ police station...Now, Lavender Hill²², rough old quarter, but we all stuck together...down the pub. We were all friends together...the DI and the whole lot because you had to stand together..." (Extract 10 - Officer 'N').

Similarly, another officer described what he perceived as the difference in levels of camaraderie between an East End station and a suburban Essex station,

"...At Leman Street²³...a PC coming in from the street...he would see people at the counter...if the Sergeant didn't shout to him...he would deal with it automatically...you would say, "Can I help you?"...But at Romford²⁴ I made myself disliked because I went into the reserve room and said, "I want someone to come out here and assist me". They thought that was very bad form. The fucking Essex mentality...they didn't work as a team in the suburban areas... there was a massive gap between Sergeants and PC's..." (Extract 11 - Officer 'V').

Another officer, who was used to working in the inner divisions of the Metropolitan area, appeared, like the previous interviewee, to find some aspects of rural or suburban policing as distasteful. He said,

"...I got promoted to Sergeant...my first station after getting promoted from a PC at Chelsea was at Epsom²⁵ which was a different police game altogether...oh dear, oh dear, a lot of the 'old pals act' down there..." (Extract 12 - Officer 'O').

The same officer details the differences between rural and inner city policing and therefore suggests the ways in which markedly different cultures might arise in police stations situated in such areas,

"...Up in Central London it's mainly street work...all kinds of things happened there...but out in the country it's different altogether... things with animals and all that sort of thing. And there was Mr so-and-so...he's a friend of so-and-so, all that bloody nonsense. Oh that sort of thing did go on, but I was only at Epsom for about six or seven months...but it was a different world down there. And another

18 4 km West of Charing Cross

19 5 km North-West of Charing Cross

20 9 km South-West of Charing Cross

21 13 km South-West of Charing Cross

22 5 km South-West of Charing Cross

23 5 km East of Charing Cross

24 22 km East of Charing Cross

25 28 km South of Charing Cross

thing down in Epsom, I always seemed to be doing...stray dogs and stray cattle and things like that. And down in Epsom it was rather funny. They used to run two books when I was there...missing persons. And you had West Park, Harden...four big mental hospitals down there. And they used to walk in and out of these hospitals...the patients... at their own will...Yes, a variety of things used to happen down there. It was a very queer place...very, very queer... I wasn't exactly sorry to leave..." (Extract 13 - Officer 'O').

Another factor peculiar to some police stations that may affect the levels of camaraderie within is that of whether or not a particular station is viewed as a 'punishment' station. 'Punishment' stations were so known because of the fact that most officers who were posted to them had either committed some disciplinary offence or had, in some cases, fallen foul of a senior officer. One officer said,

"...Somers Town²⁶...was a punishment station and Leman Street was one...they finished up... these punishment stations in being renowned for their being happy places. Everyone was in the shit together as it were..." (Extract 14 - Officer 'V').

It, therefore, appears that a number of factors might contribute to differences in cultural dynamics between areas. The varying crime and criminality rates of areas, the differing amounts of danger and pressure to gain results, the predominant social class of inhabitants and the size of the police station all interacted to create distinct cultures within police stations. At all times, however, we must be aware that

"...I think a lot of the different styles or approach was just different people...different individuals had different styles...you know, different Inspectors, different Superintendents, different Sergeants, and, probably, I would even think that different reliefs had styles because you became a bunch of guys who worked together and you tended to have a style of working..." (Extract 15 - Officer 'E').

5 DISCUSSION

When analysing the narratives generated for this piece of work, one factor immediately becomes apparent. The data generated by the study sits uneasily with the findings of other pieces of

research which set out to explain police culture. Police culture literature such as that produced by such scholars as Reiner (1992 and Skolnick, 1994) has in many respects appeared to perpetuate a self-fulfilling prophecy in terms of police culture. Police behaviour and values are portrayed in essentially negative terms and seen as being embedded within the potent primacy of the police organisation. The 'vocabulary of motives' (Mills, 1967) invoked by traditional readings of police culture is, it can be argued, too limited to aid a more advanced understanding and appreciation of police behaviour. In particular, conceptions of the primacy of the organisation tend to underplay the influence of decisions (themselves influenced by the social environment) made at street level by individual officers.

The findings appear to highlight a number of interesting dimensions in explaining different styles of policing. This section will highlight two of them – the distinction between policing the East End and policing the West End or North or South London and the difference between city policing and the policing of the more outlying areas. That the police officers in this sample saw the policing of the East End as fundamentally different to the policing of other areas appears quite evident. The narratives portray the relationship with the East End as being determined by cultural artefacts which cannot be explained solely in terms of the class of the area. As the narrative of Officer 'D' highlights, the South London working-class enclaves of Brixton and Stockwell appeared to be considered more difficult working environments than the working-class areas of the East End.

The narratives suggest that officers working in the East End could, despite the presence of significant crime rates, develop a good working relationship with the local communities. Significantly, these communities appeared not to resent the presence of the police (as may have been the case in South London) and neither did they expect officers to be deferential (as appeared to be the situation in West London). A number of factors may play a part in explaining the particular relationship that police officers had with the citizens of the East End. Primarily, during the period under consideration the communities of the East End were relatively homogenous and were subject to neither pluralisation or large amounts of social or geographical mobility. Correspondingly, the demographic structure of the area (predominantly white and middle-class) may have paralleled that of the majority of the officers' backgrounds. Although this comparative unity between the police and the citizens of the East End led to an enjoyable working life for many officers, it also can be seen

²⁶ 2 km North of Charing Cross

as integral factor in explaining much minor police corruption of the time. This theme is developed by Weinberger (1995) who shows how much of the petty corruption of the time²⁷ was enabled by the relatively harmonious relationship between the police and the public. That the distinctive social divisions in London impacted upon the nature of corrupt police behaviour is a concept that also finds some support in the work of Emsley (2005). Emsley's analysis of the case of Sergeant Goddard²⁸ seeks to position the crime in terms of the socio-environmental factors peculiar to Goddard's working environment of Soho. In particular, he describes how both the motivation and the opportunity to act corruptly was a result of the financial wealth of the West End which highlighted the relatively low pay of the police officer in respect of other inhabitants of this area.

Interestingly, the officers' narratives which compare police work in both central London and the more outlying areas reveal some distinct tendencies. In particular, officers who transferred from central stations to area like Epsom and Romford appeared to find a different type of culture. For example, Extract 13 highlights the different type of policing required by more rural environments. Some of these reflect more immediate characteristics of the rural environment such as having to deal with situations involving livestock. However, other parts of the rural officer's role could be influenced by policies regarding the treatment of those with mental health needs. For example, officers who served throughout much of the 20th century within rural areas may have done so in the vicinity of large mental health institutions which were situated in non-urban environments prior to the introduction of policies of deinstitutionalisation in the late 20th century. Also of interest is the apparent lack of solidarity between officers in the more rural stations. One officer (Extract 12) notes that, in his experience, policing in rural areas was "a different police game altogether". He continues by exhibiting a certain distaste for some of the apparent actions of his fellow officers. Another officer who transferred from the capital to Romford refers to the "fucking Essex mentality" which apparently was characterised by a lack of camaraderie between different ranks. Such observations are interesting in that they converge with the work of Whitaker (1964) who suggested

that police camaraderie and solidarity intensifies when the police feel under pressure from either the public, the government or even their own management. Rural policing prior to the 1960s could largely be viewed as devoid of controversy, scandal or any other type of pressure given that the police role in such areas was based on service provision as opposed to law enforcement. Such factors, understandably, would impact on the style of policing in rural areas and therefore the culture.

Such ideas neatly parallel the work of Brogden (1982) who, in his analysis of policing in the English city of Liverpool, draws out the theme of the inter-relatedness between the police and the socio-economic and socio-historical dimensions of the environment. In the case of Liverpool, Brogden succeeds in drawing out the city's particular 'uniqueness'²⁹ and suggests that crime and subsequent styles of policing reflect not only employment patterns but also social divisions determined by factors such as class and religion. In this respect, Brogden's work is crucial in that it pre-empts both his own later police oral history (Brogden, 1991) and that of Weinberger (1995) by drawing out the impact of the social environment on helping to determine the nature of police-public relations and, thus, the nature of the culture of the police.

6 CONCLUSION

The real value of the narratives presented in this piece of work is three-fold. First, they reveal the personal recollections of ex-officers who are under little, if any, pressure to represent the police force in a certain way. Rarely is the world of policing revealed to us by individuals who have experience of the profession yet who are, simultaneously, unrestrained by the requirements of occupational protocol. Second, such narratives represent data generated by our subjects rather than the mediated interpretations of the ethnographer. Third, and perhaps most importantly, they reveal the complexity of the social forces which impact upon not only officers' perceptions of the relationship between police and their immediate community, but also the ways in which these environmental forces shape officers values and behaviours.

The adoption of such approaches offer unique challenges to the social scientist. Not least they

²⁷ *Corrupt behaviour in the East End was largely restricted to minor bribes being made to police officers by market workers and by those involved in street gambling which had been made illegal under the 1906 Street Betting Act.*

²⁸ *Sergeant Goddard was found guilty in 1929 of accepting large amounts of money from members of the public and sentenced to 18 months labour.*

²⁹ *According to Brogden, Liverpool's status as a major port was instrumental in determining its tradition of low-paid and casual employment which, in turn, determined the nature of crime and policing.*

allow police researchers to perhaps forward Chan's (1997) essentially fluid interpretation of police occupational culture which suggests that we should, in fact, be talking of police cultures rather than police culture. In a similar vein, they offer perhaps a variation in research methodology which will, as Punch (1985) suggests, allow us to adopt wider frames of reference in our understanding of police culture. These wider terms of reference need not (and should not) be used to deny the influence of the police institution on police culture. Instead, it is hoped that they will allow us to unthread those specific areas or instances where we can identify the primacy of the institution in determining the cultural attributes of the police and, conversely, those where other factors take a dominant role. One such example is suggested by one of the officer narratives presented in this paper which alludes to the concept of the 'punishment' station. Such stations would appear to be one instance where the institution had a major part to play in determining the culture of an individual police station purely by hand-picking officers deemed to be un-disciplined and placing them in a particular station. The existence of 'punishment' stations is one of those peculiarities of the Metropolitan Police that rarely, if ever, come to light through official histories of London police forces. By utilising the narratives of retired police officers we allow a depth of information to be reached that hitherto was denied to us by more contemporary pieces of research that rely on straightforward interview or ethnography. Not least, they appear to allow us the opportunity to situate police culture in terms that acknowledge a complex interaction between a series of essentially different forces – that of the individual, the organisation and the wider society.

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Appendix 1: Details of the Interviewees' Station

Officer	Station(s)
B	Chelsea, Enfield
D	Bethnal Green, Kennington, Brixton
E	Golders Green
F	Stoke Newington, Lavender Hill, Kensington, Gypsy Hill, Balham
I	Albany Street, Croydon
L	Shepherds Bush, Kensington
M	Balham, Tooting, Earlsfield, Peckham, Deptford, Rotherhithe, The Borough, Kenley, Sydenham, Elephant and Castle, South Norwood.
N	Chiswick, Barnes, Lavender Hill
O	Chelsea, Epsom, Tooting
R	Brixton, Southwark, Chelsea
V	Enfield, Lemon St, Romford
X	Bethnal Green, Bow

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Policing Protest and the Avoidance of Violence: Dilemmas and Problems of Legitimacy

Jan Terpstra

REVIEW ARTICLE

ABSTRACT

In this paper an analysis is given of the ways that the police in the Netherlands try to avoid violence and the use of escalated force in contemporary policing of protest activities. These strategies used by the Dutch police correspond with the concept of 'negotiated management', according to which for, the last decade or so, there has been a general trend in the policing of protest in many Western countries whereby the police increasingly try to refrain from escalated force by using negotiations between the police and protesters. The analysis shows, however, that dilemmas and problems of legitimacy may arise if the police aim to use a non-coercive, negotiating strategy. These dilemmas have to do with the formal authority over the police, information and independence, and transparency and the media. This analysis is based on a case study in which the police in the Netherlands had to deal with militant environmental activists, protesting against the construction of a new railway line.

UDK: 351.74:343.337.4

Keywords: Police legitimacy; public order policing.

1 INTRODUCTION

Within the study of policing protest the concept of 'negotiated management' has recently received a lot of attention. According to this concept, for the last decade or so, there has been a general trend in the policing of protest in many Western countries whereby the police increasingly seek to refrain from using escalated force, the intent being to avoid coercive intervention. The emphasis is said to have shifted from strict law enforcement to peacekeeping practices, through an increasing use of negotiations between the police and protesters (della Porta and Reiter, 1998). 'To a greater extent than ever before, police view their job to be managing, rather than repressing, protest, protecting the right to demonstrate...' (Marx, 1998: 254). This new style of policing protest is a reflection of both practical constraints on the ability to enforce the law (such as the unavailability of an adequate number of police officers), and fundamental principles and democratic constraints (such as the presence of the legal or moral rights activists have to protest) (Waddington, 2003: 408-410). Even in the early 1990's, P.A.J. Waddington

(1993) found that the London Metropolitan Police rarely utilised their formal powers when policing protests and demonstrations. They often preferred informal negotiations with demonstrators to avoid all kinds of 'trouble'. Overwhelmingly, the London style of protest policing proved to be based on cooperation and was non-confrontational, at least in its intent.

This analysis raises several questions. First, the concept of management may suggest an overly harmonious relationship between police and protesters. Although in many respects they may share certain interests (such as the avoidance of violence), the relationship will often contain many contradictions. The practices of the police when regulating public order are only to a limited extent motivated by managerial considerations. Legal, ethical and moral motives may be more important here. Moreover, a soft style of policing protest may be embedded in an awareness context in which all relevant actors 'know' that the police are still able to use force and coercive powers (Bittner, 1974; Júnior and Muniz, 2006).

Despite the overall international trend which has led to the police adopting softer, more tolerant styles of policing protest, situations still occur in which the police use coercive and even violent methods. For example, for about the last ten years at international events like EU summits or APEC meetings the police of many western countries have often applied a coercive strategy, including the use of violence (Ericson and Doyle, 1999; Björk, 2005). Moreover, even if the police intend to use soft practices and to avoid escalated force, in practice there may still be a risk of serious problems between protesters and police, with consequences for public disorder. This demonstrates that negotiations between police and activists are often based on a fragile balance, easily threatened by mistrust from both sides.

Despite these critical notes, the trend towards a more non-coercive style in policing protest may be considered important. Nevertheless, public order policing, even if it is based on the goal of avoiding violence, is highly contentious: it is here especially that police legitimacy seems to be 'intrinsically problematic' (Waddington, 2003: 395). This may create fundamental dilemmas for the police.

In this paper I first describe the ways in which the police in the Netherlands try to avoid violence and the escalation of force in contemporary policing of protest activities. Secondly, I analyse the dilemmas and problems of legitimacy that may arise if the police aim to use a non-coercive, negotiating strategy. This analysis is based on a case study in which the police in the Netherlands had to deal with militant environmental activists, protesting against the construction of a new railway line. Police activities were observed in this case study. Moreover, interviews were held with police officers, public officials such as mayors, officials in other relevant organisations, activists and citizens living near the construction site.

This type of militant environmental activism poses new challenges and problems for the police as a result of the innovative, unorthodox methods and tactics used, and their horizontal organisation. This applies not only to the Dutch police, but also to the police of other western countries (Button, et al., 2002; King and D. Waddington, 2005).

Because the dilemmas and problems resulting from the strategies used by the police in their attempt to avoid violence depend, to a large degree, on the institutional structure, some relevant aspects of the Dutch police organisation are described first (2), after which some of the main findings of the case study are presented (3). The aim of avoiding violence implies a complex relationship between

the police and activists (4). I then go on to deal with some central dilemmas in the policing of protest, related to: the authority over the police (5), information and independence (6) and transparency and the media (7).

2 THE DUTCH POLICE ORGANISATION: SOME INSTITUTIONAL ASPECTS

Since the introduction of the (new) Police Act in 1993 the Netherlands has 25 regional and one national police force. Each regional police force is responsible for the police work in its region (apart from some special tasks which belong to the national police force). The Dutch Police Act states that control over the regional police forces consists of two elements, called 'authority' ('gezag') and 'management' ('beheer'). The authority over the police reflects the formal powers to make decisions about the mobilisation and utilisation of the police (or what the police should actually do). This authority rests in the hands of two public officials. In relation to the regulation of public order, the mayor has formal authority over the police. Authority over the enforcement of criminal law by the police lies in the hands of the principal public prosecutor. Because the regulation of public order and the enforcement of criminal law are closely interconnected, the mayor and the public prosecutor have to meet frequently, together with the regional police chief, who is held responsible for the daily operations of the police force and the implementation of its policy.

The formal power of 'management' of the regional police force lies with the 'regional police manager'. The management of the police force is intrinsically linked to the organisation and availability of financial, human and other resources. As a rule, the mayor of the largest municipality in the region is the 'regional police manager'. He or she is also the president of the Regional Police Council, of which the mayors of the municipalities in the region are members. These councils have the responsibility to create a policy for their regional police force, in which they are increasingly dependent upon the national governmental policy.

Two aspects of the contemporary organisation of the Dutch police are relevant here. First, the aim of creating a system of checks and balances and a distribution of power over many agencies and actors results in a highly complex system, often lacking transparency and with conflicting relations and overlapping responsibilities. Secondly, this system has a serious 'democratic deficit'. All local and regional officials mentioned hold unelected appointments, including the mayors. The (elected)

municipal councils only have the power of indirect control of decisions regarding the authority, management or policy of the regional police forces.

3 THE BETUWE RAILWAY LINE

In the mid 1990's the Dutch Government proposed to construct a new railway line to transport goods from the Rotterdam Port area to the Dutch-German border. This new railway line, approximately 160 kilometres long, was to cross the Betuwe region, a largely rural area in the central Netherlands, with a landscape of small villages, rivers and dikes. It was the government's view that this railway line was necessary to allow the Port of Rotterdam to retain its position as the main port of entry for the transport of goods to Germany in the future. Moreover, the Betuwe railway line would be an alternative to the transport of goods by road, thus contributing to a solution of the traffic problems on the Dutch highways.

From the first moment, the proposals to construct this new railway line met with a great deal of criticism and resistance, especially in the Betuwe region itself. Many villages along the proposed trajectory had action groups to protest against the railway line. Many citizens feared that the quiet, rural environment where they lived would be seriously disturbed not only by the line, but also by new industrial estates, large container storage and transfer areas and huge shunting yards. Hundreds of houses would have to be demolished. Other citizens realised that, in the future, many trains would pass by daily at a short distance from their homes, some of them carrying hazardous materials. Similarly, local governments, with the support of the government of the Province of Gelderland (of which the Betuwe region is a part), tried to resist these proposals of the national government. The protests of citizens and local administrators were intensified by what was seen as the unresponsive attitude of both the national government and the Dutch Railway Company (NS Railinfrabeheer BV).

Much of the criticism related not only to the social and physical consequences for people living near the planned route and the supposed adverse effects on the quality of life in the Betuwe region, but also on the supposed economic viability of the railway line and the underestimation of the financial costs involved in its construction. Moreover, there was serious doubt concerning whether the line would be a realistic alternative for transport by road and if transport by boat on the nearby river Rhine might be preferable.

Despite all the criticism and resistance from citizens, local governments and experts, the Dutch Parliament decided in 1995 to accept the government's proposals. The construction of the first part of the Betuwe line started in June 1997. Although the railway line was originally planned for completion in 2005, no trains will ride along the tracks before 2008.

The formal decision of the Dutch Parliament did not signal an end to the protests and campaigns against the Betuwe line. Over the past eight years, discussions about the need for, and utility, of this huge infrastructural project and its intended and unintended consequences have persisted, although the readiness to protest in the Betuwe region seems to have declined somewhat since the decision of the Parliament. Nevertheless, the line's construction lacks legitimacy and support among citizens and local governments.

During 1998 and 1999 a new group of activists started to become involved in the protests against the Betuwe line. These activists call themselves Groenfront! (Green Front), and were, at that time, a new militant Dutch environmental activist group, inspired by the international movement Earth First! Like so many of the new militant environmental protest movements, Groenfront! lacks a clear organisational structure and formal leadership. Members of Groenfront! share a certain ideology and belief in methods of protest. Many of them also participate in other radical left-wing organisations (cf. Button, et al., 2002), such as the Dutch squatter's movement, which consists mostly of people aged 18 to 30 years, closely related to a radical sub- or counterculture. At least some members of Groenfront! have close relations with related movements abroad, like Earth First! and Peoples Global Action.

The ideology of Groenfront! is described on one of its internet sites as 'non-authoritarian, anti-capitalistic and ecological'.¹ Four elements are important in its style of protesting, described by Groenfront!-activists as: Earth First, No Compromise, Direct Action and No Violence. The concept of 'direct action' is largely borrowed from similar movements elsewhere, like the UK. Almost any tactics are pursued, except violence against the person. By using 'direct action' these activists attempt to maximise media coverage of their cause and make targeted measures uneconomic (Button, et al., 2002.) To achieve this, Groenfront! introduced action strategies and methods that were innovative for the Netherlands, such as sabotage of

¹ <http://www.antenna.nl/nvda/groenfront/aktie>

the equipment needed for the construction of the railway line, treehouse buildings, squatting land and houses and building fortifications as obstacles for the police.

In 1998 and 1999 Groenfront! started its active campaign against the construction of the Betuwe line by squatting eight houses, all at locations where the railway line was planned. They were vacant because their original residents had already moved elsewhere in anticipation of the future construction of the railway line and the demolition of their houses. These houses were squatted both as a symbolic protest against the Betuwe line and as a way of obstructing the construction. At the moment that Groenfront! started its actions, the campaign and protest by native inhabitants and local organisations seemed to wane somewhat. In this respect the activists of Groenfront!, mainly coming from outside the region, seemed to fill the gap left by the decline of the local resistance and action groups.

In December 1999 the Dutch Railway Company decided to go to court and take legal action against Groenfront! It demanded that the activists leave their squatted houses, so that these buildings could be demolished and the start of the construction of the railway line (in this part of the region in April 2000) would not be delayed. In January 2000 the Court declared that the Dutch Railway Company was in the right and ordered the activists to leave their squatted houses within a short period of time. Groenfront!, however, stated that it would ignore the Court order. That was when the enforced clearance of the squatted houses by the police became inevitable.

Even before that, the two police forces involved had already started preparations for the house clearances. These preparations were based on the awareness that these clearances might create serious risks for the police forces. Although the information available to them led the police to expect that there would be only a limited number of activists in each of the squatted houses, and that the activists would probably not use violence, the tactics used by the protesters were viewed as posing life threatening hazards to both activists and police officers. Among the methods used by the activists were tree house constructions, bunkers built in or near the squatted houses underground and the use of hidden booby traps (cf. Button, et al., 2002) Members of Groenfront! also created networks of tunnels underground in which activists were hidden and locked in, to make it harder for the police to remove them. The police also tried to take into account the possibility that large numbers of activists might arrive from

outside the immediate area as soon as the police started the house clearances. These activists might initiate such activities as road blocks on highways and railway lines at the time the police were conducting the house clearances. The police were well aware that many inhabitants of the region were opposed to the construction of the railway line, so the police tried to anticipate that people living near the campaign camps might support Groenfront! and might even resist the house clearances by the police.

Because of the deep-seated anti-railway feelings in the region, both among its inhabitants and local governments, the house clearances might pose a serious threat to the legitimacy of the police. If anything were to go wrong, the police would run the risk of being blamed. Because of these risks the police forces formulated some main premises on which to base their activities. First, the use of violence was to be avoided, even if this were to imply that the house clearances would take a long time and large numbers of police officers. Secondly, all eight squatted houses were to be cleared simultaneously (even though the houses were at different locations, within a maximum radius of 45 kilometres). This would prevent the police being confronted with the same (large numbers of) activists at each location.

At all three locations the police tried to start negotiations with the activists during the preparations for the house clearances. The main goals of these negotiations were to exchange information and to avoid dangerous risks for both police officers and activists. The police forces used specialised police negotiators for this task. At an earlier stage, a lawyer on behalf of Groenfront! had written a letter to invite the police to contact two persons who might act as negotiators representing the protesters. At one location there had been frequent contacts between the activists and a local community police officer since the moment that the houses were squatted. At two of the locations both police and activists had recognizable negotiators during the house clearances. These individuals were present at all times and were in frequent contact about potential risks. Although relations between the negotiators were fragile and permanently threatened by mistrust from both sides, following the operation both police officers and activists were positive in their assessment of the strategy. Only at one of the locations were no negotiations undertaken and this was because activists there were not interested in such having such contact. This view reflected the somewhat different ideological stance of the activists at this location.

Another strategy to avoid violence and other physical harm was the use of highly specialised police forces, capable of removing activists with great care and caution. Specialised detection instruments were to be used to detect activists hidden underground. These police officers then patiently removed physical barriers and locks, without harming either activists or their own colleagues. In some cases, these police officers tried to persuade activists to abandon their resistance voluntarily. Here police officers were often willing to respect the need of the activists to maintain their symbolic presentation. This operation demanded a lot of police time and patience and ensured that some hundreds of police officers were involved in these house clearances for almost two days and one night.

Despite the fear of the police that citizens living nearby might support the activists or even resist the police, in most cases the citizens kept a distance. Interviews indicated later that many of them certainly sympathised with the actions of Groenfront!, but that the cultural gap between them and the activists was too large for them to join the actions. Contrary to the expectations of the police, possibly also as a result of the bad weather during the days of the house clearances, only a limited number of activists came to the region from outside to support Groenfront!

4 POLICE AND ACTIVISTS: A COMPLEX RELATION

Apart from a few incidents, the police's clearances of the Betuwe houses did not result in any violence. A clear indication of the general atmosphere is that activists did not wear the usual balaclavas or shawls covering their entire face and that police officers did not carry helmets, batons and shields. The general climate was neither grim nor hostile, although the social distance and mistrust between activists and police were often clearly noticeable. In some situations human feelings were stronger than formal guidelines or principles. For instance, late at night near one of the squatted houses some police officers had Chinese food from a nearby restaurant. At a certain moment some of them asked the activists still hidden in tree houses if they also wanted some of their food. This offer was generously accepted by the activists, despite their vegetarian principles. Only later on did these policemen realise that they had probably crossed the prescribed line with regard to the activists.

The factors relevant to explain this success confirm the conclusions that were drawn by D. Waddington in his Flashpoints Model (Waddington, Jones and Critcher, 1989). To achieve the aim of avoiding

violence and to prevent an escalation of force and conflict in the Betuwe it was important that there were contacts between police and activists at an early stage, resulting in the exchange of information and a dialogue about the future clearances. These negotiations were at a local level and conducted through direct face-to-face contact between police officers and activists. It seems no coincidence that the few incidents of violence happened at the one location where the police did not succeed in starting negotiations with the activists. Such a dialogue may contribute to bridging the cultural distance between police and activists, creating a mutual understanding of the other's position and perspectives, and may prevent the negative consequences of pre-existing stereotypes. This dialogue between police and activists resulted in informal 'contracts' containing agreements about the space allowed to activists to protest and about the ways both police and activists would try to avoid violence and other risks. Such a contract is not more than a general framework which needs to be strengthened by both police officers and activists, according to the circumstances (as the example of the Chinese food shows).

Although police and activists achieved their aim of avoiding violence to a large degree, the relationship between them often remained fragile. For both police and activists the avoidance of violence requires the competence to create and maintain a delicate balance, in which all sorts of risks should be avoided. Traditionally, police and activists see each other as opponents. Such a relation is largely founded on mistrust. Both activists and police go their own way, largely ignoring each others interests and feelings. However, from the moment that both police and activists intend to avoid the use of violence, their relation becomes much more complex and contradictory.

Police and activists come to depend on each other for the degree to which they will actually keep their promise of non-violent behaviour. Trust is an important element here. Those acts, forms of expression, symbols and actions should be avoided which might be seen as a provocation and which might result in an escalation. This also implies that both parties are vulnerable in cases where the other does not fulfil its promises. Police and activists are also interdependent in another respect. Both are highly dependent on a specific symbolic order. Despite the promise of a non-violent strategy, the activists still want to present themselves as serious, militant activists, who show a resolute, determined attitude and engage in 'direct action without compromise.' A police officer who first sets two activists free, but who is then prepared to lock them up again temporarily,

just to let them show a determined attitude to the press, proves that he knows how important it is to give the activists the opportunity to present themselves as determined and uncompromising (cf. Goffman, 1959). The activists are arrested again later on. On the other hand, the police also have an interest in keeping up their appearances (cf. Manning, 1977). This is probably the main reason why the police lay so much emphasis on the importance of negotiations. It is just one element of a professional approach and does not compromise their authority, detachment or independence.

The presentation and manipulation of images (Goffman, 1959) is directed at 'audiences' other than the police and activists such as the mass media, citizens living near the construction site, local politicians and government. Both the police and activists try to create a specific impression by issuing and withholding information about their goals, motives, conduct and their impact. This subtle process of self-presentation is all about reputations, intentions and the sincerity of motives. For the police, as well as for the activists, this process is extremely important because neither party wants to be blamed for an escalation of the conflict and for injuries to police, activists or the public.

5 AUTHORITY OVER THE POLICE

Even if the police succeed in avoiding violence, the policing of protest may still involve some fundamental dilemmas. The Betuwe case presents some clear indications. The first of these dilemmas has to do with authority over the police. This illustrates the relevance of the notion developed by Waddington (1993) that in policing protest the police are not only confronted with 'on-the-job-troubles', which are mainly to be found in the actions on the streets, but also with 'in-the-job-troubles'. This latter kind of troubles results from the relationship with superiors, in this case especially those outside the force. In other words, protest policing not only takes place on the streets; it also has an important component at the levels of public discourse (Winter, 1998), (local) government and political processes.

Just like many of their citizens, the mayors of the municipalities in the Betuwe were strongly opposed to the construction of the Betuwe railway line. In the years prior to the beginning of building, they often declared in public that they were against the construction of the line. Because, in the Netherlands, mayors have formal authority over

the police, this creates several serious dilemmas in their relations with the police.

At the moment that the Court ordered the Groenfront! activists to leave their squatted houses, the police view was that this implied that the houses should be cleared within a couple of weeks. The police chiefs decided to start preparations for the house clearances at once, inspired by both practical circumstances and the fear that the mayors might resist the house clearances. However, this implied that the police started preparations, but that the four mayors were not kept informed, even though they had the formal responsibility or 'authority' to decide on the clearances.

At that moment political motives were crucial for the mayors. Reinforced by the anti-railway line sentiments of many inhabitants of their municipalities, their annoyance at the unresponsiveness of the national government and the Dutch Railway Company and (at least in some cases) their hidden sympathy for the principled standpoints and perseverance of the activists, made them hesitant or even reluctant about the house clearances. They also feared that large-scale police activities might result in an escalation of force and have serious consequences for citizens living near the construction site, who had no involvement with the conflicts between the police and activists, but might still fall victim to them.

This resulted in a remarkable situation. On the one hand, the mayors have the formal authority over the police in their municipality, including the formal power to make decisions about the policing of protest. On the other hand, however, these mayors were considered by the police chiefs as serious risks to the 'professional' preparation and implementation of this police task, which the police chiefs considered to be inevitable, given the Court's judgement.

A second dilemma is important here, too. This has to do with the relation between the formal 'authority' of the mayor to decide about police activities and the judgement of the Court. In practice, neither dilemma resulted in a conflict, because the police chiefs were able to convince the mayors of the need to follow the Court's judgement. As a result the mayors decided to clear the squatted houses, despite their anti-railway line sentiments. Even afterwards they felt they had been passed over by the police chiefs, because the police started the preparations without informing or requesting permission from the mayors. It is an open question what might have happened, were the mayors to have submitted to their resistance.

6 INFORMATION AND INDEPENDENCE

Gathering information about activists, their motives and strategies is an important element of policing protest, even or maybe especially (della Porte, 1998) if this is focussed on the avoidance of violence. In 1999, in the Netherlands, a special national Central Information and Co-ordination Branch CiCi was established. Its task was the gathering of information about activists who might try to obstruct or hinder the construction of large infrastructural projects. This special organisation also focused on actions directed against the construction of the Betuwe railway line.

The two police forces that had the responsibility of clearing the houses squatted by Groenfront! emphasised time and again that they were independent of a quasi-private organisation like the Dutch Railway Company. Given this point of view, it is rather surprising that the CiCi had frequent contacts with the Dutch Railway Company in the months before the house clearances. Information was exchanged and members of CiCi advised the Dutch Railway Company about what to do with regard to the squatters. In some cases members of CiCi co-operated closely with employees of the Dutch Railway Company. For example, some weeks before the Dutch Railway Company decided to go to court, a delegation of this organisation paid visits to the four mayors involved to convince them of the 'need' to clear the houses very soon. If the mayors had agreed to this request, the Dutch Railway Company would no longer have needed to go to court. More remarkable even than that was that a police officer posted at CiCi was a member of this delegation of the Dutch Railway Company. In at least one case he did not tell the mayor that he was not an employee of the Dutch Railway Company, but a police officer. The mayor only discovered this afterwards. The mayor was, to say the least, not pleased about this. This situation casts some serious doubt on the claimed independence of the police forces.

This is an example of the classical dilemma for the police between, on the one hand, effective, goal-oriented policing and, on the other, the need for legitimacy (cf. Skolnick, 1966). For the police it may seem effective to co-operate with a third party, like the Dutch Railway Company, which has information that may be important for the police. However, it is necessary for the police to maintain an independent position in respect of all relevant actors in a conflict, both activists and their opponents. Especially in the case of policing protest, with its intrinsically contentious nature (Waddington, 2003), the police should not lose

their independence, because this may have adverse consequences for their legitimacy.

7 TRANSPARENCY AND THE MEDIA

In his analysis of policing protest in Germany, Winter (1998: 207) concluded that 'protest policing constitutes the most publicity-effective field of police action.' This conclusion is well illustrated by the clearances by the police of the squatted houses in the Betuwe. The mass media in the Netherlands paid a lot of attention to these house clearances and the strategies used by police and activists. Newspapers, radio and TV stations were represented by many journalists, photographers and cameramen. However, the Betuwe case also indicates that the police today are not just a passive victim of mass media attention. It shows that public relations and strategies to influence the representation of police activities by the mass media are an integral element of policing protest.

The police had two goals with regard to the mass media. First, the police aimed to be 'transparent' about their activities in relation to the anti-railway line protests. They wanted to show the mass media that their activities were of a high professional standard. With this argument in mind, large numbers of journalists were invited by the police to be present at the locations of the house clearances. All kind of facilities were set up for the mass media, such as specific contact persons. Excursions were organized for journalists to the construction sites and the action camps to show them close-up how the police tried to free (and in some cases rescue) activists. Secondly, the police wanted to prevent police actions being seen as the cause if things were to go wrong. The police chiefs feared that a lack of support from citizens and local governments for the house clearances might have a negative impact on the police if activists, citizens or police officers were hurt. In their view, it was the politicians, not the police, who should be blamed if problems arose.

It soon became clear that, in practice, the goal of creating transparency was hard to combine with the wish to avoid blame being laid on the police. For example, the police chiefs of the two police forces involved decided that before and during the police actions no information should be given to journalists about financial aspects of the house clearances. They feared that any publicity on this issue might be used as a potential source of criticism of the 'time consuming' police strategies of negotiations, avoidance of violence and the careful dealing with activists. Because, in the

police chiefs' view, the mayors might be a potential 'risk' to the way the police wanted to present themselves, only special police spokespersons would communicate with the mass media, both before and during the house clearances. Given this situation, it should come as no surprise that, later on, the mayors in particular were rather critical of how the police dealt with the mass media, using terms like 'exaggerated' and 'a P.R. activity by the police.'

Not only the police, but also the activists were very interested in presenting themselves positively in the mass media. Activists also created special relationships with journalists and tried to provide them with relevant information about their motives, ideological views, political goals and methods of action. Just like the police, Groenfront! also had its special spokespersons for dealing with the mass media, both before and during the house clearances. The well informed Groenfront! website was used as an important source of counter-information, not only for fellow-activists, sympathisers and interested citizens, but also for journalists. The presence of journalists at the location of the house clearances was also seen by many activists as a sort of guarantee that the police would not abuse their powers and would keep their promise of a non-violent strategy. In other words, behind the open battle between the police and activists a second, more or less hidden struggle was going on about the presentation of both police and activists to the outside world, especially in the mass media (cf. Waddington, 2003: 405; Button, et al., 2002).

In the long run, this strategy of transparency may have unintended and even negative consequences for the police. Too much emphasis on public relations by the police may result in the public starting to doubt the trustworthiness of the information provided by the police. In that case citizens may start to wonder to what extent information provided by the police reflects the organisation's self-interest. In the long run this may be detrimental to the perceived credibility and legitimacy of the police.

8 CONCLUDING REMARKS

Although the concept of negotiated management (della Porta and Reiter, 1998) raises some empirical and conceptual questions (as mentioned above), the strategies used by the Dutch police to deal with the protests against the construction of the Betuwe railway line correspond in their main features with this international trend in the policing of protest.² The stress on the avoidance of escalated force and

violence, and the use of negotiations between police and activists are some of the main elements that may also be found in the strategy of negotiated management.

Given the aim of avoiding violence, the strategies used by the Dutch police in the Betuwe may be viewed as successful. Despite the tensions during the house clearances and the serious risks to both activists and police officers, there were hardly any incidents. Nevertheless, as this case study clearly shows, the use of this strategy brings with it fundamental dilemmas. In this paper these were described with regard to the authority over the police, the gathering of information, and the transparency of the police. Some of the dilemmas that were found may be shortly described as:

- the need to follow the directives of the authority over the police, but also to maintain organisational, professional autonomy and flexibility;
- the need to be transparent and to facilitate external accountability, but also to avoid political blame for failures; and
- the need to realize effective policing, but also to be independent and to avoid too close a relation with one of the parties involved.

Many of these dilemmas are related to the fundamental problem of police legitimacy in the context of policing protest. Because activists in a democratic society are able to present themselves as the 'moral equals' of the police (Waddington, 1998: 129), the legitimacy of the police in policing protest is contentious and requires that the police have to show that their conduct is legitimate. In a democratic and constitutional society ('Rechtsstaat') the police are expected to aim at several, diverse goals, such as the enforcement of the law (in this case to intervene with force so that a Court order is implemented), to manage public order (which also implies keeping the peace) and to guarantee the rights of citizens to protest against decisions of the government.

This case study shows how hard it may be for the police to find adequate answers to these dilemmas. For example, by co-operating too closely with the Dutch Railway Company the police risked losing

² Since then the Dutch police have used this strategy of the avoidance of violence several times in other, more or less comparable situations, such as the protests against the environmental consequences of the enlargement of the military airfield near the Dutch-German border in Schinveld in January 2006.

their independence. Treating politicians and authorities as if they were a 'risk' or a potential opponent might have created an isolated position for the police, making legitimacy even harder to achieve.

The problems arising from these dilemmas were, to a large degree, dealt with by the police at a symbolic level. By the use of strategies of reputation management (Goffman, 1959) and the selective presentation of their organisation as one with certain intentions and motives, the police tried to (re)gain legitimacy in a context of contention. This illustrates two other elements. First, the policing of protest cannot be understood only as an instrumental activity. The symbolic aspects of policing are probably becoming even more important in a society which depends so much on mass media and mass media representations. Secondly, the policing of protest not only consists of activities and interventions on the streets, but also of important processes and relations at a political and governmental level. These two elements in combination increasingly mean that confrontations between activists and police on the streets are only half of the battle that is being waged. Alongside this more concrete confrontation another, often more vague, symbolic battle is being waged, especially in the mass media, but increasingly also on the internet, in which the police and activists each try to gain legitimacy among relevant audiences, consisting of both citizens and politicians.

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Police - Media Relations in the Transition: From Autocratic Regime to Democracy

Želimir Kešetović, Mladen Bajagić, Nedžad Korajlić

ORIGINAL SCIENTIFIC ARTICLE

ABSTRACT

In the introduction to this article, the authors identify some general and universal problems that emerged in police-media relations due to structural factors that shape both professions. During the system of personal rule in Serbia, during the period 1989-2000, the freedom of the press was seriously endangered, and the police were responsible only to the ruling elite. The police used the mass media that was under the direct influence of the ruling party while the independent media were discriminated against and, from time to time, openly censored. There were even two assassinations of opposition-supporting journalists (Slavko Čuruvija and Dragomir Pantić) under very suspicious circumstances. Communications between police and the media were unilateral, and the public were treated as an object of influence. After the democratic changes in October 2000, the new democratic government launched extensive reforms in an attempt to establish the rule of law through democratic institutions. As the police was one of the main pillars of the non-democratic regime, its reform was of utmost importance. In the context of overall reforms to make a shift from police force to police service, it was also necessary to change the nature of police-media relations. The tempo of the reform process was rather fast until the assassination of Prime Minister Đinđić in March 2002. Later on, the process underwent a backlash, due to the new prevailing political conditions. With the Organization for Security and Co-operation in Europe- OCSE, as a strategic partner, the project of improving police-media relations was launched in 2005. The first phase of the project included an assessment of contemporary media and police relations in Serbia through a series of roundtable discussions organized in various regions of the country. Major findings of the actual problems in these relations, from the viewpoint of the journalist and police officers, are presented in the paper, as well as some system obstacles and recommendations for further improvement.

UDK: 351.74:659.4

Keywords: Police; Media.

1 INTRODUCTION

Establishing good relations with the mass media is of utmost importance for each police organisation that is striving to achieve high levels of public trust and support. This is due, in part, to the fact that an average citizen forms their impression about the police mainly on the basis of media reports. On the other hand, police organisations are very interesting for the mass media, as the public like to read, hear and watch programmes and articles about security issues, crime and public order. According to Robert Reiner, the media are fascinated with police and dramatizations of police action provide sensational entertainment.¹

Media representations of the police are very important and have an effect upon the role of the police organization in society. In particular, media images of the police impact upon public perceptions of police legitimacy.² Therefore, police legitimacy in a democratic society is, in many respects, dependent upon an appropriate

1 Reiner, R. (2001), *The Politics of Police*, Oxford University Press, USA; 3rd edition, and Reiner, R. (1997) "Media Made Criminality: The Representation of Crime in the Mass Media" in M. Maguire, R. Morgan & R. Reiner, (eds). *The Oxford Handbook of Criminology*, second edition, Oxford: Clarendon Press.

2 Mawby, R.C. (2002), *Policing Images: Policing, Communication and Legitimacy*, Intl. Specialized Book Service Inc.

presentation of police work by that society's media. In this respect, therefore, such media are an important instrument of external informal control over police practice.

Generally speaking, the media do support the police and the role of the police in democratic and non-democratic societies.³ But, on the other hand, relations between the police and the media are loaded with a number of problems in many countries due to the fact that each institution is based upon different and sometimes conflicting attitudes, values, norms, logic, interests, rules and regulations. The journalists often blame the police, and the police chiefs often hold the media responsible for mutual misunderstandings.⁴

Bogoljub Milosavljević highlights the following key reasons which may help explain this mutual antagonism between the media and the police:

1. There exists a conflict between the roles of the police as an instrument of government for controlling the public and, eventually, limiting human rights and the role of the media as proclaimed protector of human freedom and the most influential external instrument of control of the government.
2. Information is important both for the police and for the media. These organisations simply cannot function without collecting, processing and using information. In this respect, information becomes a commodity which both the media and the police compete for.
3. The public and political spheres impact upon the relations between the police and the media. The media can influence public attitudes towards the police in a positive or negative way. On the other hand, through the media, the police can inform the public about its work, and receive feedback of their success in matching public expectation. With regard to the political sphere, the government can put

³ *The reasons for this support are different. In non-democratic societies, the media are under the control of a government that speaks with one voice and, therefore, support the police that are protecting the regime. In democratic societies, both institutions serve to protect the interests of the citizens and the democratic values that the society is built upon.*

⁴ *Besides Reiner's work in this area, the following are also relevant: Leishman, F. and Mason, P. (2003), *Policing and the Media: Facts, Fictions and Factions*, Willan Publishing; Boyle, R. (1999), "Spotlight Strathclyde: Police and Media Strategies", *Corporate Communication: An International Journal*, Vol 4 No 2, pp. 93-97; Kenneth, D. (1997), "Media Influence on Citizens Attitudes toward Police Effectiveness", *Policing and Society*, Vol 12, No 03, pp. 227-238.*

pressure on the media to treat the police more or less favourably.

4. Disregarding the principle of objective reporting and the freedom of the press, the media sometimes, due to commercial or political reasons, may distort reality in their coverage of certain subjects. Furthermore, despite the fact that freedom of speech is proclaimed in the constitutions and laws of a number of countries, occasionally, even in societies with democratic traditions, censorship is undertaken by the police.⁵

1.1 Police and Media Relations during the System of Personal Rule 1989-2000

Like many other socialist countries in the last decade of the 20th century, Serbia made the transition towards democracy. Despite formal changes to the political system, the newly-introduced democratic institutions were just a facade of the personal rule of Slobodan Milošević and his party – the Socialist party of Serbia - SPS. Opponents of the main ideology, including media that were not under direct government control, were not considered as a viable political opposition, but as enemies of the state and the nation.⁶

The police were an instrument of the ruling elite and one of the main pillars of the non-democratic regime. The only thing that was important to the police was to be seen in the eyes of the ruling elites as an efficient protector of the existing system. Protection of the interests of the ruling elites was, with the help of the ideological mechanism, interpreted in terms of 'constitutional order' and 'national interest'. The protection of citizen's lives

⁵ *For more details see Milosavljević, 1997:275-277, Kešetović, 1998:74-77.*

⁶ *These are some examples: On the 2nd of June 2000, journalists from the daily newspapers Danas, Blic, Glas javnosti, and agencies Fonet and Beta were not allowed to attend the session of the administrative committee of the Serbian Parliament. At the very beginning of this session, the president of the Committee, Dragan Ljubojević (Serbian Radical Party - SRS), enumerated news desks of 'treacherous media' and 'asked' their journalists to leave the meeting. Otherwise the meeting would not begin. Ten days later, these journalists were excluded from reporting from a session of the federal assembly with the rationale that their requests for accreditation were late. Nikola Šainović, vice-president of the Government of FR Yugoslavia, accused, on June 6th 2000, the independent media of being 'traitors and NATO servants', adding that it is time for the citizens to become 'owners of the truth'. At the meeting of the local committee of the SPS i Veliko Gradiste, the Minister of Interior Vlatko Stojiljković accused Otpor (an opposition organisation), the media and NGO's of terrorism. Source: Dossier on repression No 4 for June and Jul 2000 in Serbia in media sphere.*

and property were tasks of much less importance, a state of affairs which had tragic consequences for both police organization and public safety.

Control was exerted not only with the 'hard power' (police), but also with 'soft power' (Joseph Nye)⁷ through defining reality and shaping peoples' thoughts. State-controlled media and press agencies functioned as a propaganda machine, repeating official messages,⁸ mobilising people for supporting the wars in the former Yugoslavia or entertaining them with low quality entertainment.⁹ There were only a few newspapers, TV and radio stations¹⁰ that were independent or critical of the regime. Even journalists and their professional associations were divided on lines of their support or opposition to the dominant regime.

In this context, the government-controlled police and press were natural allies. On the other hand, the police and the independent media¹¹ were opponents. The government media were all speaking with one voice which produced a favourable image of the police, whilst critical media perspectives were less prominent. The independent media did however focus its critique on the police and highlighted, first of all, its brutality in dealing with the opponents of the regime, its corruption, its nepotism and its politicisation.

The Ministry of Interior maintained relationships only with the official media and their journalists. This was mainly one-way communication through official statements and specially arranged 'events' for eligible reporters. Journalists from independent media organizations were excluded from such MoI media events and labelled as enemies, non-patriots, traitors, foreign payees and spies. Leading opposition journalists were under the surveillance of the secret (state) police.¹² During the peaks of social and political crisis, independent media were banned, their facilities occupied, equipment and recorded material seized and journalists were imprisoned and subjected to police hearings. Two

journalists were even killed under circumstances which appear to implicate the state.¹³

1.2 Police and Media Relations after Democratic Change

After the democratic changes in Serbia (October, 5th, 2000),¹⁴ police reform was one of the priorities of the new government. The general aim of the police reform was to create a professional, depoliticized police responsible for law enforcement and the protection of human rights and freedoms. They were to be efficient in the prevention and repression of crime and would ensure public safety and the integration of values appropriate to a democratic society.

One of the most frequently used words was 'transparency'. For the first democratic government and its Prime Minister, dr Zoran Đinđić, the public was not a pure object of influence. The image of the government, its officials and all the ministries became very important and, consequently, the Ministry of Interior began a policy of establishing good relations with media. The Ministry of Interior opened up to the media to a greater degree and journalists were not discriminated against any more. Some organizational changes have been introduced in order to improve communications with media, like establishing the Bureau for Co-operation with Media within the cabinet of the Ministry of Interior. However, many of the problems from the previous period are still present and a coherent overall strategy in police-media relations was still missing. One important obstacle for such reform was the fact that the reform of the Ministry was slow due to political rivalry within the governing coalition. This led to a slow rate of policy reform. Despite such reforms as have already occurred, the Serbian police is very centralised, politicised and unprofessional.

After the democratic changes in the Serbian media, political influence has become both more sophisticated and more discrete. A number of printed and electronic media have emerged and journalists are relatively free to write, search for

7 *Soft power is a term used in international relations theory to describe the ability of a political body, such as a state, to indirectly influence the behavior or interests of other political bodies through cultural or ideological means. From Nye (1990).*

8 *Slogans and mantras like 'Serbia will not stoop down' were created by Slobodan Milošević, and constantly repeated in electronic and printed media, on billboards, T-shirts etc.*

9 *According to the Juvenal's saying 'Panem et circenses'.*

10 *Newspapers 'Naša Borba' and 'Danas', radio stations 'B 92' and 'Index' and TV 'Studio B', being the most popular and having the widest influence.*

11 *We are fully aware that fully 'independent media' is a Utopia, or, at least, an ideal. By this term we mean media that were not under direct control of the Serbian government.*

12 *The notorious 'Resor državne bezbednosti' - state security sector.*

13 *Slavko Ćuruvija and Dragomir Pantić. Ćuruvija was under the surveillance of the secret police one minute before he was killed near his flat in the centre of Belgrade. Milošević's wife, in an indirect way, announced this murder few days before it actually occurred. These cases were never solved.*

14 *On October 5th 2000, after the election, more than 600,000 citizens gathered in massive demonstrations in front of Federal Assembly in Belgrade. Police refused Milošević's order to use force, so in the evening Milošević had to accept the fact that he lost the competition for position of president. For Serbia, this day was a turning-point towards a democratic regime.*

information and criticize the policy-makers at both local and state level. There are a lot of new and privately-owned media searching for sensational stories. Also, some media are owned by 'nouveaux riches' some of whom have political ambitions. The level of journalistic quality is low and there is a sense that objective reporting is declining. More than five years after the democratic changes the media is inadequately regulated by legislation.¹⁵

1.3 The Project - "Improvement of Communication between Media and Police"

As the Organisation for Security and Co-operation in Europe is the most important strategic partner in the police reform process, this organisation (OSCE Mission to SaM - Media and Law Enforcement Departments) launched in February 2005 in co-operation with the MoI-Bureau for Media. The 'Improvement of Communication between Media and Police' project aimed to improve relations between the police and the media in Serbia.

This project is a part of an overall effort by the OSCE to assist Serbian authorities in building up stable democratic institutions. It is beyond doubt that both police and media are very important social institutions that have considerable influence upon citizens' quality of life, the establishment of the rule of law and the functioning of the legal system. In that context, partnership relations between the media and police are very important in transforming the police from a regime based on force to one based upon the notion of 'service'.

The processes of political and economic transition in Serbia have led to safety-related issues that society, as a whole, has to combat. This is impossible without a certain level of trust in the police (as well as in the judicial system and other institutions), and it cannot be achieved without two-way efficient co-operation between the police and the media. The period of autocratic regime still burdens relations between the media and the police, so a concerted effort has to be made to forge a new relationship.

The basic aim of this project is to highlight the importance of mutual co-operation and good relations, to decrease the level of mistrust between the police and the media and to broaden the mutual knowledge of the practices and limitations of both professions.

¹⁵ A new law on radio broadcasting was adopted in July 2006 despite many serious objections raised by OSCE and independent journalist associations.

2 METHODOLOGY

Implementation of the project was envisaged in three phases. The first phase included the assessment of present media and police relations in Serbia, through a series of roundtable discussions organized in various regions of the country. At these events the representatives of local and district police and local and regional media assess the level of existing relations, point out problems and suggest possible solutions. The sample comprised of only one-third of district police organizations. Bearing in mind the fact that the police in Serbia are rather sensitive to criticisms of their work, and that, generally, people are still not able to speak freely about problems in public, along with the round tables a survey of the opinions of journalists was conducted through the use of questionnaires. Unfortunately, due to some technical and organizational problems, this survey was not conducted in all districts.

In the second phase, recommendations were made on the basis of a situation assessment and implemented in order to improve relations between media and police.

The third, and final, phase of the project included evaluation, corrections of recommended solutions and, if needed, suggestions of some other measures that would make the project self-sustainable.

2.1 Implementation of the First Phase

Within the first phase of the project implementation, the OSCE Mission to SaM, with the support of the Bureau for Media Co-operation of the Serbian Ministry of Interior, organised eleven roundtables from February to November 2005. Roundtables were organized in the following Secretariats of Interior (district police organizations): Vranje (Bujanovac), Zajecar, Kragujevac, Novi Pazar, Subotica, Nis, Kikinda, Sabac, Pozarevac, Uzice and Belgrade.¹⁶ As relevant target groups, the representatives of district police Secretariats, local police officials and representatives of local and regional media that regularly co-operate with the police were invited to take part in the roundtable discussions.¹⁷ Representatives of

¹⁶ It was not possible to organize a roundtable in each Secretariat in Serbia, so sites with different primary security issues, north and south of the country, border regions and big cities were chosen.

¹⁷ Bureau for Media Co-operation of the Serbian Ministry of Interior in each case provided the OMiSaM with a list of media with whom they co-operate, and the OMiSaM selected the media to be invited, using the criteria of type (print

local self-governments (municipalities, cities and districts) also attended the events, as the future decentralization of police structure predicts a very important role for local authorities in solving local safety issues. After the first few roundtables it became obvious that representatives of the local or regional judiciary (pre-investigative judges or public prosecutors) should also be present and active in the roundtable discussions. In total, 342 participants took part in the roundtable discussions.

As a part of preparations for each of the roundtables, a questionnaire, designed for the purposes of the project, was distributed to invited media outlets.¹⁸ Media representatives were asked to fill out the questionnaire and present the most important problems that they faced in communication with the police, as well as their suggestions for improvements. The purpose of this pre-investigation was to use time at roundtables more efficiently and to point discussion to key issues.

The aim of the roundtables was to engage representatives of the police, media, judiciary and local authorities into dialogue on the most important issues which affected relations between the police and media in general, identification of problems specific for the region/police Secretariat where the event took place and proposals of possible solutions for some of these challenges.

3 RESULTS

Remarks of Journalists Distinctive For All, or for Majority of Secretariats

- Information is late and often insufficient, secrecy over data is common, and police statements are mostly dry in content, administrative in style and usually consist of statistics. It seems that police officials do not have a clear picture of what news is and how press releases should be composed.¹⁹ As the police are still relatively 'closed', journalists are forced to use unofficial sources of information beside official ones.

and broadcast), ownership (private and public), coverage (local, regional and correspondents from central media). In multi-ethnic and multi-lingual regions (Bujanovac, Novi Pazar and Subotica) ethnic and linguistic criteria were also taken into consideration

¹⁸ The questionnaire is in the appendix at the end of the chapter.

¹⁹ A journalist at the Kikinda roundtable stressed that, "events are being described by a person who has no basic journalistic sense for important details" and that the language used is, "incomprehensible both to journalists and the public".

- Communication goes one-way, from police to media outlets, and is strictly centralised; representatives of the local police are not free to provide the media with any information before receiving approval from the Ministry HQ in Belgrade.
- A special problem is that initial information on some criminal acts, or other safety-related incidents are incomplete and procedures for the actions of police and journalists regarding information distribution are unclear.
- The procedure to get approval for police officers to be guests on radio and TV shows is undefined, complicated and time-consuming, although their presence in the live shows is essential, as 'live interview coverage' is far more efficient than written statements. Police officers are also perceived as lacking basic media training (especially in relation to TV appearances). Approval for broadcast media to video/audio record police activities or crime scenes is rarely given. Communication is mostly reduced to distribution of approved and formal written statements from the police, with no possibility of further inquiry.
- There are cases of discrimination against certain media and even censorship of some information. Provincial media are in a worse position than their colleagues in Belgrade-based media. In Uzice, for example, journalists from small-town media could not get the information from the police on a local case, while the media from Uzice, who communicate directly with the Secretariat, got the information promptly. This is very important in some cases, as prompt information dissemination can prevent negative consequences.
- The issue of TV reporters and their crews on the crime scene was raised. Both journalists and police officers agreed that some general rules should be set, and training on crime scene procedures be provided for media professionals. It was suggested that journalists and their crews, specialised and trained for covering police work/ crime investigations should get special accreditation that would ease their everyday work.²⁰
- Police are often over-sensitive to critiques of their work that is published/broadcasted in the media.

²⁰ According to the research that the Journalist Association of Serbia (UNS) published in 2006, around two hundred journalists in Serbia are specialized in coverage of crime/police work.

- There is no possibility to communicate with police via e-mail.
- Problems in communication are also present in relation to the local judiciary - pre-investigative judges are inaccessible to media representatives, or unprepared to give information. In some cases, certain media are being privileged to get information from the investigative court or the prosecutor's office.

Remarks of Journalists Distinctive for Specific Secretariats

- Police abandoned the practice of holding press conferences, which is a step backwards when compared to the period 2001-2003 (Bujanovac, Novi Pazar).
- Even widely known facts cannot be officially confirmed. Statistical data on murders dating to 1964 were not given to a journalist writing an analytical article. Audio/video recordings of police officers' statements are rare (Novi Pazar).
- Officers in charge of media communication are inaccessible after office hours and during weekends (Novi Pazar).
- Sporadic cases of pressure being applied to journalists do occur. For example if journalists, using their own sources of information, gather some data about the criminal activities of some local criminal groups or local powerful people, they often cease the investigation due to concern for their own safety. Some of this problems and affairs in the town are 'public secrets', but reporting on them might be dangerous (Novi Pazar).
- There is no communication between the police and local authorities (Novi Pazar).²¹
- Officers, especially Heads of Secretariats and local police chiefs, are inaccessible (Subotica, Kikinda).
- Some official requests from journalists are left unanswered (Subotica).
- There is no unified criteria for the distribution of information. When the murder of six individuals took place one Christmas, none of the police officers could be reached by telephone. Conversely, when the national flag was burnt on a Sunday, all the media outlets received a written official statement (Subotica).
- Information from some Secretariats is leaked to specific journalists due to them being personal contacts. This puts other media in a worse position.
- The media are not adequately used in public safety campaigns such as those concerning traffic safety and drug abuse (Subotica).
- Police are still closed, inflexible and sometimes arrogant. Media that opposed Milosevic's regime still have problems in communication with the police, and officers who described journalists as 'traitors' and 'foreign mercenaries' during the 1990's still hold the same positions within the police. Police officers are afraid to be seen in public with certain 'opposition' journalists. In one of the comments, a journalist stated, "We have no problem in communication, as we do not have serious communication" (Kikinda).
- Police officers do not permit themselves to be audio/ video recorded and communicate only through written statements (Užice).
- Police are inert and inept in presenting 'success stories' that would improve their public image. There is no video footage of police rescues, officers assisting the injured and the self-sacrificing acts of police officers (Užice).
- Some journalists expressed doubt that any real changes can be implemented at a local level before an overall strategy is adopted, and systemic solutions are put in place and become operative. Strategy should ensure a more open approach and a decentralisation of police communication with the media (Užice).
- There remains unequal practice in revealing information. For example, in Belgrade, police reveal not only names, but also even the photos of suspected criminals, while the Secretariat in Sabac provides the media only with initials. Even informally, police will not reveal names to journalists, which makes them feel 'untrusted' (Šabac).
- Police statements are often useless for the media (for example, "a person in a company embezzled certain funds"). The situation is even worse when information is requested from

²¹ *The biggest obstacles for better co-operation of police and local authorities in Novi Pazar are political disputes between opposed political parties gathering Bosniaks - SDA and SDP.*

the Prosecutor's Office. At the crime scene, journalists are forbidden to record anything, while police allowed people suspected to be involved in the criminal act to use mobile phone cameras. Journalists are not protected whilst reporting from rallies and other possibly violent events. There is also no protection of journalists from the 'nouveaux riches', local tycoons and criminals after publishing stories about them (Šabac).

Remarks of Police and Prosecution Representatives

- Journalists often do not have sufficient knowledge of criminal procedure and police operational strategies. The media often give more publicity to irrelevant rather than important information about police work. In many cases, legal terminology is misused (for example, terms like criminal procedure, investigation, custody and arrest) and the jurisdiction of state authorities (police, prosecution, pre-investigative judiciary and court of law) is often confused in media reports. At some of the roundtables, journalists even claimed that, "in recent years police learned much more about journalism than journalists learned about police work". The necessity for both training and specialization for journalists covering crime and police work was stressed.
- Journalists should take care not to turn their media into a 'school for criminals'. Sometimes articles/ programmes report criminal techniques and police work methodology in full.
- There are very few positive stories on police successes, risks and the sacrifices police officers make while performing their duties.
- Police officers suggested that certain media organisations and journalists are under influence of local political and financial interests.
- The media should educate citizens and create a new model of reporting that would increase the overall level of safety and responsibility in local communities.
- Police representatives pointed out that they are aware that there are a number of obstacles to better communication with the media, as the structure of the police service is very centralized. From their point of view new 'Instructions for Informing' need to be adopted,

procedures for communication defined, the system of approval and distribution of information decentralized, more authority given to local police chiefs and the type of information that cannot be published defined. A new systematization of work posts, including a position of spokesperson in each police Secretariat is currently being prepared.

- Representatives of the prosecution stressed that only the court trial is (usually) open to public, so it is dangerous to reveal information related to different phases of criminal procedure. The interests of the investigation, as well as those of suspected perpetrators and victims limit the information that can be given to the media. Prosecutors support the transparency of state authority's activities, when it does not jeopardize their work, but they also stress the personal and biased attitude that journalists have in some cases. Prosecutors believe it is unacceptable that the media sometimes report on a case in which the prosecution still have not pressed charges. Journalists are also usually very interested in the charges, but rarely follow court procedure until the verdict. If charges are dropped, the media rarely report on that and the person who was suspected and presented as a suspect in the public inevitably suffers damage to their reputation.

4 DISCUSSION

In each of the events, the co-operation between media and police was considered to be much better than during the period of non-democratic regime. However, it is hard to give a general and universal assessment on the quality of media and police co-operation in Serbia as a whole, because huge differences exist from one Secretariat to another. If we would try to rank Secretariats, in which roundtables were organized, according to successful co-operation of media and police, on one end of the scale would be Zaječar, Niš, Požarevac and Užice as the most successful ones, while Bujanovac and Novi Pazar would be the least successful ones. The rest of the Secretariats (four of them) would rank in the middle. Due to a number of specific issues, the Secretariat in Belgrade is hard to compare with other district police units in Serbia. It is interesting that good conditions were often related to personnel changes in certain Secretariats (e.g. the appointment of a new Head of Secretariat) and that the situation is bad in communities where inter-ethnic, and other social and political tensions, are present. Even in regions where co-operation is generally good (Užice,

for example) there are still serious issues to be addressed.

The fact remains that, in all roundtables, media representatives initiated topics and discussion, while police officials mostly replied, sometimes in a defensive manner, to their remarks and suggestions. At some of the events (in Novi Pazar, for example) the participants were not ready to talk about problems openly during formal discussion, but rather during breaks. In Kikinda, questionnaire answers were much harsher than the criticism and remarks disclosed in the discussion.

None of the Secretariats has a formally appointed spokesperson (as a specific post with a job description), nor any other official whose exclusive task would be to communicate with the media. On the other hand, all of the Secretariats have an official who is in charge of communication with the media. In most of the cases, these are the officials employed in the Department for Analysis and Information. Contact with the media constitutes only one part of their job description and, on average, accounts for around 30% of their work. Often they share the office with police officers who perform completely different tasks, and rarely have any technical equipment for their work (PC, audio/ video recorders, Internet access and e-mail accounts). Usually these are police officers who have no journalistic experience at all²² and who were never trained for that job. In most cases, they consult, and ask for approval of, the pre-investigative judges and prosecutors in charge of the case before revealing any information (in order not to jeopardize the efficiency of criminal investigation).

Media outlets are being informed daily (via telephone or fax, rarely via e-mail), weekly (through bulletins that the police send to news desks) and monthly. Specific statements are issued only in cases of grave criminal acts, such as fires. Some Secretariats organize regular weekly (Niš) or monthly (Zaječar) press conferences where representatives of all local police stations within the Secretariat are present.

When it comes to the remarks of media representatives, a number of them are, more or less, common to all, or at least in a majority of Secretariats, while some are specific for one or few of them. It is interesting that, even within the same Secretariat, some journalists assessed the

co-operation as very good, while some claimed it was insufficient or even bad (Subotica).

Besides the remarks made during the roundtable discussions, some examples of existing good practice in Secretariats that are rather successful in their media relations were mentioned. The importance of constant dialogue between the media and police was highlighted in the conclusion of all roundtables. Periodical meetings, rather than 'global' solutions, would contribute to the solving of the majority of misunderstandings between the media and police. It would also lead to an increase of mutual trust, respect and awareness of the advantages of efficient communication.

5 CONCLUSION

Although relations between the media and the police are much better than during the 1990's, they are still far from the ideal standards required by a democratic society. Mistrust is still present; the police are not sufficiently open and still in need of a strategy for their public relations and media policy. The present situation is marked by legacies from the past, including insufficient awareness of the necessity for co-operation and true partnership. Unevenness in the process of reform of the Ministry of Interior influences the lack of systemic solutions that would help improve communication between the media and the police and other linked stakeholders (e.g. community policing initiatives). This is best reflected in the centralized model of police structure, the absence of local and regional influence on police and safety related issues, the bureaucratic procedures and the low capacity of ordinary police officers and local police chiefs in the decision-making process which are partially caused by an overly hierarchical system inherited from previous times. It seems that the media and the police are still seen more as rivals or even enemies than partners in protecting the community and its democratic values. This certainly is a consequence of the slow pace of transition within Serbia. Getting to know each other better is the main precondition for the improvement of co-operation between the media and the police in the future.

The main problems in this field are:

- A lack of strategy for police relations with the media;
- Vague operative procedures in everyday dealings with the media;

²² One exception is the officer in charge of media co-operation in Kragujevac who has three years experience as a correspondent of 'Večernje Novosti' daily newspaper.

- The authority and responsibility of police officers at a local and regional level;
- The disorganisation of police units in their communication with the media;
- A lack of technical equipment;
- Imprecise regulations on the withholding of data;
- Irresponsibility regarding accurate reporting;
- A lack of educated journalists/editors covering police work; and
- A lack of police officers who are informed about the essence, character and aims of media.

An overall systemic solution for better communication between the media and the police²³ can only be achieved after the adoption of a new Constitution and set of laws (on the police and criminal code). It is crucial that both the police and the media in Serbia adopt a new system of values, and learn how to carry out the new roles they should have as key institutions of a democratic society, and constantly be aware of the enormous responsibility they have. A necessary prerequisite is a radical change in the way that the political leadership is managing the process of transition towards a modern and open society based upon the rule of law and a respect for human rights.

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²³ A new police law was adopted in november 2005, but its full implementation will be delayed until the end of 2006.

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Appendix

Questionnaire for journalists – relations with the police

1	How do you obtain information from the police? How many journalists from your media outlet deal with this issue?
2	How useful is the information you receive from the police for your daily work?
3	If you have any problems with the local police, state the common examples.
4	Is the person in charge of public relations accessible to all members of your newsroom?
5	Do you ever, and in what way use personal contacts to obtain information from the police?
6	Do you publish all the press releases from the police?
7	How can the communication between the police and journalists be improved in the future?
8	Personal experience, comments

Presentation of Police Activities in the Mass Media

Aleš Bučar-Ručman, Gorazd Meško

ORIGINAL SCIENTIFIC ARTICLE

ABSTRACT

This paper deals with the presentation of police activities and crime in the mass media. We carried out a literature review in which we focused upon the construction of a theoretical framework for further qualitative research of media reports about a selected case of police activity. The paper has two objectives: first, to find out how the media report police activities and crime and, second, to compare and contrast reports from different media. In this case we have focused especially on the media representation of police activities concerning a specific case, a bank robbery in Ljubljana. In the theoretical part of the paper we explain our views on media reports about crime, factors that influence people working within the media (for example, the occupational context of journalist and editor roles) and the influence of the media on crime perception and fear of crime. We have also focused on the connection between media interests (defined by their commercial nature as private companies) and the consequence of such commercial characteristics upon the media content. In the second part of the paper we present our qualitative research in which we have used macro-preposition analysis of media reports to focus upon media coverage of the bank robbery in Ljubljana and subsequent police activities.

UDK: 351.741:070

Keywords: media, crime, police, police activity, media reports.

1 INTRODUCTION

The question of media presentation of both police activities and crime in general is a very important issue which reaches far beyond the organisation of the police. Already, at the beginning of the paper, we have to stress that the characteristics and conclusions about the role of the mass media in society and the relationship between media, police and public, presented in this paper, are typical only for democratic political systems with free media.¹ The presentation of crime and police performance in the mass media is connected to peoples' perception of the threat of crime and has a substantial influence on fear of crime. By focusing on specific issues or a specific crime phenomenon, the media can influence public opinion and contribute to the development of public debate.²

Pfeiffer et al. (2005: 260) concluded that this can, in some cases, even lead to increased pressure on policy makers to increase statutory punishments and tighten the rules of procedure for criminal prosecution.

The police performance of their duties as defined in law³ depends heavily on the cooperation of the public with the police. Out of all the criminal justice institutions which deal with crime the police are the most visible. People view it as a guarantee not only of their safety but also expect that it will be able to both control and prevent crime. It is crucial for the police organisation that people place trust in it and to achieve this the police must have a positive reputation among citizens. One of the most important elements that can influence their reputation are the mass

1 Within totalitarian political systems the media are an instrument for manipulation of public opinion. Questions of police activity, public security and the performance of criminal justice institutions are issues that can only be covered in an uncritical way by the media.

2 In this paper we perceive 'public' as a specific social category, which appears as a social element in relation to a

specific issue. We perceive it in the context of Dewey's (in McQuail, 1983: 152) definition, which sees public as a political group of individuals, joined together by awareness about common problems and solutions.

3 E.g. prevention and investigation of crime, arrest of perpetrators etc. as defined in Article 2 of Police Law (original Zakon o policiji).

media. Reports connected to police activities and police procedures presented in the mass media have a crucial role in the development of peoples' attitudes toward police organisation. It is true that personal experience influences attitudes toward the police organisation in general, but public opinion is on the long run greatly shaped by media presentations of police and estimations of police efficiency. Chermak and Weiss (2005: 501) argued that the news media are a force that police organisation and police managers must contend with in order to manufacture a legitimate reputation. Similarly, the police organisation must strategically control their external environment in order to maintain organisational legitimacy and one way to accomplish this goal effectively is by exploiting their relationship with the news media.

Mass media are also an important element within western societies because they present the means of public control over institutions and individuals with power (for example, government institutions and functionaries, police organisations and politicians). By doing this, they represent the 'fourth branch' of government. Chermak and Weiss (2005: 503) argue that news organisations are not, and cannot afford to be, perceived as simply a propaganda tool that government agencies use to manipulate public opinion. With the help of the media the public can be made aware of illegitimate actions. This is important especially in the case of exerting control over those institutions

or individuals who are either funded from state or local budgets or who hold considerable powers above and beyond those held by the public.⁴ Since the police represent the strongest repressive instrument that a country can use over a civilian population, the media are one of the watchdogs that monitor the use of, what Giddens (2002) calls, the state monopoly of the means of violence which are pointed 'internally', is done in accordance to the law. The legislation of democratic countries includes different guarantees in respect of human rights and fundamental freedoms. If these provisions are violated, mass media can inform the public and by doing so present external pressure in respect of legislation.

In the following chapters we try to present trends concerning public trust in the police and the mass media and the connection between media, public, crime and police. We also focus on different processes that are going on inside media organisations and, in the final chapters of this paper, we present macro-prepositional analysis of media reports about police activities in a specific case of bank robbery.

2 Public Trust in Police and Mass Media

We have already mentioned that police organisations rely on public trust. The issue of public trust is increasingly connected to the presentation of police activities within the mass media and public

Table 2.1: Public trust in police and mass media

How much do you trust in	Nothing at all (%)	Only a little (%)	Quite a lot (%)	Totally (%)	Do not know (%)
Police (year 2000)	9,9	32,5	42,2	11	4,4
Police (year 2003)	14,4	43,6	34,5	5,4	2,1
Police (year 2005)	14,7	40,1	35,9	6,3	3
Mass media: TV, Radio, Newspapers (year 2000)	7,3	37,6	44,7	7,8	2,6
Mass media: TV, Radio, Newspapers (year 2003)	8,5	46,8	39,1	4,5	0
Mass media: TV, Radio, Newspapers (year 2005)	7,6	46,2	41,3	3,7	1,2

Source: Slovene public opinion poll 2000, 2003, 2005 (orig. Slovensko javno mnenje 2000, 2003, 2005); accessed at <http://nesstar2.adp.fdv.uni-lj.si:8080/webview/index.jsp> (accessed 10th September 2006)

⁴ *There have been a lot of cases in which media reports have helped to protect individuals or the public against different violations of rules and laws. A good example of this was*

the public presentation of footage detailing the brutal arrest and physical abuse of Rodney King by the Los Angeles Police Department.

estimations of police effectiveness, accountability and professionalism. In the following paragraphs we look more closely at the results of Slovene public opinion polls from 2000, 2003 and 2005 which investigate the issue of public trust in the police. As we have identified the mass media as one of the elements that can influence public trust in the police, we present the statistical data for public trust in mass media.

From the results of the Slovene public opinion polls of 2000, 2003, 2005 presented in Table 2.1 we can ascertain that the trust of the Slovene public in the police has decreased in a period between 2000 and 2003, but in the following two years the negative trend stopped. The results from the poll conducted in 2005 were comparable to those from the year 2003. We can conclude that the biggest decrease of trust in police appeared in the period 2000-2003 when the percentage of answers 'totally trust in police' dropped from 11 % in 2000 to 5,4 % in 2003, and, conversely, the percentage of answers 'nothing at all' has increased from 9,9 % to 14,4 % and, in the group of answers 'only a little', from 32,5 % to 43,6 %. From the data presented in Table 2.1 we can see that a similar trend appeared also in the field of public trust in mass media. In the period 2000 - 2005 the percentage of answers in the group 'totally trust in media' has dropped from 7,8 % in 2000 to 4,5 % in 2003 and to 3,7 % in 2005. At the same time there was a progressive increase in the percentage of answers from the group 'only a little'. In 2000 the percentage of this answers was 37,6 %, in 2003 it was 46,8 % and in 2005 it was 46,2 %.

Explanations for this decrease of trust in the police and the mass media are, according to our judgements, a consequence of the influence of different elements and mistakes, but it would be unprofessional and inappropriate to expose and specify some causes just on the basis of our feelings and judgements. Because we do not have research data to support our estimations we will merely present this statistical data and suggest it as a suitable area for future research.

3 MEDIA, PUBLIC, POLICE AND CRIME

For a better understanding of relations between the three most important elements that form the 'public safety discourse' (public, mass media and police), we have to first look closely at the general role of the media in society. People's knowledge of every day events is based on four different sources of information from which people construct their social realities: personal experiences (direct communication); significant others (for example,

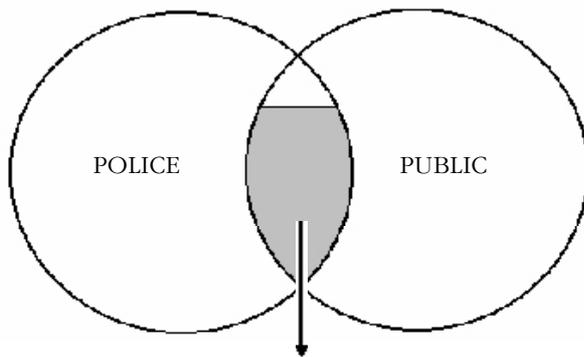
peers, family and friends); other social groups and institutions (schools, unions, churches and government agencies) and the mass media (Surette, 1998: 6).

3.1 The Role of Mass Media in Contemporary Society and Their Coverage of Crime and Policing

No one can get direct information about all events in the world. It is also impossible to get all the information from interpersonal communication (with significant others or people around us) or from communication with other social groups or institutions. No one can get all the information about all events through the mass media which is the main source of information in contemporary society. Despite this, the mass media is increasingly becoming the most effective means of communicating within western societies which are characterised through affluent yet demanding lifestyles. If we want to stay informed, it remains the simplest way of doing so and, in some cases, the only means of doing so. It is wrong to suggest that the media are only simple transmitters of messages from the sources to the recipients. They are much more than that. They construct social reality. According to the theory of media socialization, lessons about reality are taught and learned and media can influence on that (McQuail, 1994: 361). The agenda setting model, presented by McCombs and Shaw (in McQuail, Windahl, 1993: 104), presumes that the mass media have an effect on public opinion simply by paying attention to some issues and neglecting others. Similarly, Bučar-R. (2006: 60) concluded that the media direct public attention to different issues and that although they do not directly influence peoples' opinion, they expose certain issues to people which will subsequently shape their opinion. The connection between the media and the public also works in reverse because, in many cases, the media create their agenda in accordance with public opinion. These characteristics are also typical for information about crime and police activities. As we present in Scheme 3.1, most people find out about the majority of crime events and police activities from the mass media with only a minority finding out about such events through other sources (for example, through personal experience to ourselves or our acquaintances). The mass media construct or at least exert a considerable influence on the construction of our perception of crime. Crime is also a topic people usually talk about within their social groups. Media reports have an important influence on people's perception of crime in society and are, according to Meško (2000), one of the creators of myths

about crime. Pfeiffer et al. (2005: 266) argued that some studies from USA and Canada have concluded that peoples' misconceptions about perceived increases in crime are linked to mass media representations of crime.

Information people get about police, its activities etc. from non-media sources (direct communication/ experience, interpersonal communication etc.)



Information people get about police, its activities (and crime in general) from the mass media

Scheme 3.1: Public, media, police relationship

Public estimation of police effectiveness also depends heavily on media reports. In the cases of reports about crime, the police are usually mentioned in the initial bulletin and within subsequent reports. In cases of big stories on which the media focus their attention, police activities are evaluated on different phases and reports connected to some events can appear some considerable time after the crime was committed.⁵ The mass media do not present all crime events and police activities but select only those that are newsworthy. Similarly, nor do they focus the same level of attention to all crime events or police activities that are covered. Some of the reports appear on the front pages of newspapers or are presented as a breaking news in the first minutes of evening news on television, while others are just mentioned somewhere in the middle. The same

characteristics are typical in terms of the size of an article in a newspaper or the length of a report on television or on the radio.

The mass media can present information (news) to a much bigger audience than any other communication channel. The number of people that come into contact with the news presented on television, radio or in the newspapers is much higher than in the case of any other communication channel. Nevertheless we must not neglect the meaning of interpersonal communication. The information that people receive from the mass media do not just automatically settle down in their conscious and simply form the knowledge or opinion of that person. People add their own experiences and considerations. Surette (1998: 7) concluded that people's knowledge from all sources (i.e. significant others, social groups, institutions and the mass media) combine with knowledge from personal experiences. From this mix each individual constructs his or her personal world. This socially constructed world is composed of the events individuals experience or believe to be happening. People also usually discuss different events or information within their different social groups of, for example, family, friends and co-workers. In these phases of interpersonal communication the basic information is consolidated with the opinion of others and, correspondingly, we must not neglect the influence of the collective conscious that also influences an individual's opinion. When we discuss the role of interpersonal communication we also have to look closely at the conclusions of Katz and Lazarsfeld. They established the two-step flow model of mass media and personal influence which predicts that individuals are not all equal in the face of media campaigns, but have different roles in the communication process. They can be divided into those who are active in receiving and passing on ideas from the media (opinion leaders) and those who mainly rely on other personal contacts as their guides. Some people have a crucial role in influencing on others (Lazarsfeld and Katz in McQuail and Windahl, 1993: 62-66).

Interpersonal communication is not the only source of information, but is one of the central means by which media content is spread further. Some researchers have concluded that news diffusion is higher for some types of event. The most typical case of this kind of interpersonal news diffusion was the news about President Kennedy's assassination of which the majority of people were made aware within a period of one hour after the first news report (Perloff, 1998: 192). For interpersonal news diffusion it is important that the individual considers the information as

⁵ E.g. 'news' about Slovene serial killer Metod Trobec was presented in the media decades after his crimes were committed. Trobec became a Slovene 'bad guy' celebrity especially because of the presentation of his crimes (committed both inside and outside prison) by the mass media. In May 2006 the information that he committed suicide was one of the top news stories presented in the media despite the fact that over 30 years had elapsed since the murders. After Trobec's suicide Slovenia got a new 'bad guy' celebrity, a new serial killer Silvo Plut who even had a few interviews on television.

one of special importance, interest or attraction. News which does not include these components is not diffused. The more important, shocking, interesting or exclusive the news the higher is the speed of its diffusion.⁶ If we try to group the types of news which fulfil such news diffusion criteria, one group would undoubtedly represent news connected to crime events (e.g. terrorist attacks on USA on September 11).⁷

When we discuss the role of the mass media in society, we can conclude that different media are accorded different statuses. Television is the most important media of all. It connects sound and picture and presents the closest image to the original. Norris (in Vreg, 2004: 185), presented data about the source of everyday news of people in EU-15 and found that, in 1999, 71 % of people got information from the television, 47 % from the radio, 45 % from the newspapers and 20 % of people that have access to the internet got information through internet.

Mass media organisations are one of the economic components of the global business market. They sell to advertisers the opportunity to approach to large groups of people (or potential markets). Larger audiences lead to greater revenue from advertisements and also from the selling of media products (for example, newspapers). This dependence upon the size of the audience directs all media activities towards achieving bigger audiences.⁸ Leighley (2004: 72) argues that the primary function of privately owned newspapers and television stations is to make profit. Other possible roles, such as informing the public, representing the interests of the public, or acting as a government watchdog are of secondary importance in a privately-owned media arena. The consequences of that are seen also in the media content. The combination of traditional

news and entertainment elements, described as infotainment, is present in almost all types of programmes (for example, in evening news, talk shows, and semi-documentary programmes). These are also characteristics of media reports about crime events and police activities and, subsequently, in the following paragraph we present the processes which occur inside media organisations that influence the formation of media content.

3.2 Process inside of Media Organisation and Their Reflection in Media Content

The final version of the news which is presented to an audience has already been exposed to different processes inside media organisations which themselves are characterised by different journalistic values and ideologies. The media do not report situations 'exactly' and their content is dependent upon their sources. They are judging which part of the statements/information (if any) are to be presented, how they will be presented, which comments will follow this statement, which photo or video elements will be used and on which page or at what time this news will be presented. Besides using only information that is passed to them from official sources (for example police spokespersons) they also use their own sources and techniques of investigative journalism. All of this is characteristic of media reports about crime and police activities. When a responsible person inside of media organisation decides that they will report a certain crime event, they usually present official statements of representatives of the police, photographs from the scene and, in a majority of cases, they also present some unofficial information and information from their own sources. Even though the journalists are dedicated to a professional journalistic ideology and 'objectivity', news includes different values which derive from different influences: from journalistic practice in the process of collecting information, to patterns of recruiting journalists and ideological presumptions of society. An important process that takes place within the media organisation is gatekeeping. Berger (1995: 64) argues that gatekeepers are those individuals inside of media organisations who decide what will be presented. They decide what is important news for that day and how much attention it will get. The selection of topics presented in the media is ultimately dependent upon subjective choices. Shoemaker (2002: 254-259) concluded that the whole gatekeeping process is influenced by social ideology and culture. This process which takes place within the media organisation is influenced at a wider occupational level by the communication

6 Greenberg formed a J-curve model of news diffusion. He concluded that the percentage of people who find out specific news from interpersonal communication rises with the increase in the dramatic quality of the news. The percentage is lowest in cases of news with low general importance followed by events that have general public importance (the normal news stories of the day) (more in McQuail, D. and Windahl, S. (1993). *Communication Models; chapter News Diffusion*, p. 78-85. New York, Longman).

7 E.g. in the case of terrorist attack on September 11, my friend had called me and told me that planes crashed into WTC. This news was so important for him, that he had to pass it to somebody. After that I followed the reports about the situation in the USA from the media.

8 Exception is the public media radio and television RTV Slovenija for which the 70,7 % source of incomes is the obligatory monthly subscription and only in 18,2 % the incomes from advertising (Year report 2004; orig. Letno poročilo 2004, 2005: 68).

process and organisational characteristics, and, at an individual level, gatekeeping is influenced by different personal experiences. According to Bass's (in McQuail, Windahl, 1993, 171) double action model of internal news flow, primary gatekeepers in a phase of news gathering are reporters, writers and local editors; secondary gatekeepers in the phase of news processing are editors, copyreaders and translators. Not all of the information that journalists and editors receive will become news. Gatekeepers judge information and events on the basis of newsworthiness. McQuail (1994: 269) presented Hall's three basic 'rules of news visibility': 1) its link to an event or occurrence (the component of action); 2) its recency; 3) its newsworthiness or link to some important person. Surette (1998: 21) argues that crime news is portrayed as being objective and chosen for its newsworthiness. However, it is routinely created and pre-packaged by and for the news agencies, which then present the news within the framework of pre-established stereotypical themes. Furthermore, as technical capacity to cover crime news has expanded, media organisations have increasingly blurred news and entertainment. In the process, crime news has become the mainstay of new hybrid news-entertainment, or 'infotainment', shows. This change is becoming ever more evident within Slovenia. Crime news represents a big proportion of all news presented in the media. There are substantial reports about different crime events, police activities and also reports from courts. One does not have to be a professional to recognise that the media picture of crime fails to reflect the reality. The majority of crimes presented in the media are those that represent the minority of crimes in reality (and vice versa). The media report about crime events that are shocking, dramatic and bloody (for example, murders, family tragedies and crimes of a violent or sexual nature) and they use different elements that give us the impression that we are following action directly on the field (shots/photos of police officers at the crime scene and interviews with the victim's neighbours, and relatives). We can also find special programmes which entertain people by presenting actual crime and criminal cases in a realistic light, sometimes in re-enactments, sometimes as dramatised stories and sometimes in documentary-style stories.⁹ Surette (1998: 72) argues that despite their image of reality these programmes are produced by using entertainment techniques that employing entertainment-style plot

features of 'crime, chase and capture'. In addition to this we can even identify some sort of reality shows where journalists are working together with policemen and becoming involved in chasing suspects.¹⁰ Some of these programmes remind one of Foucault's (1991) description of reactions to crime in the period prior to the 18th century when torture and punishment as public spectacle was used for the purpose of deterrence. The message of some of these programmes is, quite simply, 'the bad boys will get caught'. Petrovec (2003: 54, 61) concluded that the share of violent content in the most read Slovene newspaper 'Slovenske novice' (without the supplement) was 26,9% and the share of violence, crime and scandals on the front pages of this newspaper was 66,7%. It is of concern that the media which present the highest number of violent cases are also the media which have the biggest audience. We can conclude that people want to see crime and violence from the safety of their living rooms. At the same time, this influences their perception of crime in society, their fear of crime and, according to Pfeiffer et al. (2005: 275), increases public support for more punitive sentencing.

Any discussion of the interconnection of mass media and crime, needs to focus attention on another delicate issue – the use of media power as a means of undermining the reputation of an individual for the sole intent of selling a media product. There have been many cases of media scrutiny of individuals and their presentation within the public realm as perpetrators of certain criminal offences, long before they were (if ever) convicted.¹¹ By doing this, the mass media can impact upon the perception of an individual's integrity and even though the presumption of innocence¹² is one of the basic principles of democratic society, the media can in some cases,

9 In the case of Slovenia we can find a few programmes that fulfil this description (e.g. programmes on commercial TV station POPTV – *Trenja* and *Preverjeno*; and programs on public TV – *Tar a* and sometimes *Tednik*).

10 On Slovene TV programmes we could see different foreign TV programs where reporters worked together with police units (*Cops, America's Most Wanted*) and beside that there were some Slovene 'documentary' TV shows (for example, *Reporter X, Preverjeno*) that presented the activities of Slovene police.

11 We have examples of media covered trials of some suspects in Slovenia who were later found innocent (*Kristjan Kamenik, Milica Makoter* etc). Although this cases were widely cover by the media, the trials in Slovenia are not presented/recorded on television as were in the case of world's most famous 'media trial' – *The trial of O. J. Simpson*.

12 The principle of presumption of innocence is included also in Slovene constitution. Article 27 defines that any person charged with a criminal offence shall be presumed innocent until found guilty by a final judgment (*Ur. list RS, 33/9*).

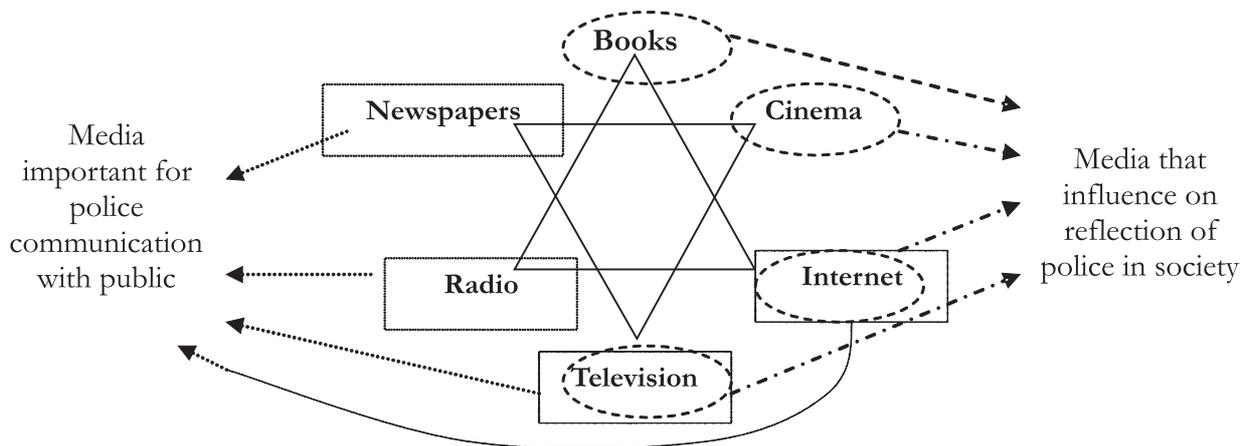
forever stigmatise individuals as criminal.¹³ To prevent such cases, the Inspectorate for Protection of Personal Data, at the beginning of 2004, outlined a new non obligatory explanation whereby the Slovene police cannot give the initials of the names of suspects to the media. The Inspectorate explained that the police do not have the legal authority to present such information and concluded that such actions are not in accordance with the provisions of Law for the protection of personal data (Report about the work of Inspectorate for Protection of Personal Data in year 2004; orig. Poročilo o delu Inšpektorata za varstvo osebnih podatkov v letu 2004). This change of police practice provoked strong reactions amongst the media who defended the position that the public has a right to know this information. We consider this position open to debate, especially in the cases of individuals who are not in the public eye (unlike, for example, politicians or high state officials). In some cases (for example, in smaller towns or more rural areas) the presentation of personal data such as the initials of a name, family name, age or permanent residency can identify an individual who is supposed to be innocent until proven guilty in a court of law.

In the following paragraph we focus on the connection between the police organisation and the mass media and present the role of different media types and their influence on presentation of the police in public.

4 Police and the Mass Media

According to the Katz, Gurevitch and Hass (in Fiske, 2003: 19) model of interrelationships of the five main mass media, people use different forms of media for different purposes. They concluded that people tend to use newspapers, radio and television to connect themselves to society, but use books and films to escape from reality. Since 1973 when Katz, Gurevitch and Hass created their model, a new media has appeared. The internet, with its broad applicability, represents a tool that can help people escape from reality and, conversely, it is a tool that connects people to society. It simply depends on the needs and desires of a user. When we look at the connection between mass media and the police, we can conclude that there is a distinction between six types of mass media, presented in the Scheme 4.1. One group represents media that are important for police communication with the public (television news programmes, radio, newspapers and internet) and the other represents media that influence perceptions of the police organisation in society and affect public attitude towards both policing and crime (books, films, television programs, internet).¹⁴

In the case of media reports about police we can identify consistent patterns of reporting. Media reports about the police are usually connected to



Scheme 4.1: Mass media and police

Source: Based on Katz, Gurevitch and Hass (1973) in Fiske, 2003: 19.

¹³ A few years ago the Croatian TV program *Latinica*, presented a story of a young boy, who got arrested because he was found near the crime scene of a brutal paedophile rape. Because he was already convicted of a petty larceny police treated him as a suspect. When the news reporters found out that the police had arrested him, they manage to sneak and take a picture of that boy. His picture had been on the front pages of Croatian newspapers and featured in television coverage for a few days, until police reported

a negative match of DNA tests. The boy was innocent but, in the eyes of a public, he was already (and probably still is) convicted.

¹⁴ Crime, police, and criminal organisations have been the topic of a number of novels, television programmes, and movies (from, for example, Dostoyevsky's *Crime and Punishment* to fictional crime movies such as *The Godfather*). Crime even represents a special genre (*Crime Fiction/ Crime*) in literature and cinema.

specific crime events and explanations of police procedures in those cases. Contrastingly, the media often publicly criticise the police and their misuse of power. Sometimes the media's ability to reach a large number of people is used for informing people about different public safety campaigns (for example, campaigns against driving while intoxicated and preventive campaigns aimed at preventing illicit drug abuse). The mass media are also used for informing people about different threats to their safety and for highlighting police requests for information from the public (for example, for help in locating a fugitive with the help of a sketch or a photo presented in the media or for appealing to witnesses of a crime).

According to the article 6 of Police Law (orig. Zakon o policiji, Ur. list RS 107/2006), The General Police Directorate is in charge for informing responsible state institutions and the public about the work of the police, present security issues and security conditions. Article 22 of Police Law additionally explains the relationship between the police and the public by stating that the police are required to inform the public about matters connected to their work if this does not undermine their ability to discharge their role or jeopardise the safety of the public. Information and reports are presented by the Minister of the Interior, Director General of Police or other authorised persons. In practice this means that there are few people who can present the official position of the police in public and, in the majority of cases, these are presented by representatives other than the Director General or minister. For communication with the public they use a combination of different media – television, radio, newspapers and the internet. If we compare this to the situation represented by Chermak and Weiss (2005), we can identify some indicators that suggest that the Slovene police are using some of the strategies and techniques described by them. Chermak and Weiss (2005: 501) argue that effective communication for PIOs (Public Information Officers) means responding proactively to scandals, manufacturing public and political support for strategic activities, and providing information and data to satisfy media inquiries. Surette and Richard (1995) found that the responsibilities of PIOs were: to field daily media inquiries, to arrange media interviews with other agency personnel, to personally conduct press conferences and interviews, to conduct training and to develop and distribute press releases. PIOs were described as daily trouble-shooters and first contact points between the police and the media. Their organisational function is to coordinate the flow of information to the news media while

promoting a positive image of the organisation. Our estimation is that the Slovene police is trying to achieve the described system of co-operation between the media and the public, but that there is still a lot of work which has to be done. In our opinion, the biggest problems and mistakes were caused because of the individual or collective interests of some people who misused their positions and/or wanted to please the media and public.

So far we have focussed on the transmission of a message through the mass media to the public (process school of communication). We now have to focus our attention on another approach to understanding communication - that of semiotics. This school sees communication as the production and exchange of meanings rather than a linear transfer of messages from transmitter to receiver. It is concerned with how messages, or text, interact with people in order to produce meanings. It deals with the role of text in our culture. Semiotics sees a message as compositions of signs which are interpreted by 'readers' to construct reality. The reader helps to create the meaning of the text by bringing to it his or her experience, attitudes, and emotions (Fiske, 2003: 2). If we place this in the context of police-media-public discourse, we can conclude that for the police (as also for other institutions) it is important that the public reads their text in the way they want to present it. When we talk about 'text' we consider it in Fairclough's (1995: 4) sense, where text is not understood only as a piece of written language but may refer to either written or spoken discourse. In this perspective everyday policing produces a number of messages just through officers performing their duties and being present (or not being present) on the streets. To prevent public misinterpretations, the police must be aware of this fact. Another important question regards the issue of contrasting public statements by police representatives. Because these statements are, in the majority of cases, connected to critical events (for example, criminal offences, security threats and accidents) it is even more important to prevent the possibility of misinterpretations by creating the 'text' of a message in accordance with appropriate signs (for example, specific words, backgrounds, and supporting elements).

In the next chapter we present the findings of qualitative research in which we have undertaken a macro-preposition analysis of media content. We have focused on specific case of police activity related to a bank robbery in Ljubljana

5 QUALITATIVE RESEARCH – MACRO- PREPOSITION ANALYSIS OF MEDIA CONTENT

In a number of media reports it has become obvious to members of the audience that the same event or statements are being presented differently in the output of different media organisations. As we have already discussed, this is a consequence of the various elements that influence the internal processes of both mass media (in an organisational sense) and the specific media content that they generate. In accordance with this conclusion we decided to analyse the media content of a specific event. We chose a bank robbery in Ljubljana which was committed on 9th September 2005. For the purpose of this research we decided to use a macro-prepositional analysis based on the methodology of Karmen Erjavec (2005) who analysed reports about the Iraq war in Slovene media. Like her, we also considered a preposition as an 'idea unit' in the form of a single sentence, several sentences, a paragraph or a whole news story. Through our analysis we tried to unthread the messages (prepositions) of specific news reports about the robbery and searched for the similarities and differences between reports presented by different media. Because we chose only a single event (or case study) we decided not to go further into a discourse analysis of media reports. If we attempted to present that kind of analysis we would have to analyse more cases and do so over a longer period of time.

In the following paragraphs we present the macro-prepositional analysis of media reports about the robbery and police activities connected to this event, presented in the evening news on public television (RTV Slovenija, September 9, 2005), on commercial television station (Pop TV, September 9 and September 12, 2005) and in two Slovene daily newspapers (Delo, September 10, 2005; Slovenske novice, September 10 and September 13, 2005).

Through our analysis we discovered that the preposition included in all reports was - The police did everything in their power to find the perpetrators. This preposition was especially strong in early reports about the robbery and police activities in relation to it. When we analyse the media reports we can see that this preposition was supported with the use of different media techniques and elements. RTV Slovenia used video material 'from the scene' where we could see the police car in a hurry (with lights and sirens on), the police helicopter and policemen on the scene. This was accompanied with commentaries such as 'The police hurried to the scene of the crime, the area was controlled from the helicopter'. Pop TV used similar techniques and presented (part)

of a statement made by a police representative (Peter Kralj, Police Directorate Ljubljana) who said, 'Police reacted with all available forces, units, immediately after the report of a robbery. We notified neighbouring Police Directorates. Straight away with this event we also called for the assistance of Slovene police helicopter, which was at that moment already in the air.' This preposition was also present in the newspapers the next day. Slovenske novice (September 10, 2005: 4) published a photo of a police car in front of the bank and described that, 'The first on the scene were the private security personnel and immediately after them the police, who started with search activities. They used also a police helicopter which was circling over Ljubljana, but the robbers were not found until the afternoon'. The presence of this preposition was seen also in newspaper Delo (September 10, 2005: 7), but to a much minor extent. Delo also used a photo of a police car and policemen on the scene, but their article was, when compared to the others, quite short, and included only basic information. In the context of identified preposition Delo wrote that, 'Policemen and criminal investigators (in the morning there was also a helicopter over Ljubljana) are still searching for the perpetrators'. We can conclude that the first media reports about the robbery (television reports on the first and newspapers on the second day) were presenting the police and their activities as a positive and appropriate reaction to the situation. All of the media mentioned the use of a helicopter, which was seen as an additional help to policemen on the ground and as indicative of a strong police will to capture the robbers.

After a few days the situation changed. The same media that reported the crime and presented police reactions in a positive way, changed their position and become rather critical of the police and their activities. The preposition which emerged was in contrast to the earlier one and police became a target of indirect and direct criticism. In this phase we can present a new preposition - The police were not successful in finding the robbers. We conclude that the media criticised the police because of their judgement that the police were ineffective in solving the case. This preposition can be partly seen in the report on Pop TV (September 12, 2005) where reporters said that: 'Robbers who took approximately 20 million tolar from the bank in the centre of Ljubljana, have not been arrested yet by the police.' In addition, the report by Pop TV presented a few details about the robbery and concluded the report with a short description of a bank robbery in Celje three years ago and with the report of another robbery in Ljubljana. The reporter finished her report with the words,

'The perpetrator of that robbery (the other one in Ljubljana) has still not been arrested.' This new preposition was even more obvious in the second article published in *Slovenske novice* (September 13, 2005: 3). They criticised the police because they had not found the robbers three days after the crime and because they did not ask for assistance from neighbouring countries. Another problem appeared because the police were reluctant to show the videotape of the perpetrators to the media and the public. One reporter wrote: 'Our request for the videotape was at first received with disapproval, but after that we reminded the Police Directorate of Ljubljana, that the public presentation of a tape aided in the identification of the suspect in the murder of Miša Vujičića in the Hotel Lev. Then they changed their minds.' The whole preposition is also supported by the conclusion: 'If the tapes of bank security cameras, which the police and the bank do not want to show, are not of good quality, it is quite possible that the case will remain unsolved for a number of years.'

In all the reports we also identify another preposition - The situation was dangerous because the robbers used guns but nobody got hurt. This preposition was present on Pop TV where they introduced their evening news report with the sentence, 'In the morning two armed individuals robbed the bank in the centre of Ljubljana. They threatened the employees with the gun and demanded money. They have reportedly stolen 20 million tolar.' In addition to that Pop TV presented a (part) of a statement made by Peter Kralj (Police Directorate Ljubljana) where he tried to calm the public. He said, 'Immediately after entering the bank, they threatened staff with firearms, but at that time there were no customers at the bank and they did not use the firearms'. The use of guns was also addressed in the report of RTV Slovenia where the reporter said, 'They threatened staff with the guns and demanded money.' RTV Slovenija presented the same part of Kralj's statement as Pop TV. The identified preposition was also present in the next day's newspapers. *Delo* (September 10, 2005: 7) published the following sentence, 'Robbers threatened the employees with guns and demanded money. They had nothing else to do and they gave it to them ... At that time there were no customers at the bank and no employees were hurt.' At the beginning of an article in *Slovenske novice* (September 13, 2005: 3) it was noted that, '... two unknown armed men entered and threatened the employees to give them money.' In the following paragraphs of this article they presented a statement by a witness of the robbery and part of that statement is connected to the analysed preposition. In accordance to the tabloid nature

of this newspaper¹⁵ they used more sensational language. They presented a quote from a witness who said, '... but now we know that the robbery happened, I think it was quite dangerous what they did. What if they 'pop' somebody!' In contrast, we cannot find any evidence of this identified preposition in the media reports that followed the initial news about the robbery (report on Pop TV on September 12, 2005 and article in *Slovenske novice* published on September 13, 2005).

From the macro-preposition analysis we can conclude that media reports in this particular case followed similar patterns within the different media, with some media even using the same extracts of police statements. Media differences in reporting are dependent on the differing natures of media organisations and the use of different journalistic styles by particular media types (for example, the use of sensational language and photo/video material and style connotated titles). We can also conclude that the media evaluated the effectiveness of the police and after a couple of days, when it became clear that police had not yet captured the perpetrators, acted in accordance with our theoretical conclusion, that the media are watchdogs over different state institutions.

6 CONCLUSIONS

From the theoretical and empirical part of our research we can conclude that the media have an important role in contemporary society. They influence our perception of the world around us. If we want to be informed about the different events the only possible way is to get some kind of a summary through the mass media. They do more than merely transmit messages from the sources to the recipients. They are constructors of social reality. The presentation of crime and police activities in the mass media are connected to peoples' perception of their level of risk and has an important influence upon both fear of crime and public trust in the police organisation. If the police want to be effective in their work they have

15 *The most-read newspaper in Slovenia is Slovenske novice, which is followed by Delo (which has half less readers), Veer and Dnevnik. Radio station with the highest number of listeners is Val 202, followed by Slovenia 1, Radio City etc. (National research of media audience, 2005; orig. Nacionalna raziskava branosti). TV program of public television TV Slovenia 1 has a 25,4 % share of audience, TV Slovenia 2 9,3 %, commercial TV Pop TV 29,7 % and Kanal A 8,8 % share (Baši Hrvatini, Ku i, 2004: 67, 84). In the first quarter of a year 2005 48 % of households (in total 309.238 of households) had internet access (The use of internet in households 2005; orig. Uporaba interneta v gospodinjstvih 2005).*

to have a positive reputation in the eyes of the public. Public estimation of police effectiveness therefore depends on media reports about police activities. In terms of specific reports about crime, the police are usually mentioned in both the main news bulletins and subsequent reports. In the cases of the major crime stories upon which the media focus their attention, police activities are evaluated on different phases and reports that are connected to some events can appear a long time after the occurrence of the actual event. Although mass media organisations are primarily run for the generation of economic profit they also monitor the activities of the police and other state institutions and apply external pressure to ensure that such bodies adhere to legislation. This role of the media became obvious also in our macro-preposition analysis. We found that the same media which were, at the beginning, reporting about police activities in a positive way changed their position and three days later started to criticise the police, because they still had not caught the perpetrators of the crime.

The final news which is presented to the audience is exposed to different processes inside of media organisations (for example, gatekeeping and agenda setting). They make decisions over which part of the statements or information are presented, how they will be presented, which comments will follow the statement, which photo or video elements will be used and on which page or at what time this news will be presented. The main criteria in accepting this decision is the newsworthiness of the information but the whole process is also influenced by social ideology, societal and organisational cultures and divergent personal experiences. From the results of macro-preposition analysis of this case study we concluded that differences in media reports were based on the varied nature of media organisation. Almost all the media reported the analysed robbery in the same way, the only one that differed was the tabloid newspaper Slovenske Novice. Differences in their report were based on the tabloid nature of this newspaper and on the use of specific elements characteristic for that type of media.

The results of the performed macro-preposition analysis are limited to the case study. However, the methodology is widely applicable and can be used to perform wider analysis of media content. For further research we propose to use this method in analyses of a higher number of case studies, analyses of media content through a longer period of time and also in conjunction with other qualitative and quantitative research methods. Issues relevant for further research are: reception analysis of the influence of media reports on fear of crime, public perception of crime in society and public trust in police. In contrast, we also

suggest further research which would deal with the question of identifying the differences between the actual happening (actual reality) of a specific crime event and the media reports about it (media reality).

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Relations Between Criminal Investigation Strategy and Police Management

Anton Dvoršek

ORIGINAL SCIENTIFIC ARTICLE

ABSTRACT

In this article, the author discusses the relationship between criminal investigation strategy or, as it is termed in Germany, 'Kriminalstrategie', and police management. The study is based on a characteristic qualitative analysis of criminal investigation strategy and the main strategic factors that influence effective crime reduction. The findings are compared to the main characteristics of police management. A comparison shows that German terminology tries to involve strategic planning elements of police crime in criminal investigations. Thus it represents only a partial equivalent to the Anglo-American term of 'police crime control strategy'. The creators of the theoretical background of the new approach have concluded that through analysing elements from the field of criminal investigation (offenders' characteristics, modus operandi, investigation methods and police powers) they can establish operational strategies focused on the narrower field of police crime control. For the creation of more general strategies applicable to a wider field, it is also essential to perform analyses of other elements which can be found in the literature of police management (for example, management, police organisation, personnel, equipment and similar). Therefore, the knowledge of criminal investigation strategy and police management are connected. Both, of course, are aspects of (criminal investigation) strategic problem solving. Criminal investigation strategies deal with substantive aspects while police management deals with organisational problem solving strategies. Police managers as 'decision makers' should be familiar with the development of both types of strategy. However, the theoretical tools of both strategies are different, yet they are compatible.

UDK:343.98:005

Keywords: crime; crime control strategy.

1 INTRODUCTION

Criminal investigation strategy is a relatively young field that is of interest to both scientists and experts. In Germany, its development began in the 1980s. Organised crime analysis identified obvious outlines of business strategy principles in strategic operations and German theoreticians concluded that the only way to deal with this kind of a strategy was to adopt a good counterstrategy. Therefore, they attempted to combine findings that considered (military) strategy in general with findings that have developed within criminalistics. Analyses of military strategies and organized crime strategies highlighted one point of similarity. In both strategies the logistics were crucial to the attainment of the goal. New forms of supranational crimes require the adaptation of criminal investigation strategies amongst other actions.

Some authors (Kube, Störzer and Timm, 1992, p.3) consider it the third branch of criminalistics (Germ.: Kriminalistik¹) - beside tactics and techniques - while others (Ackermann and others, 2000, p.657) maintain that it exceeds the field of criminalistics, which is especially true in the case of general criminal investigation strategies. Theoreticians who have studied the field of criminal investigation strategy have soon established that in devising global criminal investigation strategies, e.g. in the

¹ *The term criminalistics as an independent scientific discipline in Germany and other Eastern European Countries does not include only the forensic sciences (Germ.: Kriminaltechnik), but the entire field of criminal investigation (Germ.: Kriminaltaktik) as well. Therefore, criminal investigation is not just a skill, it is a scientific discipline. For this reason the criminal investigation strategy could be developed in these areas.*

territory of a state or even in the international security area such as the territory of the European Union, strategic factors that do not belong to the field of criminalistics but are nevertheless important for devising an efficient strategy cannot be avoided. As an example of this, we might give the example of repressive illegal drug abuse reduction, although similar measures are taken in prevention as well. In order to efficiently reduce illegal drug abuse internationally, by mainly concentrating on repressive strategies, it is necessary to consider other factors in addition to factors relating to the manner of the offenders' operation and criminal investigative work (both being part of criminalistics). Technical factors (for example, compatible technical equipment for quick information exchange and the provision of adequate filters to eliminate unverified information) are also important, as are managerial (for example, stimulation of motivation for quality verification of information upon request by investigators from other countries) and organisational factors (efficient coordination of cooperation with foreign investigative authorities depends on the level of centralisation and/or decentralisation of the police). We can, therefore, ensure that investigators in a certain area may be appropriately qualified and have all the necessary resources (for example, authorisation and technical equipment) at their disposal. They will not however be able to develop an efficient (criminal investigation) strategy of crime reduction unless they take into consideration the factors that do not belong among the tools of criminalistics. However, such difficulties with the integration of new types of knowledge into already existent schemes is not a new problem, although one characterised by some confusion over terminology.

The Anglo-American arena is not familiar with the term criminal investigation strategy, due to a different definition of the term criminalistics. This does not mean that they do not include strategic elements, including ones belonging to criminal investigation, in the planning of measures for efficient crime reduction. The field of criminal investigation strategy is, to a larger or lesser extent, covered by the terms 'crime control strategy', 'strategies for controlling crime' and 'crime reduction strategy'.² But they, however, do not use the same procedures as do the planners of criminal investigation strategies (Locke, 1990).

² For more details cf. e.g. Dvoršek, 2001: 22-23. On the Google web browser, we can find as many as 45 million hits under the expression 'crime strategy', which indicates that it encompasses an entire social system of crime control, while criminal investigation strategy is only a sub-system that involves the use of criminal investigation procedures and resources.

These strategies are dependent on criminal investigation. Therefore, theories of repressive strategies are more developed, although the balance of both strategic directions is desired. The Anglo-American draft is defined from the outlook of criminology.³ Thus, in terms of police work⁴, the prevention strategies are overdeveloped. Despite the differences of both approaches, it is important to involve knowledge of strategy as a skill with which to incorporate the goal of effective crime reduction into the field of police crime control. At this point, theoreticians in Germany realized that military strategy knowledge is insufficient and that among operative strategies the need of more global police crime control strategies, accompanied by a consideration of other sub-systems, is required. Therefore knowledge of strategic planning and strategic management appear as useful tools. Consequently, the question of relations between police crime control strategy and police (strategic) management emerges. Does the knowledge of these fields overlap or supplement each other?

2 GENERAL FACTS ON CRIMINAL INVESTIGATION STRATEGY

The term strategy, in simple terms, means skill in attaining a certain goal. It therefore seeks answers to the question HOW does one achieve a particular goal? All strategies have been developed from military strategies, which have by far the longest tradition and criminal investigation strategy has largely followed its example. Schäfer (1973), who defined it as the skill of joint action of police forces in order to implement the goals of crime policy, is considered to be its founding father. It therefore represents the means to implement the goals of crime policy. At the outset, it was developed exclusively as a strategy to counter the strategy of criminals, which used only criminal investigation resources. However, when it also started targeting future crime, it became clear that in planning measures it could no longer rely merely on factors related to criminalistics (offenders' characteristics, modus operandi, choice of victims, objects of criminal offences, criminal investigation procedures of detection, and investigation), but that it would be necessary to take into account other factors related to criminal investigation work

³ This is illustrated in comprehensive work of Tonry's and Farrington's (1995) 'Building a Safer Society, Strategic Approaches to Crime Prevention' which was supported by Home Office, although police prevention is not at the forefront.

⁴ The German overview of crime prevention activities was prepared by the police itself (BKA, 2000); therefore preventive activities are analyzed from the point of local community roles or regional police units.

that also largely contributed to the efficiency of police reduction of crime. A new definition took shape, according to which criminal investigation strategy became a scientific field studying possible ways of implementing preventive and repressive measures in fighting crime through planning global measures, while taking into account the efficiency principle (Klink and Kordus, 1986, p.22). The definition therefore no longer solely includes criminal investigation measures, which indicates that criminal investigation strategies exceed the framework of criminalistics. Recent findings have shown that an important part of criminal investigation strategy, i.e. operative criminal investigation strategies, undoubtedly belongs to criminalistics, whereas global criminal investigation strategies exceed it (Schmelz, 1999, p.558, Ackermann and others, 2000, p.657). Examples of these global strategies include issues concerning solving criminal investigation strategy problems within the international security area that has appeared with the creation of the European Union (Berthel, 2005, p.710).⁵

To facilitate our understanding of criminal investigation strategy, let us discuss some of its basic theoretical tools. We distinguish between general⁶ and operative criminal investigation strategies. The criterion for this distinction is the object of analysis and the level of planning. In general criminal investigation strategies we talk about reducing all crime or a certain type of crime, for example, economic crime, in a certain area – the top (general) level. In operative criminal investigation strategies, however, we talk about planning to reduce individual types of criminal offences in a certain area (for example, peer violence in schools, street violence and the street sale of drugs), but rarely about investigating the activities of a certain crime group (for example, strategies of operative infiltration). The core of good operative criminal investigation strategies has to do with knowing the opponent's psychology. General criminal investigation strategies are further divided into crime strategies (oriented to certain types of crime, for example, economic, organised and property crime), strategies targeting individual professional

fields of police work - in German 'die Fachstrategie' – (for example, development of internationally compatible information systems and introduction of new covert investigation methods) and regional strategies (dealing with crime reduction in a geographically limited area). Strategies can target the perpetrators, victims, institutions, the feeling of security, reputation of the police and similar targets. Similarly to warfare or medicine, for example, as with regard to the treatment of cancer, there is no universal strategy that would be efficient in fighting different types of crime, which is why we can only seek solutions in combinations of different strategies. Sometimes strategies directed at one target (for example, reducing the amount of victims of sexual crimes) will be more efficient, whereas on another occasion, strategies directed at a number of targets prove more efficient (for example, to reduce street crime, we can target drug users, introduce measures to increase the feeling of security and look to change the organisation of police work). There can also be combinations of various general strategies that are directed at the same target (the perpetrators).⁷

We should return once more to the resources of criminal investigation strategy. In most general terms, criminal investigation resources are at the forefront. Different criminal investigation resources do exist. For example, in order to prove criminal offences, forensic methods of detecting and investigating traces are important. The manner of using such resources in real cases is defined by the criminal investigation tactics, which are the basic resource of criminal investigation strategies. Furthermore, in implementing a strategy, the individuals implementing it are also of great importance, in terms of their abilities to organise, their knowledge, their leadership qualities and other factors that ensure the efficient implementation of both criminal investigation tactical measures and police measures in general. It is also necessary for those implementing the measures to employ good strategic analysts. Strategic analyses represent the basic means by which to devise efficient (criminal investigation) strategies.

We have now approached the various factors that need to be analysed in order to devise an efficient (criminal investigation) strategy. In devising any

⁵ To this end, the European Commission has drawn up a strategic document on strategy against cross border crime (*Strategie gegen grenzüberschreitende Kriminalität*; <http://www.europa-web.de/europa/03euinf/eukomm/krimina.htm>). The emphasis is on the possibility of exchanging information from criminal records among all EU Member States.

⁶ Klink and Kordus (1986, p.23) talk about planned criminal investigation strategies (*die geplante Kriminalstrategie*) which is inadequate since operative strategies also need to be planned. However, no German author offers a more suitable expression.

⁷ For more details cf. e.g. Dvoršek, 2001, p93. It is possible to combine crime strategies and strategies targeting individual professional fields, an example of this being strategies for the prevention of money laundering.

strategy, we first have to establish where we are.⁸ In order to establish this, we normally need to analyse three types of factors:

- our own potential;
- the opponent; and
- the systemic environment in which we wish to implement the set goal.

Criminal investigation strategy has additionally been divided the factors listed above.⁹ Thus, the following divisions can be identified:

- factors related to the characteristics of the offenders' operation or modus operandi (offenders' profile, time, place, manner of operation, instruments used, victims, eyewitnesses and similar);
- factors related to the contents of criminal investigation (criminal investigation measures at the scene of the crime, investigation methods, searching of suspects, interview, forensic research, seizure of objects or of proceeds and similar);
- factors related to the structure of police control mechanisms (management, authorisations in various police branches, personnel, equipment, training and education system, information and communication system and similar); and
- external factors that have an impact on police (investigative) work covering the cooperation with other control institutions, local communities, the public, and similar.

As we can see, the first set of factors refers to the opponent while the second set refers to our own

forces. The third set of factors is related to our own forces as well, although it stretches beyond the field of criminalistics. This is mainly important when it comes to devising efficient general criminal investigation strategies. The fourth set refers partly to our own forces, defining our allies, and partly to the systemic environment where the strategy is implemented.

The third set of factors, which also encompasses police (strategic) management, should be discussed in a bit more detail. On the one hand it represents a factor that has criminal investigation strategic relevance, while on the other hand it deals with processes of planning, devising and control of the implementation of strategies. There is therefore a kind of linking and intertwining involved, which we shall now analyse in more detail.

The aforementioned factors have to be the object of thorough criminal investigation strategic analysis. The criminal strategic analyses are distinguished from criminological (regional) analyses that are based on criminal geography knowledge and involvement of other types of factors. However, they are important for forming some other preventive strategies. Furthermore, they are distinguished from criminal analyses that scoop only the criminalistics factors. These kinds of analyses are sufficient for the formation of crime operative strategies, but not for general ones. The main use of crime strategic analyses is in defining strengths and weaknesses. Here the help of SWOT analysis is desired.

The neutralisation of the opponent's strengths and our own weaknesses (and making good use of the opponent's weaknesses and our own strengths) represents the core of the (criminal investigation) strategy.¹⁰ These analyses, or strategic analyses,

⁸ *These are the basic questions in strategic planning. The second question is where do we want to be, i.e. the definition of a goal. Since, in the field that we are discussing, the goals are normally shaped by crime policy, the answer to this question should already be known. However, since policing, except in relation to budgetary issues, is rarely the object of political debates, and since it is sometimes necessary to create staged (sub) goals in order to attain the main goal, it is logical that certain goals are set by the police itself (cf. e.g. the Middle-Term Plan of (Slovenian) Police Development and Work between 2003 and 2007). In recent years, Slovenian politics has nevertheless adopted an important strategic document that defines goals in the field of crime reduction (cf. the Resolution on Crime Prevention and Repression, 2006).*

⁹ *We are drawing on the division provided by Zierke, Jansen and Finkel (1992, pp.459-550). There do, however, exist other divisions that are based either on the nature of factors (organisational, technical and psychological), the phase of the criminal activity (preparations for a criminal offence, perpetration and exchanging the proceeds for money) or on the perceptions of the population (feeling of security and fear of crime).*

¹⁰ *For better understanding, the next case of operative strategy is presented. The group of criminals (they were thieves who stole from trailers with valuable cargo and trucks at road-side stops) stole the police vehicle. Their goal was to get the police radio frequency, so that they could become familiar with the positions of police patrols. By stealing the vehicle, rather than just the radio, however, the strategic benefit for successfully accomplished thefts was gained without the police realising. The police neutralized the mentioned strategic benefit when they, through an undercover agent, found out that the perpetrators were eavesdropping on police road patrol communications. The strategic benefit for the police was gained when they announced false information of patrol positions. The information stated that the patrols were far away from the perpetrators' position; therefore they assumed that they were safe. A similar illustration refers to general strategies. The strategic analyses of organized crime indicate that some weaknesses could be identified in the work of organized criminals as well. They try to hide their actions through legal activities, different locations of activity and money laundering. However, all these*

do not represent a strategy by themselves. They only represent the necessary basis to devise a strategy, which takes place through the process of criminal investigation strategic planning. However, criminal investigation strategic planning is not a unique phenomenon but has been developed from strategic planning. Moreover, strategic management has also developed from strategic planning. Strategic management has become increasingly recognised since the 1980s, which was also the time when criminal investigation strategy began to emerge. We shall now discuss the common points between both fields and demonstrate their interconnectedness.

3 LINKS BETWEEN CRIMINAL INVESTIGATION STRATEGY AND (POLICE) STRATEGIC MANAGEMENT

The fundamental link between criminal investigation strategy and strategic management is planning. Planning has had a long tradition in criminalistics and developed from the need for coordinated measures in cases of investigative complexity. During the 1980s, however, planning was perceived as increasingly important, especially in Germany, and the expression crime control planning (*Planung der Kriminalitätskontrolle*) came into existence.¹¹ The underlying reason was to eliminate the bottlenecks in investigation that were caused by the increased number of investigations, due to an increase in crime. The logical follow-up was an approach to strategic planning that

actions leave some traces: the profits from legal activities are not equal to the amount spent, variations to the location of activity require communication between perpetrators and suspicious financial transactions could be identified by different indicators. Consequently, different police powers are required (undercover methods, better exchange of international information and investigation coordination in different countries). All these findings are connected with criminal investigation. To avoid the negative effects and critical consequences other elements in the field of (strategic) police management have to be considered. In this sense the attention has to be focused on the issues of assuring that the interest of police investigators would not decline in cases of less attractive investigations of classic crimes. It is important also to conclude how to connect repressive and preventative efforts of different units in different Ministries. Attention has to be paid to the assurance of motivation for controlling mechanisms in different countries which have secondary but no less important roles in crime reduction. For creation of that kind of general strategy it is essential to connect the conclusions of criminal investigation strategy and police (strategic) management.

¹¹ For more detail cf. the monograph by Brisach, Ullmann, Sasse, Hübner and Desch (2001) *Planung der Kriminalitätskontrolle*. This clearly illustrates the shift from criminal investigations of individual cases to criminal investigation strategic planning which goes beyond individual cases and is a component part of the solving of strategic problems.

paralleled business strategies. At the same time, criminal investigation strategy was already taking shape. At the outset, it was primarily interested in operative strategies because at the time there were no available basis for the development of general strategies. Strategic planning, which meanwhile had become increasingly influential in other fields, represented, and still represents today, a useful tool for criminal investigation strategy that is instrumental in enabling the development of criminal investigation strategies and their implementation. Therefore, strategic planning has provided the solution to criminal investigation strategic problems at the general level.

Strategic management, in respect of responsibility for strategies, strategic creation and implementation of the entire business approach with an emphasis on management changes and company participation (Smith, 1994: 15), started its development at roughly the same time as criminal investigation strategy. It, nevertheless, took some time to become integrated into European policing. The same was true, perhaps even to a larger extent, for criminal investigation strategy, which, along with strategic planning, attempted to take over a wider corpus of strategic management of criminal investigation problems. It was most successful in Germany where the content of criminal investigation strategy was included into higher education programmes for both crime investigation managers and uniformed police managers.¹² Among these, the special department of 'K1 Kriminalstrategie' was established at the Crime Institute (BKA Wiesbaden). Its task is to perform criminal investigation strategy surveys and part of this department is represented by police managers from different fields. Other European countries (with the exception of Slovenia and Austria) did not develop criminal investigation strategy as an independent field. However, part of its theoretical content could be evidenced in both the theory and practice of police (strategic) management.

There is a question as to whether the partial overlapping of criminal investigation strategy with (police) strategic management increases or decreases the efficiency of crime reducing police strategies. In order to answer this question, we should analyse which elements of (criminal investigation) strategic problem solving belong to criminal investigation strategy and which elements belong to (police) strategic management.

¹² For more detail cf. <http://www.pfa.nrw.de/Studiennet/Inhalte/studienkurs/Studienplan.pdf>. The content of criminal investigation strategy is included into a module of police management study in Germany.

It follows from the definition of criminal investigation strategy that it deals with the planning of global measures to reduce future crime, by taking into account efficiency criterion. It has to take into consideration numerous factors that are connected to criminal investigation work (their strength and their mutual impact) that are dealt with by criminalistics. The efficiency criterion however requires that other factors need to be taken into consideration as well, although criminalistics does not include many indications to that effect.

On the other hand, strategic management also deals with the planning of global measures,¹³ deciding on the manner of their implementation (through the provision of necessary material and non-material resources) and efficiency control. This is performed within the processes of planning, organising (preparation of resources), managing (directing and motivating people) and assessing (control of processes). Strategic management also has to be familiar with the strategy of operation on the 'other' side - the competitors' side. Additionally, a (police) strategic manager has to make sure that strategies are interlinked and that the (police) organisation is ready for changes brought about by new strategies (Whisenand and Ferguson, 1989, pp.153-160).

We can see that devising criminal investigation strategies is only one of the tasks of police management, as police work is so wide-ranging that it cannot be planned within the framework of just one strategy. Moreover, we can see that the devising of criminal investigation strategies through the process of problem solving is composed of two parts. The first part involves solving a problem from the aspect of its professional contents, while the second part represents solving a problem in terms of its organisational and managerial dimensions. The first part seeks questions to answers as to what is the essence of the problem, what are its causes, what the solution to the problem could be and the goal to be attained and what the measures to attain such a goal could be.¹⁴ We seek answers

through analyses and assessments of factors which belong to criminalistics and, partly, to criminology (for example, criminal aetiology). Furthermore, the practical experience of police officers who deal with crime reduction also has relevance, especially when it comes to crime reduction in specific fields. The second aspect, which we might term the organizational or (strategic) managerial aspect, mainly answers questions about WHO (the composition of a working group), WHEN (the adoption of a one stage or multi stage approach, the timetabling of goals), HOW (the documentation to accompany the strategy, coordination and compatibility with other strategies) and WITH WHAT (material, personnel and legal resources). When solving criminal investigation strategic problems, we should not forget to add controlling, which is indisputably within the domain of management. It goes without saying that, in practice, the division cannot be consistently applied, since the creation of a goal as a stage in solving a problem is connected with the resources available, which means that it also falls within the remit of management. It is for this reason that the creators who are in charge of the substantive aspect of problem solving have to ask themselves whether the planned measures are reasonable from the efficiency aspect (assessment of input/output). In the light of this, the creation of a goal as a stage in problem solving represents a kind of link between both of the aforementioned parts. Moreover, the presentation of a solution also involves both parts. The connection is illustrated in Figure 1.

Based on the description above, we can conclude that substantive aspects of the development of general criminal investigation strategies (through the processes of strategic planning) indisputably belong within the domain of criminal investigation strategy. Answers to questions regarding which factors need to be analysed, their impact (weaknesses/strengths) and how best to evaluate them can be answered simply through the findings of a criminal investigation strategy. However, the key to devise efficient (criminal investigation) strategies lies in the organizational (strategic managerial) aspect of problem solving, i.e. creating and efficiently implementing the planned strategies. And this is exactly why the tools of criminal investigation strategy also include findings (representing criminal investigation strategic factors which are important for the development of efficient strategies) from strategic management. It is for this reason that the findings of criminal investigation strategy can be useful for police chiefs regardless of the field of policing in which they perform managerial tasks. Moreover, the knowledge of criminal investigation strategy

¹³ Due to limited space we can not discuss these factors in more detail here.

The monography by Bowman (1994) illustrates the essence of strategic management and Whisenand, Ferguson (1998) and Anželj (2001) discuss about application to police management.

¹⁴ In this relation cf. for more detail Bertel, Pezolt, Spang, Westphal and Zott (2005). The authors attempt to create a methodology of the planning process as an element of criminal investigation strategic problem solving. They emphasise that the contents of solving criminal investigation strategic problems represent its core whereas its organisation represents the key for success, meaning that on its own it does not guarantee success.

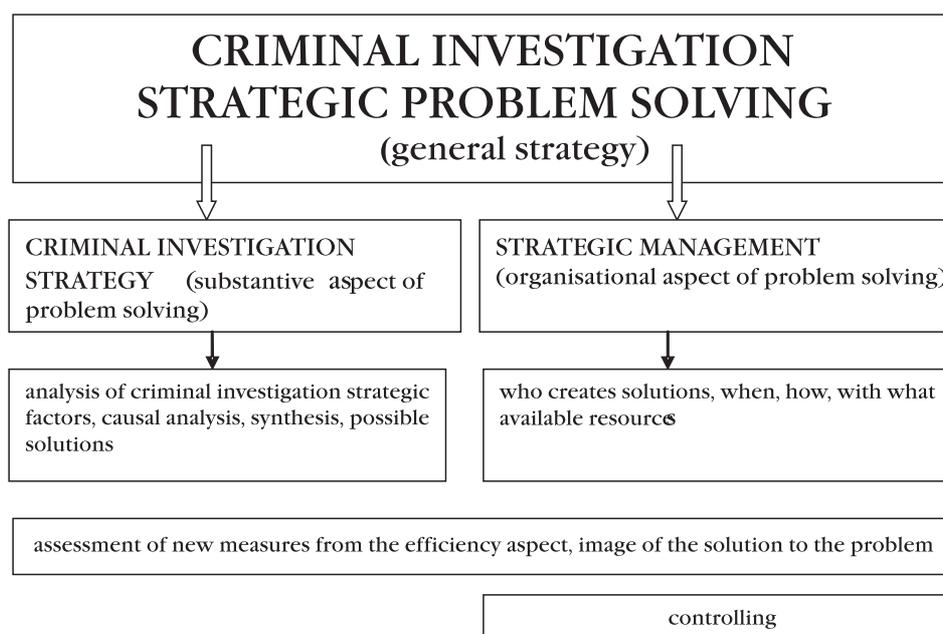


Figure 1: Solving criminal investigation strategic problems for the requirements of general strategies

is useful for the efficient operation of the entire criminal justice.

4 CONCLUDING REMARKS

The German approach to devising police crime control strategies was formed as a theoretical instrument for enabling the police to develop crime reduction strategies. Given that global (police) strategies require consideration of other knowledge perspectives, it tries to combine knowledge of both criminal investigation and (police) strategic management. However, both could be incorporated into a (criminal investigation) strategic problem solving model built on two different sets of foundations. The model represents a theoretical application of strategic problem solving, which is useful for police managers at different levels, and for others (non-police) planners of crime reduction strategies as well. It appears that planners of such strategies, who have knowledge of criminal investigation strategy, could use some practical tools. These tools could be useful for police managers in all fields of police managerial work.

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(Non)Differences of Integrity among Strategic and Operative Police Managers in Slovenian Police Organisation

Janez Mekinc, Andrej Anžič

ORIGINAL SCIENTIFIC ARTICLE

ABSTRACT

Many scientists believe, that is not possible to manage and direct common valuable system in organisations with more than 10.000 employees. We have to stress, that objective (independent from the individual-human) and subjective (= human) origin for all organising processes are equal and interdependent. We have an influence on subjective origin with moral and ethical valuables. The main purpose of the research was to make scan and analysis of a situation with reference to ethical standpoints of both focus groups – strategic and operative managers in Slovenian police. Further, we compare the results of ethical standpoints of both focus groups. We base our goals of the research on the main hypothesis that statistically, essential differences do not exist among the ethical standpoint of both focus groups.

UDK: 351.74:005

Keywords: integrity, ethics, organisation, management, police, values.

1 INTRODUCTION – INTEGRITY, CONSISTENCY AND POLICE ETHICS

This chapter is based on the comprehension that ethics refers to well-based standards of right and wrong which prescribes what human rights ought to do, usually in terms of rights. Ethics, for example, refers to those standards that impose the reasonable obligations to refrain from rape, stealing, murder, assault, slander, and fraud. Ethical standards also include those that enjoin virtues of honesty, compassion, and loyalty. And, ethical standards include standards relating to rights, such as the right to life, the right to freedom from injury, and the right to privacy. Such standards are adequate standards of ethics because they are supported by consistent and well-founded reasons (Delattre, 1996). Secondly, ethics refers to the study and development of one's own ethical standards. As mentioned above, feelings, laws, and social norms can deviate from what is ethical. So it is necessary to constantly examine one's standards, to ensure that they are reasonable and well-founded. Ethics also refers to continuous efforts of studying individual's moral beliefs and moral

conduct. It is mandatory that the individual as well as the institution he or she helps to shape live up to reasonable and solidly-based standards.

Policemen and managers particularly must understand that being ethical does not just mean blindly following the law. The law often incorporates ethical standards to which most citizens subscribe. But laws (like feelings) can deviate from what is ethical (Weisburd, Greenspan et al., 2000). The groundwork for ethical behavior of police officers are the as ethics defined in the Code of Police Ethics. The Police Ethics are professional ethics, based upon integrity of police officers (Pagon, 2000). The most important part of the integrity is the consistency. Consistency - the absence of contradictions - is sometimes called the hallmark of ethics. The Police Ethics are supposed to provide guidance for moral behavior. It must be rational, and to be so it must be free of any contradictions. If ethical principles and practices within the police organisation lack consistency, police officers will find themselves at a loss as to what they ought to do and confused about how they ought to behave (Ovsenik, Ovsenik, 2002). The Police

Ethics requires consistency of moral standards, actions, and values used in the daily operations of the policeman. Examining lives to uncover inconsistencies and then modifying professional moral standards and behavior so that they are consistent, is an important part of the professional moral development of police organisations. It is not difficult to uncover inconsistencies at the daily work of the police. Ethical and moral standards of the police officers may differ within the police organisation or between different police organisations. These inconsistencies are revealed by looking at situations in which police standards would require incompatible behavior. For example, police officers are trained by their superiors to perform an order, and the code of police ethics clearly says that it is wrong to harm the innocent one. Suppose one day a superior insists that a police officer has to do something that might cause harm to the innocent people. The situation reveals inconsistencies in moral standards of police officers. He/she can either obey his/her superior or can avoid to harm the innocent person; however he or she cannot do both. To be consistent, one must modify one or both of the standards by examining the reasons for its acceptance. Further it is necessary to weigh the reasons to see which standard is more important and worth retaining, and which is less important and should be modified. A more important kind of inconsistency is the one that appears when moral standards apply to different situations in police work. To be consistent, police officers must apply the same moral standards to different situations, unless they can prove relevant distinction between two of them (Sims, 1992).

There is another sense in which the need for consistency enters into police ethics. Police officers might hold consistent moral standards and apply them in consistent ways, but they may fail to be consistent in who they are as individuals. Within the police organisation the word "integrity" describes the behavior of the police officer who acts in a way that is consistent with his or her belief. In this context consistency also refers to acting in harmony with one's personal values.

Consistency in people's lives also implies an inner integrity. It may be the case that a person's inner desires are allowed to conflict with each other. For example, a desire to be courageous or honest may contradict with the desire to avoid the inconvenience or pain that courage or honesty often induces. Allowing such conflict is self-defeating because these desires are opposite. To achieve consistency, one must work to shape one's desires in a way that reflect a kind of internal harmony (Andrews, 1989).

It is necessary to be aware that while consistency is surely not sufficient for police ethics, it is at least necessary for the ethical behavior of police officers (Newton, Internet). Ethical behavior demands consistency among the police's moral and ethical standards and it should reflect how police officers apply these standards. Finally, ethics requires that there should be consistency in how police officers treat themselves and how they treat others.

Organisational culture consists of only those behavior patterns and principles which are consistent with opinions of all members. It is based on the agreement of the collective principles of working, which makes sense in such an organisation. Collective principles of work is influenced by knowledge and behavior patterns originating from the past. It very much depends on the mentality of the past generations and the mentality of the management. Moral dilemmas that police managers are confronted with do not only concern questions about whether their action reflects the state and the citizens' interests, but it especially emphasises the compatibility with the morals towards other participants. Police ethics must define clear and unambiguous standards of ethical behavior. Such behavior is imposed by the police professionals and should be incorporated into the Code of Police Ethics.

The Code of Police Ethics is a set of rules on policemen's behavior expected by the society. Professional police organisations will undoubtedly follow the Code of Ethics in order to adopt: discretion, innovation, credibility, legality, consistency, respect of agreement, the power of knowledge, force and control. Organisational culture, which respects the Code of Ethics, is a product of interaction between police managers and their employees. It is important to stress that there are not many situations which represent a moral dilemma or a problem to a police officer. If such a case occurs the police officer does not process moral conclusions and ethical decisions. It is important that he or she behaves according to ethical values. Police organisations should teach managers to recognize moral problems and dilemmas. Knowledge about existing ones will help them manage with a sense for ethics. It has been discovered, by studying and researching managers' paradigms on the basis of the empirical research, how managers perceive the differences in the environment and how they explain them with the help of their moral and ethical principles. A paradigm determines what is real and sensible for each individual. Results of the empirical research enabled us to form a conceptual and qualitative analysis of the different ethical and

moral values of two police focus groups (strategic and operative).

At this point we should mention the influence of the Code of Silence within the police organisations, which is also known as “very dangerous toxin” for the Code of Police Ethics. The Code of Silence as a phenomenon exists in every police department. The only circumstance in which a department would not exhibit it when all of their the officers actually hated each other. The development of loyalty and the Code of Silence among officers is a totally natural phenomenon because they spend significant time together. Just as a powerful bond of loyalty grows among family members, close friends, military personnel and sports team-mates, so it does between officers; this is an expected and predictable occurrence (Trautman. 2000).

There are not many situations containing moral problems or dilemmas. In situations, which not contain moral problems or dilemmas, police managers do not make moral inferences or ethical decisions. Each action of a police manager will incorporate moral and ethical rules imposed by the organisation, but at the same time it will also reflect his or her habits and their personal ethical standpoints. Therefore the aim of any police organisation is to instruct their police managers on how to recognise moral problems or dilemmas in real situations.

On the basis of the empirical research we have studied paradigms of police managers. The police manager’s paradigms are presented through the system of cognitions, presumptions, expectations, sensations, scenarios and values. The paradigms help police managers to perceive differences in the environment and to interpret them with assistance of his or her personal moral and ethical principles. Paradigms define, at the recognizable level, what is reasonable and ethical for every individual and has a strong influence on ethical decision-making. Our empirical research offers an absorbed and quality analysis of the differences in integrity, ethical standpoints and moral values among strategic and operative police managers in the Slovenian police organisation.

2 THE RESEARCH THESIS

The development of the research thesis reflects the following facts:

- we are researching a specifically ordered, guided and structured organisation which is also hierarchal (the decision tree);

- every organising or hierarchical function within the police organisation has specifics reflecting the organisational culture and the climate of some internal police units;
- crucial aims of the entire police organisation are those determined by the strategic management - those aims represent an essential input of information;
- within the organisation there is a very subtle subculture and climate which have an influence on the ethical values of the employees;
- the subtle subculture influences the course of information and the management (coordination, motivation, distribution of tasks).

Within the research we developed and examined the following hypotheses:

The main hypothesis:	Ethical standpoints of the strategic managers do not significantly differ from the ethical standpoints of the operative managers.
Hypothesis 1:	Strategic and operative managers do not differ greatly in their standpoints towards ethically doubtful situations, which they meet at work.
Hypothesis 2:	Strategic and operative managers do not differ significantly in their standpoints towards those who have the biggest influence on individual’s ethical values in Slovenia.
Hypothesis 3:	The easiest way to influence the ethical behavior of the employees is to organise qualification programs in the field of the professional ethics and personal views.

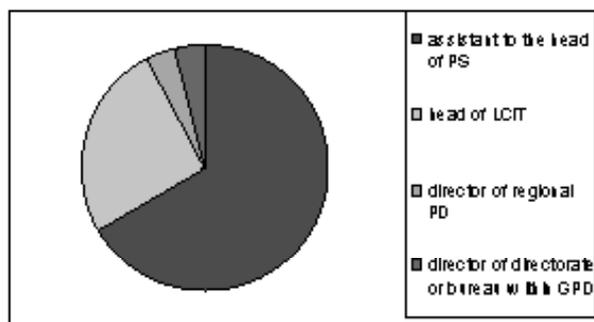
3 METHODOLOGY OF EMPIRICAL RESEARCH

The purpose of this research is to create an imitation of the relationships towards the ethical values in the Slovenian police, namely in the strategic management and the operative management. It is important to know that those two are diametrically opposed. The strategic management is presented by the collegiate body of the General Director of the Police who is also the most important and the top in the strategic field, whereas the operative management is represented by the Assistant Commanders and the leaders of the local Criminal Investigation Team, who deal directly with the operative police tasks.

The aims of the research are based on the presumption that there are no significant differences between ethical values of the strategic and operative management in the Slovenian police; this research will confirm or reject that presumption. The results will show the attitude of the strategic and operative managers towards ethically doubtful situations. At the same time we will present the respondents' standpoint towards the subjects which have the strongest influence on the ethical and moral values in the society and within the police organisation.

The focus group was divided in two groups (graph 1). The first focus group is presented by 24 strategic managers, who are members of the collegiate body of the General Director of the Slovenian police. Members of the body are; General Director, Deputy of the General Director, 11 Directors of the regional PD (Police Directorate) and 11 Directors of the directorates and bureau's within the GPD (General Police Directorate). The second focus group is represented by the opposite group of police managers on the hierarchy scale; which are operative police managers. The group is presented by 325 operative police managers which have the position (of) Assistant to the head of the PC (Police Station) or head of the LCIT (Local Criminal Investigation Team).

By merging both groups we get 351 units to observe so we decided not to sample but to question the entire population. The observation was focused on individual police managers.



Graph 1: Present position of respondents

To make the research as objective as possible we used the list of the systematised jobs in the police units of the Slovenian Home Office. That is how we got the list of all observed units. The selection was made regarding individuals jobs. The list consisted of the police unit and the number of systematised jobs of the focus group.

The questionnaires were distributed to the respondents by postal mail. With the questionnaire

we gave the explanation and the description of the purpose of the research; the instructions and the contact address.

We received 235 completed questionnaires. 14 came from the group of the strategic management and 221 from the operative management. The level of responses in both groups exceeds 50% and in the operative group it reaches almost to three quarters.

Table 1: The level of answers

Population	Sent questionnaires	Received questionnaires	The level of response
Strategic management	26	14	53,9 %
Operative management	300	221	73,7 %
TOTAL	326	235	72,1 %

To perform the study we designed the questionnaire based on the two existing studies; Evaluation of the moral business decisions of Slovenian managers, carried out by the Faculty of Economics¹ in Ljubljana in 1998 and Study of the Integrity, Anger and Discontent among police officers in the USA (carried out by the National Institute for Ethics²). However, a comparison of both studies was impossible due to the specificity of our population and specifics of the questionnaires impossible

The questionnaire consisted of the following questions:

- 10 scripts based on different professional situations, which were valued by the respondents from two different points of view. We used multidimensional evaluation scale based on Reidenbach and Rodin;
- the question about the most influential subject who has an influence on ethical behavior in Slovenian society;
- the question about the influence of suitable training of police ethics on policemen's ethical behavior;
- the question about the most effective police manager's influence on ethical behavior of the policemen and,

1 The original questionnaire for the research of The Faculty of Economics in Ljubljana was designed by Robert Hisrich from Case Western University in Cleveland.

2 <http://www.ethicsinstitute.com/>

- an additional question about opinion on whether there is a significant difference in the ethical standpoints between the strategic and operative managers.

With the first question we were trying to confirm the first hypothesis, with the second question we were trying to confirm the second hypothesis, with the third and fourth question we were trying to confirm the third hypothesis.

The data was analysed with the SPSS program - version 10.0

4 RESULTS

4.1 Results of the First Question – 10 Situations

The respondents were asked to evaluate the listed ethically doubtful situations as if they were realistic. In the situation the person does something that is ethically doubtful. They had to evaluate whether the situation and behavior was either FAIR-UNFAIR or RIGHT-WRONG; they used a scale from 1-5. They had to circle the number on a scale which is the closest to their opinion and their feelings for each given situation.

SITUATION A

»The internal inspection found out an illegal operation. The employee destroyed the evidence

of his illegal work according to directions by his superior. «The table 2 reveals how respondents evaluated the act as unfair and wrong. There are no fundamental differences in the opinions of both focus groups. There is no doubt that the situation was ethically doubtful therefore the results are not surprising. The comparison of average values of each focus group reveals that the strategic management is more critical.

The respondents had already estimated the act as extremely unfair and wrong in the introduction commentary. It is a typical penal act which has to be prosecuted. The respondents' evaluation can be seen in graph 2.

85.5% of the respondents estimated the act with 5 in the view FAIR-UNFAIR. 88, 5 % of the respondents estimated the act with 5 in the view RIGHT-WRONG. Grade 5 is the highest mark which shows that the act was UNFAIR and WRONG.

SITUATION B

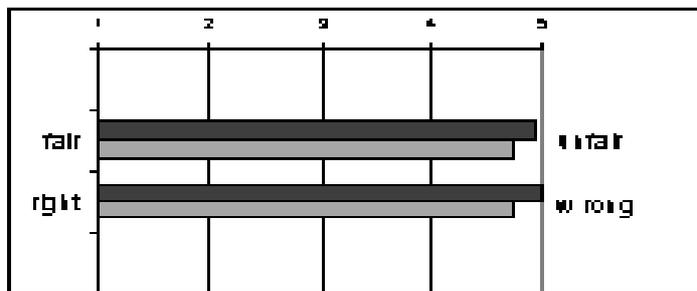
»The employee who has only two years left to his retirement, should be dismissed from his job because of inadmissible behavior. The management allows him the untimely retirement”.

Table 3

The respondents estimated the act as more unfair than fair and more wrong than right. If we compare both focus group we can see that the strategic

Table 2

	1	2	3	4	5		Average value - strategic management	Average value - operative management	Collective average value
Fair	2.7 %	0.5 %	3.2 %	8.1 %	85.5 %	Unfair	4.9	4.7	4.7
Right	2.6 %	0.4 %	3.5 %	4.8 %	88.5 %	Wrong	5.0	4.8	4.8



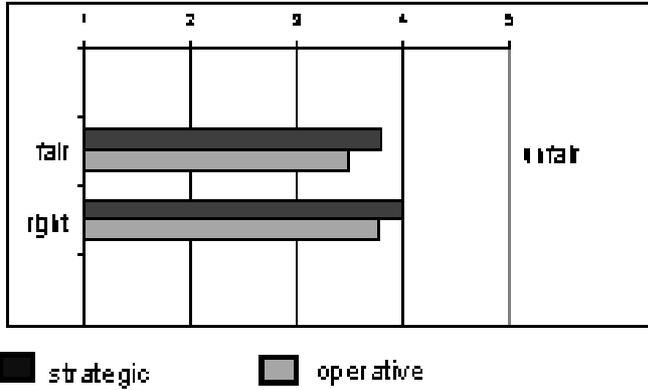
■ strategic ■ operative

The average values are very high. The average value is in both cases higher in the strategic field. We can see some small aberrations between both focus groups in graph 2.

Graph 2

Table 3

	1	2	3	4	5		Average value - strategic management	Average value - operative management	Collective average value
Fair	11.6 %	13.4 %	22.3 %	18.8 %	33.9 %	Unfair	3.8	3.5	3.5
Right	9.3 %	8.0 %	22.2 %	16.9 %	43.6 %	Wrong	4.0	3.8	3.8



We can see the differences between both focus groups because the average values of strategic managers are higher in both views. The strategic managers estimate the act as being more unfair and more wrong in comparison with the operative managers.

Graph 3

management was more on the side of the UNFAIR and WRONG than the operative management. Until 1998 it often happened that people retired; in many cases due to inadmissible acts. The presence of the untimely retirement is not so common anymore. The table 3 reflects that the public are not in favor of that.

The average values are lower in comparison with the previous situation. The respondents estimated the act of management less critically. More than half (52.7%) evaluated the act with grades 4 and 5 in the view of UNFAIR. 25% of the respondents estimated the act with grades 1 and 2 in the view UNFAIR. They were more critically thinking whether the act was right or wrong. The results show that the respondents estimated the act as more wrong than unfair.

SITUATION C

»Your company gives a job to a person who did criminal offence in the past. After three years they find out and they sack him.«

Collective average values in the view FAIR-UNFAIR are 3.4. The respondents estimated the act more unfair than fair. In the view RIGHT-WRONG the answers balanced around average value 3.0. The view FAIR-UNFAIR was estimated with grades 4 and 5 by 52.3% respondents and 29.3% with grades 1 and 2. 18.5% chose grade 3. In the view RIGHT-

WRONG the results are balanced. 37% evaluated the situation with grades 4 and 5 and 40.1% with grades 1 and 2. 20.3% of respondents chose the grade 3.

Opinions about the employer’s action differ among the respondents. The results incline to UNFAIR in the view FAIR-UNFAIR, whereas on the RIGHT - WRONG scale they are equal. If we compare both focus groups, we can see that operative managers perceived the action as unfair whereas the value of the strategic managers oscilate somewhere in the middle. The strategic managers group perceived the act as more right than wrong.

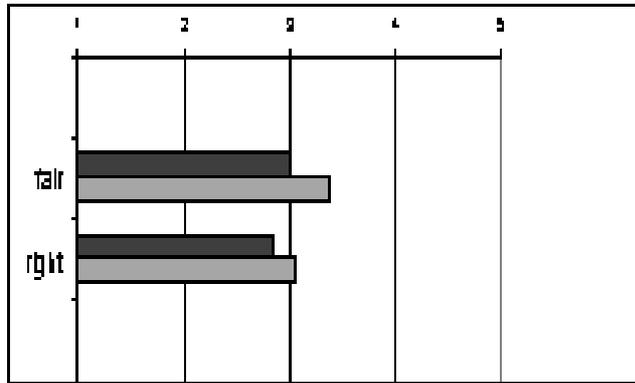
SITUATION D:

»The boss is having an affair with his secretary and most of the employees in the company know that. A lot of them know the boss’s wife but no one wants to reveal the secret.«

The respondents perceived the employee’s behavior to be unfair but correct. More than half (51.4%) of the respondents evaluate the act with grades 4 or 5 in the view FAIR-UNFAIR., 34.2% of the respondent’s chose grade 1 or 2 and 27.1% grade 4 or 5. Respondents perceived the situation more from a social and moral point of view and less as an ethically doubtful situation. The results still show the attitude towards intimacy at the work place or in an organisation. The respondents

Table 4

	1	2	3	4	5		Average value - strategic management	Average value - operative management	Collective average value
Fair	21.6 %	7.7 %	18.5 %	17.6 %	34.7 %	Unfair	3.0	3.4	3.4
Right	26.9 %	12.8 %	20.3 %	11.0 %	29.1 %	Wrong	2.9	3.0	3.0



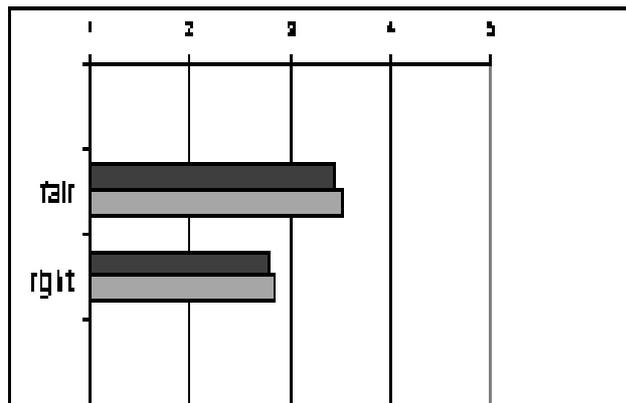
■ strategic ■ operative

Graph 4

Nevertheless both groups perceived the act very balanced. We can claim with certainty that strategic managers come closer with the situation or that they came across it many times in the past. Because of that they could easily identify themselves as »the hurt subjects« and were therefore less critical towards the employer's action.

Table 5

	1	2	3	4	5		Average value - strategic management	Average value - operative management	Collective average value
Fair	15.5 %	5.3 %	27.9 %	17.3 %	34.1 %	Unfair	3.4	3.5	3.5
Right	26.2 %	8.0 %	38.7 %	9.8 %	17.3 %	Wrong	2.8	2.8	2.8



■ strategic ■ operative

Graph 5

The results show that the culture of organisation supports intimacy between the employees and therefore supports infidelity between wives and husbands. Foreign results also show that the organisations, which have strong Code of silence, have even greater tolerance for infidelity. The stronger the Code, the stronger the so called »fake solidarity«.

mostly decided for average grade 3 (by 27.9%), on FAIR-UNFAIR scale and by 38.7% on RIGHT - WRONG scale.

It is more than obvious that the respondents estimated the act as unfair, however in the RIGHT-WRONG view, the answers were somewhere in

the middle of the grading scale from 1 to 5. If we compare both focus groups, we can claim that both groups share a similar opinion. Even though they agree that the act is unfair, they sort of support it, just to “show fake” solidarity towards the relationship between the boss and the secretary.

SITUATION E

»It is natural and expected that people who spend a lot of time together and have similar responsibilities and problems become loyal to each other. The so called Code of Silence is very much present in the police organisation. Your boss supports it extremely. «

Collective average value of both focus groups is, in both views 3. Nine of which reveal that most respondents estimate the act of the boss as unfair and wrong. At the same time it can also suggest an indirect support for the Code of Silence. But if the Code of Silence incorporates indirectly in the situation it is estimated as less critical.

67.3% estimated the act with grades 4 or 5 and 11.1% with grades 1 or 2 in the view FAIR-UNFAIR; 21.7% estimated with grade 3. Equal support was shown on the RIGHT-WRONG view (65.9%) with grades 4 or 5. The values on the opposite poll agree 10.6% which is similar to the view of FAIR-UNFAIR.

Most of the answers pile at grade 5. The respondents very strongly estimate the act as being unfair and

wrong. The comparison of both focus groups shows us that the operative managers estimate the act as more unfair, but at the same time less wrong than strategic managers. Differences in estimation are small.

SITUATION F

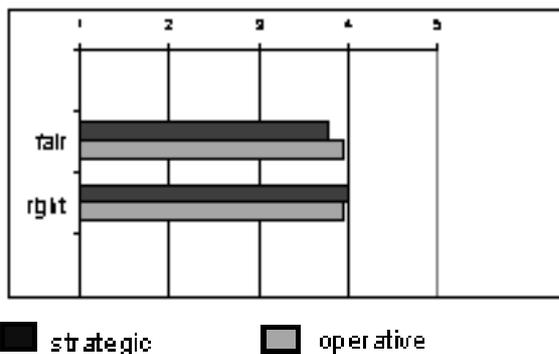
»The so called Code of silence is very much valued in your organisation. Because the employees are loyal to each other they do not tell the inspecting committee about the co-worker who has obvious drinking problems. «

Most respondents estimated the act as unfair and wrong. The results show their critical position to this kind of behavior. 90.7% valued the act with 4 or 5 in the view RIGHT-WRONG and 81.2% with the same grades in the view FAIR-UNFAIR. 73.9% estimated the act as wrong (grade 5) and 56.5% estimated the act as unfair. Respondents have a very critical attitude towards alcoholism within their organisation, especially if people are trying to hide it.

Average values of both focus groups show a firm standpoint with their estimation that the act is unfair (average value is 4.3) and wrong (average value is 4.6). The support for wrong is however slightly greater than the support for unfair.

Table 6

	1	2	3	4	5		Average value - strategic management	Average value - operative management	Collective average value
Fair	4.9 %	6.2 %	21.7 %	26.1 %	41.2 %	Unfair	3.8	3.9	3.9
Right	5.3 %	5.3 %	23.5 %	22.1 %	43.8 %	Wrong	4.0	3.9	3.9

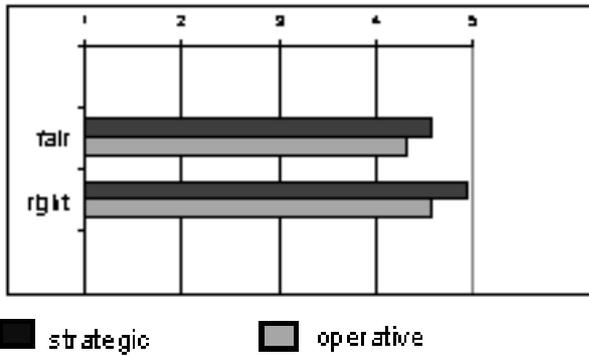


Graph 6

On the basis of the result we can decide that, on the declarative level, respondents (strategic and operative managers) do not support the Code of silence. At this point we should raise the question whether the police officers share the same basis for their relation towards the Code of Silence as their managers. Police officers have more reasons for stronger loyalty towards their co-workers that most likely influence their engagement for the Code of Silence.

Table 7

	1	2	3	4	5		Average value - strategic management	Average value - operative management	Collective average value
Fair	0.9 %	3.6 %	14.3 %	24.7 %	56.5 %	Unfair	4.6	4.3	4.3
Right	0.9 %	2.2 %	6.2 %	16.8 %	73.9 %	Wrong	4.9	4.6	4.6



If we compare individual grades of both focus groups, we can see some differences. Views of strategic managers are stricter than of the other group. An average value of the FAIR-UNFAIR view is 4.6. The operative managers estimate it with the average value 4.3. The difference of the average values in the RIGHT-WRONG view is the same (0.3).

Graph 7

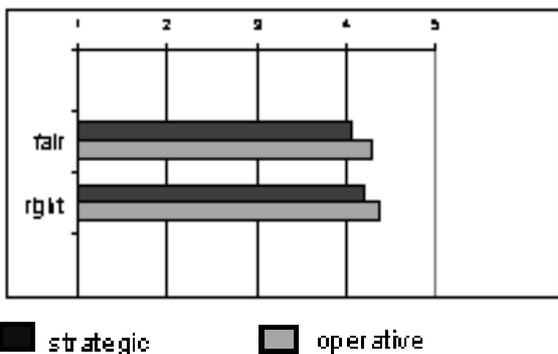
SITUATION G

»A co- worker has a lot of personal problems because of his recent separation from his partner. Nobody wants to help him at work. In the organisation there rules the principle that at work no one has the right to interfere with you personal life.«

The results reveal that the respondents estimated the act as unfair and wrong. Collective average values in both views are very close. Average value in the FAIR-UNFAIR view is 4.3 and in the RIGHT-WRONG view is 4.4. The strategic managers group valued the FAIR-UNFAIR view with 4.1 and the RIGHT-WRONG view with 4.2. Average values

Table 8

	1	2	3	4	5		Average value - strategic management	Average value - operative management	Collective average value
Fair	2.2 %	3.6 %	12.9 %	28.1 %	53.1 %	Unfair	4.1	4.3	4.3
Right	4.0 %	2.7 %	8.8 %	22.6 %	61.9 %	Wrong	4.2	4.4	4.4



The result is even more in favor of the incorrectness of the action. It was estimated with the grade 4 or 5 by 84.5% of the respondents. 8.8% evaluated it with the grade 3.6 and 7% with the grade 2 or 1.

The comparison between both focus groups shows that strategic managers perceive the act as less critical in both views. Both focus groups think that the act is unfair and wrong.

Graph 8

in the operative managers group are 4.3 (FAIR-UNFAIR) and 4.4 (RIGHT-WRONG).

The comparison of the results from the current situation with the previously described situation (f) is very interesting. Namely we can find out that the level of criticism is opposite in both focus groups. The operative managers estimated that not reporting the co-worker's drinking problems was less critical than not helping the co-worker with his personal problems. If we consider a drinking problem as an individual problem, we can understand that helping co-worker with his separation problems is of a greater importance. Similar views can also be seen in the strategic managers group.

The level of criticism towards the act in this case was very high. 53.1% of the respondents estimated the act with grade 5 in the FAIR-UNFAIR view. 28.1% of respondents estimated the situation with grade 4 and 81.2% estimated the act as more unfair than fair. 5.8% estimated the act with grade 1 or 2. 12.9% estimated it with grade 3.

SITUATION H

»Your old friend is convicted of financial fraud, which is a criminal act. You maintain your friendship with him! «

Most of the respondents estimated the attitude as fair and right. The lowest average value is 2.5

in both views. But we must not forget that being friend with someone who has committed a crime within the police organisation can be very problematic. In the worst case scenario there can be criminal proceedings against the policeman who is the friend of the co-worker with the criminal background.

More than half of the respondents (51.4%) estimated continuing the friendship with the offender, with grade 1 or 2 in the FAIR-UNFAIR view. The RIGHT-WRONG view was valued with the same grade by 50.9% of respondents. One third of the respondents estimated the act with grade 3 in both views. 18.3% of the respondents valued it as being unfair and 19,9% as being wrong. (grades 4 or 5).

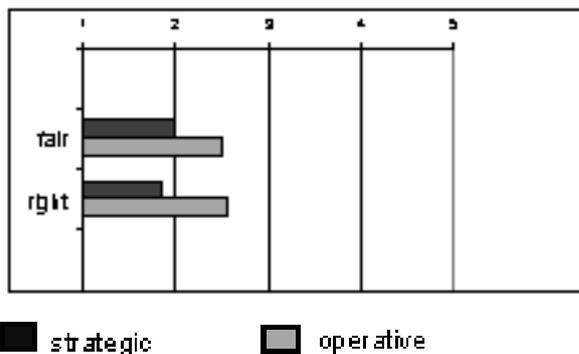
SITUATION I

»Your police organisation is planning to buy a vessel, which is needed at work. The importer of vessels invites you at his expense on a three day cruise to show that the vessel is of good quality. You accept his invitation! «

The act was by most of the respondents estimated as unfair and wrong. Such an invitation can only mean corruption. The importer wants to gain the advantage over his competitors. The strategic managers are usually the focus of such invitations because they are more often the decision makers, thus they especially show their critical attitude

Table 9

	1	2	3	4	5		Average value - strategic management	Average value - operative management	Collective average value
Fair	31.3 %	20.1 %	30.4 %	9.4 %	8.9 %	Unfair	2.0	2.5	2.5
Right	29.2 %	21.7 %	29.2 %	8.4 %	11.5 %	Wrong	1.9	2.6	2.5

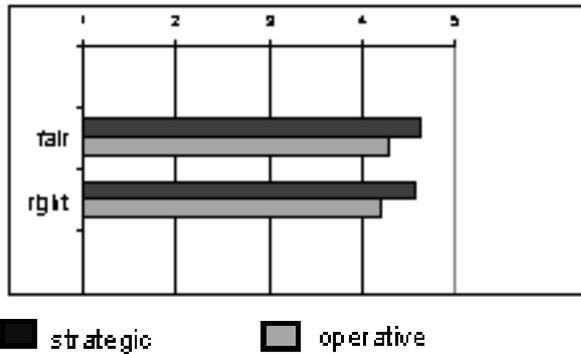


Graph 9

The strategic management (average value 1.9) wanted to stress the correctness of such attitude. With an average value of 2.0 such a decision quite fair. The operative management valued the situation with a slightly higher average values (2.5 FAIR-UNFAIR and 2.6 RIGHT-WRONG). According to the average value the situation is still fair and right.

Table 10

	1	2	3	4	5		Average value - strategic management	Average value - operative management	Collective average value
Fair	4.5 %	2.2 %	13.9 %	15.2 %	64.1 %	Unfair	4.6	4.3	4.3
Right	6.7 %	3.6 %	12.1 %	13.8 %	63.8 %	Wrong	4.6	4.2	4.3



Graph 10

towards such behavior. The police managers of both focus groups estimated the act as being potentially corruptive, unfair and wrong.

The situation was valued with grades 1 or 2 (FAIR-UNFAIR) by 6.7% of respondents and by 10.3% with the same grades (RIGHT-WRONG) which means that approximately 10% of the Slovenian police managers would accept an invitation as such. Grade 3 was agreed with 13.9% of the respondents (FAIR-UNFAIR) and 12.1% in the view (RIGHT-WRONG). 79.3% of respondents estimated the act as unfair with grade 4 or 5 and 77.6% with the same grades as wrong.

SITUATION J

» Your police unit apprehends a burglar and gets hold of all the stolen goods from a wealthy businessman’s house. The businessman wants to thank you. He sends you a watch worth your monthly salary. «

This situation does not deal with the act of the police or the police manager but with the act of a citizen. The respondents estimated the act as unfair and wrong. Accepting gifts is forbidden for a state agency employee, which is also a very common perception among Slovenian policemen. The average value 4.4 at a ratio FAIR and UNFAIR and average value 4,7 as the second highest, shows a very critical attitude towards such distribution of presents.

The comparison of both focus groups shows the critical position of the strategic managers towards the described action. The average value within the strategic group for the FAIR-UNFAIR view is 0,3 and for the RIGHT-WRONG view 0,4 higher than the one of the operative group.

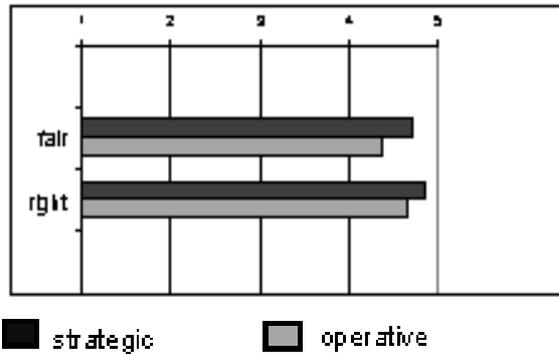
On the basis of the results we can conclude that less than 10% of respondents would accept a present. The graph below shows us clearly that most of the grades (72.8) concentrate at grade 5 in the FAIR-UNFAIR view and 83% in the RIGHT-WRONG view. If we add the percentage from the grade 4, we get 78.6% support towards unfair and 89.7% towards wrong. 2.7% of the respondents think that accepting a present for good work is correct and 8.1% thinks of it as fair. There were relatively few respondents who could not decide on the situation. 13.4% circled the grade 3 in FAIR-UNFAIR view and 7.6% in RIGHT-WRONG view.

The lowest average values in both views (fair-unfair; wrong-right) are seen in the answer to the following situation: »Your old friend was convicted of financial fraud and you remain friends with him!« The lowest average values 2.4 in view FAIR-UNFAIR and 2.5 in view RIGHT-WRONG show that the respondents estimated the situation and behavior as the most fair and correct of all the situations. The strategic management with its average value 1.9 especially stressed that they agree with the act of staying friends with someone who was convicted. With average value 2.0 they estimated the act as being more fair than unfair. The operative management valued the situation with a slightly higher average values (2.48 for FAIR-UNFAIR; and 2.56 for RIGHT-WRONG) and still in favor to fair and right.

As the most unfair and wrong with the average value 4.73 (FAIR-UNFAIR) and 4.76 (RIGHT-

Table 11

	1	2	3	4	5		Average value - strategic management	Average value - operative management	Collective average value
Fair	5.4 %	2.7 %	13.4 %	5.8 %	72.8 %	Unfair	4.4	4.4	
Right	2.7 %	0.0 %	7.6 %	6.7 %	83.0 %	Wrong	4.9	4.7	4.7

**Graph 11**

If we compare both focus groups, we can see again that strategic managers are more critical towards the situations where corruption is suspected. But so are the operative managers.

WRONG) was the following situation: «Internal inspection found out an illegal operation. The employee destroyed the evidence of his illegal working according to directions of his superior». The strategic managers estimated the act as wrong with the highest average value 5. Average value in view unfair was 4.9. The operative managers estimated the act with average value 4.75 in view WRONG and 4.72 in view UNFAIR.

In both views the strategic managers were (FAIR-UNFAIR/RIGHT-WRONG) more critical towards all actions, which were also potentially corruptive actions (see the results of the questions in situations A, J and D). Strategic managers also have more critical attitude towards the situations, which include a specific organisation culture (see the results in B, E, and F). »The Code of Silence« was in all situations set out in opposition to the ethic code. Strategic managers perceived actions of encouraging »the Code of Silence« more critically than the operative managers; however the differences are rather small.

Just the opposite were the results in the situations of a very strong personal competence. In such situations, that have strong relations to personal problems, the operative managers were rather more critical than strategic managers. The analysis revealed that operative managers have to deal with personal problems of their subordinates more often than strategic managers.

On the other hand we could not agree with the fact that operative managers have more philanthropic consciousness than strategic managers. The fact is that operative managers deal more often with policemen's personal problems. The results show that the views of both focus groups are on average relatively close. Strategic managers decided more for grades 1 and 5 in comparison to operative managers.

Based on the results above and the interpretation we can confirm our first hypothesis, because both groups share similar standpoint. From the other point of view we can not prove significant differences among both focus groups. In only one out of ten situations the difference in average values exceeds 0.4 or 10% allowable span at estimate (between 1 and 5). Nevertheless, we should stress that strategic managers more often decided for the lowest and the highest possible grades. Standpoints of strategic and operative managers are similar when they deal with treatment and behavior which is not according to ethical and professional standards. This is a very important detail related to the successful leadership of hierarchical organisations. In police organisations as hierarchical organisations the line of orders, instructions, performing of control and supervision and coordination of activities are very clearly defined from top to bottom. It is also important because it confirms the fact, that operative managers understand the intentions of instruction, explanation, and direct reactions of

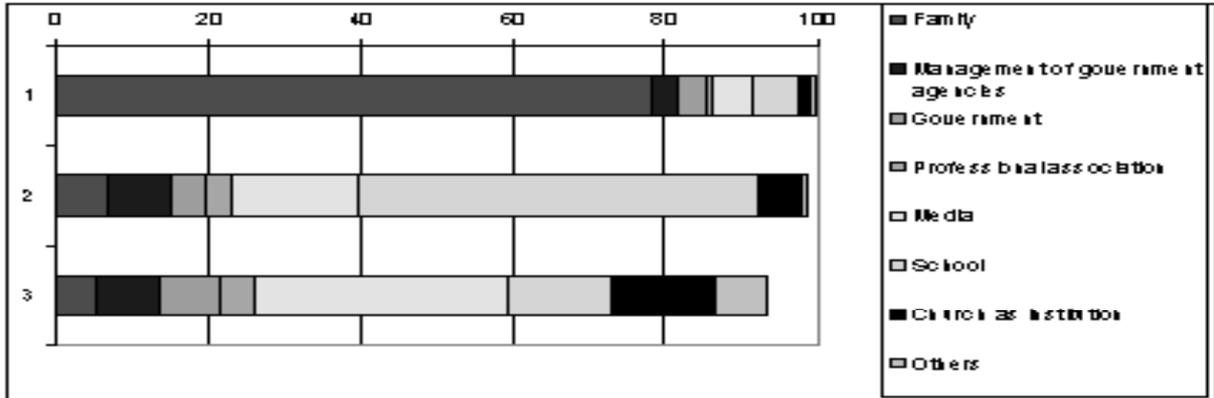
the strategic managers in such situations. Similar ethical standpoints of both focus groups have important influence on the integrity within the organisation. Potentially, differences of ethical standpoints may exist among both focus groups and this could cause problems in the process of forming the personal integrity of operative managers and strategic managers. Successful directives of orders and instructions from the strategic to operative level (top to bottom) is related not only to the realisation itself but it also depends on motivation, assiduousness and effort of the operative managers. The realisation of the acts is effective, if operative managers understand the reasons for specific acts, in the same or similar way as the strategic managers. That is particularly valid for reactions on ethically negative occurrences in the organisation.

4.2 Results of the second question (Who has the strongest influence on ethical standpoints of individuals in Slovenia?)

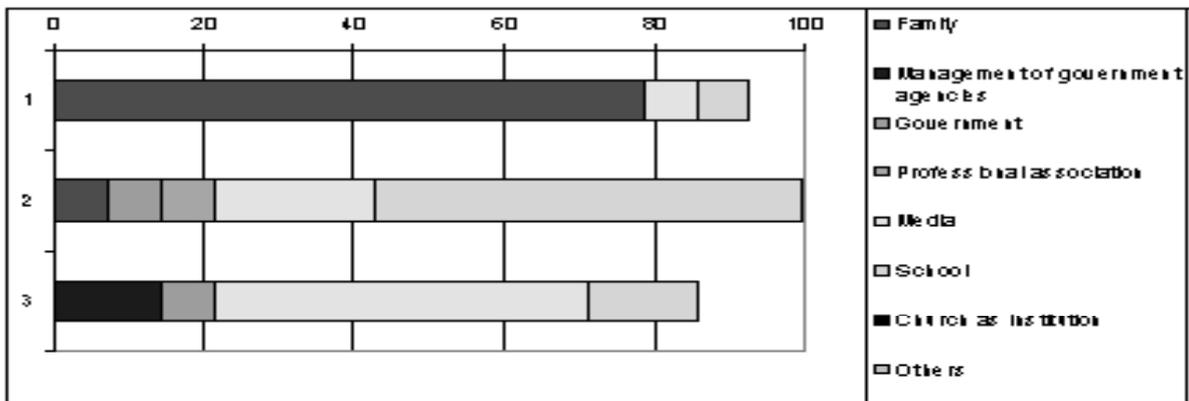
When we asked respondents “Who has the strongest influence on ethical standpoints of individuals in Slovenia?” the answers of strategic managers and

operative managers were very similar, as the most influential subject family gained 78% support in both groups. School and media were placed on the second and third place respectively. As we can see from a diagram 5 and diagram 6, the opinion of both focus groups is rather equal: family, school and media are the three most influential subjects. However it is very interesting that management of government agencies, government, the church as an institution and professional associations were given a very small influential role.

Respondents estimated that family, school and media are the three most significant subjects, influencing the ethical values of individuals in Slovenia. Due to the fact that 93.6% of the respondents are married or live together with a partner, this result is expected and comprehensible; other studies in Slovenia also revealed similar results. Rus and Toš (2005) in their researches upon values of Slovenians and Europeans stated that family is the most significant element for the Slovenes. Another traditional standpoint among Slovenians placed school or the education system as second most responsible factor for developing individual ethical values. On the other side of the scale are professional associations. This result raises a lot



Graph 12: Operative managers: Who has the strongest influence on ethical standpoints of individuals in Slovenia?



Graph 13: Strategic managers: Who has the strongest influence on ethical standpoints of individuals in Slovenia?

of questions, because professional associations should be responsible for expansion of moral and ethical values through their professional ethics and stimulate reverence for professional codes. The reasons for their weak influence can be found in the bad reputation of Slovenian police officers. The fact that none of them systematically laid stress upon the importance of ethical values and standards in police work can be an additional reason for that. Results also indicate that Government, Church as institution and management of government agencies have a bad reputation and respondents do not link them with ethical values.

The above results and their interpretation enable us to confirm our second hypothesis, because both focus groups share a similar standpoint. From the other point of view, we can not prove significant differences among both focus groups in their standpoints to who has the biggest influence on the individual's ethical values in Slovenia. Strategic and operative managers placed family in first place, school in the second place and media in the third place.

4.3 Results of third and fourth question (Could we improve ethical behaviour of police officers with suitable training of police ethics? / How can police manager influence on ethical behaviour of police officers?)

Another result which confirms our main hypothesis is related to the question: Could we improve the ethical behaviour of police officers with suitable training of police ethics? As we can see from table 12 and graph 14 below, there is a significant difference among the standpoints of both focus groups. Strategic police managers with 78.6% are

of the opinion, that we could absolutely improve the ethical behavior of police officers with suitable training of police ethics. On the other side only 44.5% of the operative police managers share the same standpoint.

Table 12: Could we improve the ethical behaviour of police officers with suitable training of police ethics?

ANSWERS	Strategic police managers	Operative police managers
Yes, absolutely	78.6%	44.5%
Yes, but with small effect	21.4%	49.5%
It will not have effect	/	5.5%
We already had that kind of training, but there was no effect	/	0.5%
TOTAL	100%	100%

49.5% operative police managers responded with the answer "Yes, but with small effect" and 21.4% of strategic police managers. Another 5.5% of the operative police managers expressed the opinion, that suitable training of police ethics has no effect on ethical behavior of the police officers. Both focus groups expressed significant differences in their opinions and standpoints concerning the positive effect of suitable training of police ethics on police officers behavior. But if we take the same result and focus on second subsidiary hypothesis, then we can make another conclusion. There are differences in opinion among both focus groups, but if we understand all respondents as one group, then we can make different conclusions. Suitable training of police ethics should have a positive impact on the ethical behavior of the police officers.



Graph 14: Could we improve the ethical behaviour of police officers with the suitable training of police ethics?

We will continue our presentation with a very similar question related to the influence on the ethical behavior of police officers. Our next intention was to focus on how police managers can influence the ethical behavior of police officers. It was an open question, so respondents could independently define three answers. We received more than 300 different answers. We divided them in 15 groups; each group containing the answers with the same concept and content. In table 2 we present five groups, which present the largest groups. As we can see from the table below, the responders define “own example” and “suitable training programs of police ethics” as the most important manners on how to influence the ethical behavior of the police officers. The first two groups contained a little more than 40% of answers, while the additional three groups collected 23% of answers.

Table 13: How can police manager influence on ethical behaviour of police officers?

ANSWERS	100 %
Own example	20.5 %
Suitable training programs of police ethics	20 %
General values in society	8.2 %
Circumstances within organisation	7.6 %
Personal responsibility of managers	7.2 %
Other answers	36.5

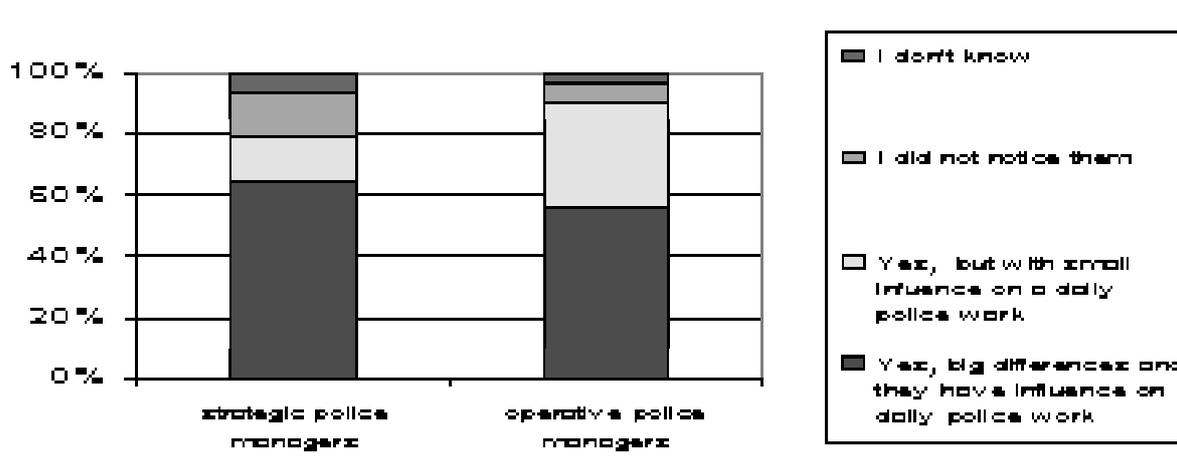
Based on the results above we can confirm our third hypothesis, as the majority of the respondents from both focus groups agree on the standpoint, that organising qualification programs in the field of professional ethics and personal view, is the easiest way to have influence the ethical behavior of employees. If we compare strategic and operative managers we find, that strategic managers have more confidence in influencing on the ethical behavior of the employees through the suitable training of professional police ethics than the operative managers. But we have to stress once again, that both focus groups are aware of the positive influence of suitable training programs.

Theory and practice confirm that education and training are grounds for development of any organisation. Quality connection between the best practice and suitable training programs enables us to raise the level of know-how. We also have to

emphasise how important the know-how for police work at every level and the results of our research confirm the fact, that police managers in Slovenian police are aware of that. They are also aware of the influence of personal view on subordinates. The standpoint of police managers is very clear, that both way of influence (personal view and suitable programs in the field of professional police ethics) are more or less equal. Nevertheless, suitable training programs in the field of the professional police ethics are not enough. The content of the professional police ethics and their standards must be incorporated as a part of the entire police training program. Namely, professional police ethics is a significant part of knowledge and skills within the police work.

4.4 Results of the additional question (Do differences exist on ethical standpoints among strategic and operative police managers in Slovenian police?)

An additional question on opinion about differences on ethical standpoints among strategic and operative police managers were distributed as part of the questionnaire; the questions was formulated as »Do differences exist on ethical standpoints among strategic and operative police managers in Slovenian police?«. The question was of a closed type with four different answers: “Yes, big differences and they have influence on daily police work”; “Yes, but with small influence on daily police work”; “I did not notice them”; “I do not know” (diagram 5). Over 60% of the strategic group and more than 50% of the operative group are convinced that there are big differences on the ethical standpoints among strategic and operative police managers and these differences have an influence on daily police work. Another 30% of the operative police managers and over 10% of the strategic police managers are convinced that differences exist, but with minor influences on daily police work. The result was not a surprise for the researchers, who were members of Slovenian police organisation, because they shared the same opinion, until they didn't focused on the international studies and researches from this specific field. The result and experiences of the researchers communicate, that in the organisational culture of Slovenian police there exists a common opinion about differences on ethical standpoints among strategic and operative police managers. But this common opinion is not correct, because results of the survey convinced us of the opposite.



Graph 15: Opinion of responders about differences on ethical standpoints among strategic and operative police managers

5 CONCLUSION

Throughout the paper we tested several research hypotheses where the first two were formed to confirm or reject the main hypothesis. The third hypothesis refers to defining how opinion on methods of raising the awareness of the professional ethics among Slovenian policemen differ between both focus groups. The results show that all three hypotheses including the main can be confirmed.

An interesting fact is that researchers came from the organisation itself. The hypotheses were therefore made on the basis of 15 years of practical experiences in management of the police organisations. Previously published surveys from the field also had a significant influence on the entire survey. Before engaging in the research our most important point of view was that ethical standpoints of the strategic managers most definitely differ from those of the operative level. However after the analysis of secondary resources on the topic we were convinced of the opposite; namely that the ethical standpoint among two focus groups does not differ significantly. However just to be on the safe side we decided to incorporate a check-up question into the questionnaire, which helped us to test the issue of similarities or differences on opinions for the specific population (Slovenian police organisation). The check-up question was "Do you think that there are differences in ethical standpoints between strategic and operative managers. "We wanted to find out whether the respondents thought the same as the research group. The answer is affirmative. 64.3 % of the strategic managers and 56.4 % of the operative managers "confirmed" that the differences are considerable and have an influence on police work. Further only 14.3 % of strategic managers

and 34.1 % of operative managers think that there are small differences, which have no influence on the police work. We can conclude that the estimations of the population are compatible with the primary estimations of the research group but on the other hand have the opposite of the results rising from the surveys made in other countries. The difference between average feelings of the managers and the findings of the research is interesting from the point of view that the estimations from every day life experiences at work are different from those which are confirmed by applicable researches.

As we have already stressed, the moral and ethical point of views of both focus groups are very similar, however the theory emphasizes that experiences, knowledge and age all influence the development of moral and ethical values of any individual (Akaah, 1993). With that consideration, our survey should serve us results indicating that the focus groups should have different moral and ethical values and standpoints, because strategic police managers have more experiences, are more knowledgeable, and on average older than operative managers. Thus the process of the development and progress of ethical and moral values through a career system, linked to the organisational culture in the Slovenian police organisation does not appear to arise. The organisational culture of the Slovenian police organisation does not allow the moral and ethical values to develop through the career system. The conclusion therefore leans towards the idea that police managers develop their moral and ethical values and standpoints earlier in their professional career. They enter the Slovenian police organisation as operative managers, with certain ethical and moral values, and they nurture them throughout the system, up to the strategic level.

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Some Characteristics of Larceny by Coercion in the Republic of Croatia and Police Routine

Ljiljana Mikšaj-Todorović, Zvonimir Dujmović

SHORT SCIENTIFIC ARTICLE

ABSTRACT

The criminal act of larceny by coercion does not take big part of total number of committed crimes and therefore it has not been largely researched. European countries have very similar legal solutions for that specific crime. The goal of this chapter is to find out the most important characteristics of larceny by coercion with special regard to measures done by the police to solve these deeds, and the period between the moment of executing larceny by coercion and reporting on it on one hand and the moment of identifying the perpetrator on the other.

Two hypotheses have been established: 1) there is statistically important correlation between the crime scene type and period of time for the police to learn about the crime; 2) there is statistically important correlation between time police learns about the crime and time needed to identify the perpetrator.

The sample consists of 98 cases of larceny by coercion during years 2004 (N=61) and 2005 (N=36) committed in Zagreb area (Zagreb is the capital of the Republic of Croatia). Instrument for following robberies and larceny by coercion, designed for one bigger project, has 82 variables. The data source was the police documentation. Data was analyzed on unilateral level.

In this paper the results are going to be discussed focusing on the given hypothesis as well as Eck's hypothesis on "triage" and "24 hours rule", that is very well known in police experience.

UDK: !!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

Keywords: larceny by coercion, police, inquiry.

1 INTRODUCTION

The criminal act of larceny by coercion has been described in article 219 of the Croatian Criminal Code (Kazneni zakon, 1997) as follows:

"Whoever, being caught in the act of larceny and with an aim to retain possession of stolen goods, uses force against a person or threatens instant attack on a person's life or limb shall be punished by imprisonment for one to ten years."

This is a clear case of perpetrator caught in the act of larceny on the crime scene or close to it and in the circumstances clearly showing his identity. He/she uses force/coercion or serious threat with intention to keep stolen property.

The description of larceny by coercion in Croatian Criminal Code is very similar to descriptions given by criminal codes we compared: Slovenian Criminal Code (Kazenski zakonik, 2004), Austrian,

Article 131 (Strafgesetzbuch, 1974), German, Article 252 (Criminal Code, 1998) and Italian, Article 628 (Codice Penale, www.perraputo.it). In Slovenian Criminal Code, Article 214 the abstract description of larceny by coercion is identical to description given in Croatian Criminal Code. In Slovenian Criminal Code, Subsection 2 there is a description of specific type of larceny by coercion done by perpetrator who uses force with intention to keep things of great value; there is no such description in Croatian Criminal Code. Descriptions of larceny given in German and Austrian Criminal Codes correspond to description in Croatian Criminal Code. Italian Criminal Code, on the other hand, has the qualification "not actual robbery"; that understands the situation when perpetrator "uses force or threatens life or body after actual larceny has been done in order to keep the stolen property in his/her possession (Dujmović, 1996:15-16).

The survey of literature has revealed the fact that larcenies by coercion have not been topics of

scientific research. For example, logical assumption is that the perpetrator committing larceny by coercion is more similar to perpetrator committing theft than perpetrator committing robbery, and that should be analyzed. On the other hand, victims are rather quick in reporting on larceny by coercion that raises the probability of quick identification of the perpetrator; in that respect it is more similar to robbery than to common theft. There are more interesting questions regarding that criminal act and it calls for research and comparison with similar crimes.

In the Republic of Croatia, the police recorded 232 larcenies by coercion between 1998 and 2005; an average of 58 per year. But in the period 2002 and 2005 total of 461 larcenies were recorded, and that is 112 per year (www.policija.hr/mup.hr). Number of larcenies by coercion increased especially in Zagreb Police Headquarter area in 2004 and 2005. More than 50% of them were committed in the central area of the capital city – Zagreb. Police statistics state that 2/3 of larcenies by coercion were committed indoors.

During eight year period (1998 – 2005) the rate of larceny by coercion in Croatia was rather low regarding total number of crimes reported (0.12%). Here are some data to compare: robbery – 1.36%, thefts – 16.7%, aggravated thefts – 30.48%. But in spite of low rate in total number of crimes committed, larcenies by coercion produce very high level of social threat. It levels at least with danger existing due to theft, as it starts by being a theft and develops into larceny by coercion along execution. Force that perpetrator uses to keep stolen goods and to escape, for example, makes it even more socially dangerous.

As this paper is focused on some processes of police inquest it is interesting to recall the Eck's (1992) theories on solving criminal acts starting from well-known hypothesis. The first one is Greenwood's (1975; according to Eck, 1992). It says that solving depends on circumstances; regardless of police efforts to run the process correctly, solving the case depends on circumstances. There is completely opposite hypothesis (Folk, 1971; according to Eck, 1992) saying that regardless of obstacles, lack of witnesses and other evidences police work and efforts will give results and solve the crime at the end.

Eck (1992:100-101) named these opposite hypothesis as «results achieved due to circumstances» and «results achieved due to efficiency». He suggested another hypothesis named «triage» and he differs the cases into 3 groups: 1) «self-solving cases» - cases with clear traces and lot of information so

police work need not to be hard, 2) cases with existing traces and information but still needing certain investigative actions and 3) cases that can not be solved due to realistic and considerable police work or cases that will never be solved.

The aim of this paper is to examine the characteristics of the larceny by coercion in Croatia, procedures in reporting that larcenies to the police, police measures to solve it and period between actual crime act, its report and identification of perpetrator with the stress on the used police measures, and the duration of the time between committing the crime and revealing the perpetrator's identity. It also analyzes relations between crime scene type and promptness of reporting on it, as well as relations between that promptness and police identification of the perpetrator. Results will be discussed in relations to mentioned Eck's hypothesis.

2 METHODS

This chapter identifies the most important characteristics of larceny by coercion with special regard to measures done by the police to solve these deeds, and the period between the moment of executing them and reporting on it on one hand and the moment of identifying the perpetrator on the other.

Two hypotheses have been established: 1) there is statistically important relation between the crime scene type and the time for the police to learn about the crime; 2) there is statistically important relation between the time police learn about the crime and the time needed to identify the perpetrator.

The sample consists of all cases of larceny by coercion committed in 2004 (N1=61) and 2005 (N2=36) in the area of Zagreb - Croatian capital city. The total number of cases is 98.

Instrument for examining larceny by coercion, designed for one bigger project, has 82 variables describing:

- modalities of committing larceny by coercion
- police measures and their results
- perpetrator's characteristics.

The data sources were the police files. The results are going to be compared with the results of previous research on robbery when the same questionnaire was applied.

The data were processed on the unilateral level, by the means of absolute and relative frequency analysis. Relations between variables were calculated according hi-square test. For further additional analysis the statistical program SPSS for Windows 13.0 was used.

3 RESULTS AND DISCUSSION

3.1 Some Characteristics of the Larceny by Coercion

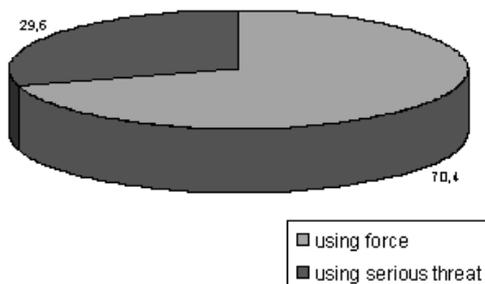
In our sample 63.2% of larcenies by coercion were committed indoors; others were committed outdoors. If one considers indoors as specific sub sample, it is evident that the most risky spaces are shops.



Graph 1

Considering outdoor larcenies by coercion only, we find that 22.5% were done in the street or square. Next high-risk spaces are parks and green areas (8.2%). These data can be compared to recent research on robbery in Croatia (Dujmović Mikšaj-Todorović, Bućanovac, 2003), showing nearly identical distribution of in (63.8%) and out door (36.2%).

High percentages of perpetrators of larceny by coercion use force to keep things they have taken from another person. Serious threat was used in 29.6% of cases, and force in 70.4% of cases.



Graph 2

Comparing to robberies, we find out very different structure of using force (Dujmović, Mikšaj-Todorović, Bućanovac, 2003) - 52.8% goes for serious threat, and 47.2% for using force. These different percentages are only logical, as the goal of committing robbery is not to use force but to take somebody else's belongings. So the perpetrator will plan his/her actions to make his/her threat convincing. On the other hand, the main factor in committing larceny by coercion is a moment of surprise; the perpetrator is not exactly ready to be caught during the theft, so escalation of force is often a result of unfortunate circumstances.

Considering the kind of force used or threatened by, we can say that perpetrators of larceny by coercion mostly (75.5%) use or threat by their own physical force. That is perfectly understandable, as they have not considered the possibility of being caught while stealing. On the other hand, robbery perpetrators have been preparing for committing crime and they try to avoid physical contact with victims - therefore they have weapons or dangerous instrument primarily in order to threat. Research done by Dujmović (1998) shows that robbery perpetrators used their own physical force in 45% of cases.

Regarding objects stolen by larceny by coercion, at the highest position there are those described as "something else" and "other" (52%). It goes for objects not listed in the questionnaire. Experience reveals that these objects are mostly cosmetic objects stolen in shops or cellular phones taken from users. On the second position there is money (27.6%), followed by tote bags, money and documents included (11.2%). Stealing of food (3.1%) and clothing (2%) is very low on that list.

Direct damage in 51% of larcenies by coercion reported to the police in Zagreb area was lower then 140 Euros. But when it comes to robberies, direct damage in only 34.8% was at that level (lower then 140 Euros) (Dujmović, Mikšaj-Todorić, Bućanovac, 2003). Consequently, robbers aim to more valuable objects, so they spend some time to get prepared for their deeds. In that respect perpetrators of larceny by coercion resemble more to thieves then to robbers.

In 66.3 % of cases of larcenies by coercion was committed by one perpetrator. On the contrary, if speaking of robberies, number of cases with one perpetrator only was lower (52%) (Dujmović, Mikšaj-Todorić, Bućanovac, 2003). To put things differently, perpetrators of larceny by coercion commit crimes less frequently with accomplices than robbers.

Results of this research regarding certain characteristics of larceny will be compared to results of similar research done in Croatia on robbery. Comparison of data showed that there were elements of similarity, but differences prevailed. Hypothesis was that larceny was similar to theft in many respects, and these deeds should be analyzed in similar way.

3.2 Ways of Reporting Crimes

In this chapter the ways the police got information on crime committed will be analysed. As larceny by coercion is in the phase of used force (in order to keep the object) very similar to force or aggravated theft used by perpetrators during robbery, and consequently the way of communication between perpetrator and victim is identical, it is logical to presume that the way of reporting on these deeds will be very similar.

Table 1: Who was informed first

	Frequency	Percent
Operational police unit	30	30.6
Police station	60	61.2
Policeman	8	8.2
Total	98	100.0

In 30.6% of all cases the operative police unit has been the first to be reported on crime committed. Report has been done by the police emergency number 92. In 61.2% of all cases the police station has been informed first, and only in 8.2% of cases it was the police officer (outside police office).

Table 2: Was the offence reported while larceny by coercion was being committed?

	Frequency	Percent
Yes	6	6.1
No	92	93.9
Total	98	100.0

6.1% of all larcenies by coercion were reported to the police while still going on.

Table 3: Who reported the offence?

		Frequency	Percent
Valid	Harmed (physical) person	58	59.2
	Unharmred (physical) person	36	36.7
	Legal (harmred) person	3	3.1
	Legal (unharmred) person	1	1.0
	Total	98	100.0

Only very rarely police officer witnessed the very act of larceny. In all other cases police gets information only after deed has been committed; it is informed by victim itself, witness or traces. In 59.2% police found out about the offence due to the report filed by harmed person, 36.7% by unharmred persons and only 4 legal entities reported on the offence.

Table 4: Ways of reporting the offence

		Frequency	Percent
Valid	Telephone	49	50.0
	Verbally - directly	48	49.0
	Written	1	1.0
	Total	98	100.0

In 50.0% cases the police got the information on larceny by coercion by phone and in 49% cases verbally (directly at the police station). Only one report was done in writing (information given by medical care system).

Table 5: Did the person who reported the offence know the identity of the perpetrator at the time of reporting?

	Frequency	Percent
Yes	13	13.3
No	85	86.7
Total	98	100.0

In only 13.3% of all cases the perpetrator was known (to the person who reported the offence) at the time of reporting on the crime. In the research (Dujmović, Mikšaj-Todorović, Buđanovac, 2001) it was found that in 13.4% of cases of robbery the identity of perpetrator was known at the moment of executing the offence.

In very small number of cases police officer witnessed the larceny by coercion. Mostly police gets information on the offence after it had been committed through victims, witnesses or traces.

Used Police Measures

In the frame of the standard police measures we were interested in was the uniformed and crime police presented on the crime scene and was the judicial view conducted. Here are results:

Table 6: Crime scene was inspected by uniformed police officers

YES	43	43.9%
NO	54	56.1%
TOTAL	98	100 %

Table 7: Crime scene was inspected by crime police officers

YES	18	18.4%
NO	80	81.6%%
TOTAL	98	100 %

After being reported on larceny by coercion in 43.9% of cases inquiry on the crime scene was done by uniformed police and 18.4% by crime police. If the period between committing crime and finding out about it is short (especially if it is not longer than 30 minutes) police should come to the crime scene to gather information and secure traces. Uniformed police is structured in a way that make possible to come to the crime scene very quickly. The fact that it was done in 43.9% of cases shows that time period between crime committing and reporting on it was short. It also reflects its disposability. On the other hand, crime police come to the crime scene if it is necessary to provide inquiry.

Table 8: Judicial view provided at the crime scene (larceny by coercion)

YES	16	16.3%
NO	82	83.7%%
TOTAL	98	100 %

Crime police conducted judicial views in 16.3% of all cases. We may say that uniformed police

estimation to invite crime police to inspect the crime scene was very good – in only 2% of cases inquiry was not necessary.

3.3 Period between Execution of Offence, Police Being Reported on and Identifying the Perpetrator

Larceny by coercion and robberies are crimes very quickly reported on.

Police found out about 50% of larcenies by coercion in less than 30 minutes, and about 21.4% in next 30 minutes. Such quick reporting was influenced by nature of offence itself and development of communication system. And we know that quick reporting on offence makes disclosure of perpetrator’s identity more probable.

The identity of perpetrator was not revealed in 42.9% of larceny by coercion cases during our research period. Subsequently, perpetrators were identified in 47.1% of cases; that was significantly more effective if we compare it to level of identification of perpetrators involved in robberies in Zagreb area (34.0%) (Dujmović, Mikšaj-Todorović, Buđanovac, 2001) and relatively more effective if compared to robberies in the Republic of Croatia (48.4%) (Dujmović, Mikšaj-Todorović, Buđanovac, 2003).

In 31.6% of all larcenies by coercion the perpetrator was detected the first day after committing the offence. That result is much better then that one for robberies: in Zagreb 13%, in the Republic of Croatia 22.8% (Dujmović, Mikšaj-Todorović, Buđanovac, 2001, 2003). That is logical because the larceny by coercion perpetrators are primarily thieves who do not seek for the contact with the victim or other people presented on the crime

Table 9: Period between the offence itself and the police being reported on it

	Police officer - eye witnessed	Up to half an hour	Half an hour to 1 hour	1 to 3 hours	3 to 6 hours	6 to 12 hours	More than 24 hours	Unknown	Total
Frequency	1	49	21	16	4	1	4	2	98
Percent	1.0	50.0	21.4	16.3	4.1	1.0	4.1	2.0	100

Table 10: Time that passed from the offence itself until detecting (finding) of the perpetrator

	Perpetrator unknown	Up to 1 day	1 to 3 days	4 to 10 days	11 to 30 days	1 to 3 months	3 to 6 months	6 to 12 months	More than 12 months	Total
Frequency	42	31	3	7	2	7	2	3	1	98
Percent	42.9	31.6	3.1	7.1	2.0	7.1	2.0	3.1	1.0	100

scene. They have not prepared for that contact and consequently have not been disguised. That is why their identifying by recognition procedures is much easier.

In 2 to 10 days period after crime had been committed the identity of perpetrator was found in 11.2% of larcenies by coercion and in 11 days to 3 months period in 9.2%. After 3 to 12 month period the identity of perpetrator was found in 5.1% cases.

The fact that the dynamics of identification of perpetrator gets lower with time can not be explained by just time flow, but by number of possible information and traces related to the crime. Information and traces not found within 24 hours after the crime has been committed generally will not be found regardless of direct working on the crime. It is possible to find some traces indirectly, while working on some other case, for example.

As quick reporting on larceny by coercion to the police is very important, we have wanted to find out how does crime scene type influences that speed.

There is statistically significant correlation between crime scene and time needed for the offence to be reported on. If it is committed indoors, time is often limited to 30 minutes (62.3%). If it is committed outdoors, number of reports is reduced by half. Reason might be that phone is within the reach if one is indoors. Bearing in mind that larcenies by coercion are mostly committed in shops, it is very probable that many persons are in the same room with the perpetrator and that they might react quickly by reporting on the crime.

There is a statistically significant correlation between the time of committing the offence and the reporting on it and the time of committing the

offence and the identification of the perpetrator. If the offence was reported in 30 minutes, the perpetrator was usually detected within one day. More time passed, lower was the possibility for the perpetrator to be detected.

Table 11: Relation between crime scene type and time passed until reporting on offence

	Up to 30 minutes	More the 30 minutes	Total
Closed environment	38 62.3%	23 37.7%	61 100%
Open environment	11 32.4%	23 67.6%	34 100%
Total	49 51.6%	46 48.4%	95 100%

	Value	Df	P
Chi -square	7,837(b)	1	,005

Data shown in Tables 11 and 12 confirm “24 hours rule”, that means that collecting the information can successfully be done if collecting process starts shortly after the crime, mostly not longer then 24 hours. This rule has been experientially confirmed. Importance of being quick in learning about crime committed and relation between that and identification of perpetrators have been analysed by Eck (1992).

4 CONCLUSION

Larceny by coercion makes a small percentage in total crime statistics, and that is probably the reason of its rather modest number of scientific researches. European countries have very similar legal solutions for that specific crime. This paper examines some characteristics of larceny by coercion, ways of reporting it, methods used by the police and time covering period between

Table 12: Relation between time passed from the offence until reporting, and time passed from the offence and the identifying the perpetrator

	Perpetrator unknown	Up to 1 day	1 to 30 days	More than 1 month	Total
Up to 30 minutes	17 34.7%	21 42.9%	4 8.2%	7 14.3%	49 100%
More than 30 minutes	25 55.6%	7 15.6%	8 17.8%	5 11.1%	45 100%
Total	42 44.7%	28 29.8%	12 12.8%	12 12.8%	94 100%

	Value	Df	P
Chi - square	10,038(a)	3	,018

crime, report on it to the police and identification of perpetrator.

Larcenies by coercion characteristics are similar to those of robbery regarding crime scene type. Both are twice more frequent indoor than outdoors. But differences between them are numerous. Larceny by coercion perpetrators use physical force more often than robbery perpetrators, they take less valuable objects and are more often done by one single perpetrator.

Regarding ways of reporting it may be said that police gets informed about the crime mostly by harmed person; unharmed persons' report follows and reporting by legal entities is very rare. Information is given by phone or directly in police stations in equal parts. Just in 13.3% of cases identity of perpetrator has been known to witness (both in cases of larceny and robbery).

In other words, police mostly gets first information on larceny by coercion only after deed has been done, and that means it has to react. In about 50% of cases uniformed police came to crime scene, and in about 20% cases estimated that crime police should investigate the crime scene too. The fact that crime police actually did the judicial view only confirms good estimation.

Research showed that time between committing offence and reporting it to the police is very important when speaking of larcenies by coercion (and of most kind of other crimes). That period has direct influence on revealing perpetrator's identity. Luckily both larceny by coercion and robbery (used in this research as element of comparison due to latest similar research) are offences of the kind quickly reported on.

Key indicators found in this research are that 50% of larceny cases were reported on within 30 minutes after committing, that in 50% of cases uniformed police covered crime scene and that in 55% of cases perpetrators were identified mostly within 1 day. One should not question speed of that process – that is just the reason of success.

These data indicate two out of three groups according Eck's "triage" theory. For example, we find that 13% of larceny cases, where identity of perpetrator was known to person reporting, should be in "self-solving" group, while others are in the group that needs certain amount of police work.

But there is still an open question of cases reported on later; those cases do not bring neither uniformed nor crime police to the crime scene and

where perpetrator's identity was not discovered. So, there are 45% of larcenies by coercion in Croatia that should be put into 3rd Eck's category (case can not be solved in spite of reasonable amount of police work). At least, these cases have not been solved by the time this research has been completed. Based on experience the authors assume that minority of them will be solved in near future due to additional police work. But according to author's estimation the procedures for further actions are not completely defined in Croatia. Namely, in situation with no trace neither information nor witness, case rests as a rule. Way out of that unfortunate closure or at least a real one is indirect investigation. That means to correlate cases from two other Eck's groups and cases with no information and traces. Some of these unsolved cases might be resolved as perpetrators are often recidivists already known to the police. Most often the police searches for them among thieves. That would mean to act by the principle from general to individual, from known to unknown.

But it can be said that the efficiency of solving all three types of cases might be improved by developing quality of first police reaction, as it is suggested in Jansson (2005).

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The Facts on Domestic Violence in Bosnia and Herzegovina

Irma Deljić

SHORT SCIENTIFIC ARTICLE

ABSTRACT

This paper reports on some of the most important findings of a study that has focused on theoretical and empirical issues related to domestic violence in Bosnia and Herzegovina. In particular, this paper points out the prevalence, structure and some characteristics of domestic violence in Bosnian society. The results of the study indicate that domestic violence is widespread in Bosnia and Herzegovina, and that this serious problem is not adequately treated within this country. Therefore, the findings of the present study can be useful for state institutions wishing to take steps towards eradicating domestic violence. In particular, the findings imply that the implementation of domestic violence legislation and the proper training of law enforcement officials, health and social service workers will allow for a more active participation and assistance in domestic violence cases.

UDK: 343.337.4(497.6)

Keywords: domestic violence; Bosnia and Herzegovina; prevalence; structure; characteristics.

1 INTRODUCTION

Domestic violence is a negative social phenomenon present to most societies. It occurs across different cultures and affects people of all ethnicities, races and religions. This form of violence has existed throughout history, in various forms, and one of the misconceptions has been that domestic violence is a private affair in which the state should not interfere (Meyersfeld, 2003). Therefore, traditionally, domestic violence has not been considered a criminal matter, or even appropriate for police attention, and both society and the police considered a response to domestic violence calls unwarranted (Lott, 1995; as cited in Whetstone, 2001, p. 374). During the 1960s and 1970s, the process of redefining the notion of domestic violence emerged and became part of many legal systems of modern states (Milivojević, 2003). This process has been influenced by many non-governmental organisations including, predominantly, the feminist movement. The heightened societal awareness of domestic violence led to the scrutiny of the criminal justice system's treatment of domestic violence victims and offenders (Whetstone, 2001, p. 375). Consequently, today, the majority of legal systems

recognise this form of violence, and states are taking responsibility to protect victims from this harmful conduct. Additionally, a growing recognition of the problem of domestic violence has also resulted in the development of an array of services delivered by different professional disciplines to address the social, mental and physical needs of victims and perpetrators (Colarossi & Forgey, 2006, p. 307).

Although a precise definition of domestic violence remains, "an uncertain and controversial social subject" (Meyersfeld, 2003, p. 387), domestic violence can be defined as a systematic pattern of violent and abusive behaviour between family or household members, involving physical assaults, sexual assault, psychological abuse, threats, intimidation, emotional abuse, isolation, economic control, manipulation of children and destruction of property. Factors that influence domestic violence include: unemployment, poverty, alcohol abuse, pressure on work, sexual expectations, cultural factors, violence as a way of behaviour, values that give men proprietary rights over women, women's economic dependence on men, limited access to education and training for women and the notion of the family as the private sphere. Even though perpetrators can be either male or female, crime

statistics and studies report that domestic violence is predominantly experienced by women and perpetrated by men. The consequences of this victimization are often crimes committed by women, and because of this, domestic violence can be seen as a significant factor responsible for a great deal of crime that is perpetrated by women. Evidence also suggests that there is a strong link between the perpetration of domestic violence and societies where strong patriarchal attitudes are prevalent, and that in societies where women are structurally less powerful, the incidence of domestic violence is higher (Levinson, 1989; Jewkes, 2002; as cited in Mitchell, Gilchrist, 2006, p. 267). Because of the specific relation that exists between the perpetrator and the victim, domestic violence is one of the most hidden forms of victimisation.

1.1 Domestic Violence in Bosnia and Herzegovina

Bosnia and Herzegovina, like many other societies, is facing the problem of domestic violence, "which remains a pervasive yet under-recognised human rights violation" (International Helsinki Federation for Human Rights, 2000, p. 96). Although the Constitutional provisions imply that men and women enjoy an equal status, a patriarchal system in this country has influenced family relations, and traditionally, the problem of domestic violence has been treated as a private family issue. Bosnia and Herzegovina is a multi-ethnic and multi-faith country, in which tradition and culture have a significant influence on the behaviour of both men and women. Subsequently, the Helsinki Committee for Human Rights in Bosnia and Herzegovina (2001; as cited in Adžajlić, Sofradžija, Deljkic, Šadić & Trbonja, 2005, p. 123) states that, because of these influences, dysfunctional relations within the family are taken as evidence of female failing, which is the reason why women decide to remain silent. According to the same source, the prevalence of domestic violence in Bosnia and Herzegovina increased during the post-war period, and this increase in violence is often attributed to problems associated with Bosnia's transition from a system of social to private property, poverty, economic inequalities, unemployment, war trauma (post-traumatic stress syndrome) and the reintegration of families following the war (Asylum Aid, 2001, p. 78).

1.2 Legislative Regulation of Domestic Violence in Bosnia and Herzegovina

In Bosnia and Herzegovina legal provisions on domestic violence are founded on the State's Constitution, according to whom, the state

should ensure the highest level of internationally recognised human rights and fundamental freedoms for citizens provided by international documents, which especially oblige states to protect family and children. Since domestic violence is a human rights violation under international Law, certain international protocols and treaties related to domestic violence, such as the European Convention on Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, UN Convention on the Elimination of all Forms of Discrimination against Women, UN Convention on the Rights of the Child and the Beijing Platform and Plan for Action have been ratified by Bosnia and Herzegovina. Domestic violence is prohibited under the Criminal Code and Family law in the Federation of Bosnia and Herzegovina, Republic of Srpska and District Br ko, the Law on Protection from Domestic Violence in Federation of Bosnia and Herzegovina and Republic of Srpska, and Gender equality law of Bosnia and Herzegovina.

A specific criminal offence of 'Violence in family or extended family' was introduced for the first time in the new Criminal Code of the Republic of Srpska in 2000 (Markovi, 2003). At the same time, Criminal Codes of Federation of Bosnia and Herzegovina, Republic of Srpska and District Br ko did not have any specific legal provisions regarding domestic violence. There were only provisions addressing physical injuries (committed between intimate partners) and marital rape. Therefore, in most cases, domestic violence was treated as an offence against public order (misdemeanour offence). This situation changed in 2003, when new criminal legislation was adopted in the Federation of Bosnia and Herzegovina and District. The new Criminal Codes enacted a new independent criminal offence of 'domestic violence', and this presented the first step towards treating this problem seriously in Bosnia and Herzegovina. In 2005, the Federation of Bosnia and Herzegovina and the Republic of Srpska passed a Law on Protection from Domestic Violence. This legislation ensures prevention from, and punishment of, violence, protection from all forms of physical, psychological and sexual violence, access to minor offence courts, psychological and drug and alcohol counselling, protective orders, as well as support and assistance to victims.

1.3 Previous Research on Domestic Violence in Bosnia and Herzegovina

Until 2005, research on domestic violence in Bosnia and Herzegovina, although addressed in

several surveys, had failed to exclusively focus on violence against women. These surveys were conducted by local and international non-governmental organisations such as: Medica (Zenica), Lara (Bijeljina), Jadranka Lokmić (Sarajevo), Future (Modriča), A woman of Bosnia and Herzegovina (Mostar), Women to women (Goražde), Friends (Tuzla), International Rescue Committee, Helsinki Committee for Human Rights in Bosnia and Herzegovina, Asylum Aid, amongst others. The reports of these non-governmental organisations show that women hesitate to speak about domestic violence, and that they are not ready to report this violence to the authorities. The research carried out by Medica (sample of 540 women) Zenica revealed that 23% of women have been beaten by their partners, while 20% have been threatened with violence. Also, 60% of the women who had experienced physical violence had never used the services of the police, courts and the Centre for Social Work (Medica, 1999). According to the research conducted by the International Rescue Committee in Goražde Canton in 1997 (sample of 249 women) more than 50% of the interviewed women 'knew somebody' who has been hit or beaten by their husbands or boyfriends. The Helsinki Committee for Human Rights in Bosnia and Herzegovina estimated, in 2003, that 25% of all families have experienced some form of domestic violence, while local non-governmental organisations reported incidences of domestic violence up to 60 % (US Department of State, 2005). Domestic violence in Bosnia and Herzegovina is mostly perpetrated by men, and tolerated and accepted by women who live with the continuing belief that this problem is part of life (International Helsinki Federation for Human Rights, 2000).

1.4 A Development Study on Domestic Violence in Bosnia and Herzegovina

A development study on domestic violence in Bosnia and Herzegovina was conducted by the Institute for Criminology and Security Studies of the Faculty of Criminal Justice Sciences at the University of Sarajevo over a one year period (January 1st 2004.- January 1st 2005), in fifteen cities and six villages. The purpose of this study was to bring up to date our understanding of domestic violence in Bosnia and Herzegovina, identify the extent of, and the factors that influence, this form of violence, determine the effectiveness of measures that have been undertaken by government institutions in order to protect victims of domestic violence and analyse whether or not reform of the criminal justice system in Bosnia and Herzegovina has had an effective impact on this particular form

of violence. Target groups under this project were citizens, prosecutors, judges, law enforcement officers, social workers and representatives of non-governmental organizations.

2 METHOD

This study incorporated both quantitative and qualitative research methodology: survey, document analysis, content analysis, case study and meta analysis. The quantitative data come from police reports, court files and questionnaires that were administered to 1,100 citizens and 70 police officers who work on cases of domestic violence. In the questionnaires, participants were asked to rate, on a 5-point Likert scale (1 = none, 5 = a lot), their knowledge on a wide range of topics related to domestic violence, such as the prevalence of domestic violence, the nature of this problem, factors that perpetuate domestic violence and measures to combat domestic violence. The qualitative data come from semi-structured, in-depth interviews with law enforcement officers, prosecutors, judges, social workers and representatives of non-governmental organizations.

2.1 Sample

From the sample of 1,100 citizens, 593 (53.9%) were women, and 507 (46%) were men. Age was assessed in categories: 16-26, 27-36, 37-46, 47-56, and 57-66 (see table 1). To generate data on the basic characteristics of respondents, the study also addressed their level of education. From 1,100 respondents, 123 (11.1%) had finished elementary school, 484 (44%) high school, 216 (19.6%) advanced specialist training and 227 (25.1%) held a university degree. 85.4% of the respondents lived in cities, and 14.5 % of them in villages.

3 RESULTS

Age	N	%
16-26	308	28
27-36	409	37,1
37-46	206	18,7
47-56	99	9
57-66	78	7,1

Table 1: Age structure of the respondents

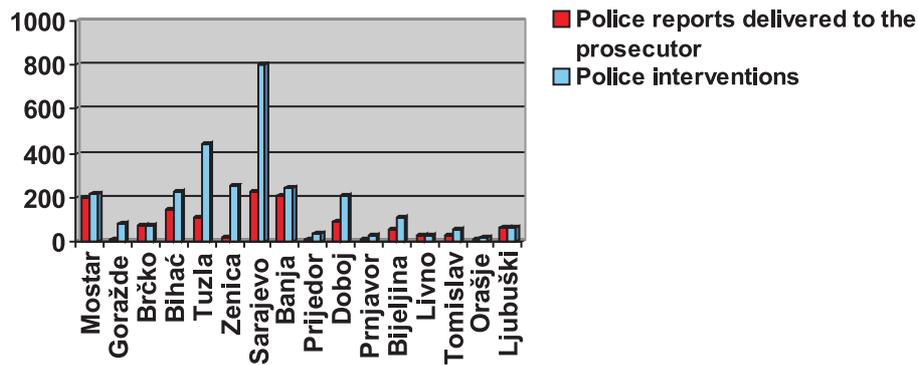


Figure 1: Police interventions and police reports delivered to the prosecutor

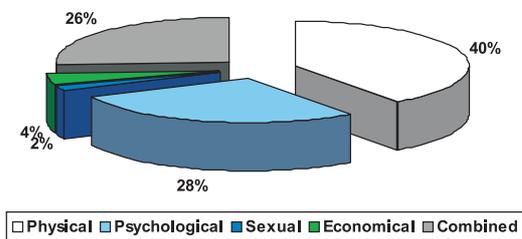


Figure 2: Data on types of domestic violence

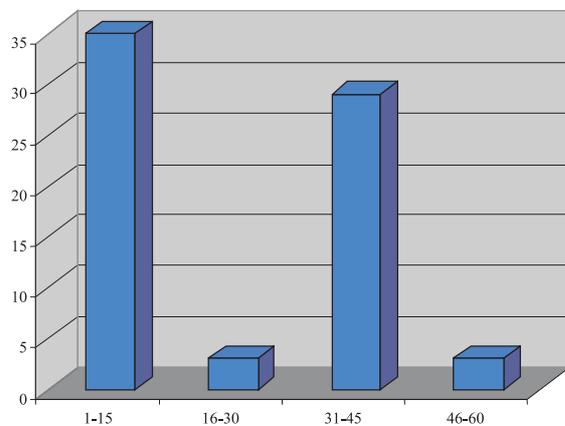


Figure 3: Age of the victims of domestic violence

4 DISCUSSION

The findings of the study show that domestic violence is widespread in Bosnia and Herzegovina, and that the majority of citizens who took part are well informed about the consequences of this problem in Bosnia and Herzegovina. However, 51% of the respondents think that the state should not interfere in private family issues. According to citizens' perceptions, the possible factors that perpetuate domestic violence are: cultural definition of appropriate sex roles, expectations of roles within relationships, belief in the inherent superiority of males, limited access to education

by children and adults regarding equal rights of men and women, unemployment, poverty, alcohol abuse, war and post-traumatic stress.

Further, the results of the police reports analysis on domestic violence show that police intervened in 2,865 reported cases of domestic violence. In each of these interventions, when evidence of domestic violence existed, a police report was delivered to the prosecutor (see figure 2). From the 2,865 reported cases of domestic violence, 1,233 cases resulted in a court decision. In the other 1,632 cases, the victim changed her original statement and dropped the charges against the perpetrator, or the courts dismissed the indictment because of the lack of evidence, the penitence of the perpetrator or the wish of the victim to continue life with the abuser. It was also evident that, in these cases, prosecutorial decisions relied primarily on the victim's testimony and not on the collected evidence, which is contrary to the legislative initiative to prosecute this crime ex officio, where the burden is proved by the state. In other words, there was no balance between the interest of the victim and the public, instead, it was the victim who had the final word on the subject of prosecution. Likewise, the analysis of police reports indicates that the most prevalent form of violence is physical, followed by psychological, combined, economic and sexual (see figure 2).

The results of the survey among police officers revealed that 52.85% of police officers stated that in most cases of domestic violence children are the victims. Also, 80% of police officers said that, according to their occupational experience, women are likely to return to an abusive relationship following police intervention. The reasons why women decide to stay with their abusers are mostly related to unemployment, financial constraints and having no alternative accommodation. Despite the

fact that new Criminal Codes represent a significant modernisation, 60% of the police officers still think that the legislative regulation of domestic violence in Bosnia and Herzegovina is inadequate.

The analysis of court decisions in criminal cases of domestic violence showed that the sentencing policy applied in these cases was inappropriate. In most cases, judges were unwilling to sentence domestic violence offenders to incarceration, instead they imposed probation, fines or warnings. The judges justified the application of such sentences through the honest confession of the perpetrator, regret over the impact to the victim and perpetrators and victims wishing to continue living together. However, the court did not take into consideration aggravating factors such as violence in previous relationships, alcohol and drug abuse and the criminal record of the perpetrator. This situation clearly shows that courts do not treat cases of domestic violence as seriously as they should, and that the criminal offence of 'domestic violence' is not adequately implemented, because of the inefficiency of the criminal procedure. In other words, the provisions of this criminal offence do not deliver meaningful protection for victims of domestic violence.

Finally, the results of the study suggest that social work assistance centres are insufficiently engaged in treating this problem. Their activities are mostly administrative in nature and there is no coordination and collaboration with police, prosecutors, courts, health care professionals and non-governmental organisations. Unlike the social work assistance centres, non-governmental organisations are providing a great deal of help for the victims of domestic violence. This help includes shelters for battered women, and assistance and counselling for all persons affected by domestic violence. Unfortunately, the shelters have a limited capacity and only offer a temporary residence for victims. Beside the aforementioned activities, non-governmental organisations are also actively involved in conducting research in an attempt to raise public awareness about domestic violence.

5 CONCLUSION

This study on domestic violence in Bosnia and Herzegovina contributes to our understanding of the prevalence, structure and some other characteristics of domestic violence in Bosnia and Herzegovina. Although domestic violence has recently been recognised as a serious problem and as a crime in Bosnia and Herzegovina, this study reveals that Bosnia's criminal justice system is still not prepared to protect and support victims and

prosecute perpetrators. The inefficiency of state institutions in tackling this problem, and the lack of collaboration among them, suggests that domestic violence has not yet attracted an appropriate level of attention within Bosnian society. Therefore, the research findings of the study suggest that state institutions develop effective legal, preventive or protective measures and procedures in fighting this complex social problem. Also, the research of this negative phenomenon is important for raising social awareness about this issue, and for encouraging governmental and non-governmental institutions and organisations to treat this problem more seriously. Furthermore, the results of the study are useful for the education of individuals who participate in preventive and repressive actions against domestic violence. The state must provide training for courts, prosecutors, the police, social welfare centres and other state institutions to increase sensitivity to this important issue.

Finally, it should be noted that this study suffers a limitation, since the sources of data for this research were mostly obtained from the official reports of state institutions. Relying on official data from these institutions excludes those victims of domestic violence who have not made a report. This means that survey findings on the approximate extent of domestic violence in Bosnia and Herzegovina are largely based upon official reports from the police, the prosecutor's offices and the courts. Future research in this area should address this limitation by conducting victim surveys, self-report studies and by surveying victims of domestic violence on their experiences with this problem. Therefore, the generalisability of these results is, at present, limited.

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Tax Policy and Tax Avoidance

Franc Žibert

REVIEW ARTICLE

ABSTRACT

Tax avoidance is when a subject (usually an individual or firm) avoids fulfilling a tax obligation, either in whole or part. That is why we separate total and partial tax avoidance in this sense. The consequence of this phenomenon is a reduction of anticipated state revenue. Such actions do not impact upon third persons. This is the difference between tax avoidance and tax shift (Doyle, 2006, p. 149). Although tax avoidance is a mass phenomenon, it has an indirect impact upon the tax burden of third subjects. If the state wishes to make up for a loss of expected revenues, it must increase the tax burden of honest taxpayers. In this way taxes are indirectly shifted to third subjects.

In this article I discuss issues in tax avoidance with an emphasis on inadequate tax systems and state policies. A suitable tax policy must be fiscally plentiful, horizontally and vertically objective, economically neutral and administratively inexpensive. This article explores the extent to which these positive characteristics of tax policy are present in Slovenia. In conclusion, some fiscal and economic consequences of tax evasion in Slovenia are presented.

UDK: 336.2

Keywords: tax policy; neutral and non-neutral tax; tax avoidance; tax evasion.

1 TYPES AND FACTORS OF TAX AVOIDANCE

When we speak about tax avoidance, above all we are referring to unlawful tax avoidance, which appears either in the shape of tax evasion or in the shape of tax contraband. Both are against the criminal law. Considering the degree of social danger that these actions pose, they are both legally classified as financial minor offences or criminal actions.

Tax evasion of direct taxes takes place in different forms: for example, through false tax returns, false documents used to judge tax liability and false documentation of business accounts. Contraband, as an unlawful form of tax avoidance, focuses on taxes of consumption (sales taxes and customs duties). It is committed by those who transport goods covertly through customs or excise frontiers in order to avoid payment of tax. Those kinds of contraband goods are typically confiscated. A perpetrator cannot pronounce themselves ignorant of tax regulation, and will be prosecuted unless a legal mistake has been made. An old rule stands:

ignorantia iuris nocet (ignorance of law harms). The value of tax evasion of value-added tax in the European Union is estimated at nearly 100 billion euros. Some taxpayers do not issue correct bills for the delivery of goods and performed services. In other cases they issue bills but do not show the charged tax in their annual balance sheets and they do not remit it in the appropriate budget. More sophisticated forms of tax contraband include the purchase of goods that do not actually exist or that are not allowed the deduction of already paid tax. It is a type of tax carousel inside the European Union (Court decision of Court of justice of European communities CJE/06/3).

Legitimate tax avoidance occurs when a subject, in order to avoid payment of tax, denies the purchase of certain goods or of a certain production factor. In this case it is not an unlawful action. Such actions are especially successful if there are differences in the tax load of those goods, which represent full substitutes (Pass and others, Dictionary of Economics, in 1993, p. 524).

Illegal tax avoidance is not always, as is often believed, just a consequence of low morality or a lack of respect for public interests, but it can also be objectively arranged. This can be seen for example in cases of unjust tax systems and the corresponding illegal economy and in cases of high loads on socially weak populations. The increased taxation of rich individuals is not particularly likely. Another element that influences the problem of illegal tax avoidance is non professional or corrupt work by the tax administration. Finally, the scope of tax evasion depends upon the general cultural level of the population, tradition and numerous political factors (for example, whether or not a person pays taxes to their own, a national or a common state).

Sometimes for economical and political reasons a state will accelerate legal forms of tax avoidance. This is performed through the creation of a different tax policy to impact on a taxpayer's income, for example, imported luxury products are highly taxed in comparison to those produced in other countries. With the introduction of general taxes (for example, proportional income tax) the possibility of legal tax avoidance decreases, especially if direct taxes prevail within a tax system. The same applies to indirect taxes as well, if their tariff is homogenized. Such a tax system does not allow substitution tax effects.

In this way we can place all the actors of tax avoidance into three groups. The first group are factors concerning the tax system or tax policy, including tax authorities (tax evasion, tax contraband and migration of activities to tax friendly environments). Factors pertaining to the wider economic system and financial inspectorate follow (for example, the scope of the illegal economy). The third group are those factors relating to taxpayers. A lot of factors from the third group are of a psychological nature (Žibert, 2001, p. 14).

2 ADEQUATE TAX POLICY

The central question of tax theory is what kind of taxes should there be in order to fulfill the political, economic and social demands that face the state. A good tax system is one of the best instruments for limiting illegal tax avoidance in a state. For such purposes tax theories based on experiences from practice, form different types of principle. In fact there is guidance for tax authorities regarding what kind of taxes there should be; they should be abundant, economically simulative, equitable and technically suitable. In practice there are no such tax principles that are perfect for all political and

economic regulation of the state. This is logical, if we keep in mind, that tax phenomenon is not a certain abstract, but a typical historical category. Moreover, tax principles may appear contradictory because of the incompatibility of the goals which they pursue in economic and social fields.

Adam Smith, in his work, 'An Inquiry into the Nature and Causes of the Wealth of Nations' (1776) gives a systematic overview of principles concerning 'good taxes', although he was not the first to discuss such principles. He restricted his research to principles of tax justice such as general and equal principles and administrative principles concerning the definitions, expense and advantages of taxes. That classical economists were sensitive to the question of the impact of taxes on the national economy can also be seen in the famous book from David Ricardo (1772-1823) 'Principles of political economy and taxes'. He dedicated eleven chapters from a total of thirty-two to this topic. Later economists supplemented previous tax principles and developed their national-economical and social-political points of view. In accordance with the development of economic and financial knowledge there is an obligatory difference between the content of classical and contemporary tax principles.

Numerous factors are decisive for decisions regarding the stated goals of tax systems. The first decisive fact, both in a historical and a contemporary sense, that influences the selection of tax model and associated elements of taxation (for example, taxable amount and rate), is the financial power or financial outcome. The state tries to gather as much tax yield with the chosen tax model as it can. This goal can be realised only if the tax model captures an extremely wide circle of persons or their tax subjects. This particularly applies to substitutive goods and services in production and consumption, in accordance with Laffer's effect, which demonstrates the effect of a decreased tax rate on tax yield. Reduction of tax rates, without a corresponding change to other variables, can increase state tax revenues and local budgets. In this way, reduced tax rates increase the tax base. This is a consequence of larger intensification of work and bigger investments because of higher net revenues of invested capital. Positive financial effects of lower tax burdens are realised in practice only with the assumption of a greater reduction of relatively high tax rates. The final result of tax rate reduction in a specific economy depends especially on the mutual influences of simulative and substitutive effects of taxation. Such effects are, regardless of the amount of tax burden, and above all a consequence of size per capita income, the

levels of unemployment and the levels of saving in the national economy.

Another factor of 'good' tax is a fair or uniform distribution of tax burden between tax holders (the social aspect view of taxation). When taxes are considered through social aspect, we have to deal with the question of whether horizontal and vertical equity of taxpayers satisfy the accepted theoretical and practical criteria. The horizontal equal means that the tax authority taxes people of equal status equally. In other words, people that live in equal economical circumstances are paying equally high taxes. Beside this narrow definition of horizontal equal status there is, in theory, a wider version which demands equalizing benefit of net budget benefit (budget benefit minus taxes) with economic position for all persons liable. This principle, in practice, does not mean absolutely equal taxes for all persons with equal economic power, regardless of narrower or wider definitions of horizontal equal status, but it does contribute to the prevention of discriminatory tax measures in a democratic society. The tax obligation of individual economic units is not the only economic function of the unit, but it is influenced by numerous other social, regional and political factors. These should be controlled by the tax system in a way that would favour no individual taxpayers. The principle of vertical equal status requests, unlike horizontal equal status, unequal taxes for people with unequal income. This means that an ethical question arises about fair distribution of tax burdens, because it is dependent upon the criteria of 'equal economic circumstances'. Does this refer to earned income and the other property of an eligible person or is the base for it the benefit from the public sector? In practice, the first theoretical approach demands a distribution of tax burdens in terms of ability to pay tax, whereas the second theoretical approach works by benefit theory. Considering the influence and historical meaning of both approaches on fair distribution of taxes in specific periods, and the fact that theory of benefit was, chronologically, the first one used in practice, the following parts of this paper focus on the core distribution of public burden in proportion with the benefit that eligible persons get from the public sector.

In accordance with the theory of benefit, taxes must be arranged between tax payers in such a way that they are proportional to the public goods and services that the individual is entitled to by the state. In this instance, horizontal equal status means that people who have an equal level of public benefit are paying equal taxes and, on the other hand, people that have more benefits from the public sector are paying higher taxes because of the rule of vertical equal status. At the same time, such an

approach to the distribution of tax obligations means that units which have no benefits from the state are not paying tax at all. Advocates of the principle of benefit must, in this way, analyze public revenues and public expenditures. To them, fair taxes are those which are proportional to the benefits that individuals have from public service and these should be chosen on the basis of individual preferences of members of the community. This assumption is unrealistic for all those pure public goods, where the non exclusion principle is working and it is therefore not possible to find individual preferences for public goods. Real usage of the principle of benefit becomes possible only at funding those public goods, at which it is possible to simulate the mechanism of private markets. The next obstacle in terms of the practical usage of the principle of benefit is the function of public welfare, which is hard to both monitor and modify, because it is not just the result of economic influences, but is dependent on moral, ethical and political values and goals. This principle evolved at the end of the 19th century when it took over the social function of the fair distribution of taxes and also economic efficiency. Contemporary thought suggests that this principle of utility should not only assure only justice in taxing, but it should also bring efficient allocation of productive factors to private and public sectors of the economy. The basis of the new theoretical standpoint is that taxes and public expenditure are chosen after consultation with individual members of community or interest groups, similar to the process whereby market prices of goods are formulated in the private sector of the economy. Taxes are the price to pay for the benefit of public goods, and state financial systems undertake the collection of local levies and contributions for social security. At state level, such systems require, in addition to the previously mentioned conditions, that state elasticity in terms of national income growth is larger than 1%.

Theories of tax developed at the same time as the theory of benefit, the latter being considered more important in times of greater need for state-based financial resourcing. Central to this approach in assuring a fair distribution of tax burdens is that those who are capable of paying more tax should pay more or persons with equal income should pay equal tax. This is, in short, the definition of vertical and horizontal equal status in taxation. In practice, justice in taxation assures that eligible individuals, through payment of their taxes, will make an equal sacrifice. The solution is based upon on a viewpoint that eligible persons are equally treated when tax payments represent for them equal sacrifice or equal loss of individual economic services (Aronson, 1985, p. 308).

Basic assumptions upon which this model rests are:

- utility of income is measurable,
- the utility function of income is equal for all taxpayers.

If this is true then equal income (consumption, property) brings to different people equal common benefit and payment of equal tax means an equal loss of service (sacrifice). The problem of horizontal equity is solved by this, while the additional problem of different revenues occurs at vertical equity, where different interpretations of equal sacrifice are possible. This is referred to as equal absolute sacrifice, equal proportional sacrifice or equal marginal sacrifice.

If a tax policy is based upon the rudiment of equal absolute sacrifice, then everybody must in the case of fulfillment of assumption of constant marginal utility of income, pay absolutely equal tax regardless of size of income. This tax is poll tax. From empirical research and practice we know that the marginal usefulness of income is not unchangeable in practice, but it falls with increases in income (first Gossen's law). This, with the demands of equal absolute sacrifice, requires an increase in the amount of tax. Whether the increasing of tax obligation is also relative at the same time (progressive tax rate), depends on elasticity of marginal utility of income considering income. That utility of income is falling more quickly than the income grows, and progressive taxation is necessary. If the elasticity of marginal utility equals -1, then the unchangeable tax rate assures an equal status of absolute sacrifice regardless of size of income.

For instance, in the case of equal proportional sacrifice the loss of relative benefit is equal for all liable persons. If marginal utility of income is unchangeable, then proportional taxation is necessary in practice. Progressive taxation becomes real, when the marginal utility of income (MUI) falls for unchangeable degree (constant rate). For other instances of unevenly falling marginal utility we use a tax chart which depends on the level and inclinations of curve of marginal utility of income.

Let us take a look at the essential characteristics of the concept of equal marginal sacrifice. Peoples' revenue, after taxation, is equal. Use of this concept of unchangeable marginal profit of income is not possible in practice because distribution of taxes is not uniform. If marginal utility of taxable income is falling, then at taxation it comes to maximal

progression, which means, that only liable persons with higher revenues are taxed for as long as higher revenues do not equalize at the necessary tax yield. For instance, when the difference between revenues of liable persons is larger than the tax yield, then the use of equal marginal sacrifice is not possible, instead we use the concept of the smallest common sacrifice. So, some subjects with lower revenues are not taxpayers at all. The use of maximum progression is not acceptable considering the equal status, but it is economically efficient in a static sense. It assures a minimum of sacrifice at taxing as well as a maximum of common welfare of liable persons after taxation. Maximum progression is not also acceptable from a developmental point of view for a long time period, because such taxation depresses savings, investments and employment. In conclusion, the procedure of smallest common sacrifice, together with poll tax taxation, in practice is not possible and this is why those responsible for the governance of the tax policy have to find a solution for socially fair distribution of taxes in terms of the concept of equal proportional sacrifice.

In practice there are some problems with this in practice. Some of these have already been mentioned above. Again, we emphasise that the search for socially fair tax leans on assumptions based on probability. If assumptions concerning falling marginal benefit of income are realistic, financial analysts still do not know what the characteristics of decrease for individual taxpayers are. That is why those responsible for tax policy suggest the use of a unified (for all eligible persons), socially veritable marginal benefit of income in given developmental and distributional circumstances. This represents the foundations of a progressive tax chart as an instrument for taxation. We realise that any tax relief and exemptions from different social, political, demographic and other reasons distort this position further and create added problems in terms of principles of social fair taxation. Furthermore, such selective exemptions and facilities become an indirect means of the state for restricting individual freedom within society. The only acceptable exception is tax exemption of minimal existence income of economic subject.

Taxation has numerous undesirable economic effects. Tax reduces consumption, scope of production, job offers, increased market prices and also has a negative consequence on redistribution of revenues and properties. Theorists and practitioners look at reducing these effects. In the financial literature, this process is captured in a concept of neutral taxes. Tax is theoretically neutral if it does not change market decisions. Figure 1 shows a case of neutral tax.

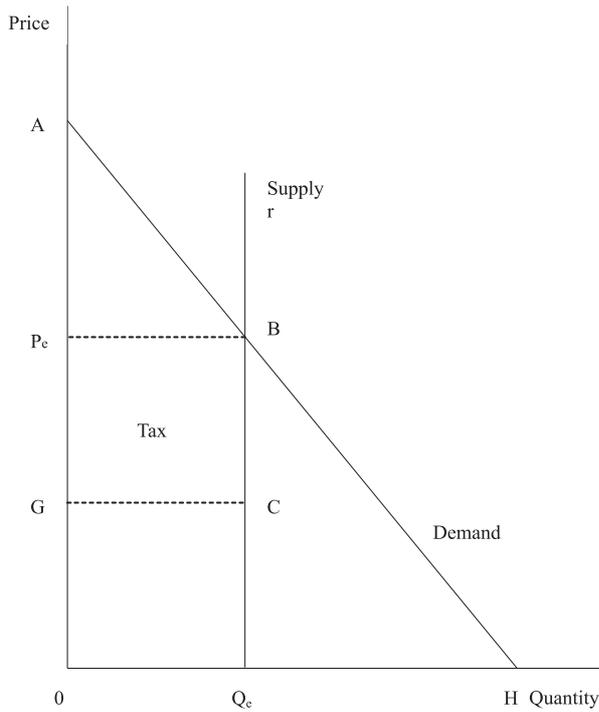


Figure 1: A neutral tax

Hypothetically, the market's demand is normal and this is graphically shown as a straight line AH, while supply is an absolutely rigid line, which means, that bidders with large amounts of assets do not react to changed market prices. The quotient of price elasticity of supply is 0. Before taxation is the equilibrium price P_e and the equilibrium amount Q_e . What occurs, when the state taxes, for example, with a 50% rate? Nothing occurs and prices and market amount stay unchanged despite high tax. As Figure 1 shows, under the impact of tax neither supply or demand change. Buyers are still buying equal amounts at unchanged prices and they are not interested that one part of their expenditure goes to the state and another to the seller. The figure shows that the absolute inelasticity of supply considering prices neutralizes tax. So, it is logical that economists want to increase taxes on land fees at the time of each tax reform. Land is a production and supply factor for it is inelastic in both the short and the long term. Taxation of land fee cannot reduce its supply to production. From the buyer's point of view this taxation of land fee does not interfere with the usefulness of land for consumers, so demand does not change either.

Let us take a look at the other extreme now, when supply on the market is absolutely elastic. Graphically it is shown with a horizontal straight line S in Figure 2 that shows the effects of non neutral tax per prices, amounts and tax yield.

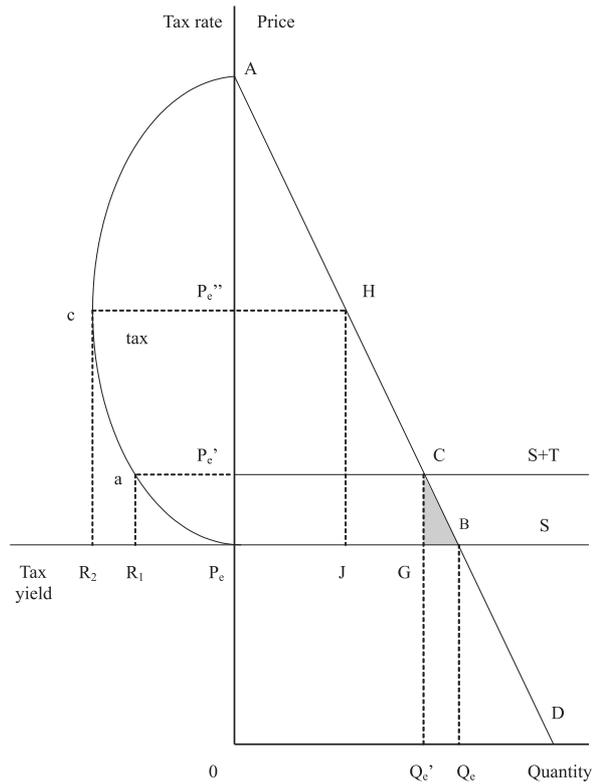


Figure 2: A non neutral tax

In the case of constant average costs of production the equilibrium position before introduction of tax stands at point B. On the market the amount Q_e changes for price P_e . The introduction of tax in height GC for unit of asset lifts the straight line of costs to new level $S+T$. The effect of the tax is, in this instance, completely different to non-elastic supply. Price on market increases for the entire amount of tax for unit on level P_e' , change on market shrinks on Q_e' . Because of higher price taxes asset buyers divert their own demand to previously less useful substitution and tax free goods. The state makes $PePe'GC$ tax yield a reality.

The movement of tax yield in dependence from height of the tax rate is graphically shown on the left side of the Figure. The tax rate in height GC for unit of product creates at sold amount Q_e' tax yield $R_1 = PePe'GC$. Amount Q_e still is not taxed, that is why there is also no tax yield. The movement of curve of yield from starting point P_e , through point a and c , in direction of point B shows that we are dealing with Laffer's curve. The tax yield achieves its maximum value (R_2) at point c , this is JH at tax rate, while with the rise of tax for unit of asset against level JH , tax yield reduces. The state realizes the maximum budgetary income at that tax rate at which the percentage rise of tax rate is equal to a per cent reduction of taxable amount (of sale value).

From Figure 2 there is still the omitted triangle GBC to be explained. The area of the triangle introduces a special burden of taxation. This area is the largest with non neutral taxes. It represents a total clear loss of benefit for the economy. Before taxation the consumer profit on market is PeBA, after the introduction of tax this consumer profit reduces, but not only for the value of charged tax in height PePe'GC, but for the additional amount of GBC, which is not compensated for by suitable benefits of other subjects in the economy.

In everyday life there are rare examples of figure 1 and 2. The curve of supply is usually increasing because of the average costs increasing. This also means that the tax burden distributes between bidders and buyers with the meaning of a loss of producer and of consumer profit. Taxation is, at the same time, causing a net loss of benefit (triangle GBC on Figure 2), that is as large as the creators on the market are elastic. And what can be done to such a tax policy in order for this special loss to be minimal? The answer is for a state policy that sets neutral taxes which are not changing the structure of production and consumption. In other words, the state must tax more highly those goods which are characterized by a rigidity of supply and demand. Because tax administration does not know all production and buyers elastic and technological specialties of production of every product, public finance theory suggests a 'second best' solution of the introduction of general tax of equal height for all service and goods. Such approaches should work as the cheapest way to get minimal negative direct reductive and substitution effects, that cause differentiation of taxation, accompanied with different tax exemptions and facilities.

Any taxation, if conditions for neutral tax are not met, causes the reduction effects listed above. By increasing the general tax rate, the quantitative scope of reduction effects grows. If the holder of a tax policy brings to a tax system tax relief or exemptions, that are not socially justified and do not serve the general developmental function of tax (especially at lower per capita income), then negative reduction effects join with negative substitution effects which, in the long term, lower the product. The same effects lead to different tax rates in terms of payroll tax and sales tax. The state must not, in order to maintain the economic neutrality of taxes, tax differently individual substitution economic activity such as economic activities, factor inputs, individual consumer goods and present and future consumption.

Figure 3 graphically shows the substitution effect on instances of different taxation of consumption

and savings (future consumption). If we look at the case of the consumer with present earnings in height of OS, where this amount can be consumed in total at the present moment, or where part of it can be saved, which brings interest (i) and therefore the possibility of larger consumption in future. The abscise axle is showing the present consumption and the ordinate axle shows future consumption. $OB=OS+i$. The straight line BS shows possible combinations of present and future consumptions. The real structure of present and future consumption (savings in present), at given earnings depends on the indifference curve of user IC, which depends upon the time distribution of needs and the consumer's subjective evaluation of present and future (Diebolt and Kyrtsov (eds) 2005, p. 39).

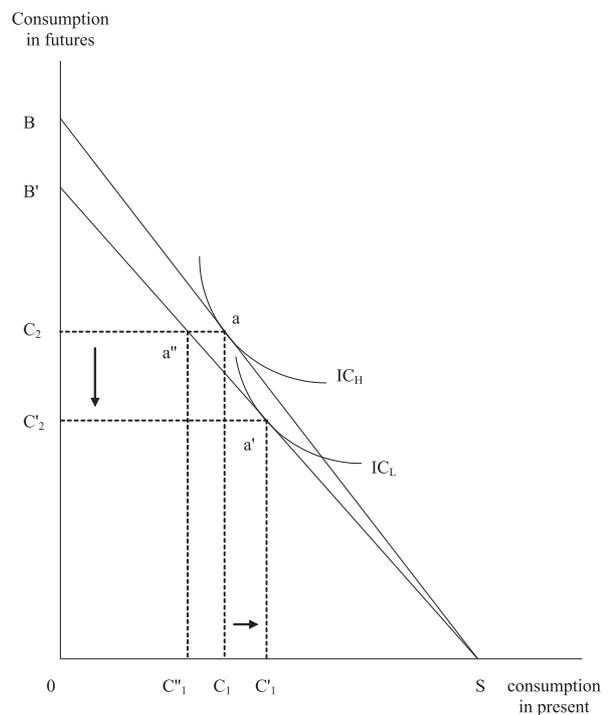


Figure 3: Substitution effect of difference taxation interest

A convex shape of indifference curve is the consequence of decreasing marginal utility of present and future consumption. Before taxation of interest the equilibrium is in position at point 'a' and this means that the consumer in the present spends OC_1 of earnings, the remainder C_1S he saves up and he uses it together with the interest in future (future consumption is OC_2). Suppose that the state taxes only the interests and by this it reduces the consumption level in future. The effect of tax is shown in the possibility of smaller present and future consumption (the rotation of straight line of budgetary restraints BS to the left) which is

represented by straight line B'S. The structure of consumption after taxation of interest depends upon the income and the substitution effect of taxation. It first increases savings on level SC1", which, in spite of tax on interest, is allowing equal future consumption as before taxation (point a"), while substitution reduces the benefit of future consumption in comparison to the present. Because of this effect, the consumer reduces savings on level C1'S (point a'). In this particular case, the substitution effect predominates, the consumer saves less (because of the tax) and this negatively influences the supply of capital and the possibility of investing in the economy.

The next demand of a suitable tax system is that the state must protect the rights and material interests of taxpayers with implementation and collection of taxes. That is why it must act in accordance with certain procedures dictated by legal regulations. This principle is a part of the formal tax law, where it is noted that the state prescribes taxes and other public levies in accordance with the law (*nullum tributum sine lege*). Local communities can prescribe taxes only in accordance with law. For taxpayers, for the economy and for the population, tax is not just a legal obligation, but also a business or domestic expense, so it is useful that they know, in advance, their obligation in order to make a good economic plan. The Constitution of the Republic of Slovenia states that the, "state prescribes taxes, customs and other levies by law. Local communities are prescribing taxes and other levies next to conditions that are set by constitution and law".

Tax authorities must measure out taxes and collect them in such a manner and at a time which suits the economic business of taxpayers and, on the other hand, consider the need for regular influx of public revenues (principle of advantage). To this intent the tax procedure should avoid un-needed and complicated formalities. There should therefore be simple forms with which to complete tax returns.

For the realization of cheap taxes there needs to be an appreciation of the principle of legality and advantage. Taxes should be cheap from the point of view of the taxpayer as well as the tax authorities. The location of tax authorities need to be as close to the taxpayer as possible. The principle of cheap taxes is, in practice, possible only to a limited extent, because we cannot fulfill other tax principles under a policy of low tax. For example, import duty taxes are important both economically and politically and therefore are relatively expensive.

3 EVALUATION OF SLOVENE TAX SYSTEM

The Slovene tax system might be considered socially fair in relation to the theoretical starting points and relatively neutral in an economic sense due to the high tax burden of factor work. The tax burden of this production factor is, according to Forbs index, calculated as a share of taxes and of contributions at total cost of labour (net salary, taxes and social contributions) on an annual level. Forbs index for a gross salary of 50.000 euros in our economy in 2005 represented 60.4%. Only Italy has a larger index (63.7). In the USA, taxes represent only 30% of the gross salary. Countries which come in below that figure are Japan, Slovak Republic, Thailand, Singapore, China, Russia and Hong Kong. Austria, Greece, Finland, Lithuania and Portugal all have about a 50% share of working tax costs (S. Kovač, Finance, No. 97). As a reminder, when comparing to the aforementioned index, it is necessary to consider different production processes in individual states.

The next characteristic of our tax policy is a progressive increase in costs of work. For employers in Slovenia it is not simulative, that the net salary of 3.000 euros costs businessmen 10.000 euros. The tax rate of the salaries of managers and top specialists is above average not only in our state, but also when compared internationally. This makes production factors, which are the basic holders for technological and social development of state, more expensive. The government reduced the marginal tax rate on the highest grossing salaries during 2006. We can expect for this year a reduction of the tax burden for an annual gross salary of 50 thousand euros from 60.4% to 59.5%. In spite of this, Slovenia is one of those states that most highly taxes the salaries of top specialists. Meanwhile the government reduced the highest degree of income tax from 50% to 41%.

All the above tax measures will cause a loss of revenues in the public sector. With the given scope of public expenditure there is a question of substitution of lost revenues. One way is increasing the efficiency of already workable tax systems and, simultaneously, reducing the grey economy. The introduction of new taxes is not recommendable because of the enlargement of the competitive ability of the economy, since the majority of taxes sooner or later become a production expense. The problem of efficient tax collection is known in the EU as well. At the present moment the working material Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee are in place. They deal with the urgent need for cooperation between national tax administrators

in order to reduce losses in public revenue, on the level of a member country as well as on the level of EU - since the revenues of the EU are based upon collected VAT in all member countries. Taxes (taxes and social contributions) in the EU for 2004 represented 39.3% of GNP. Economists estimate that between 2-2.5% of the GNP of public revenues get lost because of an inefficient economic and tax system. Unpaid taxes are not only a financial problem but also an economic one, that reflect the unequal market position of payers and non payers of taxes throughout the entire EU (SBRA - Slovenian Business and Research Association, Bilten, year VIII, No. 6). The loss of public revenue through tax evasion in Slovenia is still relatively large.

The next disadvantage of the Slovene tax system is collection of taxes. It is based on the analysis of tax returns. In such a manner the following are collected: social contributions, individuals' income tax, companies' income tax and value-added tax. Such an approach to tax procedure requires a good knowledge of material and process tax regulations from the taxpayers side first and, also, a certain degree of morality. Neither of these are present at a level that would be efficient for the collection of taxes. Ignorance of tax regulations is, above all, a consequence of quick and numerous tax changes. With the most recent changes in tax collection procedures, the role of the state in this respect has increased. The National Assembly accepted the Taxation Procedure Act in which it is stated that the tax authority alone will send an invoice for predicted tax to individuals. The Form has information regarding the taxpayer, the taxpayer should check it and fill in the empty space or make a complaint on the form. Individuals are responsible for providing the correct data. Until recently, the Slovene tax system was a part of the Yugoslav system, and, as such, part of an exclusive arrangement with the state as an instrument of the administrative distribution of national income.

4 CONCLUSIONS

Recent research shows that informal currents of national economics range from 7.3% to 11.8% of gross domestic product. The majority of 'under the table' tax practice was found in the catering industry, the motor trade and in civil engineering. There are some evaluations concerning the scope of the black market in our country. According to some sources, 20% of the gross domestic product is made on the black market (Delo, July 26th, 2006). According to estimates, taxes at division of gross income comprise approximately 40%, and it can be concluded that public budgets, including a 10 % share of illegal economy, annually loses one

billion and 105 million euros. Consequently this loss influences also the revenue of the European Union. Loss of public revenues is suggested by data concerning GNP for 2005 (<http://www.stat.si>, on October 19, 2006). With these lost means, the state would be able, in the shape of public investment, to increase annual economic growth by 0.8% (the average gross investment effect in Slovenia is 0.2%).

Public revenue can also get lost as a consequence of minor tax offences and tax evasion. Judges deal with the first, whilst the others are in the jurisdiction of regular courts of justice. The official data of the Tax Administration of the Republic of Slovenia says that, based on examinations of eligible persons, the tax administration sends 13,000 reports to judges per year. Every year, 2000 individuals are punished by the tax authorities.

According to police data, the police annually deal with around 100 criminal offences of tax evasion. If we realize that the percentage of reported/ investigated economic crimes in Slovenia is 40% (Maver, 2003, p. 103) the total of all tax evasions would be approximately 250 actions. The annual discovered extent of tax evasion is worth around 10 million euros (100.000 euros per instance), so it is my belief that, in total, the lost income of the state is 25 million euros (<http://www.policija.si/>, Sept. 9, 2006). Only 10% of the perpetrators are annually prosecuted for tax evasion. This shows the low efficiency of the mechanisms of control.

One of the indicators of a good tax system and of a suitable tax policy is a minimal relocation of economic activities of taxpayers to other lower tax environments. Larger migration of capital and work is a clear signal for the holder of tax policy that the tax regulations of a state are not suitable from the point of view of tax justice and (or) of economic efficiency.

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Exclusion of Illegal Police Evidence in Croatia

Zeljko Karas

REVIEW ARTICLE

ABSTRACT

The purpose of the paper is to determine the general characteristics of the exclusionary rule in Croatia and to briefly compare it with the situation in other states. The research is based on the Supreme Court's decisions from 1998 until mid-2004, and involves 416 cases in which appeals raised questions regarding the legality of the evidence gathered by the police. The theoretical part will attempt to explain the collected data, identify causes of some illegalities and possible areas that can be improved. Findings showed that evidence was found illegal in about 14% of all covered cases. Most of the breaches occurred in relation to powers of search (80.56% or 29 cases). Most evidence was excluded in the cases dealing with narcotics (64%), followed by crimes against property and crimes against life.

UDK: 343.1(497.5)

Keywords: exclusionary rule; illegal evidence; police.

1 INTRODUCTION

The principle of legality is a basic means of safeguarding fundamental rights and its importance is highly emphasised in the process of gathering evidence. Police powers can intensely infringe citizens' rights and, because evidence has a profound effect on the final judicial decision, illegalities in police procedures could lead to different types of sanctions under criminal law, disciplinary law or in regard to civil liability. A special legal instrument that exists only in criminal procedure is that of the exclusion of illegal evidence. The freeing of a suspect under such an instrument represents a unique outcome compared to those associated with other remedies for police misconduct. Because of such consequences, it is important to consider those factors which could lead to inadmissibility of evidence.

The general function of an exclusionary rule can be simply described through three main characteristics: purpose of exclusion, scope of exclusion and manner (type) of performance. In contemporary law there are many possible combinations of these factors in relation to the exclusionary rule, so, for instance, the rationale of exclusion involves more than a dozen different

theories (Jäger, 2003). On a more general level, the purpose of the exclusionary rule can be to protect fundamental human rights, to suppress police misconduct or to reinforce the integrity or fairness of the criminal procedure. It also may be seen as a procedural sanction for statutory and human rights violations, either as a right of the accused, or as a judicial remedy to protect the integrity of the criminal process.

The rationale of the exclusionary rule has a substantial effect on other parts of the criminal process because it determines what the desired aim of the system is. An important part is the scope of violations that can invoke the exclusionary rule, and in this area there are also many possibilities. On a general level, however, some systems separate violations during interrogation (or similar personal evidence) from other violations in police powers dealing with real evidence, but there are also many unique combinations. The position of other evidence that is gathered through the use of excluded evidence can also be regulated in many different ways. Another important issue is the manner used to determine whether certain evidence should be excluded. Namely, the extent to which there is an opportunity for using discretion in evaluating the circumstances surrounding

suspected illegal evidence or merely an automatic exclusion of such evidence in all cases.

2 HISTORICAL BACKGROUND AND GENERAL PRINCIPLES

During the development of the new Croatian Criminal Procedure Act (CPA) that was introduced in 1998, substantial changes occurred in the admissibility of evidence gathered in breach of certain legal provisions. In earlier legislative arrangements, originating from the previous socialist political system, the question of illegal evidence failed to attract much attention either in scholarly or practitioner circles. In that period, discussions were focussed upon checking the trustworthiness of the evidence, but not the manner used to discover it. When considering the historical development of procedural regulation in Yugoslavia, provisions introduced in 1967 had not expressly prohibited evidence that had been illegally gathered by police. Evidence was considered inadmissible only if its illegality impacted upon its reliability. This is illustrated by Bayer (1972) who points that even in cases of extorted confessions, “such confession couldn’t be rejected based solely on that fact, but court had to be very careful while evaluating its trustworthiness” (p. 111). If some provisions concerning the rights of the defence during the interrogation of a suspect or witness were violated, such evidence was invalid. However, such powers failed to impact too greatly upon police because such powers lay under the jurisdiction of the investigative judge. This approach was further enshrined in future laws (1973 and 1976), and only the Act of 1985 slightly broadened these provisions. Such a position promoted the inquisitorial model with fact-finding as the main purpose of the criminal procedure and signalled a strengthening of the rule of law in the investigation of criminal offences. The new Constitution had generally prohibited the use of illegal evidence in criminal proceedings (Art. 29), while further determination of the type of exclusion, the broadness of the rule or other factors was considered a lower legislative action. Of interest is the fact that an earlier draft of the CPA proposed a relatively flexible approach based upon the consideration of all the circumstances in each case, although this model was abandoned before the publication of the final version. By 1994 the exclusionary rule had been conceptualised as a balance between public interest and protection of human rights, seriousness of offence, seriousness of violation, other possible remedies, nature of violation and other circumstances that can effect justice.

The CPA dictates in Art. 9 that court decisions in criminal proceedings may not be founded on evidence obtained in an illegal way. The notion of illegal evidence is defined in three parts. First, that illegal evidence is that obtained in a way that represents a violation of fundamental human rights to defence, dignity, reputation, honour and inviolability of private life, guaranteed by the Constitution, domestic law and international law. Case law does not note any example of using this part because important rights are secured through other provisions that are already guarded by the exclusionary rule. Second, the definition involves violations that are expressly determined within the CPA. Finally, it focuses upon evidence that is discovered using illegal evidence. When illegalities have occurred during an investigation, evidence is automatically excluded without considering any other factors such as fairness, seriousness of offence, nature of violation, purpose of provision, nature of evidence, other available remedies or the criminal liability of the police officer.

3 SCOPE OF THE EXCLUSIONARY RULE IN CROATIA

3.1 Interrogation

Due to recognised international instruments and the definition of fairness in constitutional law, confessions originating from an interrogation of a suspect cannot be used if they are given under force, threat or other similar misconduct. Statements are also illegal if a suspect was not informed of the particular offence they were being charged with, the grounds for suspicion or if they were not informed of their lack of obligation to present their defence or answer any question (Art. 225 CPA). Police can interrogate a suspect only in the presence of a lawyer and, if a suspect is denied that right, gathered statements have no evidentiary value in court.

Although these provisions guarantee progressive rights for suspects, some questions are raised regarding the use of another kind of interview that legally exists beside the aforementioned interrogation, namely the informal interview, because it does not have any special provisions to reinforce suspect’s rights. During such interviews the police are not obliged to inform suspects of their rights, even if they are a suspect. This lack of safeguards consequentially requires that such statements must be in accordance with Article 78 excluded from the file before charging. This system does not affect other discovered facts because additional evidence that is revealed using data from informal statements is admissible in

court. Witness testimony given to police cannot be used in trial because such actions also have status of informal interview. This broad possibility of informal interview involves no obligation for warnings, yet may comprise the period following a suspect being placed in custody or being formally labelled as a suspect.

The existence of these two types of interrogation has led to other questions about the relationship between the two. There is no legally defined obligation to suppress the influence of statements given in informal interview at a later interrogation. The police do not have to inform the suspect that the informal information they gave earlier is not relevant to the criminal proceedings, and that they do not bind them during the formal interrogation. The case law accepts the obligatory presence of a lawyer and the usual warnings during interrogation as the proper protection of a suspect's rights, so there is no obligation for a so-called secondary or fresh caution. The same position is used in regard of the influence of illegal evidence, because there is also no formal requirement that the police should inform the suspect, before interrogation, that he or she is not bound with the available yet un-usable evidence.

3.2 Search

As defined in the constitutional law, a person's privacy is an inviolable fundamental right. Any search will be considered illegal if the police lack a judicial (written) warrant or if other conditions for urgent search without warrant are not fully respected. Constitutional law has rejected the possibility of an urgent search based solely on grounds of reasonable suspicion, which makes search without warrant legal only with the person's consent, if it is incidental to an arrest or in order to avert the threat of serious danger. Finding of evidence during searches is reduced only to cases where the search is incidental to arrest whilst under other, already mentioned, conditions there is no legal possibility for a search to find evidence.

Search without a judicial warrant is legal only when it is strictly necessary, so if this provision is violated, evidence will be excluded despite the possibility that such actions were appropriate under other legal conditions. Evidence would also be deemed inadmissible if the searching of a premises was done without two witnesses or if witnesses became separated and were not in the same room during the search. The intention of this rule was to increase reliability of evidence, but due to automatic exclusion, reliability isn't taken into account. Therefore, evidence will also

be excluded if witnesses have not been present during the search although their absence did not have an effect on evidence reliability. For instance, this is also the case if incriminating recordings, photos or documents had been found.

There is no accepted theory that vehicles have any lesser expectation of privacy under Croatian law. Conditions to search a vehicle are the same as conditions for the searching of a premises. However, there is a significant difficulty related to the lack of a precise definition and its boundaries. This lack of clarity has led to the police encountering problems in terms of other related actions that have a lower impact on privacy. This question is especially pertinent in terms of other police powers that under Croatian law are called 'inspection' (or 'view') or, more precisely, the 'carefully limited search'.

Conditions for a vehicle inspection are defined as "grounds for suspicion on criminal offence" (Art. 177 CPA) so there is no need for a judicial warrant. If an officer confused the distinction between an 'inspection' and a 'search' whilst attempting the former, any resultant evidence would be considered illegal. The distinction between the 'inspection' and the 'search' is made with reference to both objective and subjective classifications. Objective factors include the openness/accessibility of certain spaces or objects such as compartments, trunk, inner space, luggage or similar. Objects that are not in such spaces have protected privacy only if police have to take special actions like taking apart, cutting, dismantling, breaking or other equal mechanical action. For other spaces that it is not possible to close, officers aim to determine whether or not there was an expectation of privacy and this can, on some occasions, be a difficult question to answer. The best known example of this issue is one involving a half-filled open bag where the upper part of the bag had fallen down on itself. An officer pulled the upper part of the bag up to allow him to look into it. In this particular case, the Supreme Court has assessed the legality of the evidence on four separate occasions, and on each occasion had arrived at a different conclusion.

Conditions for the search of a person are different again and such a power is generally exercised whilst arresting someone or escorting them to custody, if there is a possibility that the suspect has a weapon or instrument with which they could cause harm or evidence that could be destroyed. The less intrusive search power, when applied to the privacy of a person, is called 'inspection' or 'frisk'. That power can be conducted by touching the outer surface of clothes, without putting one's

hands inside of them. In some cases, questions were raised regarding the behaviour of officers who persuaded suspects to give closed bags to them upon request, and the court concluded that the powers do not extend to allowing officers to open such possessions.

3.3 Special Investigation Measures

The most intruding police powers in the procedure of gathering evidence are special investigation measures because they have the potential to impact upon fundamental human rights. Constitutional rights that can be infringed through the performance of these measures are privacy, secrecy of communication and protection of personal data (Art. 35, 36 and 37 of Constitution). Special powers (Art. 180 CPA) can be conducted only if ordered by a judicial warrant so there are no exceptions on the grounds of, for example, short-term urgency or other investigation needs which could allow police authorities a degree of discretion in the use of such powers. Special investigation measures under Croatian law are: surveillance and interception of communication; surveillance and recording in premises; covert following and recording of persons and objects; undercover agents and informants; simulated purchase or bribery; and supervised transport or delivery. If the police use any of the enumerated measures in breach of the proscribed conditions, all the gathered evidence will be excluded.

Special investigation measures must be stopped as soon as the ordered goal has been achieved, although they can last up to four months. A judge may prolong the duration by one term of three months, under exceptional circumstances, but measures cannot legally last longer than that period regardless of any other circumstances. A further condition of such measures involves obligatory periodical reporting to the judge about the commission of measures. Evidence may also be excluded if police authorities fail to submit one of the aforementioned reports, even in cases where all other provisions are respected and there is no evidence of any violation of the suspect's rights.

An undercover agent is defined as an officer who covertly collects evidence, regardless of the duration of the measure. As a consequence, only one short-term action of posing as a purchaser leads to that operation falling within the realm of special investigation measures. It is forbidden for an undercover agent to incite citizens to commit a crime that they would not otherwise commit (entrapment). To determine if entrapment has

occurred, case law focuses upon circumstances such as intention and the suspect's experience.

Prior to legislative changes that occurred in 2005, all information gathered by undercover agents in conversation with other persons was excluded due to the rulings that a) the police cannot take statements from suspects except in the presence of a lawyer, and b) that police cannot take witness statements. It seems incoherent that case law has emphasised that the suspect, in such situations, was not informed of their rights, because the covert use of agents presupposes that the officer conceal both their identity and the purpose of the investigation. More concerns emerged when the same rule was applied to citizens acting as informers, because they can commonly testify about conversation in which they were taking part. New legislation allowed the use of such statements, albeit with some restrictions based on hearsay rules.

3.4 Other Police Powers

Police can temporarily seize objects without judicial warrant if it is necessary for establishing the facts in a criminal investigation. Whoever is in possession of such an object is obliged to hand over the evidence, with the exceptions of suspects, their relatives, lawyers, and journalists. Seizure can be illegal if those provisions had been violated or if a prior search was deemed illegal. The privilege against self-incrimination does not extend to personal records (such as personal diaries, letters and private files) in which a suspect describes a crime.

Police can order a necessary examination of physical evidence by asking an expert, except in respect of carrying out an exhumation or autopsy. The findings and opinions of experts can then be used as evidence, but only if they have been selected in accordance with the provisions of the law. Similarly, procedures for the physical examination of a person (and for the provision of bodily samples for testing) are restricted to those experts who are not victims of a similar crime to that being investigated, who can be examined as a witness and who are not exempted from testifying on other grounds.

4 COMPARATIVE VIEW

The exclusionary rule is integral to all law systems but there are substantial differences in the type and scope of their application. In European law systems the dominant viewpoint considers all relevant circumstances in determining the

admissibility of evidence. The scope of the exclusion mainly involves personal evidence while physical evidence is rarely excluded. As Spencer (2004) indicates, “if house-searches and body-searches are bad, offences such as rape, torture, murder, and armed robbery are obviously worse” (p. 603) a point apparently echoed by Rogall (1999) who considered exclusion as the ultima ratio measure.

The exclusion of illegally obtained evidence is not explicitly regulated under the European Convention of Human Rights as no expression of need was made for such a remedy in respect of the day-to-day business of criminal investigations. Admissibility of evidence could be questioned by checking fairness of whole proceedings (Art. 6). In the key decision of *Schenk v. Switzerland* (1988) it was concluded that the Court could not as a matter of principle reject that unlawfully obtained evidence may be admissible. Fairness is compromised if evidence is gathered using entrapment (*Teixeira de Castro v. Portugal*, 1998) or if there was infringement of a self-incrimination clause. The Court is primarily concerned with the trustworthiness of other evidence, as in the well-known decision of *Khan v. UK* (2000) it was questioned whether the applicant has ample opportunity to challenge the authenticity of the recording. This kind of approach is principally separating the issue of violation from that of the use of evidence. As a consequence, damages for the same kind of violation are treated equally regardless of guilt.

More interesting is the impact of these rules on those states that continued their own development, independently of the ECHR, and refused the American model of the exclusionary rule. Such systems, like those present in Canada and New Zealand, tended to be characterised in terms of a heritage of common-law and expressly cited the key decisions of the ECHR. Likewise, England and Australia rejected the tenets of the American model.

The Canadian approach is based on balancing all the relevant circumstances which, according to the key in decision *R. v. Collins* (1987), can be separated into three groups. Constitutional violation has been assessed in the light of whether the violation of procedure was committed in good faith, was inadvertent or of a merely technical nature, or, on the other hand, whether it was deliberate, wilful or flagrant. Another relevant consideration is whether the violation was motivated by an urgency or necessity to prevent the loss or destruction of evidence. Similar circumstances were identified in Australia in the key decision of *Bunning v. Cross*

(1978). The same approach was adopted in the New Zealand after the rejection of a special model called the prima facie exclusion, which was, in practice, not dissimilar to American automatic exclusion. After less than ten years of operating this system, which deemed illegal evidence inadmissible in the absence of special circumstances, the Supreme Court changed the rules as a result of a case where a rapist was accidentally caught by an unlawfully obtained blood sample (*R. v. Shaheed*, 2002).

The exclusionary rule in the United States is the only one that is substantially different from other common-law states (Amar, 1994). Glasser (2003) notes that England and Canada recognise the usefulness of the opposite system, and Stribopoulous (1999) considers the potential advantages for the United States of accepting the validity of different models.

England continued the legacy of older common-law in which confessions could be excluded using judicial discretion, but reliable real evidence was generally admissible (Zander, 1985). The Royal Commission refused automatic exclusion on the basis of remarks, due to the possibility of obviously guilty suspects being released, and on the basis of the findings of a broad body of empirical research that suggested few, if any, benefits. The Police and Criminal Evidence Act of 1984 proscribed the possibility of exclusion based on an assessment of issues of fairness, oppression and discretion (Art. 78 and 83).

The admissibility of tainted evidence in Germany is primarily evaluated through a theory that classifies fundamental rights in three groups, each of which is assessed in a different way (germ. Rechtskreistheorie). In the first group, evidence is excluded only if the breach of protocol impacts upon an individual’s most personal rights (such as their intimate relations). In the second, admissibility is generally determined by a balancing of the seriousness of crime and that of the violation (*Abwägungslehre*). For example, in a case where surveillance was used for one month longer than the stated period, the Federal Supreme Court concluded that the seriousness of the offence had outweighed the violation of the law (BGHSt 44, 243). The third group, refers to the fact that the remit of exclusion is not generally broadened to incorporate issues pertaining to physical evidence and, therefore, evidence discovered as a result of breached protocol is not inadmissible (*Fernwirkung*). Regulation in Austria and Switzerland are, in principle, similar to the German system, although they have a narrower scope in some regards. In French law there exist two types of nullity for illegal evidence, depending

on whether they are expressly proscribed in acts. The nullity that is defined in law (*nullités textuelles*) is not used in every case of certain illegality but only when it causes damage for the interests of a particular party.

5 PURPOSE OF THE EXCLUSION

The purpose of the exclusionary rule in Croatia is not legally defined, but scholars agree that the main goal is to prevent police misconduct. Pavisic (2005) states that the “purpose of the exclusionary rule is to prevent acts which are violating rights” (p. 35). Krapac (2003) interprets the exclusionary rule in practical terms that emphasise the “construction of prohibition to use illegal evidence aims to guarantee performance in accordance with legal regulations” (p. 348). This kind of purpose is derived from the principle of fairness and the principle of legality of evidence. In Croatia this area has not attracted sufficient interest to generate wider explanations of the exclusionary rule, its theoretical foundations or its constitutional origin.

While improving the legality of police proceedings is undoubtedly a desirable aim, some have questioned the appropriateness of the exclusionary rule as a legal tool for achieving that goal. For comparison, reasons for the United States’ move away from common-law may be found in the unique organisation of their police forces that are connected with local government and therefore removed from the federal structure. According to Damaška (1986), “in other systems certain policies would preferably be imposed through internal hierarchical methods” (p. 237). Jescheck (1970) found that in European countries, where remedies are numerous, the, “need for a collateral civilizer may not be so strong” (p. 246) a point supported by Bradley (1983). In this way, the exclusionary rule in the United States is seen not as the most efficient measure, but as the only counterbalance to illegal police actions (Steiker, 1994, p. 851; Kamisar, 2002, p. 1850; Maclin, 1994, p. 68).

The immediate effect of the exclusionary rule is the inadmissibility of evidence, and care needs to be taken to ensure that the definition is not widened to include other factors that may impact on the legality of police proceedings. Empirical research shows the importance of factors such as the lack of clarity of some legal rules and the difficulties in applying legal rationales to real-life situations in encouraging illegality. Rothwax (1996) proved overwhelming evidence to illustrate the different interpretations that different judges made regarding the same legislation (as cited in Totten, Kossoris, & Ebbesen, 1999, p. 902). Furthermore,

evidence suggests that police work rarely provides its practitioners with the opportunity to take legal advice prior to undertaking a necessary task. In the Croatian system, certain legal distinctions are differently interpreted among certain justices of the Supreme Court. American findings had showed that judges often find a way to admit evidence for serious crimes despite apparent proof of illegality during gathering because “many judges will feel tremendous pressure to admit the illegally seized evidence and will often find a way to do so” (Kamisar, 2003, p. 132).

A well-known piece of empirical research from recent American history did not verify the hypothesis that exclusion acts as a deterrence. In contrast, “judges, respected for their devotion to civil liberties, have voiced disapproval of the rule” (Oaks, 1970, p. 672). Packer (1973) receded from his earlier position of advocating models that penalised the police, and concluded that, “empirical studies suggested that even the robust exclusionary rules created in Mapp and Miranda change nothing” (as cited in Roach & Friedland, 1996, p. 685).

The exclusionary rule, whilst undoubtedly effective under certain circumstances, cannot be the sole measure introduced to combat police illegality. If authorities are determined to prevent police misconduct they should accept responsibility for them. Citizens cannot unreasonably expect authorities to act legally, to take every necessary measure to achieve that goal and to take the consequences for mistakes. Those who break the law should be appropriately sanctioned, regardless of whether it was a criminal or a police officer and one might question the extent to which the exclusion constitutes an appropriate punishment. The protection of fundamental rights has to be equally effective when applied to innocent persons who do not have evidence that can be excluded.

6 EMPIRICAL RESEARCH

There has been little research into the general characteristics of the exclusionary rule in Croatia despite the significant consequences for criminal procedure and the legality of police actions. This research is based on the Supreme Court’s decisions from 1998 to mid-2004, and involves 416 cases in which the defence had raised questions about the legality of the evidence. For the purpose of this paper, research was aimed on some general characteristics and on explaining possible factors that can generate illegalities.

The Supreme Court decides only in those cases where an appeal is brought, which necessarily makes this research restricted to a selected partial sample. Under Croatian law, the jurisdiction of the Supreme Court is limited to certain important legal questions. Due to the nature of appeals, which of course may bear a positive outcome for a person who has been charged, there are no restrictions on the grounds upon which an appeal may be brought.

In respect of the use of police powers where legality was questioned (Table 1), most cases related to the interrogation of a suspect with a share of 15.4% (64 cases), followed by search of premises (13.9% or 58 cases). Special investigation measures (for example, involving an undercover agent) make up a small minority of approximately 2%, and all types of surveillance amounted to less than 1% of the cases. In real terms, actions that related to the scrutiny of vehicles represented the most frequent cause to question the legality of police procedures. When the totals for search of vehicle and inspection of vehicle are combined they amount to more than 17% of the cases.

Table 1. Questioned police powers according to decisions of the Supreme Court in period 1998-2004 (N=416).

Police power	rel.	abs.
interrogation	15.38%	64
search of premises	13.94%	58
inspection of vehicle	12.74%	53
seizure	8.41%	35
id. parade (line-up)	5.53%	23
search of vehicle	4.57%	19
undercover agent	2.16%	9
surveillance	<1%	3

7 INVOLVED OFFENCES

A large proportion of the cases addressed by the Supreme Court dealt with criminal offences connected with narcotic drugs (Table 2), with a proportion of almost 71% (295 cases). This kind of criminal offence involves the possession of substances that are classified as narcotic, and also the manufacturing, sale and other activities associated with prohibited substances. The second most frequent category of offence was that of crimes against property (11%), most of which were robberies. Beside these categories, the only

offence which amounted to more than 5% of the total was that of offences against life, within which aggravated murder was especially prevalent.

Table 2. Offences in covered cases according to decisions of the Supreme Court in period 1998-2004 (N=416).

Type of offence	rel.	abs.
narcotics	70.91%	295
property crime	11.3%	47
crimes against life	7.45%	31

8 ADMISSIBILITY OF EVIDENCE

The findings showed that in most of the cases (approximately 87%) the exclusionary rule was not used and evidence was considered legal in the view of the court (Table 3). Evidence was excluded in only 13% of relevant cases. In only a small number of cases did the court conclude that it did not have enough facts about events and order a repetition of earlier parts of the investigative procedure. The small proportion of illegal evidence in this sample does not adequately convey an impression of the very high share of cases in which questions of fact (43%) were raised. In such cases, suspects asserted that police actions were conducted in ways that did not accord with the presentation of events in the file. Such findings suggest that the exclusionary rule serves as a tool that perpetrators attempt to use for the rejection of a charge, and not for the protection of their fundamental rights.

Table 3. Admissibility of evidence according to decisions of the Supreme Court in period 1998-2004 (N=416).

Judicial conclusion	rel.
admitted evidence	86.9%
excluded evidence	13.2%
other conclusion	0.5%

9 ILLEGAL POLICE POWERS

In cases where police powers were found to be illegal, and gathered evidence was excluded, breaches occurred in relation to a variety of types of search. The high proportion of illegal searches highlight difficulties with the rules governing those police powers (Table 4). The unclear distinction between those powers that can be undertaken

without a warrant has contributed approximately one third of these excluded cases. This is also supported through the increased percentage of decisions in which conclusions achieved by lower courts were over-ruled. It is in regards to the powers of search where the court has appeared most likely (30.2%) to change the decision of the lower court. This ratio is similar to the 28% of cases where there was confusion over the distinction between police powers of 'inspection' and 'search'. Evidence derived from the interrogation of suspects, like that from special investigative measures, was considered illegal in only 2 cases. In 3 cases evidence gathered during the identification of a suspect in a line-up was judged as having violated rules of legal evidence.

Table 4. Police powers with excluded evidence according to decisions of the Supreme Court in period 1998-2004 (N=416).

Police powers	
search of premises	16
search of vehicle	8
line-up	3
search of person	3
interrogation	2
undercover agent	1

10 DISCUSSION

The findings show that illegal use of evidence was found in about 14% of the cases that made up the sample. Such a small ratio is a result of the high percentage of cases in which appeal was really concerned with issues of fact rather than issues of legality. In consequence of this exclusionary rule, the findings are similar to other pieces of research which have discovered that perpetrators also tried to use the exclusionary rule as tool for dismissing charges rather than for the protection of their fundamental human rights (Perrin, 1998).

Most of the breaches occurred during home or vehicle searches, whilst procedures such as special investigation techniques account for less than 4%. Cases relating to different police powers amounted only to two or three cases. Special investigation measures tended to be less well-represented in the decisions studied for this research as such powers are made the responsibility of specialized units. The greatest proportion of exclusions of evidence occurred in cases involving narcotics

(64%), followed by crimes against property and crimes against life (both about 9%). These findings therefore appear to support research from other jurisdictions which have adopted an absolute exclusionary rule, where evidence suggests that cases where police evidence is ruled inadmissible tend to be in respect of crimes linked to the possession of forbidden substances or weapons (Oaks, 1970; Maclin, 1994).

Close to one third of illegal police actions were performed fulfilling formalities under specific police powers where there was confusion between those specific powers and other distinct yet broadly similar powers, for example in relation to the 'inspection' and the 'search' of a vehicle. This lack of clarity over powers was raised in 26% of the cases where no evidence was excluded. The majority of decisions in which Supreme Court changed earlier rulings regarding admissible evidence concern this distinction between 'inspection' and 'search'.

The interrogation of suspects has a special position because most appeals were concerned with that specific police power. This indicates both the importance of the gathered statement and that of the safeguards required to prevent misconduct and to improve the trustworthiness of statements. Cases involving the interrogation of suspects were excluded in only two cases due to a broad regulation that authorises police officers to informally interview suspects without any prior warning. A large percentage of appeals in such cases suggest that suspects were trying to exclude statements that could be used against them. This can be explained by a new regulation in which statements gathered in the presence of a lawyer can now be used in a court, a situation that would not have happened prior to 1997. Under previous legislation, perpetrators knew that such statements could not be used in court. This led to a situation whereby suspects would use such statements to confess to an offence, to give the impression that they were willing to co-operate, but later they would reject the statement. Practice is indicating that some lawyers are not aware of this change.

12 CONCLUSION

Although discussion about the exclusionary rule can be undertaken at a theoretical level, such an approach would not be complete. As in numerous legal topics, comparative differences to the exclusionary rule could not be evaluated without respect to the individual particularities of particular legal systems due to the fact that every model can be adapted to reflect particular

needs. Some legal systems adopt exclusionary rules that are distinct to the predominant models in other states, a choice that reflects the needs of that particular state. Therefore, on a general level, this subject can be divided into two areas – that of the suitability of the model to a particular legal system, and the effects of that model inside the chosen legal system.

In relation to the Croatian exclusionary rule, findings from the research highlight difficulties with police powers that are broadly similar. Some provisions regarding the legality of evidence that were introduced by the Criminal Procedure Law of 1997 were not adequately explained and resulted in breaches caused by varying interpretations. Almost a decade after the implementation of the automatic exclusionary rule there has not been a systematic attempt to address these problematic areas, although such an endeavour would have been beneficial prior to the implementation of the legislation. Proper support could serve to lessen the problems associated with these issues. Because of such challenges, the automatic exclusionary rule sometimes only highlights issues other than police intention to act illegally. In the case of an exclusion which considers more circumstances of the breach of procedural provisions, evidence will not be excluded if police officers reasonably believed that they acted in a legal way. As is the case in some law systems, the purpose of the exclusion isn't inevitably connected with the automatic type of the whole exclusionary rule.

A comparative perspective highlights the fact that this kind of rationale is only used in systems that do not have hierarchical remedies for suppressing police misconduct. Most legal systems use the exclusionary rule for other purposes than addressing police misconduct, which is subject to other activities. Police misconduct can also vary greatly depending on the circumstances of a particular case. To prevent such behaviour, changes need to be made to the systems of recruitment and education of officers, and a regulation of police powers. To both media and public alike, who have great difficulties ensuring their rights are respected, the legislation concerning exclusion might appear to be the wrong tool for the right job. Subsequently, it might leave them with the impression that the state is unwilling to tackle the problem effectively. At present, authorities might suggest that the exclusionary rule is used as a rigorous means to prevent police misconduct although some might suggest it is not enough.

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Factors Influencing Police Officers' Perception of Corruption: a Bosnian Perspective

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ORIGINAL SCIENTIFIC ARTICLE

ABSTRACT

The intention of the authors of this article is threefold: to examine how police officers in Bosnia and Herzegovina perceive the level of corruption amongst the section of society they belong to, what part of the police they perceive as being the most corrupt, and which factors influence their perception of corruption. Descriptive statistics and step-wise regression analysis was undertaken utilizing survey data collected during 2005 and 2006, as part of a larger study on police corruption in Bosnia and Herzegovina.

Police officers do not perceive the police as being wholly corrupt; traffic police (both in the cities and highway police) are perceived as the most corrupt. Perceptions of the extent of corruption seem to be individually determined: all of the variables seen as having an effect on perceptions of corruption are individual, not contextual. Previous personal experience of corruption appears to be the most important predictor of such perceptions. We did not include a more qualitative approach to the subject matter, such as case studies, observation or interviews; the sample was not representative although it resembled the main characteristics of the police population in Bosnia and Herzegovina. Police administrators can use these findings as valuable initial data for starting integrity testing of particular parts of the police organisation, as part of a larger agenda for police reform. Very little attention in police research has been dedicated to the determinants of the extent of police corruption: this study aims at filling that void.

UDK: 343.352(497.6)

Keywords: Police, corruption, determinants of perception of corruptness.

1 INTRODUCTION

Corruption is considered as wrongdoing- both morally and legally (Noack, 1985). But, at the same time, the history of mankind is a history of corruption: as far back as the first state organisational forms, bribery was an efficient method for gaining personal profit and exerting improper influence (Sturminger, 1982; Noack, 1985; Claussen, 1995; Bannenberg, 2002). Its omnipresence is considered undisputable, but the extent and forms vary.

Diagnosis of how widespread and dangerous corruption is cannot be made solely on official statistical data. Since corruption is a crime characterised by a high level of secrecy and utilitarianism, it is rather difficult to expect that

official statistics or government data provide clear and accurate pictures of the corruption magnitude. In the social sciences, especially criminology, a very common method of overcoming the shortcomings of official data is survey research, which provides some additional data to respondents' beliefs, attitudes and values (Siegel, 2006). Surveys can be used for various purposes, such as the assessment of police performance and police services, or to help police to structure their priorities (Brown and Benedict, 2002).

Surveys often include respondents' perceptions of certain phenomena as well, and have been extensively used in assessing victimisation, fear of crime and the criminal justice system (Hagan, 1993). Perceptions of corruption magnitude and seriousness are important (but let us not

forget that they are not necessarily the most reliable) indicators of how serious the problem of contemporary corruption appears to be. Based on a survey with police officers, this paper will give a valuable insight into how widespread and persistent corruption in Bosnia and Herzegovina is.¹ We created a questionnaire consisting of a set of scales measuring cognitive dimensions of police officers' social attitudes, aimed at estimating the extent of corruption in various segments of society, including the police force itself. The latter is especially important, since police officers themselves are a logical source of data about police corruption.

But, we do not stop here. We have also tried to go beyond mere descriptions of the phenomenon and provide some explanatory aspects of our findings. Personal evaluations and opinions relating to the social environment (including corruptness) in which each individual lives and works, are important determinants of one's behaviour. Perception is the first step towards forming an attitude: it belongs to its cognitive dimension. Attitude, on the other hand, is seen as persistent segment of human personality, determining to a certain degree every aspect of his/her relationship with the social environment. Attitudes influence even our motivation and have a compelling power over our actions. Taking the approach proposed by Huberts, Lamboo and Punch (2003), we argue that, in the context of corruption research, socially (in)appropriate attitudes toward corruption (in terms of its tolerance or intolerance) can be operationalised by the (un)willingness to report an act of corruption (alertness). The (un)willingness to report an act of corruption itself is determined by the perceptions of corruption (awareness).

Thus, perception can and does influence a person's social attitude, i.e. perceptions of corruption affect

willingness to report corrupt practice. In this paper, though, we do not address the determinants of alertness, but the determinants of awareness. Since the perception itself can be influenced by social group dynamics, the climate in society regarding certain phenomena and some individual variables, such as sex and age, our aim is to examine which factors play the role of predictors by exerting influence on such perceptions.²

In short, the intention of this paper is to examine (by utilizing quantitative analysis): which parts of the Bosnia and Herzegovina society police officers perceive as the most corrupt; what parts of police forces they view as particularly exposed to this form of deviance; and, what influences their perceptions of corruption magnitude.

2 CORRUPTION IN BOSNIA AND HERZEGOVINA: AN ATTEMPT TO PICTURE THE SITUATION

While previous studies on corruption focused on countries characterized by relatively low levels of corruption in general, Bosnia and Herzegovina (hereinafter B&H), as a state "captured" by corruption (World Bank, 2001), poses an interesting and relevant case study (Kutnjak Ivković, 2004). The breakdown in governmental structures caused by the war of 1992-1995 produced a climate in which corruption could flourish. Like in many post-conflict countries that are undergoing the processes of transition, privatization and state-building corruption found a fertile ground in B&H. Since the end of the war, various reports show that corruption is no matter of innocent aberration, but of widely used practices.³ The research of the World Bank in 2001 showed that some features of corruption in B&H include, "public administration inefficiencies reflected in widespread bribery in public offices; distorted business environment

1 This paper represents part of the findings of the larger study on police corruption, conducted by the Association of Criminalists in Bosnia and Herzegovina, financially supported by the Open Society Fund Bosnia and Herzegovina (see Maljević, Datzler, Muratbegović, Budimlić, 2006). A digital version of the study can be downloaded from: http://www.soros.org.ba/docs_pravo/overtly_about_police_and_corruption.pdf.

1 For instance, younger officers are „known for their positive outlooks and idealistic expectations about the degree to which they can make a difference“ (Crow, O'Connor Shelley, Bedard, Gertz, 2004, p.598). The scope of research interest pertaining to the perceptions of the corruption dealt to a great extent with the determinants of perception of corruption seriousness, not corruption magnitude. Although not referring to the same concept, we think it is worth mentioning what the literature suggests to be the main factors affecting perceptions of corruption seriousness. According to Huberts, Lamboo and Punch (2003, p.230), "the perception of seriousness of a certain integrity violation is influenced

(directly and indirectly) by the ethical awareness of the environment, by the integrity policies of the forces (importance of the issue, compliance factors as well as altering culture) and the structural conditions that facilitate transmitting policy to the officers. Kutnjak Ivković (2005) argues that the nature of gain (personal; community), the place where the activity occurred (public; private) and the nature of the activity outcome (positive; negative) has an important predatory impact on perception of crime seriousness. Length of experience showed an especially important predatory influence (ibid.), indicating that less experienced officers expressed highest evaluations of corruption seriousness. Besides, much research with citizens has shown that age, contact with the police, neighbourhood and race have a significant impact on attitudes toward police, while there is still no consensus about the impact of education, gender or socioeconomic status (Brown and Benedict, 2002).

3 See e.g. United States General Accounting Office (GAO). (2000). *Crime and Corruption Threaten Successful Imple-*

and a significant burden on poor households, exacerbating poverty and inequality” (World Bank, 2001, p.2).

Corruption is still one of the key concerns of the local population: a recent study by Transparency International (2004 [a]) showed that B&H citizens perceive corruption as the second biggest problem in the country. Out of 24 offered institutions and public companies, the respondents perceived political parties, customs administration, police and the judiciary as the four most corrupt institutions. The survey showed that 7.5% of those questioned believe that the police is the most corrupt institution in the country.

Even the government admits that there is a problem with corrupt practises throughout the country. The Global Framework of the B&H Economic Development Strategy (I-PRSP) stressed that corruption is, “among the greatest problems for achieving economic development and growth in the country and ranked anti-corruption combat among highest priorities“ (Council of Ministers B&H, 2004, p.126). Such facts do not go in favour of further state building and development. By preferring one’s own interest and placing it before the interest of the public (i.e. specific organisation or community as whole), in ultima linea the whole constitution and legitimacy of political power is threatened. This is confirmed with the findings of the World Bank (2002) and Devine & Mathisen (2005), suggesting that there exists both grand and low scale corruption in the country, threatening and endangering institution-building at state and lower levels of administration,⁴ exerting a detrimental effect on trust and confidence of the citizens in the government. The research of Devine & Mathisen (2005) illustrates the seriousness of the situation. They find that, “petty or administrative corruption is routine. Few decisions in the political, social and judicial sectors are open and transparent“ (2005, p.1). Corruption is found to

be present in all its dimensions and levels, and consists of, “bribery, nepotism, embezzlement, diversion of public funds, tax fraud, illegal rent seeking, kick-back schemes, etc.“ (ibid.).

Obviously, corruption is at the top of the political and economical agenda in B&H: building a stable and prosperous society goes hand in hand with an efficient fight against corruption. It would be highly doubtful to claim that corruption is a part of cultural normality, but its presence is so endemic and systematic and its effects are so detrimental, they clearly reflect the country’s desperate need to tackle the problem of corruption more effectively. The alarming fact is that no agency is immune to corrupt practices: even defenders of the law, the police and judiciary, are prey to it to some extent. The current study will try to compare the findings from the previous studies and try to make some reasonable inferences.

3 METHODOLOGY

Literature suggests that, depending on personal experience, an individual could perceive objects in his/her environment as being larger or smaller, due to what is called, “perceptual accentuation“ (Rot, 2003). In our study, we hypothesised that if perceptions of corruption are based on actual previous personal experience of corruption, the greater the chances that the respondent views society or sections of it as more corrupt. A greater personal involvement in acts of corruption leads to a greater chance of developing inappropriate work attitudes, such as when police work is considered as an instrument for achievement of personal gain. Since perception belongs to the cognitive side of one’s social attitude, perceptions of the corruptness magnitude of society, or its segments, can also indicate the inappropriate attitudinal and motivational dynamics within police officers` work. Thus, perceptions are considered as indicators of inappropriate work attitudes. These develop gradually from individual cases of personal involvement in corruption, to the formation of an attitude featured by strong orientation towards personal benefit and benevolence towards corruption (see diagram 1.).

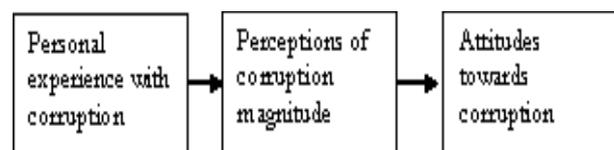


Diagram 1: The model of forming social attitude towards corruption.

mentation of the Dayton Peace Agreement. Testimony Before The Committee on International Relations, House of Representatives; World Bank (2001). Diagnostic Surveys of Corruption. Washington DC: Author; International Crisis Group (2002). Courting Disaster: The misrule of law in Bosnia & Herzegovina. Sarajevo/Brussels: Author; Ministry of Justice B&H (2004). Financial, Organisational and Administrative Assessment of the B&H Police Forces and the State Border Service. Sarajevo. Author; European Commission/Council of Europe. (2005). Situation Report on Organised and Economic Crime in South-eastern Europe. Strasbourg: Author;

⁴ Transparency International B&H (2004[b]) gives a very concise picture of the costs and consequences of corruption in B&H, indicating that corruption has a negative effect on investments, overall economical growth, private sector; increases poverty and diminishes the credibility of the government.

Using scaling procedure, we designed a set of questions simply asking respondents the following: "According to your opinion, how much bribery and corruption is present in certain state institutions?"; and, "In which part of the police structure, in your opinion, is corruption most present?". The answers were offered as a five-item Likert-type scale, ranged from "extremely significantly corrupt" ("5") to "not at all corrupt" ("1"), referring to the main areas of social/economic activities in the society, i.e. units/segments of police organisation.

Personal experience of corruption was operationalised through qualitative variables, in the following question: "Have you ever been in the position where you had to or wanted to accept bribe (or you heard that one of your colleagues was in such a position)?"; and the offered answers:

1. I was never in such position, and I do not know anyone who was in such a position;
2. No, never personally, but I know there are cases of corruption in police;
3. Others advised me to accept a bribe;
4. Yes, I had to accept a bribe;
5. Yes, I had to accept bribe and I heard from my colleagues that they have done the same.

In order to avoid any possible misunderstanding or different perspectives of what corruption is, we used the definition of corruption given by the Council of Europe in their Civil Law Convention against Corruption.⁵ The reason is simple: it is one of the rare attempts to integrally define the concept of corruption, not referring to it as mechanical sum of different perspectives. We think this is a very successful (although not perfect one) attempt to address the concept of corruption in one single comprehensive definition.

First, we will examine how corrupt police view B&H society; second, we will briefly look at the findings regarding corruption of police officers themselves; and finally, by means of regression analysis, we will try to identify what the main factors are that determine such perceptions.

3.1 Sample

The logical sources of information about police corruption are the people who know about it: police officers themselves. Surveys of police officers on

police corruption are rare for many reasons, most important of which are difficulties regarding access to police structures, questionable validity of data gathered because of police solidarity and the "blue wall of silence" (Kutnjak Ivković, 2003). The authors themselves experienced great difficulties getting permits to distribute questionnaires among police officers, for which, due to the fact that the public safety sector is, in B&H, divided into 15 law enforcement agencies characterised by a high level of autonomy and supervised by regional political authorities. They had to contact and explain the purpose, methodology and expected results of the study to each of them. This, without question, demanded a huge amount of patience, persistency and enthusiasm. However, the fact that B&H has more than one police force regionally operative and supervised, also determined the sampling procedure. We used a stratified sample, collecting data (by distributing specially designed questionnaires) from 742 respondents, working in 13 law enforcement agencies in B&H. Respondents were selected reflecting the national distribution of human resources regarding type of forces, entity, canton/regional affiliation and gender.

The majority of respondents (68.5%) were from the Federation of Bosnia and Herzegovina, which, according to the data presented in Ministry of Justice B&H (2004) report titled "Financial, Organisational and Administrative Assessment of the B&H Police Forces and the State Border Service", do constitute the majority of police human resources in Bosnia and Herzegovina; 26.7% are respondents from Republika Srpska, and 4.9% are from Brčko District of Bosnia and Herzegovina. About every tenth respondent was female, which also, according to the same source, reflected the national composition of police officers in that regard. 11.2% of the respondents had worked in the police for less than three years, and 23.3% were working in the police even before the war in Bosnia and Herzegovina occurred. 7.1% of respondents were police trainees.⁶

4 RESULTS

Police officers' perceptions of the extent of corruption in different areas of social/economic activities

⁵ Article 2 of the Convention: "Corruption means requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage or the prospect thereof".

⁶ Because of the discrepancy between the sample characteristics and the population, the data were weighed and adjusted to the actual population parameters.

Ever since Bellman and Parratt`s scales of public perceptions of the police were implemented in the first decades of the 20th century, there has been a growing interest in perceptions of police work. Especially important is the work of Wolfgang and Sellin (1966, cited in Hagan, 1993), who employed two different types of measures, namely the 11-point rating scale and a magnitude scale, setting standards in crime extent and seriousness research. Since the official data on corruption do not provide a representative, but only a partial, picture of the extent and seriousness of the phenomenon of corruption (Kutnjak, Ivkovich and Klockars, 2000), this void in the body of knowledge is filled by surveys. In our survey, among several other questions, we asked respondents about their perceptions of the extent of corruption within their departments and in society as a whole. This is a variation to simple rating scales of crime seriousness, differing from the latter ones by measuring respondents` perceptions and estimations of the extent of crime, not the severity of particular criminal behaviour. Yet, learning how much corruption there is and understanding its characteristics are both basic, yet crucial, steps toward successful corruption control (Kutnjak and Ivković, 2003).

Table 1: Police officers` perception of the extent of corruption in different areas of social/economic activity

	Mean	Rank
Hospitals staff	3.90	1
Faculties staff	3.78	2
Health centres staff	3.60	3
Import trade	3.48	4
Judiciary	3.47	5
Forestry	3.44	6
Export trade	3.16	7
Banking	2.96	8
Civil engineering	2.86	9
High schools	2.80	10
Police	2.62	11
Industry	2.61	12
Agriculture	2.34	13
Social insurance	2.24	14
Pension funds	2.23	15

(1= "not at all corrupt"; 2= "little corrupted"; 3= "middle corrupted"; 4= "significantly corrupted"; 5= "extremely significantly corrupted")

The means of the respondents` estimations of the extent of corruption in various segments of society are listed in table 1. Since the climate of the "captured state" (by corruption) dominates the picture of B&H, it is perhaps unsurprising that the first and third most corrupt public services are hospital and health centre staff. After all, citizens do care about their health, and, obviously, the best way to ensure it in B&H is to bribe medical staff. Second place belongs to faculties: university education is obviously not as clean as we might think. One interesting finding is that police officers rank their colleagues from the judiciary as the fifth most corrupt institution in the country, and find themselves not so susceptible to such a form of deviancy: they rank the police at place 11. Because means range from 2.23 (little) to 3.9 (almost significantly corrupted institution), it is reasonable to conclude that police officers are very well aware that corruption exists in every segment of society. On the contrary, despite the fact that corruption has been widely tolerated, police officers do recognize it as corruption and are very well aware of the situation in that regard.

4.2 Police Officers` Perceptions of the Extent of Corruption in Different Units/Segments of the Police Organisation

The next section is perhaps more interesting, since it deals with police officers` estimations of the extent of police corruption. As noted above, knowing how much corruption there is within the police seems a valuable data in the context of modern and democratic policing. The logical step, although far from perfect, is to include the police themselves as a source of information. Table 2 lists means and appropriate rankings of police officers evaluations regarding corruption within the police.

The police unit evaluated as the most corrupt are traffic police on the highway (mean of 2.98: middle corruption presence). Traffic police in the city were evaluated as the third most corrupt unit, with a mean of 2.59 (between low and middle corruption presence). Second place in the ranking of police corruption belongs to the ministry of internal affairs commissions for driving tests, with a mean of 2.81 (close to middle presence of corruption). In all of these three units we are dealing with a section of the police doing the most communication with citizens, which perhaps sheds a bit of light onto the scores. Being in everyday communication with the public, it is not surprising that opportunities for achieving personal benefit occur here and there. Comparing the item "perception of the extent of corruption within the police in general" from Table

1 with the scores from the Table 2 ("perception of the extent of the corruption in different units/segments of police organisation"), it is obvious that police officers view corruption as present within their organisation. None of the findings could be interpreted as "corruption is not at all present within police". As in the case with perceptions of the extent of corruption in society as whole, police officers show they are aware of a serious situation regarding the presence of corruption.

Table 2: Police officers' perception of the extent of corruption in different units/segments of police organisation

	Mean	Rank
Traffic police on highway	2.98	1
Ministry of internal affairs commissions for driving tests	2.81	2
Traffic police in city	2.59	3
Executives at the level of entity Ministries of Internal Affairs (MIAs)	2.14	4
Executives in cantonal/ regional Ministries of Internal Affairs (MIAs)	2.08	5
Executives in police stations	2.05	6
Officers issuing car plates and driving licences	2.04	7
Criminal investigation officers	1.88	8
Policemen at passport department	1.85	9
Patrol officers	1.62	10
Secret police	1.51	11
Some other police department	0.90	12

(1= "not at all corrupt"; 2= "little corrupted"; 3= "middle corrupted"; 4= "significantly corrupted"; 5= "extremely significantly corrupted")

4.3 Factors Influencing Police Officers' Perception of Corruption: A Bosnian Perspective

One cannot neglect the most important factor while examining these scores: it is police officers' individual perception of the extent of corruption. It could be affected by various factors, ranging from prejudice, personal dissension, sex, age, years in service to interdepartmental rivalry. The purpose of this section is to examine what affects the police officers' perception on the extent of corruption.

We investigated the explanatory (predicting) effect on the perceptions of the respondents. As dependent variables we used police officers' perceptions of the extent of police corruption in specific organisational units, namely patrol officers, criminal investigation officers, traffic police in city and traffic police on the highway. It is obvious why we did that for the two latter ones: they are, in our previous descriptive analysis, ranked as the first and third most corrupt units within police. But, why patrol officers? It can be argued that the most powerful influence on the public's perception of the police is at the micro level, namely that of the uniformed officer on the street. So, it seems quite reasonable to employ perceptions of corruption in the most visible area of police work: that of patrol officers. The work of patrol officers is perhaps the most exposed to the public, thus, placing them on rank eleven in the corruptness-scale. Respondents in our study declared this part of police organisation as "integrity high-levelled". This interesting result deserved an explanation. Perceptions of the extent of corruption in criminal investigation units were included because they were ranked as middle-corrupted (rank 8), so the comparison with the others who were ranked more or less corrupt would be a reasonable motive to do this. Besides, the symbolic role of patrol officers is valid for criminal investigators as well.⁷

In the multiple regression equation we used a set of individual and contextual independent variables, along with one mediatory. We included as predictors regional/cantonal and entity/Br ko District affiliation, gender, age of respondent, subcategory of respondent (active policeman or trainee), motivation to work in the police, time respondent works in police forces (years in service) and working experience as police officer before the war 1992-95. Finally, as a variable with mediatory effect on the perceptions of respondents, the factor of personal experience with corruption was employed. As listed in tables 3, 4, 5 and 6, there are only eight variables accounting, in average, for 25 % of variance. Although not a great deal of variance is explained, given the complexity and variety of human behaviour, this seems a valuable finding, especially considering that only eight out of sixteen variables in the regression equation show a predicting (explanatory) effect. Besides, all of the variables show a statistically significant effect at the $p < 0.001$ level.

⁷ The majority of police officers themselves perceive the fight against crime as a priority or as real police work. See more in Cochran & Bromley (2003), and Paoline & Terril (2005).

Table 3: Determinants of police officers` perception of corruption among patrol officers

Model	R	R Square	Adjusted R Square
Personal experience with corruption	.387(a)	.150	.149
Subcategory of respondent	.461(b)	.212	.210
Age of respondent	.488(c)	.239	.235
Chance for adventure as motive for work in police	.497(d)	.247	.243
Chance for utilization of respondents` personal capabilities as motive for work in police	.504(e)	.254	.248

Table 4: Determinants of police officers` perception of corruption among traffic police in a city

Model	R	R Square	Adjusted R Square
Personal experience with corruption	.441(a)	.194	.193
Time respondent works in police	.485(b)	.235	.233
Age of respondent	.498(c)	.248	.245
Chance for utilization of respondents` personal capabilities as motive for work in police	.507(d)	.257	.252

Table 5: Determinants of police officers` perception of corruption among traffic police on a highway

Model	R	R Square	Adjusted R Square
Personal experience with corruption	.473(a)	.224	.223
Subcategory of respondent	.492(b)	.242	.240
Age of respondent	.504(c)	.254	.250

Table 6: Determinants of police officers` perception of corruption among criminal investigators

Model	R	R Square	Adjusted R Square
Personal experience with corruption	.379(a)	.144	.142
Subcategory of respondent	.400(b)	.160	.157
Police work provides opportunity for good earning as motive for work in police	.407(c)	.166	.162
Chance for utilization of respondents` personal capabilities as motive for work in police	.416(d)	.173	.168

What do all these data show us? Mediatory variable personal experience with corruption shows a statistically discernible effect on all of the three dependent variables. Although a small percent of respondents admit that they actually have been bribed (about 2%), 44.3% of them are familiar with cases of corruption in police, and 4.2% of respondents were advised to take a bribe. Altogether, over 50% of respondents were aware of corruption within the police or had experienced it, and 48.5% were never in a corruption related

situation and do not know anyone who was. Considering this additional data, the previous findings seem even more important: the mediatory effect of personal experience on perceptions of police corruption gives them even more validity. Obviously, personal experience with corruption negatively affected perceptions of corruption.

The subcategory of respondent, his/her age and the time he/she has worked in police forces are the next statistically significant variables influencing

police officers' perceptions of the extent of police corruption. Since we have two subcategories of respondents, active policemen and trainees, the latter ones are, on average, younger than their fellow officers. This is connected with their work experience: they work on average less than three years in the police. Finally, this indicates the existence of a sub-sample of respondents, whose features are somewhat different (they are essentially younger: about 54% of the sample are younger than 35) from the rest of the sample, thus determining the perceptions of respondents relating to the extent of police corruption.

The adventurous and leadership-based motivation of respondents to work in the police exerts an unexpected effect on perceptions of police corruption: although it is plausible to assume that such essentially individualistic motives would negatively impact upon one's attitude and perceptions, it exerted quite a positive influence, placing corruption among patrol officers on the eleventh rank of the corruptness-scale. The chance for good earnings was a determinant of ranking corruption within criminal investigators on the eighth place on the corruptness-scale. Finally, extremely altruistic motivation, the chance for utilization of respondents' personal capabilities while working in the police, exerted a two-fold effect on perceptions of the respondents. In the case of patrol officers it favoured corruption absence, but in the case of traffic police in the city, by placing them on the third most corrupt unit within police, it was obviously not.

Motivation seems to play a certain role in predicting police officers' perception of the extent of corruption within the police, but it does not follow a reasonable pattern: it would be highly debatable to label either of these variables as having an absolute one-way effect on the dependent variable.

5 DISCUSSION AND CONCLUSION

The current study aimed at estimating the extent of corruption in certain areas of social and economic activity in B&H. It is often said that the police are a reflection of the state's (im)proper functioning. In that regard, police officers' perceptions of various social phenomena, including corruption, can be seen as very important. After all, they are the part of the society that does lots of communication with citizens, have sources of data not inherent to other segments of the society, see both "the good and the bad side" of society, so their perceptions can be considered as valuable data regarding estimations of corruption magnitude.

Police officers evaluated corruption as being present in all areas of society. Although on average it was evaluated as middle corrupted, all areas of social/economic activities seem to be infected with *bazillus corrupticus*, as corruption has been termed by Bannenberg & Schauensteiner (2004). We think that findings of the World Bank (2001) and Transparency International (2004[a]) provide empirical verification for our study. Corruption is considered as a continuing and omnipresent issue in the country. None of the offered items was evaluated as "corruption is not at all present" in a relative area of social activity. Police officers view their colleagues from the judiciary as the fifth most corrupt segment of society, which is almost the same rank the respondents in the study of Transparency International (2004[a]) gave the judiciary. Police officers, by ranking police on point eleven on fifteen point corruptness-scales, perceive police, generally, as not so open to corruption as they evaluate other fields of social/economic activity in society. However, the mean score of 2.62 (of maximum 5), indicates the situation is far from satisfactory. If we bear in mind that such evaluations come from police officers, who can be seen as the barometer of the state's condition of health (Punch, 2000) and that they evaluate themselves, one can conclude that the situation is still alarming, requiring more serious and determined action than the country has experienced in recent years.

Within their own lines, respondents evaluate traffic police in the city and traffic police on the highway as the first and third most corrupt units within police. Patrol officers are ranked as the tenth, and criminal investigation officers as eighth. Police officers who are doing lots of communication with citizens and have substantial discretionary power are obviously evaluated as being more corrupt. This can be explained by the fact that discretion allows them to act selectively: discretion produces opportunity. Patrol officers are ranked the tenth, although they are perhaps the most likely to deal with every day problems of the community and to communicate with the public. But, they have (at least in B&H), not so much power and occasion to abuse their position: maintaining public order and identifying problems at a local level means that patrol officers are not as empowered (by means of discretionary power) as traffic police officers. Obviously, the nature of police work determines the amenability to corruption.

Interesting findings emerge from the point of view of street level cops- management ranks are found in the next three segments of police organisation: executives at the level of entity MIAs, executives in cantonal/ regional MIAs, and executives in

police stations. They are scored as the fourth, fifth, and sixth most corrupt sections of the police organisation. Although we do not have data regarding organisational status of the respondent, according to the data from our researchers in the field, the great majority of respondents were not executives. It is therefore very interesting to highlight an unfriendly relationship towards their supervisors, indicating that there is certain gulf between officers at lower and upper levels of the organisational hierarchy.

All variables that showed a somewhat explanatory effect on dependent variables were individual. Since on average 25% of variance was explained and 75% was not, it may be difficult to ascribe substantive importance to the explanatory effect of predictors. But, since most of it suggests that previous personal experience has a significant impact on personal perceptions, the results of our study go in favour of such surmises, hence at least suggestions from the literature are partially confirmed. Perceptual accentuation seems to play a certain role in explaining high scores regarding the presence of corruption within B&H society. The greater the experience with corruption, the greater the evaluation of its presence.

Younger respondents seemed less certain of police integrity than their older colleagues. Regression analysis, namely, indicated the existence of a sub-sample of respondents, whose main characteristic is that they are younger than the rest of respondents. Although not referring to the same concept or the same category of respondents, this finding is in congruence with the vast majority of research which included age as a variable in explaining perceptions, suggesting that younger persons view the police less favourably than older persons and that younger police officers evaluate corruption more stringently (see note 2).

Gender, the fact the respondent worked in the police prior to the war and regional affiliation showed no statistically discernible explanatory effect on perceptions of police work.

Motivation seemed to play certain role in explaining perceptions of corruption, but the amount of variance explained and the fluidity of its effect makes inferences about its relevance highly doubtful.

Despite the fact that the sample was not representative, and that the proportion of variance explained (PVE) was not large, our study suggests the inference that perception is rather individually determined.

The fact that perceptions were to a great extent influenced by previous experience with corruption, gives them even more credibility and validity. These findings can be used as valuable data regarding the use of proactive methods as part of an institutionalized effort to combat corruption within the police. Our findings indicated which parts of the police are most vulnerable to abuse and can be used as starting point for police administrators to create an anti-corruption plan. In order to more efficiently tackle the issue of corruption within their own lines by utilizing some proactive measures, such as integrity testing, they can direct their endeavours to the parts of the police that our research indicated as especially susceptible to corrupt practices.

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Evaluation of Police Officer Integrity Training

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ORIGINAL SCIENTIFIC ARTICLE

ABSTRACT

The survey was designed for several purposes. Our main intention was to find out whether Slovenian police officers are familiar with the concept of integrity, and second, to determine opinions on how important the concept of integrity is to police officers in their everyday police work, either in general or in the context of police deviant behaviours. Our last goal was to determine whether there was any connection between acceptance and understanding of the concept of integrity in terms of job satisfaction and competence. We defined police integrity as the normative inclination among police to resist temptations to abuse the rights and privileges of their occupation. Based on the Slovenian police force anti-corruption program of 2005, we conducted several in-service training courses for police officers from three randomly chosen police stations at Police directorate Kranj (the northern part of Slovenia) followed by a questionnaire survey for evaluation purposes. In addition, we asked participants to evaluate their work and workplace satisfaction and their competence in police work. The results showed that through the prism of integrity, 6.4% of the participating police officers evaluated their own work and 68.2% of them evaluated the work of their colleagues. 59.1% of the participants agreed with the statement that the unethical behaviour of police officers is encouraged by supervisors showing low levels of integrity. In addition, 65.2% agreed with the statement that indifference to integrity is shown through the bad example of police managers or supervisors. In assessing the level of police integrity, most of the participants indicated that levels of integrity in their environment are high. The participants responded that the integrity of 75% of their supervisors at police stations was very high, and that of 59.1% of their first-line supervisors was high. We were also interested in whether workplace satisfaction and self-evaluation of competence for police work interfere in any way with the meaning of police integrity for police work. The relevant correlation analysis showed only one significant correlation: those with a higher level of workplace satisfaction more frequently take their supervisor's behaviour as a model. Moreover, those police officers who believed that high levels of integrity were crucial for performing police work also believed that high levels of integrity were the main factor in dealing with deviant behaviours within the police organization. If integrity is a crucial element of managing police deviant behaviour, police officers and managers should reinforce their discussions on this concept.

UDK: 351.74(497.4):17

Keywords: police; integrity; training; Slovenia.

1 INTRODUCTION: ABOUT POLICE INTEGRITY DEFINITIONS

In this chapter, we analyse the results of an integrity training survey conducted at several police stations within Kranj Police directorate, Slovenia. The survey was designed for several purposes. Our main intention was to find out whether Slovenian police officers are familiar with the concept of integrity, and second, to determine the common point of view on how important the concept of integrity is to police officers in their everyday

police work, either in general or in the context of police deviant behaviours. Our last goal was to determine whether there was any connection between acceptance and understanding of the concept of integrity in terms of job satisfaction and competence.

Government and accountability of the police, police integrity and related aspects are important aspects of contemporary policing (Mawby 1999; cit. in Feltes, Internet) that are believed to have a central role in policing as a profession (Pagon and

Lobnikar, 2004). There are differences of opinion as to what the term integrity means in practice and in theory (Kaptein, 2001). Generally, integrity is associated with such virtues as purity, solidarity, involvement, sincerity and scrupulousness (Montefiore & Vines, 1999; cit. *ibidem*, p.283). Delattre (1996; cit. in Pagon and Lobnikar, 2004) defines integrity as, “the settled dispositions, the resolve and determination, the established habit of doing right where there is no one to make you do it but yourself”. Further, Vicchio (1997; cit. *ibidem*, p.212) emphasises the individual level of integrity, describing it as a coherent and relatively stable set of core moral values and virtues to which one is freely and genuinely committed and which are reflected in one’s actions and speech. Moreover, it is also important to emphasise the relational notion of integrity: integrity cannot be only a personal question for it is also important in the situations where people act together. Girodo (2003) described integrity as, simultaneously, a personal attribute and a social construct. In the latter sense, it refers to the degree to which people or groups of people satisfy their legitimate expectations of the world around them (Kaptein, 2001, p.283). We need to understand legitimate expectations as only those that are widely supported and generally regarded as appropriate. Kaptein (*ibidem*) pointed out that some substantial elements of integrity that are of great importance: law, human rights law and internal regulations are legal expressions of integrity. Integrity is not only a personal but also an organisational notion, as appropriate expectations and standards of operation also arise in and around organizations with regard to the tasks and operations of the organisation or the people working for it. Under an organization’s integrity we understand the degree to which its employees are encouraged to behave responsibly (Kaptein, 2001, pp.284-285). Kolckars et al. (2000) and Klockars, Kutnjak Ivkovich and Haberfeld (2004) define police integrity as the normative inclination among police to resist temptations to abuse the rights and privileges of their occupation. When discussing normativeness of integrity, these authors claim: first, integrity is a belief rather than a behaviour (an opinion at an individual level and a norm at group level); second, the idea of police integrity is morally charged, and police conduct is, at least to a certain degree, right or wrong; and finally, it is characteristic of integrity to be virtually inseparable from moral attitudes, since it combines a belief with an inclination to behave in accordance with that belief (Klockars et al., 2004, pp.2-3). There are, of course, other approaches to integrity definition, some of them being described in Dobovšek’s and Korde’s (Dobovšek and Korde, 2005a; 2005b) and Pagon’s (2000) papers.

2 METHOD, PARTICIPANTS AND INSTRUMENT

Based on the Slovenian police force anti-corruption program of 2005, we conducted several in-service training courses for police officers from three randomly chosen police stations at Police directorate Kranj (the northern part of Slovenia) followed by a questionnaire survey for evaluation purposes.

The questionnaire was distributed to all 95 employees of the three police stations, and 44 of them (46.3%) decided to participate. All participants were male police officers, aged between 22 and 48 years. The oldest participant was 48, the youngest was 22 years old; the average age of participants was 34.8 years of age. Their average employment period in the force was 15.8 years; 6.1 years was the average employment period in the current unit.

Twenty-five participants were secondary police school graduates (the school was closed down in middle of the 1990s), eight of them finished one or two years of occupational police training, ten of them took a re-training course after finishing different secondary schools. 31 participants held a secondary degree, seven a college degree, and five of them a B.A. degree of education. Eight of them are still enrolled in further education programs as part time students.

The questionnaire consisted of four main sections of questions or statements. The first section was composed of thirty-two statements about the meaning of integrity. The answers ranged within a four-level scale spanning 1 - totally disagree, 2 - partially disagree, 3 - mainly agree and 4 - completely agree. The second battery of twenty-nine statements was designed to evaluate the content of in-service integrity training, and questions in the last section referred to the participants’ socio-demographic status. In addition, we asked participants to evaluate their work and workplace satisfaction and their competence for police work.

Police officers’ anonymity was assured.

3 RESULTS

In the beginning, we asked participants to evaluate their satisfaction at workplace and their competence to conduct police work. The results are presented in Table 1.

3.1 Workplace satisfaction and competence for police work

Table 1: Level of satisfaction and feeling of competence

	Mean	SD
What do you generally evaluate degree of your workplace satisfaction to be?	3,07	,507
Do you feel competent for doing your work?	3,37	,536

(1 - totally disagree ... 4 - completely agree)

16.3% of participants were completely satisfied at their workplace, while 74.4% of them were mostly satisfied. In assessing their competence for police work, 39.5 % of them evaluated themselves as completely competent, and 58.1% as competent to a reasonable degree.

3.2 Police Officers Evaluation of Police Integrity

The main part of the survey consists of statements on police integrity. The results are shown in Table 2.

90.9% of them had already heard of integrity, and 93.2% agreed with the statement that integrity is the conformity of individual’s moral beliefs to their actions. 45.5% of them reported that they discussed the meaning of integrity at their workplace; however, 11.4 % reported that they never did that.

Through the prism of integrity, 6.4% of the participating police officers evaluated their own work and 68.2% of them evaluated the work of their colleagues. 59.1% of the participants agreed with the statement that unethical behaviour of police officers is encouraged by supervisors showing low levels of integrity. In addition, 65.2% agreed with the statement that indifference to integrity is shown through the bad example of police managers or supervisors. In assessing the level of police integrity, most of the participants indicated that levels of integrity in their environment are high. The participants responded that the integrity of 75% of their supervisors at police stations was very high, and that of 59.1% of their first-line supervisors (for example, patrol leaders) was high. The estimation of the level of integrity of police managers at the level of police directorate was not as high as we expected. The participants reported that only a half of them exhibited a high level of integrity, and 40.9% of the participating

police officers disagree with the statement that police managers at the level of police directorate show high integrity.

Table 2: Evaluations of statements concerning meaning of integrity

Statements	Mean	SD
I've heard about concept of integrity already.	3.43	.661
I understand integrity as individual’s moral beliefs conforming to their behavior.	3.25	.576
We discuss meaning of integrity at work.	2.36	.718
I evaluate my work through the prism of integrity.	2.75	.751
I evaluate work of my co-workers through the prism of integrity.	2.75	.781
Unethical behavior of police officers is reinforced by police supervisors with low level of integrity.	2.59	.844
Indifference to integrity is shown by a supervisor’s bad behavior example.	2.88	.981
It seems to me that the integrity of my supervisors (chief of police station and his/her assistants) is very high.	2.91	.772
It seems to me that the integrity of my immediate supervising officers (patrol leader, shift leader ...) is very high.	2.55	.663
It seems to me that the integrity of police managers at police directorate (leaders at police directorate, police inspectors ...) is very high.	2.43	.695
I would give my consent to testing integrity.	3.12	.762

(1 - totally disagree ... 4 - completely agree)

Most of the participants, 81.4%, would consent to having their own integrity tested.

We were interested in whether workplace satisfaction and self-evaluation of competence for police work interfere in any way with the meaning of police integrity for police work. Relevant correlation analysis showed a significant positive correlation between workplace satisfaction and a police officer’s perception of high integrity of police managers at police directorate and their

immediate supervising officers. Those with higher workplace satisfaction perceive police managers as people with high integrity ($r = .454$; $p = .002$); the same correlation was found with immediate supervising officers ($r = .517$; $p = .000$). The positive and significant correlation was found also between one's perception of competency and that of police managers. Those with a higher level of competency perceive their managers as persons with higher integrity ($r = .401$; $p = .008$). With other statements in Table no. 2 we could not find any other significant correlation.

3.3 Evaluation of Integrity Training

In the following table, the results of training evaluation are presented.

Most (76 %) of the participants at the training on police integrity were satisfied with the content of the training, and 80% of them agreed with the statement that the quality of the presentation was good. 87.5% of participants claimed that the training was useful, and 52% of them thought that such training is needed. In addition, 80% agreed that they could use new knowledge in everyday police work; 68% would like to develop their own integrity further. Nevertheless, according to 52% of the participants, the lectures did not stimulate them enough to start thinking about their own integrity.

After the training, 60% of the participants were more aware of the meaning of the concept, 29.2% had more frequent conversations about integrity with their work colleagues, and 56% of them had conversations immediately after the lectures. 72% claimed that they did not inform those who were not present at the training of the content of the training. According to the opinion of 83.3% of survey participants, practical cases were missed.

68% of participants would report, without hesitation, a criminal act committed by a work colleague, and 8% would never report their colleague having committed a criminal act. Only 4% of the participants did not know the meaning of the term 'code of silence'.

Table 3: Evaluation of integrity - and police corruption management training

Statements	Mean	SD
I'm satisfied with the content of training.	2.76	.597
The quality of the content presentation was sufficient.	2.88	.526
I think that the training was useful.	3.17	.761
I do not need such training.	2.44	1.083
I will or could use new knowledge in everyday police work.	2.88	.666
Lectures have encouraged me to start thinking about my own integrity.	2.32	.852
I would like to reinforce my integrity.	2.48	.823
After these lectures I frequently discuss integrity with my colleagues.	2.08	.717
I explained the training content to colleagues who weren't present at training.	1.96	.790
The training was focused on the concept of integrity.	3.08	.640
The training was focused on integrity as a factor for preventing corruption.	3.24	.523
The training was focused on indifference to integrity and to consequences of carelessness.	2.68	.690
After the training, my awareness of the meaning of integrity increased.	2.52	.872
Training was focused on the code of silence.	2.32	.748
I don't remember the trainers talking about foreign experiences of testing integrity.	2.68	.945
The training did not include enough theory.	2.21	.932
I missed practical cases.	3.17	.702
I would report a criminal act committed by my work colleague without hesitation.	2.76	.723
I would never report a criminal act committed by my work colleague.	1.60	.645
I don't know what the term code of silence means.	1.28	.542

(1 - totally disagree ... 4 - completely agree)

We were interested in whether workplace satisfaction and self-evaluation of competence for police work (see Table 1) interfere in any way with the statements, presented in Table 3. Regarding workplace satisfactions, we found

several significant and positive correlations. Those with a higher level of workplace satisfaction reported that the integrity training encouraged them to start thinking about their integrity ($r = .516$; $p = .010$), and those with higher satisfaction expressed their willingness to reinforce integrity ($r = .526$; $p = .008$). The integrity training had a positive impact on those with higher workplace satisfaction; they reported that their awareness of the meaning of integrity increased ($r = .581$; $p = .003$). For police officers who reported a higher level of workplace satisfaction, the training did not include enough theory on integrity ($r = .491$; $p = .017$). Those police officers who are more satisfied with their work are also more open-minded and accept new theories more easily.

There was also one significant correlation between officer's self-perception of competency and using the knowledge from training at their work; the correlation was positive ($r = .542$; $p = .009$) - those who perceive themselves as more competent will use skills from integrity training more frequently.

3.4 Meaning of Police Integrity

Using different items on police integrity, we computed three statements on police integrity. The results are presented in Table 4.

Table 4: The meaning of police integrity for police work

	Mean	SD
A high level of integrity is crucial for conducting police work successfully.	3.12	.456
A high level of integrity is a crucial prevention factor in dealing with police officers' deviant behavior.	3.05	.461
A police officer's behavior is more influenced by a supervisor's behavior than by written rules.	2.38	.510

Police officers were of the opinion that a high level of integrity was very important for successful police work. Almost all (97.7%) believed that the integrity of police managers is crucial, and 90.9% of the participants believed that integrity needed to be developed and reinforced. 81.8% of them agreed with the statement that police integrity was the best way to prevent deviant behaviour in the police organization, as well as noting that police supervisors' high integrity behaviour was crucial. Police officers believed that integrity was also the best way to manage the code of science (75.0%). It

is interesting that when compared to written rules, police managers' behaviour has a weaker influence on police officer's behaviour. Only 40.9% of police officers take their supervisor as a role model.

We were interested in whether workplace satisfaction and self-evaluation of competence for police work (see Table 1) interfere in any way with the meaning of police integrity for police work. Relevant correlation analysis showed only one significant correlation. Those with a higher level of workplace satisfaction more frequently ($r = .449$, $p = .003$) take their supervisor's behaviour as a model.

4 DISCUSSION AND CONCLUSIONS

The results of our survey indicate that most of the police officers were acquainted with the concept of integrity. Moreover, those police officers who believed that high levels of integrity were crucial for performing police work also believed that high levels of integrity was the main factor in dealing with deviant behaviour within the police organisation. The results relating to the police officers' behaviour indicated two kinds of behaviour, the behaviour shaped by the superior and the behaviour resulting from written regulations. Those whose behaviour was shaped by their superiors' behaviour were more satisfied at work.

Only a half of the participants discuss the content of the training with their colleagues. If integrity is a crucial element of managing police deviant behaviour, police officers and managers should reinforce their discussions on this concept.

In regard to the training conducted, the results show that most of the police officers were satisfied with the content of training, and the majority of them agreed on its quality being satisfactory. In addition, they thought that the training was useful and needed, they intend to use the new knowledge in practical situations. Future training courses should include more case studies. To some extent, the training also stimulated conversations about integrity, and, what is more important, the training stimulated the desire to know more about police integrity. According to police officers' opinions, a high level of integrity is needed to conduct police work, and the police officers agree that a high level of integrity is a crucial preventative factor in dealing with deviant police behaviour.

One cannot generalise the results, mostly because of the qualitative nature of the research. In addition, there were no female police officers included in the sample. As we expected, there were also some

socially desirable answers obtained from some police officers. Any future research should take these limitations into account and, consequently, examine integrity among female police officers as well as, on a broad scale, among other professions, such as, judges, public prosecutors and prison officers.

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Professionalism, Goals and the Nature of Private Police in Slovenia¹

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ORIGINAL SCIENTIFIC ARTICLE

ABSTRACT

Slovenia has made significant progress in the market sector in the past four decades. Relative to its neighbours in the region, Slovenia has increased its market base both in terms of production and consumption. Along with its economic growth, Slovenia has also experienced an increase in the employment of private security personnel along with developments in the public law enforcement sectors. Despite large increases in the growth of the private policing industry in the last few decades in the emerging markets, we know very little about how the public perceives agents of private policing and their role in crime prevention. In this paper we examine the emergence of the private police in Slovenia. In addition, we examine Slovenians' perceptions of private security work. Perceptions on security work, goals, professionalism and the role they play in crime prevention activities will be among the issues covered in this study.

UDK: 351.746.2(497.4)

Keywords: Private Security; Private Police; Slovenia Private Security; Youth Perceptions; Perceptions of private police; Perceptions of private security.

1 INTRODUCTION

Slovenia is a transitional economy.² In 1991, as one of the republics of the former Yugoslavia, Slovenia declared independence after a short ten-day war with the Yugoslav People's Army dominated by Serbs which constitutes the majority group of Yugoslavia.³ Though there may be differences among transitional economies, typically countries that are in transition from governmental or socialist/state owned to market-based economies experience shifts in organisational cultures that affect state sponsored services. One of the outcomes is the emergence of the private sector

as a major partner in disbursement of some of the activities traditionally dispensed by the state. One of the areas in which organisations, as well as the public, experience changes is the manner in which policing and social regulation activities adapt to the market based economy. The rise in private entrepreneurship, a natural outcome of transitional economy, also propels the growth in private police.⁴ The implications of these changes are felt both by providers and the recipients, the consumers.

A nation of two million people, Slovenia has over 9,200 police officers and over 4,000 private police, representing a ratio of 2:1 public and private police. Though this ratio of 2:1 is far below the rate typically found in developed economies⁵, relative

1 An earlier version of this chapter was presented at the Societies of Criminology First Key Issues Conference held in Paris, May 13-15, 2004.

2 Transitional economies include Central and Eastern Europe (CEE) and the Commonwealth of Independent States (CIS) of the former Soviet Union, and denote economies which move through transition to a more market-based economy.

3 The World Fact Book (2004). <http://www.cia.gov/cia/publications/factbook/geos/si.html> (Accessed 4/10/2004)

4 In this chapter, the terms private police and private security are used interchangeably since they engage in activities similar to public police (Nalla and Newman, 1990).

5 Cunningham, W.C., Strauchs, J.J., VanMeter, C.W. and Hallcrest Systems, Inc. (1990) Private Security Trends, 1970-2000. Boston: Butterworth-Heinemann.

to the long history of market-based economies of the developed nations, Slovenia has achieved a remarkable growth in this area within a short span of 13 years. To complicate the issue further, public police organisations experience growing pains when they shift from a totalitarian to a democratic form of government. These changes compel police organisations to radically redefine their goals and functions, thus influencing the culture of the police. Further, the growing force of private security, as hired by private entities, has led to them performing functions that not only resemble police functions but, perhaps, suggest that public police functions are being taken over by the private police. While these changes occur at a rapid pace, how does the general public adjust, perceive and react to these changes? What impact does this have on the values, attitudes and mentality of the general public? What does the growing presence of an additional body of police mean to the general public in the context of social order and crime prevention? What symbols and images are evoked in people's minds when someone says 'private security'? Thus, in this paper, we assess the attitudes and perceptions of a segment of the population, namely college students, towards private security personnel. More specifically, we examine students' perceptions of the nature of security work and how similar or dissimilar it is from police work and to what extent these views influence their perceptions of the professionalism of security guards. We begin the paper with a brief overview of the origins, development and the status of private security industry.

1.1 Private Security in Slovenia

Historical ties to Western Europe, a strong economy and a stable democracy have assisted in Slovenia's transformation to a modern state. In 2002, Slovenia joined NATO and the EU in 2004.⁶ Though not originally listed as an emerging market by the Economist, Slovenia has achieved such a remarkable economic transition that the World Bank 'graduated' Slovenia from a borrowing nation status to one that is able to dispense aid to other countries.⁷ With economic reforms and market economy positioning came shifts in property relations and the emergence of private security.

The nature of private security in terms of functions, services and goals is fairly similar to those found

in other European states, as well as American states. Meško (1997) identifies three categories of security services in Slovenia. The first category includes security companies that sell and provide a supply of physical and mechanical equipment for business premises and citizens' apartments. The second category includes services, which include alarms, and related services. The third category involves the human element, which includes services supplied by security guards such as patrol and guard services. According to Mesko, the underlying framework for security services in Slovenia is to provide security and protection; safeguard proprietary information and conduct surveillance; and prevention activities, which include investigation and detection.

The first 'real' private security companies in Slovenia appeared with the transformation of the social and political system in the beginning of the last decade of the 20th century. Before that time, all the activities in the private security sector were carried out by security companies that were based on the so-called 'social ownership', common to the political system of socialism in the former Yugoslavia. These companies provided security and safety for different customers, but mostly for state and socially owned factories, business buildings and shopping centres. Because private ownership was limited, private security did not deal much with the private property of citizens or the security of citizens themselves. The post-independent transformation of the political system from socialism to western democracy models led to denationalisation and re-privatisation of the economic sector and influenced the 'rebirth' of private property that in turn influenced both the organisation of private security companies and the private security market itself.

The real changes in the field of private policing, however, came in 1994 when the National Assembly of Slovenia passed two laws to regulate the field of private security companies, private investigators and relations between them and the state (Act on Private Security and on Compulsory Organisation of Security Services and Act on Detective Activities)⁸. According to the Act, private security activities are divided into two forms: physical and technical security. Physical security is defined in the context of personal security of persons and prevention of destruction, vandalizing, stealing and other forms of damaging of property. Technical security, according to the Act, refers to the security of persons and property using technology within the

6 The World Fact Book (2004). <http://www.cia.gov/cia/publications/factbook/geos/si.html> (Accessed 4/10/2004)

7 DevNews Media Center (2000) 'Slovenia moves up the ranks'. (May 17). The World Bank Group <http://web.worldbank.org> (Accessed 4/10/2004).

8 Official Gazette of the Republic of Slovenia No. 126/03 (1994). <http://www.mnz.si> (Accessed 4/10/2004)

prescribed standards. Private security companies are required to be licensed for one or both forms of security – physical and/or technical.

The Slovene Government established the Chamber of the Republic of Slovenia in 1994 to oversee various aspects of the private security industry. The Chamber decides, within the limits of its powers, on the rights, benefits and obligations of their members, namely, private security companies. Membership of the Chamber is mandatory. Other duties of the Chamber include the approval or revoking of licenses for private security and regulating the standards of skills and knowledge tests for security personnel (Ministry of the Interior, Article 5).

This regulation resulted in the mushrooming of over 200 private security companies in the mid-1990s. In the following years, the number decreased to around 150 companies⁹ following the consolidation efforts of larger companies. The estimated number of security guards at that time stood at about 4,000. According to Article 10, security guards must be Slovene citizens with at least a secondary school education, have passed the special test of skills and knowledge, be physically and mentally able to perform the job of a security guard and have no prior criminal record.

The Minister of Interior Mandate prohibits policemen from making extra money in their free time by performing other jobs, including those in the private security sector. So, almost all professional contacts between the policemen and security guards are limited to those situations when they have to cooperate, mostly in the field of crime prevention and the handing over to the police of criminals caught by security guards. Also, it is not uncommon to find security managers¹⁰

⁹ According to the data of the Chamber of the Republic of Slovenia for Private Security on 29 July 2003, 115 companies had licences for physical security and 67 companies had licences for technical security. The largest companies had both licences. The number of security companies decreased mainly because some of them merged, bigger companies bought smaller companies, etc. The total number of the chamber's members was around 160, but the number also includes some companies that do not deal with private security for money, for they organise internal security for their own needs, like nuclear power plants and some banks and insurance companies. <http://www.zrszu.si> (Accessed 7/29/2003).

¹⁰ Security managers – directors who are, by law, legally responsible persons for all the activities of the security companies (and who are not necessarily also the owners of the companies), must of course meet higher professional standards than security guards in terms of education and professional skills. In addition to the standards for security guards, a college degree and five years of work experience are also required.

with a background in law enforcement since many pursue a private security career after retirement from police service (Pečar, 1997). Accordingly, the security profession emulates and perpetuates the police culture, 'police' knowledge, tactics and strategies, a trend commonly found in other parts of the world (Nalla and Newman, 1990).

In the last ten years, private security slowly and not without problems, became a 'player' in the security market in Slovenia. This is probably because of some national security elements that some private security companies possess (Sotlar, 1997). Furthermore, the whole branch is mentioned in a basic doctrinal document in the field of national security in Slovenia – The Resolution on Strategy of National Security of the Republic of Slovenia and passed by the National Assembly of Slovenia in 2001. It is stressed in this resolution that the activity of the private security industry significantly contributes to the level of internal security of the state. In spite of this, it seems that nobody was really satisfied with the legal regulations and development in the field of private security, and many suggestions and proposals for improvement have been made by professionals, academics and state officials in order to help and consolidate the private security sector (Sotlar, 2001).

Consequently, in 2003, the new National Assembly of Slovenia passed an Act on Private Security¹¹ which came into power on 2nd January 2004. This new act replaced the law that has regulated the private security sector for almost a whole decade. The new law brings many changes, of which the most important are:¹²

- the classical division of physical and technical security is replaced by six forms of private security activities (security of persons, security of property, transportation and security of money and other valuable consignments, security of public gatherings, management of security-control centres and security system projects);
- new regulations about the competencies and responsibilities of the Chamber of the Republic of Slovenia for Private Security and the Ministry of the Interior;
- harmonisation of the Slovenian legal system with the European Union's regulations regarding the private security sector;

¹¹ Official Gazette, *op cit.*

¹² *Ibid.*

- introduction of mandatory training of private security personnel prior to their employment in security companies; and
- introduction of inspection and control by the Ministry of the Interior over private security companies regarding the legality of their activities.

With the new law the state took back some public powers that the Chamber has had for the last ten years. Consequently, the Ministry of the Interior took over the responsibility of granting, changing and revoking licences for the performance of activities by private security companies. Other changes that were incorporated include the requirement that private security companies shall apply for licences for the performance of private security activities from the Ministry of the Interior and not the Chamber. Additionally, the Ministry, on the recommendation of the Chamber, will also define the content of professional educational courses undertaken by security personnel (article 7).

The Chamber of the Republic of Slovenia for Private Security, which is still a public legal entity, kept some public powers, of which most of them are connected to the organisation of training programmes and examination of professional qualifications and skills of the candidates for various jobs in the private security industry (Article 8). These include the jobs of security manager, security guard, security technician, authorised engineer of security systems and security control centre operator. For all of these jobs, the law prescribes precise standards, as well as mandatory training, for all candidates prior to their employment in security companies. In this regard, the Chamber is also responsible for supervising professional education programmes; ensuring human, material and other conditions for performance of the above mentioned programmes and the preparation of proposals for a catalogue of standards of professional knowledge and skills for security personnel, among others (Article 12).

The government's efforts to regulate the private security industry in Slovenia are encouraging. The government has also sought cooperation from both professionals and academics in the field of criminal justice. These efforts have given much impetus to the growth of the private security industry in Slovenia, which has resulted in an increase in the employment of private security guards. This development also suggests that opportunities for members of the public to come into contact with security guards will also increase. Thus, in this study we assess the perceptions of youth, a

specific group of citizens, as they relate to security guards. More specifically, we assess their views on the professionalism of security guards, the nature of security work, the similarity of security work to police work and the extent to which their prior contact influences their perceptions of security guards.

1.2 Prior Research on Youth Perceptions of Security

Existing research relating to the issue of citizens' perceptions of private security in Slovenia is limited, with the exception of a study by Meško (1998). Meško (1998) investigated client satisfaction with security activities in the areas of risk assessment (i.e. fear of crime), motivation for hiring a private security service, different security fields, physical security, technical security, physical and technical security with intervention, cash transport, mechanical protection and private security service advertising. The results of this survey show that customer satisfaction is directly related to the security guard's responsibilities, as defined in the contract, and also related to the expectations of the client. Other factors such as price, services and conditions of payment for private security services; quality of physical and technical security; intervention abilities of guards and quality of guards in terms of attitude, type of equipment used, and beat frequency were all found to be related to client satisfaction of private security. However, we know very little about what private citizens, who are monitored and regulated by security guards, think about them. In the following section, we examine the perceptions of one group of clients, namely, college students, and how they view various issues relevant to private security, including security officers' training, nature and goals of security and imagery surrounding security guards.

Research on this topic is very limited, even in other parts of the world. One of the earliest studies on citizens' perceptions of private security was conducted by Shearing and his colleagues (1985) in Canada. Data was gathered from interviews with 209 Canadians to assess their perceptions of private security personnel, the nature of security work and its relationship to public law enforcement. Shearing et al. suggest the public did not have a cultural reference or stereotype for security officers. The public perceived security guards in the context of their behaviour and personality, rather than in terms of established professional imagery.

However, in a more recent work in a Midwestern state of the United States, Nalla and Heraux (2003), in a survey of college students, found that, in general, most students have a positive perception of security officers, though some differences were present when controls were applied for specific demographic variables. For instance, they found that male students hold more negative views than female students regarding the nature and goals of security work, as well as the professionalism of security officers. Interestingly, however, the findings also suggest that middle class respondents (i.e. family income in the range of US\$50-100 thousands) and white students had the most negative feelings toward security officers relative to lower classes and minority students, respectively. Finally, the findings also suggest that individuals who had had an encounter with a security officer held more negative perceptions regarding the nature and goals of security work, as well as the professionalism of security officers. Interestingly, in this study, the authors did not find any statistically significant differences between criminal justice and non-criminal justice majors on various issues of professionalism, nature, and the goals of security work (ibid).

Research that examined youth perceptions of private security in emerging markets was limited to Singapore and South Korea. Research (Nalla and Lim, 2003) on a college student sample in Singapore suggests that Singaporean youth have a fairly positive view of security officers even though they do not have any misperceptions about the level of difficulty and stress of the work, nor do they confuse their appearance with that of a police officer. However, they do believe that security officers contribute to the general social order of society and help customers and clients and also the organisations of those who contract their services. Similar to the college youth's perceptions of those who have contact with security officers, Singaporean youth are more likely to hold a positive view of many attributes of security officers, including professionalism, goals, role, image and the nature of security work. The findings, however, point to a general belief that security officers do not believe that they themselves are well-educated and professional.

Research on this issue in another emerging market, South Korea, suggests that overall, college students have a very positive view of security officers (Nalla and Hwang, 2004). The findings also suggest that students believe that for the type of work that involves security, officers are not sufficiently well paid and that they should be able to use force. Overall, South Korean students think positively of security work in terms of their interaction

with clients. Similar to the Singapore study, the findings of this study suggest that a large number of respondents also believe that security work is stressful and dangerous, although most perceive that officers lack professionalism and that security work involves little time spent apprehending criminals.

Despite variations in economic, political and social cultures, findings from developed and emerging markets indicate that, overall, college students appear to have a positive view of private security work and of security officers. Given the context of Slovenia's recent emergence into a transitional economy from a socialist state, and given the developments relating to commerce, trade and the economy associated with a transitional economy, we expect a large number of people in Slovenia to come into contact with security officers on a regular basis, either as customers or employees. In this exploratory study we examine college students' perceptions of private security work and security officers and how they compare to findings from developed and emerging markets.

2 METHOD

The data for this research were gathered from college students attending a large university in Slovenia during the spring semester of 2004. One of the instructors of the institute explained the nature of the survey and described to the attendees the voluntary nature of participation in the study. To assess the student perceptions of private security officers, a questionnaire was developed with items from earlier research conducted in the United States¹³ and in Singapore¹⁴. The questionnaire was modified to suit the demographic characteristics of Slovenia. Responses were elicited with a Likert Scale incorporating a range from 'strongly agree' to 'strongly disagree'. The questionnaire, which was written in English, was translated into Slovene and back-translated into English to validate the instrument. A total of 600 surveys were distributed to all the criminal justice (CJ) majors and a random sample of non-criminal justice (other) majors at the university. Five hundred and nine useable questionnaires were returned, representing a nearly 85% percent response rate.

2.1 Respondent Characteristics

The demographic characteristics of all survey respondents are presented in Table 1. In terms of

¹³ Nalla and Heraux, *op cit.*

¹⁴ Nalla and Lim, *op cit.*

age, 56% of CJ majors and 34% of non-CJ majors are in the age group of 18 to 21 compared to the age group of 22 and above. Women constitute a majority of the respondents in both major groups. Nearly three-fourths of all non-CJ majors were women, compared to 60% of CJ majors. The majority of the students come from rural areas (CJ=56%; non-CJ=65%) and nearly half of all the respondents (CJ=56%; non-CJ=46%) live with their parents or family while attending college. Twenty seven percent of the CJ majors and 28% non-CJ majors rated their family income as low and nearly half the respondents from both groups rated it as middle. Compared to non-CJ majors (16%), 27% of the CJ majors rated their family income as high. Nearly 20% of CJ majors work, compared to 2% of the non-CJ majors. As such, very few respondents actually come into contact with private security officers in the work context. However, this does not mean that they do not encounter them in apartment complexes and shopping malls. We also asked the respondents about their family connection to professions related to private security. One-third of all the respondents indicate

that their parents or relatives work or have worked either for police or military organisations while less than 10% of the respondents' parents or relatives in both majors work or have had prior work experience in private security. Almost an identical number of CJ and non-CJ majors reported having met or encountered a security officer and interestingly, an almost identical number (75%) of respondents in both groups characterised their meeting as positive.

3 RESULTS

3.1 Findings on Perceptions of Security Guards

Tables 2 and 3 display the mean scores for criminal justice and other majors, who expressed their views on a range of items listed in the survey that relate to security guards. More specifically, in Table 2, respondents' views on various dimensions of the professionalism of security guards, the amount of discretion security guards have and the similarity of police officers and security guards are listed.

Table 1: Characteristics of Study Respondents, by College Major (N = 509)

		Criminal Justice (n=255)		Other Major (n=254)	
		n	%	n	%
Age	18 - 21	143	56.3	87	34.3
	22 and above	111	43.7	167	65.7
Gender	Female	153	60	188	74.0
	Male	102	40	66	26.0
Hometown	Urban	110	44.0	88	34.8
	Rural	140	56.0	165	65.2
Current residence	Parents/family	139	56.0	69	46.0
	University housing/Rental	109	44.0	81	54.0
Family income	Low	61	26.9	65	28.3
	Middle	105	46.3	128	55.7
	High	61	26.9	37	16.1
Currently Employed	Yes	49	19.2	5	2.0
	No	206	80.8	249	98.0
Parents/relatives in law enforcement/military	Yes	86	34.1	84	33.1
	No	166	65.9	170	66.9
Parents/relatives in private security	Yes	21	8.2	15	5.9
	No	234	91.8	167	65.7
Encounter with security officer	Yes	145	57.1	149	58.9
	No	109	42.9	104	41.1
Would you characterize your encounter as...	Positive	106	74.6	109	74.1
	Negative	36	25.4	38	25.9

Note: Excludes missing cases

The respondents were asked to rank their opinions on the above listed issues on a four-point Likert scale, with 1 being ‘strongly agree’ and 4 being ‘strongly disagree’.

Professionalism of Security Guards

Security officers play a very important role as guardians of peace and property, as well as being public relations representatives for the owners of the company. Thus, one of the dominant issues regarding security work relates to how professional security officers view their work. Various questions that tap into the issue of professionalism are listed in the survey. Overall, the findings suggest that students do not feel positive about security guards’ professionalism. Students do not believe that security guards are honest, helpful or well trained. They also do not believe that security guards are well educated, nor do they have good planning skills.

Questions were also asked questions relating to how much discretion security guards use. Though the respondents believe that guards have a lot of discretion, they acknowledge that security guards are unaware of customers’ needs and that they abuse their power. The findings indicate that the trends are similar between both groups of students, though the mean differences do not show statistically significant differences with the exception being the question of guards abusing their power.

Police Officers vis-a-vis Security Guards

The questionnaire contains a series of questions tapping into similarities between police officers and security guards. Respondents feel that security guards should be able to use force during the arrest process though they face many non-criminal situations and spend very little time apprehending criminals when compared to police officers.

Table 2: Mean Differences for Criminal Justice and Other College Majors’ Perceptions of Security Guards

Item	Criminal Justice	Other Major	F
Professionalism of Security Guards			
1. Security guards are generally honest	2.52/0.73	2.61/0.74	1.51
2. Security guards in general are helpful	2.56/0.76	2.58/0.80	0.06
3. Security guards are well trained	2.60/0.76	2.57/0.74	0.12
4. Security guards are professionals	2.66/0.76	2.67/0.76	0.02
5. Security guards have good planning skills	2.65/0.73	2.75/0.73	1.59
6. Security guards are sensitive to the public	2.63/0.68	2.65/0.65	0.06
7. Security guards are well educated	2.89/0.73	2.91/0.75	0.06
8. Security guards have a lot of discretion	2.34/0.86	2.36/0.86	0.05
9. Security guards are unaware of customers’ needs	2.42/0.77	2.35/0.77	0.69
10. Security guards abuse their power	2.45/0.88	2.26/0.87	4.74*
Police Officers vis-à-vis Security Guards			
11. Guards should be able to use force to arrest suspects	2.25/0.98	2.24/1.01	0.01
12. Guards face many non-criminal situations	2.28/0.84	2.31/0.85	0.08
13. Guards spend very little time in apprehending criminals	2.39/0.91	2.38/0.87	0.01
14. Security guards and police officers often work together in solving crime problems	2.92/0.85	2.68/0.85	7.05**
15. Difficult to distinguish security guards from police officers	3.47/0.77	3.37/0.81	1.43

Note: Entries represent mean scores on a four-point Likert scale (1: Strongly Agree, 2: Agree, 3: Disagree, 4: Strongly Disagree).

Note: Number of cases/scale mean (standard deviation in parentheses)

* p < 0.05; ** p < 0.01

Furthermore, the respondents do not believe that security guards and police officers work together nor is it difficult to distinguish between the two groups of professionals. Though the trends are similar among both criminal justice and non-criminal justice majors, only one question, “often work together in solving crime problems,” was found to be statistically significant. This suggests that the public generally has a pretty good sense of how security officers look despite the fact that security officers often wear uniforms similar to those of police officers and drive around in patrol cars that are similarly painted with all the accoutrements that accompany a patrol car.

3.2 Findings on Perceptions of Security Work

Respondents were asked a series of questions relating to the nature and goals of security work,

as well as how similar security work is in relation to police work. The means scores are listed in Table 3. The respondents were asked, on a five-point Likert scale, to rank their opinions on the above listed issues with 1 being ‘strongly agree’ and 5 being ‘strongly disagree’. Given that respondents may be completely unfamiliar with security work, we included the response of ‘uncertain’ in the list of responses that ranges from ‘strongly agree’ to ‘strongly disagree’.

A total of nine questions were asked regarding security work. Respondents believe that security work is such that guards get injured in their occupation (mean=2.02 and 2.06, criminal justice and other majors, respectively). However, for the most part, they are uncertain about other aspects of security work. They are unsure if they provide a valuable service to their organisation (mean=2.34 vs 2.65 for CJ/Others respectively) or

Table 3: Mean differences for criminal justice and other majors’ perceptions of security work.

Item	Criminal Justice Majors (n=255)	Non Criminal Justice Majors (n=150)	F
Nature of Security Work			
1. Security guards get injured in their occupation	2.02/.95	2.06/1.03	.19
2. Perform valuable service to their organisation	2.34/.94	2.65/.96	9.70**
3. Security guards act as social workers	2.34/.89	2.55/.95	4.99*
4. Security work is dangerous	2.44/.98	2.39/1.07	.23
5. Work toward making society a better place	2.54/.97	2.94/1.19	13.75***
6. Security work is stressful	2.56/1.04	2.63/1.11	.48
7. The public generally trust security guards to protect property and lives	2.57/1.07	2.74/1.13	2.25
8. Security work help reduce losses for businesses	2.60/1.05	2.98/1.10	11.57**
9. Security helps protect customers	2.81/1.12	2.81/1.16	.01
Police work vis-a-vis Security Work			
10. Security professionals and police officers together will protect the public from criminals	2.62/1.06	2.75/.98	1.45
11. In the future, many of police functions will be taken over by private security	2.65/1.17	2.92/1.07	5.13*
12. Suspects are more likely to be released after security guards recover stolen property	3.10/1.04	3.17/1.13	.34
13. Security departments are organized similar to police agencies	3.25/.96	3.05/.95	3.88*
14. Security work is generally structured similar to police work	3.70/1.02	3.46/1.08	4.88*
15. Law violators are nearly always detected by security departments	3.89/.87	3.92/.92	.09
16. Primary role of security is to apprehend criminals	3.90/1.08	3.49/1.07	14.01***

Notes: Entries represent mean scores (1: Strongly Agree, 2: Agree, 3: Undecided, 4: Disagree, 5: Strongly Disagree). For each item; the numbers after the slash are standard deviations. (* p < 0.05, ** p < 0.01, ***p < 0.001)

if they actually act as social workers (mean=2.34 vs. 2.55 for CJ/Other respectively). They are also uncertain if security work is dangerous, stressful or contributes to making society a better place. They are also unsure if security work helps reduce losses to businesses or whether or not it is helpful in protecting customers. Though the trends are fairly similar among criminal justice and other majors, there are three statistically significant mean differences. However, the mean differences for these four items fall in the range ‘uncertain’.

Police work vis-a-vis Security Work

Respondents are also uncertain whether police and security professionals work together to protect the public from criminals, nor were they certain about the possibility of many police functions being taken over by security guards in the future. They were clear, however, about other related issues. Respondents disagree that suspects are more likely to be released after security guards recover stolen property from them. Regarding the question of whether security departments are generally organized similar to police agencies, the criminal justice majors are certain (mean=3.25) that they are not, compared to Others (mean=3.05), who are

more likely to be uncertain. This mean difference is statistically significant. On the issue of security work being structured similar to police work, law violators always being detected by security departments and the primary role of security being to apprehend criminals, both criminal justice and other majors disagreed with these statements. This suggests that the respondents do not believe that security work is similar to police work.

3.3 Additional Analysis

In order to conduct exploratory factor analyses we recoded our items to reflect 0 to 1 relationship where 0 represents categories of strongly agree/agree and 1 represents strongly disagree/disagree. This resulted in three multi-items scales. These concepts are labelled: Professionalism (4 items); Image (5 items); Police and Security Work Similarity (5 items) (See Appendix A for factor loadings). In addition to these three multi-item concepts, we also included three single item concepts in our analyses on issues that are relevant to security work. These relate to security officers’ discretion (Discretion), abuse of power (Abuse) and the public’s ability to distinguish between security and police officers (Distinguish).

Table 4: Means and Standard Deviations of Study Scales, Among Groups by Respondent Characteristics (Total Sample)

		Professionalism	Image	Similarity
Major	Criminal Justice	0.28 (0.45)	0.05 (0.22)	0.29 (0.45)
	Other	0.29 (0.45)	0.11 (0.31)	0.28 (0.45)
	F	0.02	5.41*	3.92*
Gender	Female	0.33 (0.47)	0.05 (0.23)	0.28 (0.46)
	Male	0.26 (0.44)	0.10 (0.29)	0.33 (0.45)
	F	2.25*	2.20	0.10
Hometown	Urban	0.31 (0.46)	0.07 (0.27)	0.28 (0.45)
	Rural	0.27 (0.44)	0.08 (0.27)	0.29 (0.46)
	F	1.27	0.04	0.05
Parents/relatives in Private Security	Yes	0.36 (0.49)	0.04 (0.19)	0.22 (0.42)
	No	0.28 (0.45)	0.10 (0.28)	0.29 (0.46)
	F	1.10	3.31*	0.83
Encounter	Yes	0.29 (0.45)	0.06 (0.24)	0.27 (0.45)
	No	0.27 (0.45)	0.10 (0.31)	0.31 (0.46)
	F	0.11	3.93*	0.78
Nature of Encounter	Positive	0.20 (0.40)	0.06 (0.26)	0.25 (0.43)
	Negative	0.55 (0.50)	0.05 (0.23)	0.34 (0.48)
	F	39.04***	0.64	2.93*

Note: Mean [Scores closer to 0 represent strongly agree] (standard deviation in parentheses).

*p<0.05, **p<0.01, ***p<0.001

Table 5: Means and Standard Deviations of Study Scales, within groups by College Major

		Professionalism		Image		Similarity	
		CJ	Other	CJ	Other	CJ	Other
Age	18-21	0.37 (0.46)	0.23 (0.43)	0.06 (0.24)	0.13 (0.33)	0.29 (0.45)	0.36 (0.48)
	22 and above	0.21 (0.44)	0.31 (0.47)	0.04 (0.19)	0.09 (0.29)	0.06 (0.45)	0.24 (0.43)
	F	2.707*	1.561	0.903	0.493	2.953*	3.849*
Gender	Female	0.33 (0.57)	0.35 (0.48)	0.04 (0.19)	0.13 (0.34)	0.28 (0.45)	0.30 (0.46)
	Male	0.26 (0.56)	0.27 (0.44)	0.07 (0.25)	0.23 (0.17)	0.29 (0.46)	0.28 (0.45)
	F	0.829	1.622	1.095	5.496*	0.028	0.106
Hometown	Urban	0.27 (0.53)	0.36 (0.48)	0.04 (0.21)	0.11 (0.32)	0.28 (0.45)	0.28 (0.45)
	Rural	0.32 (0.59)	0.25 (0.43)	0.06 (0.23)	0.10 (0.30)	0.30 (0.46)	0.29 (0.45)
	F	0.088	3.849*	0.121	0.076	0.065	0.007
Work	Yes	0.30 (0.46)	0.10 (0.55)	0.04 (0.20)	0.11 (0.55)	0.31 (0.46)	0.40 (0.54)
	No	0.27 (0.45)	0.28 (0.45)	0.05 (0.23)	0.20 (0.30)	0.28 (0.45)	0.28 (0.45)
	F	0.169	3.438*	0.129	4.680*	0.317	0.314
Relatives/ Law Enforcement	Yes	0.32 (0.47)	0.30 (0.46)	0.04 (0.21)	0.06 (0.30)	0.27 (0.45)	0.41 (0.46)
	No	0.26 (0.44)	0.28 (0.45)	0.05 (0.23)	0.25 (0.33)	0.30 (0.46)	0.27 (0.45)
	F	1.193	0.061	0.053	2.604*	0.324	0.298
Relatives/ Private Security	Yes	0.29 (0.46)	0.47 (0.52)	0.06 (0.19)	0.03 (0.17)	0.33 (0.48)	0.06 (0.26)
	No	0.28 (0.45)	0.28 (0.45)	0.35 (0.23)	0.23 (0.32)	0.29 (0.45)	0.30 (0.46)
	F	0.052	2.906*	3.226*	2.895*	0.205	3.820*
Encounter	Yes	0.27 (0.45)	0.31 (0.46)	0.05 (0.21)	0.07 (0.26)	0.42 (0.45)	0.23 (0.42)
	No	0.29 (0.46)	0.26 (0.44)	0.06 (0.23)	0.16 (0.36)	0.24 (0.43)	0.38 (0.49)
	F	0.118	0.660	0.065	4.228*	2.666*	6.721**
Nature of Encounter	Positive	0.18 (0.50)	0.21 (0.41)	0.05 (0.21)	0.09 (0.29)	0.29 (0.46)	0.20 (0.40)
	Negative	0.58 (0.53)	0.53 (0.51)	0.06 (0.23)	0.05 (0.23)	0.39 (0.49)	0.29 (0.46)
	F	25.234**	14.00**	0.040	0.569	2.948*	3.237*

Note: Mean [Scores closer to 0 represent strongly agree] (standard deviation in parentheses).

*p<0.05, **p<0.01, ***p<0.001

Among-Group Mean Differences

To determine whether the respondents held varying views about different components of security work and security officers, we employed analyses of variance (ANOVA) to compare the mean scores for the scales among groups. Specifically, we compared the means of all three multi-item scales for respondents by selected demographic characteristics. Statistically significant mean differences among categories of are listed in Table 4.

Though both CJ and non-CJ majors were uncertain about the nature of security work, non-CJ majors leaned more toward disagreeing with various statements relating to the nature of security work relative to CJ majors. For example, in terms of image, non-CJ majors generally felt less of security work than CJ majors. However, for questions relating to the similarity of police and security work, CJ majors felt more strongly that security work is unlike police work, an indication that perhaps, they are more familiar with the nature of police work compared to other majors. Interestingly, regarding professionalism, males appeared to have some sense of the professional aspects of security

Table 5: Means and Standard Deviations of Study Scales, within groups by College Major

		Discretion		Abuse		Distinguish	
		CJ	Other	CJ	Other	CJ	Other
Age	18-21	0.32 (0.46)	0.39 (0.49)	0.48 (0.50)	0.44 (0.33)	0.89 (0.30)	0.82 (0.39)
	22 and above	0.45 (0.50)	0.38 (0.48)	0.56 (0.50)	0.41 (0.29)	0.90 (0.28)	0.89 (0.32)
	F	4.630*	0.080	2.914*	0.264	0.139	3.198*
Gender	Female	0.39 (0.52)	0.31 (0.46)	0.56 (0.50)	0.39 (0.34)	0.91 (0.28)	0.92 (0.26)
	Male	0.36 (0.46)	0.41 (0.49)	0.49 (0.51)	0.44 (0.17)	0.89 (0.31)	0.84 (0.36)
	F	0.177	1.720	1.151	0.646	0.183	2.899
Hometown	Urban	0.46 (0.53)	0.38 (0.48)	0.53 (0.50)	0.31 (0.47)	0.90 (0.30)	0.86 (0.34)
	Rural	0.31 (0.59)	0.38 (0.48)	0.51 (0.50)	0.47 (0.50)	0.90 (0.30)	0.86 (0.34)
	F	6.369**	.001	.071	5.960*	.008	0.002
Work	Yes	0.53 (0.50)	0.60 (0.55)	0.69 (0.46)	0.20 (0.55)	0.79 (0.46)	0.99 (0.54)
	No	0.34 (0.47)	0.38 (0.45)	0.47 (0.50)	0.42 (0.50)	0.93 (0.45)	0.86 (0.45)
	F	6.241**	0.983	7.714**	1.020	0.317	0.811
Relatives/ Law Enforcement	Yes	0.29 (0.45)	0.40 (0.46)	0.57 (0.49)	0.40 (0.49)	0.27 (0.40)	0.86 (0.35)
	No	0.42 (0.49)	0.38 (0.45)	0.49 (0.50)	0.43 (0.50)	0.30 (0.26)	0.86 (0.34)
	F	4.100**	0.189	1.409	0.139	7.892**	0.027
Relatives/ Private Security	Yes	0.47 (0.46)	0.53 (0.51)	0.61 (0.50)	0.40 (0.17)	0.92 (0.28)	0.99 (0.26)
	No	0.37 (0.45)	0.37 (0.48)	0.51 (0.50)	0.42 (0.32)	0.89 (0.31)	0.85 (0.46)
	F	0.966	1.461	0.938	0.029	0.404	2.553
Encounter	Yes	0.38 (0.45)	0.33 (0.46)	0.51 (0.50)	0.40 (0.49)	0.99 (0.45)	0.90 (0.30)
	No	0.37 (0.42)	0.46 (0.50)	0.52 (0.50)	0.45 (0.48)	0.83 (0.43)	0.80 (0.39)
	F	0.073	4.299*	0.021	0.676	2.692*	4.447*
Nature of Encounter	Positive	0.36 (0.50)	0.30 (0.46)	0.61 (0.49)	0.47 (0.50)	0.95 (0.21)	0.89 (0.31)
	Negative	0.42 (0.53)	0.44 (0.50)	0.22 (0.42)	0.21 (0.41)	0.83 (0.37)	0.89 (0.31)
	F	0.384	2.637	18.338***	8.662**	10.000**	0.007

Note: Mean [Scores closer to 0 represent strongly agree] (standard deviation in parentheses).

*p<0.05, **p<0.01, ***p<0.001

work. This finding is supported by the fact that this statistically significant result shows that males agreed with the notion of ‘professionalism’ more than females. Those student respondents’ whose parents or relatives work in the security field had a slightly more positive image of the security profession.

Finally, those who had had an encounter or meeting with security officers clearly had a more positive image of security work. Similarly, the nature of encounters appears to demonstrate statistically significant mean differences among both professionalism and similarity. Specifically,

the mean scores for those who had experienced a positive encounter with security officers appear to reflect a less negative view about the professionalism of security officers and similarity to police work on their part. This is perhaps, the most important finding in this exploratory study.

Within-Group Mean Differences

To determine if the respondents differed in their views on various components of security work and security officers, we employed analyses of variance (ANOVA) to compare the mean scores

for not only the scales within CJ and non-CJ majors but we also include three other questions to examine and determine the relevance of the above findings. Findings are presented in Table 5. Only the statistically significant findings are reported in the narrative.

Older CJ majors (Age 22 and above) were found to agree more with the notion of professionalism in private security while it was both older CJ and non-CJ majors who are more likely to believe that police and security work are similar. Interestingly, however, the results revealed that non-CJ males are more likely to hold negative images of security work. Hometown appeared to have some impact on how non-CJ majors think about private security. While CJ majors reveal no positive or negative image of security professionalism, non-CJ majors from urban areas are more negative. Not surprisingly, non-CJ majors who work appear to have a more positive view of security professionalism and image compared to other groups. This is likely related to the situations that they face in the work place that brings them into contact with security professionals.

Regarding majors with relatives who have worked or are now working in law enforcement or private security specifically, our results revealed a few effects; that is, non-CJ majors were more likely to agree that the security image and police and security work are both positive and similar but curiously, non-CJ majors whose relatives work in private security are more negative of security professionalism. However, one of the interesting findings is related to those who have had an encounter with a security officer. CJ majors who had had an encounter or interaction with any number of security officers were more likely to agree with the statement that security officers are less similar to police officers compared to non-CJ majors. Perhaps, the most interesting finding of all is then that CJ majors who had had an encounter with a security officer(s) were more likely to disagree with the notion that security work is similar to police work. In terms of the nature of the encounter, respondents, whether CJ or non-CJ majors, who reported a positive experience in their interaction with a security officer were, as one would expect, more positive towards security professionalism and police/security similarity. Further, when a negative encounter occurs, these groups then felt more strongly and negative towards security professionalism and similarity.

To further understand some of the above findings, like for example the fact that CJ majors did not find similarity between police and security when encountering a security officer, we examined

three supplementary questions; that is, the level of security officers' discretion, abuse of power and the difficulty of distinguishing security officers from police officers. In brief, and for the most part, the results reveal that CJ majors adopt the point of view that private security officers have little or no discretion, tend not to abuse their power and are quite distinguishable from police officers. For example, while older CJ majors view security officers as having little discretion and, similarly, as tending not to abuse their power, the results revealed no effects for non-CJ majors. Non-CJ majors on the other hand, generally felt that security officers do have some discretion and ability to abuse their powers but are, again, in some sense distinguishable from police officers. Interestingly, in terms of the nature of the encounter with a security officer, we found that both CJ and non-CJ majors strongly disagreed with the fact that private security officers abuse their powers; no matter whether it was a positive or negative encounter, it was generally felt that security officers were not abusive.

4 DISCUSSION

In this study we examined college students' perceptions on various issues relating to private security in Slovenia. More specifically, we have examined college students' perceptions of private security work and officers. Given the significant amount of growth in the employment of private security officers, it is important to assess how the clients of security view an officer's work, as well as security work in general. The findings suggest that, overall, college students do not necessarily have a positive view of security officers. They believe that security work may be helpful to their clients and their organisations but do not believe that, for the most part, it is helpful to the general public. Generally, they think positively of their work in terms of interaction with clients, as well as when encountering clients. They also believe that security officers should be able to use force; however, and more importantly, they do not believe that security officers have, and therefore can use, much discretion and thereby abuse their powers. In the area of professionalism, it is clear that most believe that security officers are not professional, they do not have the planning skills and nor are they well educated; in light of this, the security officers' image is generally perceived more negatively by both CJ and non-CJ majors. On the whole, the respondents also believe that security work is not exactly similar to police work; in fact, not only can most distinguish security from police officers but they are quite aware of the fact that normal security work involves little

time in apprehending criminals. The trends are then fairly similar for both CJ and non-CJ majors though a few statistically significant differences suggest that knowledge of, and even experience with, police and security work may contribute to these differences.

5 CONCLUSION

These findings suggest that, relative to other emerging markets, security work and security officers in a transition economy do not enjoy a greater sense of acceptance from their clients, particularly the younger clients. Though we are cautious of generalizing these findings to a larger society of young consumers and to the general public due to the size of our sample, these findings suggest that more research is needed in this area. Part of the problem also stems from the fact that given the major transitions in shifts from state controlled history to the adoption of market economy principles, and at such a rapid pace, police organisations, as well as the general public, are trying to cope with new directions and developments in their lives and are playing the respective roles of regulators and the regulated. Given the rate of growth in the private sector in Slovenia, as well as the belief among the respondents that private security is increasing in importance if not in terms of replacing police officers, it is important to examine how security officers view their role as well as their own relationship with public law enforcement.

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Appendix A: Factor Loadings and Reliability Estimates for Study Scales

Scale	Scale Item/s	Loading
Professionalism	Security officers are well-trained	0.60
	Security officer are well educated	0.67
	Security officers are professionals	0.64
	Security officers have good planning skills	0.67
Image	Security officers work toward making society a better place	0.60
	The public generally trusts security officers to protect property/lives	0.60
	Security officers perform valuable service to their organisation	0.65
	Security officers help reduce losses for business	0.62
	Security officers act as social worker	0.68
Police Work Similarity	The primary role of security officers is to apprehend criminals	0.61
	Security work is generally structured similar to police work	0.69
	Law violators are nearly always detected by security departments	0.64
	Security departments are organized similar to police agencies	0.65
	Security professionals and police officers will protect the public	0.60

* Mean scores closer to 0 represent strongly agree.

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Some Patterns of Industrial Espionage

Iztok Podbregar

REVIEW ARTICLE

ABSTRACT

As the geopolitical shift towards the information era takes hold, intelligence activity has expanded to the corporate sector and become an important and fast developing industry. Contemporary technological advances within the fields of computing and communications have encouraged an intensive development of industrial intelligence activity, some aspects of which, namely industrial espionage, confuse the boundaries of law and ethics. This area of activity is developing extremely quickly with increasingly damaging economic consequences for both businesses and sometimes national economies. The aim of this article, written in the form of an academic paper, is to present certain forms and patterns of economic espionage in the business world, based on a comparison of theoretical starting points and methods in the security field of study. The emphasis is put on the significance of related skills and knowledge in organization and management. The methods applied in the article are those of description and comparison of sources, both expert and otherwise. The article also presents certain experiences from the Slovene environment. It represents an attempt to build expert and public awareness in this field and provide a solid basis for further research.

UDK: 351.746.1:338.45

Keywords: industrial espionage; intelligence; corporate crime.

1 INTRODUCTION

Industrial espionage occurs when there is a business requirement for sensitive information and an opportunity to acquire it. The intensely competitive commercial environment has led to a growth in the demand for industrial espionage. Where there is demand there is, sooner or later, a supply of services. There is no absolute security or protective measure against these phenomena. On the contrary, the fast development of this sector only enlarges the windows of opportunity, whereas the security industry and associated technologies are somewhat slower in their response. It would thus be erroneous to expect that the growth in industrial espionage will stop. It is true that the development of high level technologies allows for rapid improvement in security solutions, but it also increases the vulnerability and risk index.

1.1 Industrial Espionage in the Developed World

Industrial Espionage and Intelligence Services

When the bipolar world order collapsed, everyone was in a state of shock, not just the Eastern

intelligence services. It seemed that their role would narrow primarily to the field of economic interests. At the time, when communism was falling apart, the head of the Italian intelligence service SISMI redirected the future focus of the intelligence services on the contrasts among the states that take place mainly in the economic field and on the necessity to defend industrial and technical-scientific secrets of the state (Martini, 1999).

Until 11th September 2001, it appeared that the intelligence domain had been shifting from the military field to economic one. After the fall of the Berlin Wall, intelligence services in general started to target the mentioned field. Belatedly, they started to systematically specialize in economic issues. The British intelligence community (JIC¹) started to tackle the economic issues more seriously no earlier than in 1983, yet, despite this, it was among the early pioneers.

¹ Joint Intelligence Committee, the coordination body of the British intelligence community

New hot spots soon started to emerge (for example, in Bosnia, Chechnya, Afghanistan and Iraq). New forms of threat have started to emerge where the sovereign states have no longer been the crucial subject. Now the priority focus is put on the fight against international terrorism, personified by Osama bin Laden. Nevertheless, industrial warfare continues and industrial espionage is still an important area of the intelligence activities. Intelligence services have quite a few great advantages here, from elaborate methodology, special legal authorizations, special equipment and technology for acquiring data, which the rest of the world considers to be beyond the law, to the capillary agent networks and expert analytical services.

However, they are at the same time faced with a number of weaknesses. The key one could be the fact that they are much slower than commercial organizations. The second one is the fact that they deal with certain issues from a more general perspective, meaning that they are not well-specialized in tangible economic or market issues. Here, too, the commercial organizations outmatch them. Moreover, intelligence services encounter more difficulties in motivating their intelligence staff to collect data in the private sector, when compared to more popular forms of work such as that which occurred during the Cold War or in the fight against the WMD proliferation or terrorism (Shukman, 2000).

It is interesting that a great number of personnel who, in the private sector, fulfil tasks in the area of industrial intelligence through their advisory functions, security departments, detective and investigative agencies, undertook various forms of training in the public sector (in intelligence services in particular). There are also a great number of former members of the Russian KGB that have continued their careers in the private security industry (Shukman, 2000).

There are, in general, debates on the question of whether the intelligence services should be involved in industrial espionage in the private sector. Opinions are divided, but the dilemma is not so much linked with the legal limitations than with intelligence ethics. There are some who think that industrial espionage is allowed only when it concerns publicly owned companies. The experts in intelligence services, for their side, argue that effective data analysis is, due to the complexity of problems, sometimes more important than espionage. In such cases, dilemmas regarding the use of espionage methods are relatively superfluous. However, each case should be studied separately (Shukman, 2000).

The report of the French National Assembly (of 9th June 2004) gives the example of when a group of executives from the aircraft industry flew to the Middle East on business. The airport security authorities of the country they visited seized their computers with the explanation that the customs officers detected traces of explosive. Such a practice can be expected in the fight against terrorism, but it is not usual at that particular airport. The computers were later returned to the delegation, but the files they had contained were deleted. There are grounds to suspect that it was a case of industrial espionage (Lad'di, 2005).

Global industrial espionage is also caused by complex high-tech interception systems used in satellite networks. The most notorious one is Echelon which monitors all sorts of technical communications.² It has been developed by the NSA and is, beside the United States, used also by the United Kingdom, Canada and New Zealand. The system's stations are scattered throughout the globe. The central European station is based in Bad Aibling, northeast of Munich (it is being closed down due to protests from the EU). In contrast to the previous systems, Echelon is intended for non-military targets, such as Governments, business world, organizations and individuals, and it can target any spot on the Earth (Todd, Bloch, 2003, pp.44-47).

In the economic field, France is the most active country in its use of technological systems. This can be considered real economic warfare, given the reply of the CIA chief, Woolsey, in response to European protests against Echelon, "Yes, my continental friends, we have spied on you. And it's true that we use computers to sort through data by using keywords... We have spied on you because you bribe". (Todd, Bloch, 2003: 54).

1.2 Industrial Espionage and the Business World

In the business world, where competitors have increasingly begun to adopt aggressive tactics, and in which the rapidly changing technologies dictate daily changes to the rules of engagement, one wrong business move can bring a company to ruins. Managers search for new ways of decision-making and believe that the solution is information. Information is just the beginning of the decision-making process and, although important, of more significance is what you do

² *In the intelligence branch, espionage by means of monitoring technical communications is often referred to as Signals Intelligence (SIGINT).*

with the information, how you analyze it and then apply it. The transformation of raw information and data into intelligence is the most cutting-edge management tool that a leader has. For them, the age of information has given way to the age of intelligence.

The process in which information is transformed into intelligence is called competitive intelligence activity. The process consists of four steps as known by the traditional intelligence services. They are as follows (Winkler, 2005)³:

“The identification of intelligence needs represents the first stage (or step) of the intelligence process. Only precisely defined requirements will bring about good results. However, they should be realistic and should take into consideration accessible data, sources and potential risk. Even though companies would wish to know just everything about their competitors, they must narrow their interests to the crucial critical data; the collection of data is the most typical stage and the core of the intelligence work;

The next step is analysis. It consists of a series of procedures and methods. The data need to be sorted out, translated, evaluated, transformed into reports, etc. There are two basic methods of analysis: the standard one (evaluation of the contents) and traffic analysis (studying of data flow). These stages of analysis result in written reports, in which information is organized in a useful form; and

Evaluation is the last stage of the process. Even though it sounds similar to analysis, it is something completely different. This is the process of evaluating how the collected and processed data meet the identified needs. This step provides the answer whether additional intelligence efforts are required”

If managers practice intelligence activity in a responsible way, it is then legal and ethical. However, certain companies are known to have crossed the line by stealing information, intercepting telephone conversations, searching offices and other similar acts. This is the dark reality of industrial espionage. However, the majority of companies do not enter this unlawful world as it is not really necessary. As a matter of fact, everything that must be known is accessible, even though it is sometimes seemingly concealed and is difficult to

find. Experts collect such information by means of up-to-date technology and sophisticated methods, including satellite recording (Kahner, 1997).

According to the estimation of a retired FBI expert, there are around 6,000 professionals working in the private sector in the field of intelligence (Shukman, 2000) which is a relatively low number if compared to the number of intelligence officers working in intelligence services (which, on average, number several hundreds in smaller and medium-sized countries and several thousands of members in the regional and global powers⁴). The number is certainly no longer low, however, when compared with the number of intelligence officers that deal with the specialized field of industrial intelligence activity and industrial espionage.

Jan Herring, who used to be the Director of Competitive Intelligence at both Motorola and NutraSweet, formed a hypothesis that 20% of the company’s information fund can provide answers to 80% of the questions posed by the decision-makers. According to the hypothesis, a great deal of collected data is useless and part of the data needs to be obtained in other ways (Shukman, 2000).

Both literature and media sources offer a number of substantive cases of industrial espionage and quite a few are thorough and instructive case studies (Winkler, 2005). This article gives only examples of the most recent and illustrative. In May 2005, Israel witnessed the country’s greatest industrial espionage case ever, when Michael Haepharti fell into a trap, as reported by the European Business magazine. Haepharti was uncovered by detectives of the Israeli police on the basis of a report of an acquaintance, a writer and an established psychologist, who claimed that his personal files and parts of his latest novel appeared on the internet. The investigation revealed that Haepharti, together with his wife, had created software that enabled them to penetrate other computer systems (also, know as a Trojan horse). It was discovered that Haepharti had worked with three private investigation agencies that targetted companies, dependent on the needs of their customers. Twenty-one executive officers and private detectives were apprehended. It is estimated that they offered their findings to 80 organizations. During the investigation, which is still on-going, those interrogated stated that they had been sure that they had obtained information in a legitimate way. The investigators were most perplexed by the fact that the network was so

³ There are slight differences in the way how various authors define them.

⁴ According to the media reports, the number in the US in 2006 is as high as around 100,000 members.

widespread throughout Europe. It is possible that the perpetrator would have never been uncovered if he had not used his software in a private matter, as the disclosure has nothing to do with the security measures of the victims (Blackhurst, 2005).

Naturally, Haepharti's case is not isolated. On the contrary, for Nigel Layton, the director of the British agency for corporate intelligence, Quest, which specializes in preventing threats to security, this case confirms the fact that industrial espionage has developed new dimensions. This suggests that the issue of industrial espionage remains topical. The Quest agency recently caught a person that collected information in a medium-sized company. The person was recorded by video cameras when taking information off the business premises. It is interesting that the person was employed in the company on a temporary basis. In another firm, an agency employee discovered an eavesdropping device under the table before a strategic managers' meeting took place. It was established that one of the cleaning personnel had mounted the device under the table before each meeting and dismantled it without traces after the meeting. Obviously, attention needs to be focused on temporary and contract personnel as well as on cleaning personnel.

In 2004, a manager of Marks & Spencer started to suspect that an authorized person had access to recordings of his mobile telephone conversations. He turned to the two leading firms dealing with such issues, Control Risks and Kroll Associated, to launch an investigation. Both firms rejected the offer due to a conflict of interests as both already worked for a customer involved in the matter. However, they denied having intercepted the manager's telephone conversations, explaining that they would not have undertaken any unlawful activity. One of the characteristics of the flourishing corporate security industry is that the customers are never revealed or spoken about (Blackhurst, 2005).

In 2001, Procter & Gamble admitted that it had hired an agency that had searched through the waste of its competitor Unilever in order to find out the secret of its hair care products (Blackhurst, 2005). Unilever at first intended to turn to the Federal Investigations Bureau, but later it agreed to a settlement of US\$10 million.

Another, more recent, European case from the aforementioned report of the French National Assembly of 2004 is as follows. During the investigation of a plane crash, a French judge noticed the suspicious behaviour of an Italian expert, who tried to, under the cover of his status, forward confidential documents related to the

engines produced by a French aircraft group, whereas only one specific engine was involved in the crash. The mentioned expert was employed by an Italian group that was a direct competitor of the French one (Lad'di, 2005: 4-5). The list of such cases is long, but the above examples do highlight some key themes.

1.3 Industrial Espionage in Slovenia

In Slovenia, there is little experience of espionage in general, let alone industrial espionage. Subsequently, few, if any, cases have been disclosed as is shown by the book *Penal Code with Commentary, Special Part* (Deisinger, 2002) that gives no concrete examples in terms of court practice. However, this does not mean that such issues are not relevant.

Slovene companies have entered the international markets and have to deal with strong competition. Some of them build their strength on their own intellectual capital and have created a solid image in the foreign market, e.g. Gorenje. There are also several small businesses that are well-grounded in their market niches (for example, Seaway and Akrapović). One focus of industrial espionage is the pharmaceutical industry, within which the competition is so severe that real and competitive conflict occurs. Slovenia has two important protagonists in this respect, namely Krka and Lek. These are only a few of the most conspicuous targets, i.e., possible victims of industrial espionage.

The privatization process was launched during the transition towards democracy, and the most significant protagonists have become involved in it only in recent years. There are some who colourfully describe the process as "a clearance sale of the family silverware". The comparison can be misleading, but it points out that foreign investors probably conduct thorough inquiries about what in fact hides behind the "silver lustre". These are thus significant intelligence issues.

This represents the tip of the iceberg, as the competition is becoming increasingly tough in all business areas, and with it the need to acquire more information about our competitors rises steadily. There are, however, cases that can, one way or another, be linked to industrial espionage. For example, in June 2005 the Peklar scandal, in which the businessman L. Peklar conducted controversial financial transactions with Bados Consulting from Zurich, reverberated within Slovene business circles. The mentioned Swiss company is assumed to have been selling 'business intelligence' to the Slovene company Mobitel. Mobitel always had

business reports on its direct competitor Simobil before anyone else and Bados Consulting was presumably Mobitel's intelligence source for a number of years.

On the evening of 1st November 2005, the notorious robbery of the SKB Bank safes in Ljubljana was carried out. All the circumstances indicate, according to experts, that the robbers acted on the basis of insider information as regards the protection system and in terms of which safes were full. This was, in essence, a property crime, but it was made possible by data, the acquisition of which could constitute industrial espionage.

That there is an awareness of industrial espionage is evidenced by the measures introduced by Revoz from Novo mesto, which cloaked itself in silence after its press conference held in the summer of 2005. At this event, the company presented the rough preparations for starting the production of a new Renault model that would substitute the outgoing Twingo model. The situation will remain as such until the production has started in mid-2007. It can only be assumed that Revoz has initiated a detailed programme for protecting business secrets relating to the preparations for the production of the new model.

It is believed that the public knows almost nothing about possible cases of industrial espionage in Slovene companies for the following reasons:

the companies that are victims of espionage are not aware of it due to their low sensitivity or lack of security awareness or because they have not set up mechanisms to detect penetrations; and

the victims do not want to divulge such cases as they think it could harm their reputation. They are convinced that prosecution would not be successful or would cause more problems than it resolved. Also, they are not insured for such a kind of risk or loss.

The issue of industrial espionage in Slovenia is not well researched, unlike in economically highly-developed countries. However, a survey has recently been conducted amongst Slovene companies in relation to business and competitive intelligence (Vrenko, 1999). The results of the survey are very interesting, but they reveal that Slovene companies are generally unaware of the possibilities offered by the adoption of intelligence strategies. In this respect, the following finding is particularly interesting, namely, that a very high percentage of companies perceive that their competitors have some data on their company.

Such data, translated into the language of industrial and competitive intelligence, suggests that quite a few Slovene companies are 'victims' of competitor's intelligence 'attacks'.

The respondents from the Slovene companies⁵ estimated that their competitors originate from the following countries (listed by frequency):

- Germany,
- Italy,
- other EU countries,
- France,
- United States of America and Canada,
- Slovenia,
- East European countries (before joining the EU)
- former SFRY countries, and
- former Soviet Union countries.

Those Slovene companies included in the sample collected information on their competitors through, a specially authorized person (73%) or department (24%). Of the remaining companies, 20% hire companies specialized in public relations, and none hired detectives or lawyers. Only one company turned for such information to state bodies (the Ministry of Economic Relations or the Slovene Intelligence and Security Agency - SOVA).

The respondents gave answers on issues such as which publicly accessible sources and which non-publicly accessible sources they got information from. Of these, the major source of information was suppliers (stated by 78% of the respondents), the second major source was external providers, for example, companies who researched other competitors, at 50%. These were followed, most interestingly, by 'confidential sources' at 39%. These are the anonymous persons that reveal to company management the data which they want. Naturally, this category cannot simply be equated with spies; however, the data represents an interesting indicator of espionage.

Less represented are the persons that come for job interviews or students and apprentices. Neither detectives nor SOVA are included among other sources, which is also significant. This indicates an unexploited opportunity by companies on one side and an unexploited market niche for the

⁵ *The sample of the surveyed population included 90 Slovene companies from the list of the fastest growing companies, the companies with the highest profits, and major exporters, which is published by the Gospodarski vestnik magazine.*

Slovene detectives and SOVA⁶ on the other, if the legal basis according to which such activities are allowed or forbidden are disregarded (Vrenko, 1999).

It should be pointed out here that it is possible that the sample is not sufficiently representative and that the survey is not very recent. This should be taken into account considering the assumption that levels of both industrial intelligence and industrial espionage are growing rapidly. Similarly, one might question how sincere the respondents were regarding the confidential sources of information that they employed.

Thus, 83% of successful Slovene companies believe that they are victims of competitor's intelligence activities (Vrenko, 1999). It is also interesting that the same percentage of the surveyed companies have an act which regulates protection of their business secrets. This gives opportunity for additional protection of business data.

1.4 Industrial Enquiries in Slovenia

An illustrative example that provides an insight into the Slovene 'industrial espionage scene' is offered by Dvoršek in an article, based on his own experience of the history, evolution and significance of 'industrial inquiries' (Dvoršek, 2004). He obviously has in mind industrial intelligence, which he defines as similar to detective activities but with its own specific characteristics. He explicitly distinguishes it from espionage because it does not cross the line of professional ethics and legislation. However, the use of a non-criminal discourse might be misleading. Dvoršek (2004) establishes that, "the collection of relevant data on production, competition and business transactions belongs among legal and legitimate investigative activities if the individual that collects such data does not use the methods and means that the law allows under specific conditions only to state agencies (interception of telephone conversations, electronic mail, telefax, etc)".

In addition, Dvoršek (2004) suggests that, "up to 90 per cent of data can be obtained from publicly accessible sources, and the rest from mutual personal relations. However, investigation by means of human sources belongs to the most powerful arsenal of intelligence services and by

that in the world of espionage. Therefore, industrial espionage does not cover the entire incriminated sphere, but only a part of it. It is the matter of an indirect admission that industrial inquiry in extreme cases involves also HUMINT – the core of espionage."

According to Dvoršek (2004), "professional code does not allow to a detective-investigator to present himself as a priest, physician or an officially authorized person, a crime investigator or a sanitary inspector, while collecting information. The code allows him to interview the persons who are acquainted with the required data and are willing to disclose them to him without being threatened or bribed". The author describes what the subjects of interest are, for customers in the former states of Yugoslavia, the Soviet Union and Albania. These are, data on future partners (on the registration, headquarters, registration number, ownership of the company), their financial indicators and detailed surveys of their gross balance of accounts (Dvoršek, 2004).

The next set of questions includes those on the company's management, key individuals (date of birth, family status, professional career in the last fifteen years, education, residence, hobbies, sexual preferences, drinking habits and other personal characteristics) and whether they have ever been declared bankrupt (Dvoršek, 2004 p 141-147).

Dvoršek (2004) reports, "the case of a customer from a neighbouring country who wanted to find out whether a certain Slovene company with mixed ownership supplied five specific customers in its country with its products. What was behind the issue was a conflict between two spouses. One of them maintained the exclusive right to supply the mentioned five customers with the products, but he/she estimated that his former partner supplied them through the mixed enterprise in Slovenia."

Dvoršek (2004) states that, "the other customer formulated his requirements regarding the data on his future strategic partner as follows:

- Possible ecological problems linked with production,
- mechanical equipment of the factory,
- attitude of the employees towards the factory and the employees, and
- attitude of the management board chairman towards the employees and their problems."

Publicly accessible data indicated a very favourable image owing to excellent public relations, whereas the investigation revealed a hidden side in terms of a serious ecological threat posed by the technology used by the company.

⁶ The author of the survey estimates the result regarding SOVA as expected, which she derives from the thesis that SOVA has not reorganized its work and structure yet and has thus not reached the level of similar organizations in the most developed countries.

1.5 Evolution of Information and Communication Technologies and Industrial Espionage

The dramatic expansion of technological development, especially in the field of information and communication technologies (ICT), is the main reason for the fact that today our society is called the information society or society of knowledge. The dynamics of the modern knowledge-based economy reflect the growing codification⁷ of our knowledge. As a matter of fact, this codification has given us the opportunity to transfer knowledge via the communication and information networks, which has led to the creation of the information society (Jesenko, 2005).

Not only does ICT provide a window of opportunity, but also opens the doors to new business challenges. Risks and dangers are inevitable companions in industrial intelligence and espionage. On the Internet, for example, all sorts of information can be found about a rival by integrating the information from different servers and sites. Usually, the companies' own home pages contain the very least information. For instance, the Google⁸ or Yahoo browsers can be used to learn about a rival's personnel. If, on the other hand, the security mechanisms are circumvented and access is gained even to the company's intranet, one can learn more than what is known even by the majority of the employees about their company.

This is why it is not surprising that the security of information systems, especially as regards unauthorized access to protected information, has become a highly lucrative and prosperous business. There exists an army of experts who work in this field. The market has been swamped with professional literature, handbooks, educational programmes, hardware and software. Over recent years, information security has been developed into an independent branch of industry. This is precisely the reason why details about this section of industrial espionage will not be given here, although it will be tackled further on in this article. As a matter of fact, this sphere of activity is so vast and dynamic that other aspects that are equally important would, so to speak, be lost in the shadow of the information and communication technologies (ICT).

There is no rational way to entirely avoid the risks caused by developments in ICT. In the past, it used

to be said that what is not in the newspapers does not exist. Today, this thought can be paraphrased and extended by saying that information that has no record in an information medium is not information.

New technologies have allowed a sharp and uncontrollable increase in recorded information, whereas the storages in which this information is kept are connected to information networks that have no limits. The Internet has connected the entire world into one big web. What is important, from the intelligence point of view, is that the information is now accessible from a distance and that intrusions into information systems and databases do not leave material traces. The fact that such break-ins are not discernible from the first moment they happen is even more important. This is the reason why industrial espionage will continue to play its role for quite some time. Therefore, Dedijer's statement that "spying is dying" (Dedijer, 2003, p25-26) should be interpreted as a metaphor for the process which will profoundly transform the intelligence tradecraft. Instead of asking the question, "How do we dig up information?" the stress will be put on knowing "What this information is telling us?".

The Internet has actually become a sort of infrastructure, upon which the globalization process is based. It brings along many opportunities and challenges. On the other hand, there is also a negative side to it since it opens doors to information terrorism, which misuses the Internet for communicating, spreading propaganda, collecting information and attacking it with information weapons, which all represent a threat to security and peace (Beli, 2002). This threat is, for the time being, still only a possibility rather than a matter of reality. The same thing cannot be claimed for spying by means of the Internet ('netespionage'). Boni and Kovacich perceive the Internet as a global e-road that provides opportunities for netespionage and so-called 'techno crime' (Boni, Kovacich, 2000). Their thesis about collecting information in the grey and the black zones of net espionage is very interesting. The unethical, however still legal, ways of collecting information represent the grey zone, whereas the unethical and illegal methods belong to the black zone.

Espionage through ICT is by no means the domain of classical spies. These types of activities require other kinds of knowledge, skills and personal qualities. Hackers are usually the ones who specialize in such activities and not the experts employed in research institutes or Hi-Tech companies. They have developed a very simple technique to acquire the information

⁷ By codification, we think of the highest possible level of accurate digital recording of knowledge.

⁸ There is a neologism 'googling' or to 'google', meaning to search the Internet by using the Internet browser, which has already entered the language.

they need from the outside in order to break into highly protected systems. This technique is called 'social engineering'. It is the process of collecting information through unethical methods, via the manipulation of people. For instance, when a hacker runs into an obstacle such as if he needs an identification number or password, he simply calls another employee who has it, and under the pretence, for example, of giving a false identity, he asks the employee to reveal the missing information to him.

Finally, another point needs to be mentioned, namely, that the different devices, technologies and software which allow and support the most sophisticated methods and techniques of espionage and which were, until very recently, accessible only to the best-equipped intelligence services are now widely available to consumers worldwide.

1.6 Material Consequences of Industrial Espionage

The target of industrial espionage is neither a spy nor his client or other interested parties, but solely the information itself. This is, as a rule, business information which represents a potential or de facto advantage over the competition. The form of the information is unimportant. This is private information that an owner does not want to share with others for business reasons. The motive is sensible: he or she would suffer damage with its loss or disclosure.

When talking about the damage, the first thing that comes to mind is the material damage. However, the direct material damage is just the most obvious element. Many authors warn that industrial espionage is nowadays part of the tacit warfare for control over information. Its casualties are numerous and include the unemployed and the socially marginalised (Lad̄di, 2005).

The damage shows itself increasingly frequently in the realm of intellectual property, in ideas and innovations, which are becoming increasingly important for advantage over the competition. The intellectual property represents one of the so-called intangible assets. While the intangible assets still represent only about 40% of the total value of companies in the 1980s, they now reportedly represent as much as 75% of their value. It is therefore not particularly strange if the pressures leading to industrial espionage are increasing along with the expected benefits for its clients, on one hand, and the damage for the attacked companies on the other.

The supposition is that the grey zone in industrial espionage, the share of uncovered cases, is particularly vast, and this form of intelligence activity is spreading exponentially in terms of both the number of cases and the damage inflicted. The consequences will become so evident at a certain stage that they will raise consciousness of the issue and lead to action to halt his trend

It has been established earlier which countries are dealing with this problem the most seriously. Considering its exceptional economic strength, the consequences are the most dramatic in the United States of America.

The seriousness of this problem⁹ is exposed in the Intelligence Threat Handbook. This handbook quotes the report of the American Society for Industrial Security of 1999, which examined 1,000 US companies. The latter reported 579 cases of alienation of proprietary information with a financial loss estimated at US\$54 billion.

In 2001, this amount increased to US\$59 billion and each of the companies reported about 2.45 cases on average. The average damage caused by each of these cases exceeded US\$500,000. Perhaps it is interesting that the incidence of such cases was the highest in 'high technology' and 'services' and less in 'production' (96), although the damage assessed for 'production' was higher (about 50 million on average referring to financial damage).

Assessments for all the United States of America have also been made. According to the report to the Senate of 1998, the damage reached as much as US\$300 billion, whereas the US Chamber of Commerce estimates that the average monthly losses amount today to \$52 billion.

Another source cites the FBI assessment, according to which the annual damage inflicted to corporations by industrial espionage is worth about US\$100 billion. Such analyses are not available for Europe, but the damage reportedly goes up to several ten billion euros (Blackhurst, 2005).

In other words, the problem is much more serious than it may seem at first sight. All the more so, because this trend has not been accompanied by the introduction of sufficiently efficient mechanisms to counter the threat. There are no

⁹ *The dividing line between intelligence activity and industrial espionage is not drawn very clearly here, but we presume that the quoted cases include the element of industrial espionage beside other forms of focused collection of available information.*

empirical data as regards the extent of the material and other damaging consequences of industrial espionage in Slovenia. However, as we become more aware of our vulnerability, it is possible to say that, as far as the damage inflicted is concerned, we do not fall that much behind the general trends experienced in the medium to highly developed economies of other countries.

2 CONCLUSION

The hope is that this chapter produces enough arguments to stress how important it is that managers are aware of the risks posed by spy infiltration. The intention is not to instil fear, because fear derives from ignorance and poor knowledge of the danger. It is instead a sober reflection upon the fact that such cases of infiltration can be very damaging as they can seriously thwart the running of a successful business and the realization of corporate strategies. In extreme cases, they may also threaten jobs or even the very existence of a company. The effects could also be felt in the national economy. Such cases are actually not as isolated as one might think, which is why the intention here is not to conceptualise the risk in terms of profit, but in terms of the social responsibility of management.

The management of profit-making organizations has to be educated, trained and experienced enough to set up continual steering mechanisms that provide optimal, constant and efficient protection against industrial espionage. The internal monitoring and external mechanisms of surveillance must avert any possibility of uncontrolled leakage of information. These skills and knowledge can be achieved by means of an organized approach to training that emphasises both the role of the organization and the individual. As to the industrial espionage issues, research in the security field of study should focus on studying the methods that are covert and those that are part of the wider spectrum of management activity but that are misused for economic espionage. Such studies necessitate an inter-disciplinary

approach. Special significance should be attached to the security of information systems from the point of view of unauthorized access to classified information. It opens a new field in the security studies, namely information security, representing a new bridge between social and natural sciences. The present paper represents an attempt to raise awareness of both experts and the wider public with respect to economic espionage, and, also, to provide a basis for further research.

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Sirens of Death: Role of Women in Terrorism Past, Present, and Future

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REVIEW ARTICLE

ABSTRACT

In terrorist activities, and in particular those of Islamic extremism, males have played a dominant role in the planning of terror attacks as well as the actual undertaking of those acts. Women have participated in various forms of terrorism and most recently we have seen increasing instances of female suicide bombers that have made media headlines. Thus females pose a very real threat as terrorists and a powerful new means that terrorists are using in the pursuit of their objectives. This paper will briefly explore the history of female terrorism and will examine the increasing use of females, the role that gender plays in contemporary suicide terrorism and its implications for those trying to protect against them.

UDK: 343.3-055.2

Keywords: *Terrorism; Women's roles; Suicide Bombers; Stop and search policies.*

1 INTRODUCTION

In terrorist activities, and in particular those of Islamic extremism, males have played a dominant role in the planning of terror attacks as well as the actual undertaking of those acts. However in recent years, and particularly over the last two decades, women have found an increasing role within the world of terrorism. Women have participated in various forms of terrorism and most recently we have seen increasing instances of female suicide bombers that have made media headlines. However female suicide bombers are not a new phenomenon and have in fact been used before the 21st century. The increase in female terrorists presents a new challenge to those fighting against terrorism. Their gender often allows them to go unsearched at checkpoints or puts those in harms way at ease just long enough to carry out an attack. Thus females pose a very real threat as terrorists and a powerful new means that terrorists are using in the pursuit of their objectives. This paper will briefly explore the history of female terrorism and will examine the increasing use of females, the role that gender plays in contemporary suicide terrorism and its implications for those trying to protect against them.

1.1 Past Female Terrorists

Late 20th century female terrorists have been active in Maoist organisations in Germany, Italy and France, anti war groups in the US, liberation movements in Latin America and in India and S.E. Asia. The U.S. government's 1999 report on profiling terrorists concluded that there were three main categories of characteristics for female terrorists. The first set of characteristics for female terrorists was practicality and coolness. Coolness under pressure seems to be a trait possessed by most female terrorists (Hudson, 1999). Germany's female terrorists, like those in the Baader-Meinhof Gang, have all been described as having male characteristics. "These included interests in technical things, such as repairing cars, driving, accounting, and organising. For example, the Red Army Faction's (RAF) Astrid Proll was a first-rate mechanic, Gudrun Ensslin was in charge of the RAF's finances, and Ulrike Meinhof sought out apartments for the group" (Hudson, 1999 p.55). As we see from this quote, the female members of German terrorist groups had no problem filling the roles that had in the past been filled by men. On top of that, they performed their duties just as well, if not better than their male counterparts. This should come as no surprise. Since the beginning of time women

have found no trouble filling most roles normally occupied by men (often better) whenever the need arises; we only need to look at women police during WWI and WWII for examples. It has also been stated that women have brought practicality and pragmatism to terrorist groups. Christian Lochte, the Hamburg director of the Office for the Protection of the Constitution, states, "In wartime women are much more capable of keeping things together. This is very important for a group of terrorists, for their dynamics" (Hudson, 1999). While this statement makes certain assumptions about female nature which might not always be true, it does have a certain ring of truth to it as far as how most societies construct the role of their women. Speaking on the importance of female dynamics for a terrorist group Lochte goes on to state, "Especially in a group like the RAF, where there were a lot of quarrels about strategy, about daily life. Women come to the forefront in such a group because they are practical" (Hudson, 1999, p. 57).

Female terrorists also possess dedication, inner strength, and ruthlessness. For example, Lochte states that female terrorists are considered to be "stronger, more dedicated, faster, and more ruthless than male terrorists, as well as more capable of withstanding suffering because they have better nerves than men, and they can be both passive and active at the same time" (Hudson, 1999). As in other settings throughout history, and depicted in literature and drama, it seems to be the case that women who join terrorist groups dedicate themselves to their cause 100%, often times much more than their male counterparts. For example when it came to the women in the Red Army Faction that had been caught by authorities, they would generally give much less information about their activities. On the other hand, their male counterparts would routinely give authorities information after being caught in the hope for a lighter prison sentence (Hudson, 1999). This reluctance, if generalisable, to give up information about their terrorist organisation activities shows that female terrorists do possess a certain amount of inner strength that can serve them well.

The third main characteristic that female terrorists possess, according to the 1999 U.S. government report for profiling terrorists, is single-mindedness. According to Hudson, "female terrorists can be far more dangerous than male terrorists because of their ability to focus single-mindedly on the cause and the goal" (Hudson, 1999 p. 54). An example of female terrorist single-mindedness can be seen with Sibylle Vorderbrugge, age 26, who joined a neo-Nazi group in 1980 (Hudson, 1999). According to Lochte, "One day she had never heard of the

neo-Nazis, the next she was a terrorist" (Hudson, 1999). Overnight, Vorderbrugge had joined a terrorist organisation and had committed herself to it 100%. Most terrorist organisations thrive off of this extreme type of dedication to their causes and objectives. The more committed a terrorist organisation's members, the more likely it will survive the anti-terrorist operations brought against it.

These traits are descriptive characteristics identified by those studying them. There is little offered in the way of psychoanalytical information in the literature to explain women's single-mindedness, conviction and dedication to their terrorist agenda and group. However, stories of female soldiers in battle often indicate similar behavioral characteristics, an almost fanatical identity with group and cause.

Women have played numerous prominent roles in urban terrorist operations in Latin America. For example, "the second in command of the Sandinista takeover of Nicaragua's National Palace in Managua, Nicaragua, in late August 1979 was Dora Maria Tellez Arguello" (Hudson, 1999 p. 54). Another Latin American female terrorist was Melida Anaya Montes, who served as second in command of the People's Liberation Forces (PLF). In the raid of Colombia's Palace of Justice on November 6, 1985, half of those involved in the attack were women and were reported to be among the fiercest of the fighters (Hudson, 1999).

On May 21, 1991, Rajiv Gandhi was assassinated in Sriperumbudur (a city close to Chennai) while campaigning. He was killed by a female suicide bomber, Thenmuli Rajaratnam. She was reportedly 17 years old with affiliation to the "Black Tigers", a subsidiary of the Liberation Tigers of Tamil Eelam (LTTE). However, her age has been disputed for some time. The explosive used was a Research Department Explosive (RDX) that was strapped around Dhanu's abdomen on a denim belt. Generally, the explosives contain about 10,000 2mm steel balls that are projected at the time of detonation. Dhanu approached Gandhi to garland him, he clasped her hand, and she respectfully knelt before him. As she knelt, Dhanu detonated the bomb killing her, Gandhi, and 16 others.

1.2 Current Female Terrorists

Some of the most well known incidents of recent female terrorist attacks over the last decade can be found within the Chechen conflict. This conflict for independence is fueled and exacerbated

by competing and in many cases irreconcilable religious and ideological differences. Because it pits Muslim against non-Muslim it is further informed by the wider Islamic struggle. The province of Chechnya declared its independence from Russia in 1991 and has since seen continual military conflict between Russian soldiers and Chechen rebels. According to Global Security. Org., the First Chechen War occurred when Russian forces attempted to recapture the breakaway southern republic of Chechnya in a two year period lasting from 1994 to 1996. "The objective was a quick victory leading to pacification and reestablishment of a pro-Russian government. The result, however, was a long series of military operations bungled by the Russians and stymied by the traditionally rugged guerrilla forces of the Chechen separatists" (Global Security, 2006).

The Russian military engaged in tactics that resulted in thousands of civilian deaths and extensive damage to Chechnya's infrastructure. This ongoing civil war type conflict within Chechnya has brought about deep feelings of resentment towards Russia. This resentment, and desire to achieve full independence from Russia, has led many Chechen rebels to engage in terrorism against the Russian government and its civilian population. Out-manned and out-gunned, the use of guerrilla and terrorist tactics has helped the Chechen rebels level the playing field with the Russian army. Also, terrorist acts against civilians within Russia has helped the Chechen rebels to bring the fight to Russia and inflict terror in the civilian population in hopes that it will eventually cause the Russian people to grow tired of the conflict and force their government to grant independence to Chechnya.

Among the Female terrorists from Chechnya, almost all are part of the "black widows," which is a group comprised of Chechen widows whose husbands or family members, (brothers, fathers and children) have been killed by Russian troops. According to Nabi Abdullaev, member of the ISN Security Watch, "The most worrisome manifestation of the determination of the Chechen rebels to engage in indiscriminate killing is growing use of female suicide bombers who have dramatically changed the game of payoffs in the terrorists' power play with Russian authorities" (Abdullaev, 2005). The "black widows" have been nearly impossible for Russian authorities to profile, which has in turn made them even more effective as suicide bombers. There is the common connection between these Chechen women of losing a loved one; however other than that there are no psychological or character traits that seem to bond them together. Making the Chechen rebellion unique is that it

has taken on the aspect of jihad, a holy war of Muslims against their Russian oppressor. If one were to ask the Russian civilian population what they feel has been the most terrifying innovation of the Chechen conflict they would say the female suicide bombers (Jacinto, 2002). It has been reported that the female terrorists from Chechnya have a lot of determination and discipline and that some are even particularly aggressive. This determination and discipline stems from over ten years of desperate fighting with Russian forces which has forced many Chechen families to flee to different regions for safety. According to Rachel Denver, deputy director of Europe and Central Asia Division at Human Rights Watch, "The fact that many Chechen woman have lost husbands, fathers and brothers, who have been arrested, killed, or have simply disappeared, means that women have had to take on the job of feeding their families while trying to find their husbands, sons, brothers and father" (Jacinto, 2002).

In October of 2002, 41 Chechen rebels raided a Moscow theater and took hundreds of Russians hostage. Of those 41 attackers, 19 were female who were "clad in black and carrying belts laden with explosives" (Abdullaev, 2005). This well publicised attack led to the deaths of 129 hostages and almost all of the hostage takers. Speaking on Chechen female suicide bombers, Abdullaev states, "Chechen female suicide bombers have led 12 suicide attacks that claimed the lives of some 300 people in the two years following the October 2002 incident" (Abdullaev, 2005). This figure does include the 2004 incident in Beslan, North Russia, which saw Chechen rebels take an entire school hostage for three days. It is estimated that there were at least four female suicide bombers amongst the thirty-two attackers. According to official data, 344 civilians were killed, 186 of them children, and hundreds more wounded. Chechen warlord Shamil Basayev took responsibility for the hostage taking, reportedly led by his principal deputy Ms. Magomet Yevloyev (Wikipedia, 2006). It is clear from these deadly attacks over the last ten years that women have been fully integrated into the Chechen rebellion and their jihad against the Russians.

While the overall conclusion by the 1999 U.S. Government Report on Profiling Terrorists was that there is simply no single profile for a female terrorist or terrorist in general. Nabi Abdullaev gives us an idea of what type of Chechen women become suicide bombers in the following passage:

"Just as with female suicide bombers across the world, Chechen female suicide bombers

do not have a single, clear profile. They are not necessarily young, although a majority of those whose identities have been established were younger than 30. Not all of them were religious before disappearing from their homes only to resurface for attack. Not all of them have lost close relatives in the fighting against Russian troops or in the brutal purges of Chechen civilians by Russian security services. The identified suicide bombers have not been living in abject poverty, nor were they known to have been raped or otherwise tortured and humiliated at the hands of the Russian military - with the exception of the first "black widow" identified, Luiza Gazuyeva, who blew herself up with a Russian officer in 2001, after he had mocked her and said he had killed her husband with his own hands. The common opinion shared by many liberal Russian and Western commentators is that the desperation wrought by the brutalities of the Russian military assault and the mopping-up operations are the major factors pushing Chechen women over the edge. Based on that theory, the proposed recipe for limiting suicide attacks is for Russia to soften its policies in Chechnya and begin seeking a truce with those referred as "moderate" Chechen rebels" (Abdullaev, 2005).

Russian authorities have chosen to deal with the issue of female suicide bombers by constantly attributing terrorist attacks to female "shaheeds," the Arab term for a martyr. However according to *The Chechen Times*, "Often such allegations are premature as frequently happens in Russia where people say that some terrorists acts might have been organised by Russian secret services and were politically motivated" (*The Chechen Times*, 2003). It is a form of propaganda that the Russian government has used in order to gain support from their civilian population as well as the United States, who is also engaged in an ongoing war against terrorism (which is mainly in the form of Islamic extremism). Whether it is out of Islamic extremism, revenge, or a combination of the two, the instances of female suicide bombers in Russia have been numerous. For example in October of 2004 a female suicide bomber blew herself up in a Moscow subway, killing 9 others and wounding 51 (*Newsweek*, 2004). Russian authorities have also attributed the near-simultaneous crash of two passenger airliners to two different Chechen women. The airliners exploded in mid-flight and crashed killing all on board. Every passenger on the two airliners had family claim their remains, with the exception of both of the Chechen women (*Newsweek*, 2004).

While the attacks of the "black widows" have been well documented and reported, it is important to remember that they are not the only women engaging in suicide bombing, or terrorist activity in general. According to Claudia Brunner, "Between January 2002 and January 2004, seven women burst into the elite male circle of Palestinian suicide bombers. They have become short-term media stars in the West, yardsticks for the use of violence in Israel/Palestine, and glorious martyrs in parts of the Arab world" (Brunner, 2005). In Palestine the first seven female suicide bombers were Wafa Idris, Dareen Abu Aisheh, Ayat Akhras and Andalib Takafka (*al-Aqsa Brigades*, 2002), Hiba Da'arma, and Hanadi Jaradat (*Islamic Jihad*, 2003), and Reem Saleh student al-Riyashi (*Hamas*, 2004:3, Brunner, 2005). These seven women had enormous influence in changing the way those involved in the Israeli-Palestinian conflict thought about women and their role in the ongoing struggle between Israel and Palestine. Security officials had to face the reality that women could, and would, be used to carry out terrorist attacks, and in particular suicide bombings. Until Wafa Idris, the male monopoly on suicide bombing in the Middle East had gone virtually unchallenged, however that has all clearly changed.

On January 27, 2002, Wafa Idris started the new trend of a female "martyr" or "shahida" in Arabic. She even had a song about her that was widely received:

My sister, Wafa, My sister, Wafa, Oh, the heartbeat of pride, Oh, blossom who was on the Earth and is now in heaven, (2x) My sister, Wafa Allah Akbar! Oh Palestine of the Arabs Allah Akbar, Oh Wafa! But you chose Shahada [martyrdom] In death you have brought life to our will. But you chose Shahada, In death you have brought life to our will. (Worldnet, 2002).

Palestinian terrorists have often chosen to use women as suicide bombers for very practical reasons. For example, according to Yoni Figchel, "Terrorist organisations have been quick to see the advantages of using females to perpetrate terrorist attacks, especially inside Israeli cities. Women are often perceived as "the gentle sex," and are less likely to arouse suspicion than men are. Attacks perpetrated by women have tended to be those where the terrorist planners needed the perpetrator to blend in on the Israeli 'street.' These female terrorists attempted to westernize their appearance, adopting modern hairstyles and short skirts" (Figchel, 2003). The ability for Palestinian women to "Westernize" their appearance and blend in on the streets of Israel makes them a very potent threat. However female suicide bombers

had been used in other parts of the world, including use by the Kurdish PKK and the Tamil LTTE during the 1990's (Brunner, 2005).

According to Farhana Ali since 2000 there has been a gradual progression of suicide attacks conducted by Muslim women in new theaters of operation, including Uzbekistan, Egypt, and more recently Iraq (Ali, 2005). Al-Qaeda took responsibility for an attack in Talafar, northern Iraq, and attributed it to a female suicide bomber. Al-Qaeda also claimed responsibility for the September 2005 attack at an Iraqi army recruiting center and attributed it to one of their "blessed sisters" (Ali, 2005). The female suicide bomber at the Iraqi army recruiting center maneuvered herself into the middle of the recruits before detonating her bomb. These type of tactics are not a new invention though, and can be found being used all the way back to the Irish Republican Army, who used women to carry bombs under their clothing feigning pregnancy as well as using baby carriages to transport weapons (Ali, 2005). Ali goes on to state that, "The attack in late September was not the first by an Iraqi woman; in April 2003, two women, one pretending to be pregnant, blew up a car at a coalition checkpoint, killing three soldiers" (Ali, 2005).

While Iraq, Chechnya, and Palestine are certainly the ongoing hotspots for terrorist activity, and in particular the use of female suicide bombers, terrorist attacks by women have been carried out elsewhere. For example, on April 30th, 2005, two veiled Egyptian women opened fire on a tour bus and then killed themselves. The attack seemed to be motivated by the fact that two male family members of the women had been killed by Egyptian authorities in the preceding months for their involvement in terrorism. In Uzbekistan, a young female blew herself up in March, 2003, killing 47 people. Her name was Dilnoza Holmuradova, 19, she came from a solid middle class background, was well educated and spoke five languages (Ali, 2005). This goes to show that female suicide bombers come from many different backgrounds and are motivated for many different reasons (Islamic jihad, revenge, patriotism). Also, according to Mia Bloom, author of "Dying to Kill: The Allure of Suicide Terror", 34% of all suicide bombing attacks carried out since 1985 in Chechnya, Sri Lanka, Israel and the occupied territories, Lebanon, Morocco, Egypt, and Iraq have been perpetrated by women (Bloom, 2005). Women have accounted for at least 1/3 of all suicide bombing attacks and because of that their relevance cannot be denied.

One of the simplest yet lethal terrorist tactics is the suicide bomber. This can come in the form of

strapping an explosive vest to ones chest, detonating a car full of explosives outside a building or in a market area, or pulling the pin on a grenade and dropping it between the target and oneself. The suicide bomber is of great tactical advantage to a terrorist organisation. It is a highly reliable attack that involves little in the way of complexity. There is also a higher degree of certainty when it comes to delivering a bomb to its intended target. The use of females as suicide bombers only increases the tactical value of the suicide bomb. According to Deborah Galvin, author of "The Female Terrorist: A Socio-Psychological Perspective," an attack by a female terrorist is normally less expected than one by a man (Hudson, 1999). She goes on to state that, "A woman, trading on the impression of being a mother, nonviolent, fragile, even victim like, can more easily pass scrutiny by security forces" (Galvin, 1983). This view of women being mother-like, nonviolent, and fragile is one that has been socially constructed in many societies around the world. Women are simply viewed as less dangerous than men, particularly if they appear pregnant or are holding an apparent child.

2 SOCIAL CONSTRUCTION OF GENDER PROVIDES COVER FOR FEMALE TERRORISTS

The issue of female terrorists and particularly that of female suicide bombers brings with it the question of why are they so effective. The answer to this question can be explained through the notion of social construction. According to Dr. Pete Kraska, a criminal justice professor at Eastern Kentucky University, "Our reality is the result of an intricate process of learning and constructing meanings and definitions of situations through language, symbols, and interactions with other people" (Kraska, 2004, p.137). Gender roles within societies are a significant example of a social construction. Men and women are not inherently born into certain roles in society, but rather are raised in a social setting that has already predetermined how they should act and what their social roles will be. Women, in almost every society, have had their image socially constructed around the ideas of being nurturing, domestic, non-threatening, etc. Within the Muslim world, many believe that women should be the ones who stay home and raise the children. The men are the breadwinners and traditional fighters of the jihad. But as we have seen through the numerous recent examples of female suicide bombers within the Muslim world, women have clearly begun to find a place within the jihad and also within various other political movements. The long held socially constructed belief in most societies that women are non-threatening is particularly important when dealing with female

suicide bombers. Because of this popular belief, female suicide bombers have had great success in penetrating security checkpoints and large crowds before detonating their explosive devices. Within the Muslim world it is also considered offensive and inappropriate to search women. While less institutionalised, westerners also find the idea of men searching women inappropriate. Because of this, soldiers (especially non-Muslim soldiers) at security checkpoints are often very hesitant to search women or even stop them. This gives female suicide bombers a distinct advantage in the Muslim world, allowing them to operate more freely and carry out their attacks with a greater chance for success.

Islamic fundamentalists engaged in terrorism, and especially those involved in the Israeli-Palestinian conflict have used socially constructed ideas about women as propaganda for their terrorist campaigns. For example, according to Brunner, "Expressions such as 'daughter of Palestine', 'Palestinian's bride' and the like refer to youth and therefore to innocence within the martyrdom operations" (Brunner, 2005). Palestinian terrorists use these terms of innocence to further justify their actions against the Israelis and also use them as propaganda for future recruitment of women for suicide missions. Palestinian terrorists have also tried to use the idea of pregnancy to their advantage. For example, pregnant women are often hindered or turned away at many security checkpoints within Israel out of fear that they are potentially carrying a bomb instead of a child. While this causes anger and resentment amongst Palestinians, Brunner states that it also "illustrates the power of an occupation over the real bodies of women and children and of the colonized in general" (Brunner, 2005). This idea of Israelis controlling the physical bodies of Palestinian women is a powerful one and has a strong effect on helping to recruit women to become suicide bombers. When Palestinian women choose to become suicide bombers, it is the ultimate way for them to re-establish control over the sacredness of their body; an idea that is of vast importance within the Muslim world.

While researchers disagree on the essential cause for a person to become a terrorist, religious extremism, alienation and anomie, frustration, loss of a loved one, ideology or poverty, it is likely true that whatever informs a man's decision to carry out a terrorist attack, the same factors probably influence a woman's choice to be Shahada. Unfortunately, women are willing to sacrifice themselves to take advantage of payments to the families of martyrs in the same way young men

are willing to earn financial support in hopes of assisting family survival.

Because of their socially constructed role in society as non-threatening, women who now engage in terrorism and suicide bombings are presenting serious challenges to security officials around the world. Analyst Olga Olikier of the Rand Corporation states, "In some ways it's more terrifying for the public they are trying to frighten. We're used to profiling potential terrorists as a certain group of people and that group of people is generally male. So to also have to look at women and young girls creates a much bigger challenge for authorities" (Kassman, 2004). Those involved in anti-terrorist operations have long been used to dealing with mostly males, but over the last decade have been forced to think of women as potential terrorists as well. A statement of why women make such effective suicide bombers comes from former CIA senior analyst on counterterrorism Stanley Bedlington who states, "They are chosen because modesty will prevent some people from searching them so they can slip into the target area. And therefore in some instances, women terrorists with explosive belts around them can get through the security guards" (Kassman, 2004). As long as security officials and those in charge of protecting checkpoints think of women as innocent or non-threatening, they will continue to increase their own vulnerability to a terrorist attack. The role of women needs to be socially reconstructed in a way that will allow for society to accept that they can in fact pose a serious threat as potential terrorists.

In instances where females are not being used directly to carry out attacks or suicide bombings, we are now seeing men dressing as women to infiltrate crowds or security checkpoints to carry out attacks. According to the Associated Press on 7 April 2006, "Suicide attackers wearing women's robes blew themselves up in a Shiite mosque, killing 79 people and wounding more than 160, police said" (AP, 2006). While this was a horrific attack with many casualties, the underlying significance is the fact that male attackers used female dress in order to carry out the attack successfully. The two male attackers wore black abayas, which are traditionally worn by women. The two men even entered through the women's security checkpoint, trying to fully play the role of women as accurately as possible (AP, 2006).

Abu Mussab al-Zarqawi, the former leader of Al-Qaeda in Iraq, had broken taboos and decided to use women for terrorist operations within Iraq against coalition forces and the civilian population. According to Christopher Dickey, "Until recently, many analysts in American government agencies

saw the threat of women suicide bombers as a largely theoretical problem. Their best judgment was that “Al Qaeda Central”—the close-knit organisation around Osama bin Laden and ideologue Ayman al-Zawahiri—would resist any effort to use women as homicidal martyrs” (Dickey, 2005). But al-Qaeda in Iraq and Zarqawi changed their minds on the use of Muslim women for terrorist operations and sent them on suicide missions within Iraq. It is not hard to imagine that his successful use of women will be replicated by those who have come after him. Once the taboo is broken, repetition and replication is easier. As long as terrorist groups continue to change their tactics, so too must those engaged in the fight against them.

3 CONCLUSION: WHAT THE FUTURE HOLDS

In conclusion, the role of women in terrorism is undeniably increasing and will only continue to do so as long as conflicts exist in this world. “Women give them an operational advantage because they are less detectable. First, women do not constitute the majority of bombers, giving security personnel less perception of a threat. Second, women can carry bombs on their person rather easily by appearing to be pregnant as suicide bombs are generally built to be worn around the waist. Third, it is more frowned upon to search a woman’s body in many Muslim countries as well as the United States and other counties.” (Terrorism Unveiled: The Black Window Women: Female Terrorists).

Trying to profile the female terrorist has proven to be essentially both impossible and useless. Female terrorists fight for many different reasons which include but are not limited to political causes, religious extremism, and revenge. Female terrorists have seen action in Latin America, south-east Asia, Russia, Europe, and all across the Arab world. These women have come from a wide assortment of backgrounds including the rich end poor, educated and un-educated, and the religious and non-religious. Women’s socially constructed role of being thought of as gentle, submissive, and non-threatening has allowed them to slip through security checkpoints and infiltrate crowds of unsuspecting targets. Their effectiveness as suicide bombers is simply undeniable and is something that should be respected and now expected. Female terrorists have proven to be just as dedicated to their organisation’s cause as the men. Female terrorists have repeatedly proven themselves in combat operations as well as leadership roles. Israel alone has seen at least 78 major terrorist attacks between 2000 and 2005, a problem that will most likely continue to expand and with it the role of women in the numbers of

suicide bombers. Societies are beginning to accept and acknowledge that women all over the world do, and will continue, to play a significant role in terrorist activity.

From a primarily radical feminist perspective, it would seem from the evidence that as women have the opportunity to act, they do. In other venues such as criminal behavior we have observed a rise in female criminality that parallels female independence and opportunity that they were precluded from when their public roles were more limited by social construction and social taboos. It would suggest that as terrorist organisations provide opportunity for female participation, either out of desperation or strategic usefulness, women will act and they will act in the same ways as their male counterparts. Their actions will only be limited by practical or physical realities. The common thread between women terrorists are the shared environments they operate in and the limits of the tactics and resources available to them. The commonality for the moment and the key to their current usefulness is the inability for their enemies to recognise their potency and lethal potential.

We have to finally assume that women will kill.

The following is from *Terrorism Unveiled: The Black Widow Women: Female Terrorists*: “Islamist females view the struggle as a “clash of civilizations” and an “us vs. them.” To them, these acts of terrorism are God-OK’d forms of retribution.

This is a letter from a martyr’s wife to the wife of the recently decapitate Paul Johnson that appeared in Issue 21 of *Sout al Jihad* (an al Qaida publication):

“Surely you did not care when my husband was killed, or perhaps you didn’t know. Even if you did know, you were probably happy because he got killed before he reached your husband and his people!! My consolation is that the Mujahideen were able to reach their goal with precision and slay your husband. I swear to God that I was extremely happy that day, for the true terrorist was killed, after having sucked the blood of our Muslim children. I don’t know if you are aware that we hate you, Blasphemers. We hate you to the bone. How could we not hate you, when we are in your gratitude, even in our own country?”

There is no doubt that women can and will kill in this indiscriminate fashion just as men.

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Social Entropy Theory as an Explicit Approach to Assessment of Crime and Correlates of Crime in Europe at Macro Societal Level

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ORIGINAL SCIENTIFIC ARTICLE

ABSTRACT

The main purpose of this article is to explore the possibilities of Bailey's Social Entropy Theory (SET) for systematic description and explanation of crime and correlates of crime, supported by qualitative comparative analysis and discriminant analysis. The article contains both theoretical and empirical sections. In the theoretical section Bailey's social entropy theory and its modification are presented, in the empirical section, secondary data (homicide rates, crime rates and chosen data about contemporary European societies) are analysed. The data are analysed by QCA and discriminant analysis.

The results are then discussed. SET can be used for description and explanation of crime and correlates of crimes, but some predictions are not supported by empirical data. At the moment, the acquired results do not refute Bailey's theory, and a lot of further theoretical and empirical research work is needed to explore and explain conditions, which influence conflict and consensus in contemporary societies. Multiple regression analysis and fuzzy set qualitative comparative analysis can be used for achievement of broader and deeper theoretical and case-based knowledge about crime and correlates of crime in Europe.

UDK: 303:343.9

Keywords: Social entropy theory; crime; correlates of crime; Europe; QCA; discriminant analysis.

1 INTRODUCTION

This article explores Bailey's social entropy theory (1990, 1994) as an explicit framework for an empirical assessment of security (in the field of public safety from various crimes) of contemporary societies. My modification of his SET theory with component D (deviance = unwanted and harmful events of different kinds) enables the introduction of various security phenomenon (including crime) as an ever-present by-product of society. To this end, a model $D=f(\text{PLOTIS})$ is defined. A simple operationalisation of the model was used to provide an overview of basic characteristics of contemporary European societies and their homicide and crime rates (at macro level of analysis).

Available secondary data were gathered (European Sourcebook of Crime and Criminal Justice

Statistics, 2003, Human Development Report 2005 and WHO's World Report on Violence and Health, 2002; CIA World Factbook), then the three kinds of analysis were performed. Firstly, the tercils of variables were used for elementary classification of chosen European countries (excluded were a few European countries, because of the unavailability of relevant data), and then qualitative comparative analysis (QCA, as defined by Ragin, 1987) and discriminant analysis were performed.

Results show important differences in the values of PLOTIS (measured by selected variables) between two groups of countries regarding the high and low level of D (in our study homicide rates and crime rates were selected). The results are interesting, but they have to be checked in terms of a greater number of variables and other methods of data analysis (e.g. multiple regression analysis and fuzzy set qualitative comparative analysis). Also, cross-

sectional research design can be complemented with time-series and pooled research design.

Modified SET can be a useful framework for description, analysis, prediction and evaluation of structure and trends of some unwanted phenomena (which are connected with the degree of conflict in society). SET allows evaluation of both 'structure' and 'opportunity' (or a combination of the two) and other components (e.g. culture) as the conditions which influence the level (high, moderate and low) and distribution of homicide and crime rates in contemporary societies. It also enables differentiation between remote (structural) factors and proximate (subjective) actors, which influence generation of quality of life and also unwanted phenomena.

2 BAILEY'S SOCIAL ENTROPY THEORY

Bailey developed his social entropy theory during the early 1990s (Bailey, 1990, 1994), and showed some of its possibilities in his research article *System and conflict: toward a symbiotic reconciliation* (Bailey, 1997). His SET is a version of modern systems theory (Bausch, 2001: 395), which tries to synthesise, upgrade and operationalise new achievements in open systems theory. It can be used for the description and explanation of social structures and processes, both 'normal' as 'deviant'. It tries to make sense of societal problems at different interconnected levels (group, organisation, society, community and supranational system) and used entropy as the measure of the state of the system (instead of equilibrium). Chosen levels can be described and explained by theoretically-defined macrovariables (P=population, L=level of quality of life, O= organisation, T=technology, I= information, S=space) and with six differential equations $P=f(I, O, T, S)$ (LOTIS); $L=f(O, T, S)$ (POTIS); $O=f(I, T, S)$ (PLTIS); $T=f(I, O, S)$ (PLOIS); $I=f(O, T, S)$ (PLOTS); $S=f(I, O, T)$ (PLOTI). SET endeavours to achieve dual synthesis (Bailey, 1994:323) of new systems theories (e.g. Millers' living system theory, Luhmann's autopoietic theory and the "new sociocybernetics" of Geyer and van der Zouwen) and mainstream macrosociological theories (especially Alexander, Giddens and Collins). It is significant to stress, that the unit of analysis could be a society or a group of societies, regardless of their level of development. Although SET is a multilevel theory, in the present approach it is used at macro level as a tool for analysis of characteristics of societies as a whole.

Bailey's main thesis is that all social systems simultaneously exhibit both consensus and conflict (Bailey, 1997:426). Consensus is necessary for integration and system continuity, whilst

conflict is necessary for change, flexibility and adaptation.

Bailey's theory treats a system (or society) as a hierarchical entity comprised of a population (P) of interrelated individuals within the boundary of a particular spatial area (S). Social entropy theory can be used on macro, mezo and micro levels (Bailey, 1997), but its full elaboration requires a multilevel approach. At the macro level, which is in the central focus of the approach in this article, each concrete social system (or society) possesses six global variables – population (P), information (I), level-of-living (L), organisation (O), technology (T) and space (S). Bailey sometimes uses the acronym PILOTS and sometimes PLOTIS. These six components represent clusters of variables, rather than a single variable. Similarly, the six components are macro-variables, and each macro-variable is a characteristic of the society as a whole. As properties of the whole society (e.g. Slovenia and other countries), these six global variables (globals) are often – to some degree or another – measured, evaluated, supervised, and controlled by the government.

These globals are connected with mezo and micro levels, but the main purpose here is to remain at a macro level (in spite of a potential oversimplification of Bailey's theory). Bailey discerns various configurations of societies in respect of the distribution of P (population) in relation to LOTIS (level-of living, organization, information, technology, space), which influence the mix of functional integration and conflict in concrete societies. The elementary configurations are:

Bailey's prediction of high, medium and low level of conflict (from Figure 1) can be empirically tested with available data for contemporary European societies.

3 COLLECTION OF DATA

Data were collected for chosen variables (P= number of population; L=level-of living, measured by Human development index; O is measured by GNPPPP/100.000; T is measured by KWH/100.000; I is measured by Index of education; S is measured by km²/100.000). Measures of O, T and S have the number of people in denominator, measures of L and I are established indexes. Some European societies are excluded because of the unavailability of relevant data.

Low P and high LOTIS (land of plenty or social utopia, minimization of conflicts)

High P and low LOTIS (conflicts and/or domination prevail)

Moderate levels of P and LOTIS (coexistence of integration and some degree of conflict).

Population (P)	LOTIS		
	High	Medium	Low
High	“Compatibility” (low integration/ low conflict) 1	Medium Conflict 2	High Conflict 3
Medium	Medium System Integration 4	“Compatibility” (low integration/ low conflict) 5	Medium Conflict 6
Low	High System Integration 7	Medium System Integration 8	“Compatibility” (low integration/ low conflict) 9

Figure 1: Internal system level of integration and conflict for various levels of population (P) and LOTIS (Bailey, 1997:438)

Table 1: Data for European Countries (last available data)

	Source of data ->	WHO	E99	HDR 2005	CIA				
	State	H-rate	C-rate	P	L	O	T	I	S
1	Albania	21,0	163,0	3,1	0,780	4.584	1,8	0,89	84,4
2	Armenia	2,6	319,8	3,0	0,759	3.671	1,6	0,90	90,3
3	Austria	0,8	6081,0	8,1	0,936	30.094	7,8	0,96	103,5
4	Belgium	1,6	8594,7	10,4	0,945	28.355	8,7	0,99	29,3
5	Bulgaria	2,6	1746,9	7,8	0,808	7.731	4,6	0,91	138,8
6	Croatia	2,6	1367,8	4,5	0,841	11.080	3,6	0,90	124,4
7	Czech R	1,4	4149,6	10,2	0,874	16.357	6,4	0,93	75,5
8	Denmark	1,1	9290,1	5,4	0,941	31.471	6,9	0,99	79,8
9	Estonia	14,8	3579,1	1,3	0,853	13.539	5,8	0,97	300,0
10	Finland	2,2	9879,2	5,2	0,941	27.619	16,7	0,99	650,3
11	France	0,7	6086,4	60,0	0,938	27.677	8,1	0,97	91,2
12	Germany	0,9	7670,5	82,6	0,930	27.769	7,0	0,96	43,2
13	Greece	1,2	3532,4	11,1	0,912	19.954	5,2	0,97	118,9
14	Hungary	2,6	4970,5	10,2	0,862	14.584	4,0	0,97	90,2
15	Ireland	0,8	2165,3	4,0	0,946	37.738	6,6	0,97	157,7
16	Italy	1,1	4123,0	58,0	0,934	27.119	5,8	0,95	51,9
17	Latvia	11,6	1812,8	2,3	0,836	10.270	2,7	0,96	185,7
18	Lithuania	7,5	2123,4	3,5	0,852	11.702	3,2	0,97	186,3
19	Moldova	11,2	887,8	4,2	0,671	1.510	1,3	0,85	76,7
20	Netherl.	1,3	8128,4	16,1	0,943	29.568	7,0	0,99	25,8
21	Norway	0,9	9814,0	4,6	0,963	37.670	26,6	0,99	703,9
22	Poland	2,7	2901,2	38,6	0,858	11.379	3,5	0,96	78,8
23	Portugal	1,1	3615,0	10,4	0,904	18.597	4,6	0,97	88,8
24	Romania	3,3	1619,3	21,9	0,792	7.277	2,4	0,89	103,1
25	Russia	21,6	2048,8	144,6	0,795	9.230	6,1	0,96	1172,0
26	Slovakia	2,3	1740,8	5,4	0,849	13.494	5,3	0,91	88,9
27	Slovenia	1,3	3283,2	2,0	0,904	19.150	6,8	0,98	100,0
28	Spain	0,8	2407,3	42,1	0,928	22.391	6,2	0,97	119,9
29	Sweden	1,2	13462,0	9,0	0,949	26.750	17,0	0,99	500,0
30	Switz.	1,1	4294,3	7,2	0,947	31.098	8,5	0,96	57,3
31	Ukraine	11,7	1127,2	47,5	0,766	5.491	3,5	0,95	118,9
32	UK	0,8	10090,7*	60,6	0,939	21.141	6,6	0,99	40,4

* Rate of England is used for all three parts of UK (England, Scotland and North Ireland).

Table 2: Summation of low (1), moderate (2) and high values of PLOTIS (tercils)

State	Population	L	O	T	I	S	Σlotis
Albania	1	1	1	1	1	1	5
Armenia	1	1	1	1	1	2	6
Austria	2	2	3	3	2	2	12
Belgium	2	3	3	3	3	1	13
Bulgaria	2	1	1	2	1	3	8
Croatia	1	1	1	1	1	3	7
Czech R.	2	2	3	2	1	1	9
Denmark	2	3	3	3	3	1	13
Estonia	1	1	2	2	2	3	10
Finland	2	3	3	3	3	3	15
France	3	3	3	3	2	2	13
Germany	3	2	3	3	2	1	11
Greece	2	2	2	2	2	2	10
Hungary	2	2	2	1	2	2	9
Ireland	1	3	3	2	2	2	12
Italy	3	2	3	2	1	1	9
Latvia	1	1	1	1	2	3	8
Lithuania	1	1	1	1	2	3	8
Moldova	1	1	1	1	1	1	5
Netherlands	3	3	3	3	3	1	13
Norway	1	3	3	3	3	3	15
Poland	3	2	1	1	2	1	7
Portugal	2	2	2	2	2	1	9
Romania	3	1	1	1	1	1	5
Russia	3	1	1	2	2	3	9
Slovakia	2	1	2	2	1	1	7
Slovenia	1	2	2	2	3	2	9
Spain	3	2	2	2	2	2	10
Sweden	2	3	3	3	3	3	15
Switzerland	2	3	3	3	2	1	12
Ukraine	3	1	1	1	2	2	7
UK	3	3	2	2	2	1	10

Population	Values of lotis		
	High (13-15 points)	Middle (8-12 points)	Low (5-7 points)
High	France, Netherlands 1	<i>Germany, Italy, Russia, Spain, UK</i> 2	Poland, Romania, Ukraine 3
Middle	Belgium, Denmark, Finland, Sweden 4	Austria, Bulgaria, Czech R., Hungary, Greece, Portugal, Switzerland 5	<i>Slovakia</i> 6
Low	Norway 7	Estonia, Ireland, Slovenia 8	Albania, Armenia, Croatia, Latvia, Lithuania, Moldova 9

Figure 2: Classification of European societies in accordance with values of P and LOTIS (bold = countries with predicted high level of conflicts; italic= predicted middle level; usual = predicted low values)

Homicide rates (H-rate) are taken from The World Report on Violence and Health (last available data), crime rates (C-rate) are taken from The European Sourcebook of Crime and Criminal Justice for 1999 because it is the most complete set of data, HDI are taken from the Human Development Report 2005 (last available data) and available space (km²/100.000) (S) is calculated from data from the CIA World Factbook.

From Bailey's SET we can expect the highest level of conflict in cell 3 (bold) and medium conflicts

in cells 2 and 6 (italic). A quick look at the data (homicide rates and crime rates) shows a somewhat different picture (e.g. Figures 3, 4 and 5).

4 MODIFICATION OF BAILEY'S SET WITH COMPONENT D

Bailey's SET theory has been slightly modified with the introduction of component D (D as deviance or sum of various unwanted and harmful phenomena). D consists of a cluster of variables

Population	Values of lotis		
	High (13-15 points)	Middle (8-12 points)	Low (5-7 points)
High	France, Netherlands	Germany, Italy, Russia , Spain, UK	<i>Poland, Romania, Ukraine</i>
Middle	Belgium, Denmark, Finland, Sweden	<i>Austria, Bulgaria, Czech R., Hungary, Greece, Portugal, Switzerland</i>	Slovakia
Low	Norway	<i>Estonia</i> , Ireland, Slovenia	<i>Albania, Armenia, Croatia, Latvia, Lithuania, Moldova</i>

Figure 3: Countries with high (bold) and medium (italic) homicide rates

Population	Values of lotis		
	High (13-15 points)	Middle (8-12 points)	Low (5-7 points)
High	France, Netherlands	<i>Germany, Italy, Russia, Spain, UK</i>	Poland, Romania, Ukraine
Middle	Belgium, Denmark, Finland, Sweden	<i>Austria, Bulgaria, Czech R., Hungary, Greece, Portugal, Switzerland</i>	Slovakia
Low	Norway	<i>Estonia, Ireland, Slovenia</i>	Albania, Armenia Croatia, Latvia, Lithuania, Moldova

Figure 4: Countries with high (bold) and medium (italic) crime rates (about 80 to 90% are offences against property)

Population	Values of lotis		
	High (13-15 points)	Middle (8-12 points)	Low (5-7 points)
High	FRANCE, NETHERLANDS	GERMANY , Italy, <u>Russia</u> , Spain, UK	<u>Poland</u> , <u>Romania</u> , <u>Ukraine</u>
Middle	BELGIUM, DENMARK, FINLAND, SWEDEN	<u>AUSTRIA</u> , <u>Bulgaria</u> , <u>Czech R.</u> , <u>Hungary</u> , <u>Greece</u> , <u>Portugal</u> , <u>SWITZERLAND</u>	Slovakia
Low	NORWAY	<u>Estonia</u> , Ireland, Slovenia	Albania, Armenia, Croatia, Latvia, Lithuania, Moldova

Figure 5: Countries with combinations of crime and homicide rates

BOLD CAPITAL LETTERS = high crime rates;
Bold small letters = medium c- rates;
 Small letters = low c- rates;

Underscored with line = high homicide rates
underscored with dot = medium h-rates
 without underscoring = low h-rates

Table 3: Truth table: Configurations of societies with regard to H=f(PLOTIS)

Configuration						f	Outcome	Societies
P	L	O	T	I	S	2	Low h-rate	Italy, Spain
p	L	O	T	I	S	6	Low h-rate	Austria, Finland, Ireland, Norway, Slovenia, Sweden
p	L	O	T	I	s	3	Low h-rate	Belgium, Denmark, Switzerland
P	L	O	T	I	s	4	Low h-rate	France, Germany, UK, Netherlands
p	L	O	o	I	S	2	Low h-rate	Greece, Portugal
P	l	o	t	I	S	1	Low h-rate	Poland (exception =low h-rate)
p	l	o	t	i	S	3	Low h-rate	Bulgaria, Croatia, Romania
p	l	o	T	i	s	1	Low h-rate	Czech R.
p	l	o	t	I	s	1	Low h-rate	Hungary
p	l	o	t	I	S	2	H-rate	Latvia, Lithuania
p	l	o	T	I	S	1	H-rate	Estonia
P	l	o	T	I	S	1	H-rate	Russia
P	l	o	t	I	S	1	H-rate	Ukraine
p	l	o	t	i	s	4	H-rate	Albania, Armenia, Moldova, Slovakia (exception =low h-rate)

Crisp- set solution for model Homicide=f(PISTOL) is

$$H = \text{pop} * \text{life} * \text{organ} * \text{tech} * \text{info} * \text{space} + \text{pop} * \text{life} * \text{organ} * \text{tech} * \text{INFO} * \text{SPACE}$$

Table 4: Truth table: Configuration with regard to C = f(PLOTIS)

Configuration						f	Outcome	Societies
P	L	O	T	I	S	2	Low c-rate	Italy, Spain (unexpected outcome)
p	L	O	T	I	S	6	C-rate	Austria, Finland, Ireland, Norway, Slovenia (low c-rate), Sweden
p	L	O	T	I	s	3	C-rate	Belgium, Denmark, Switzerland (low c-rate)
P	L	O	T	I	s	4	C-rate	France, Germany, UK, Netherlands
p	L	O	o	I	S	2	Low c-rate	Greece, Portugal
P	l	o	t	I	S	1	Low c-rate	Poland (exception)
p	L	o	t	i	S	3	Low c-rate	Bulgaria, Croatia, Romania
p	l	o	T	i	s	1	Low c-rate	Czech R.
p	l	o	t	I	S	1	C-rate	Hungary (unexpected outcome)
p	l	o	t	I	S	2	Low c-rate	Latvia, Lithuania
p	l	o	T	I	S	1	Low c-rate	Estonia
P	l	o	T	I	S	1	Low c-rate	Russia
P	l	o	t	I	S	1	Low c-rate	Ukraine
p	l	o	t	i	S	4	Low c-rate	Albania, Armenia, Moldova, Slovakia (exception =low h-rate)

Crisp set solution for model Crime= f(PISTOL) is

$$C = \text{LIFE} * \text{ORGAN} * \text{TECH} * \text{INFO} * \text{space}.$$

which can only be partly sufficiently measured in different ways. One possibility is that the use of existing homicide and crime rates

(the former are taken from World Report on Violence and Health, latter are taken from European Sourcebook of Crime and Criminal Justice Statistics - 2003) as measures of level of conflict. Basic model $L = f(\text{PISTO})$ is transformed in the first step to model $L - D = f(\text{PISTO})$, then in $D = f(\text{PISTOL})$.

From figures (tercils) presented above (Figures 3, 4 and 5), can be clearly seen, that the most problematic countries in regard to homicide rates are those in cell 9 (low P and low LOTIS) and that the most problematic countries in regard to crime rates (generally property crimes) are those in cell 1 (high P and high LOTIS). Mixed results are evident in countries with medium levels of sums of LOTIS. These results only partly confirm theoretical expectations (from Figure 1). Following this analysis, the same data were analysed by QCA

(by program fs/QCA, freely available at www.compass.org, available is also user's guide - Ragin and Giesel, 2002) and by discriminant analysis (by program SPSS, 13.0).

5 RESULTS OF QUALITATIVE COMPARATIVE ANALYSIS

QCA enables comparison of qualitative data. The data is transformed and each variable is dichotomised. Values above the mean are recoded to 1 and values under the mean are recoded to 0. The data was then analysed using QCA. 17 real existing configurations are found from 64 theoretically possible (2^k ; k... number of independent variables).

The solution can be minimised with exclusion of INFO and SPACE. Although INFO and SPACE are present or absent, they are not necessary conditions for high (above average) values of homicide. A combination of low values of population, level-of-living, organisation and technology are required for high values of homicide rates (similar to the result in cell 9 of figure 3).

It is evident, that a combination of high values of level of living, organisation, technology and information is necessary for a high level of crime rates (similar to the result in cell 1 of figure 4)

The results of the QCA analysis are partly consistent with some results in figures 3 and 4. It is true, that there exists a relationship between the level of population and the values of LOTIS, but especially dangerous are situations with low values of LOTIS (high values of homicide rates) regardless of the level of population. This conclusion is in contradiction with some expectations of social entropy theory, which predicts a low degree of integration and conflict in cell 9.

5.1 Results of discriminant analysis - for $H=f(\text{PLOTIS})$ and $C=f(\text{PLOTIS})$

Discriminant analysis enables two kinds of tasks:

1. Where the category membership of cases is known, it is possible to calculate the discriminant function (from more variables), which reliably predicts membership in these cases.
2. The use of a previously obtained discriminant function to predict category membership for a new group of cases for which the category membership is not known.

The first task has characteristics of descriptive analysis and the second has characteristics of predictive discriminant analysis (Huberty and Hussein, 2003: 178)

The discriminant function was calculated for two known groups twice. Firstly, it was calculated for the group of societies with low (group 1) and high level of homicide rates (group 2), secondly it was calculated for the group of societies with low (group 1) and high level of crime rates (group 2). Before calculation of the discriminant function, assumptions of normality of independent variables were tested (Kolmogorov-Smirnov test). Assumptions are not valid for all variables (especially for population and space). Because discriminant analysis is a robust method, analysis was continued.

Following this, group statistics were calculated. Results showed (Figure 6 below) that there are smaller between group differences among variables of population, space and information (null hypotheses $H_0: \mu_1 = \mu_2$ cannot be refused), so the alternative hypotheses ($H_1: \mu_1 \neq \mu_2$) can be accepted primarily for variables of organization and level of living.

Group statistics showed differences between the two groups. They can be more clearly seen, if the standardised values of variables are used.

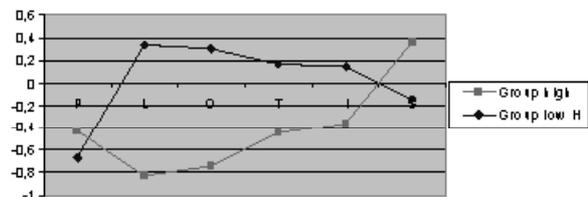


Figure 6: Graphical presentation of means of plotis for two groups (standardised variables are used)

Tests of equality of means show, that equality is not present, especially at variables of level-of-living (measured by HDI) and organisation (measured by GDP PPP).

	Wilks'				
Zscore: population	,983	,507	1	30	,482
Zscore: lifeHDI	,808	19,324	1	30	,000
Zscore: orgGDPPP	,880	14,133	1	30	,001
Zscore: tehKWG	,009	3,760	1	30	,062
Zscore: lnfbindex	,932	2,193	1	30	,149
Zscore: spacekm2	,930	2,257	1	30	,143

Table 5: Test of Equality of Group Means

Subsequent to this, standardised discriminant variables were obtained. The main results are shown in the following table (as proposed by Ferligoj, 2000).

Table 6: Standardised discriminant variables

Variables	Standardised discriminant variables	Structural weights
Population	0,161	0,637
Level-of-living	2,258	0,545
Organisation	-0,700	0,281
Technology	0,512	-0,218
Information	-1,371	0,215
Space	-0,499	-0,103
Canonical correlation	0,783	
χ^2	25,656 ($\alpha = 0,000$)	
	Centroids	
Group with low H	0,645	
Group with high H	-2,305	



Figure 7: Graphical presentation of centroids

It is evident that PLOTIS variables show a marked discrimination between the two groups of countries.

Then classification of cases is also calculated. It shows, that more than 90% of cases were correctly classified.

An identical approach to that used in the analysis of homicide rates was used for the discriminant analysis of the model C= f (PLOTIS). The main results are as follows.

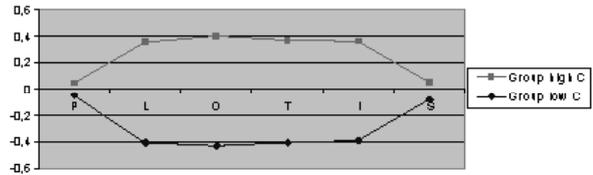


Figure 8: Groups with high and low crime rates (standardised variables)

Table 7: Standardised discriminant variables

Variables	Standardised discriminant variables	Structural weights
Population	0,502	0,733
Level-of-living	-0,875	0,675
Organisation	0,540	0,672
Technology	1,179	0,633
Information	0,730	0,089
Space	-1,018	0,061
Canonical correlation	0,724	
χ^2	20,052 ($\alpha = 0,003$)	
	Centroids	
Group with low C	-0,735	
Group with high C	1,404	

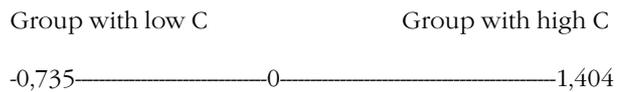


Figure 9: Graphical presentation of centroids

The classification showed, that 78,1 % of cases were correctly classified.

The comparison of results of the discriminant analysis between the two models shows that plotis variables are different between groups with low and high rates. Discrimination is higher in the case of homicide rates than in the case of crime rates. It can be speculated that homicides are clearly defined and carefully registered events, thus meaning that they are more painstakingly recorded than non-homicide crimes. General crime data are less comparable between countries due to differences in definitions of crimes and differences in work of law enforcement systems.

5.2 Comparison of Results of QCA and Discriminant analysis

QCA and discriminant analysis show a complementary picture of reality. The former is more case-oriented, the latter a more variable-oriented method of data analysis. Both however highlight the importance of SET and variables of plots as valuable tools for description and analysis of societal characteristics at macro levels. Their use, in this case, confirmed the theoretical framework of Bailey's social entropy theory. However, not all predicted relationships were confirmed. Significantly, Bailey's prediction of relationships between low plots and low level of conflict is not confirmed. This result requires to be additionally tested in different groups of societies (and in different historical periods), because the analysed group of societies is not a random or representative sample of all contemporary societies, but European societies were selected purposely because of the availability of data. Also, this result can be tested with modified operationalisation and/or dichotomisation of chosen macrovariables. Additional insights can be achieved with the use and comparison of results of, for example, multiple regression analysis and fuzzy set qualitative comparative analysis.

6 DISCUSSION

Any theory cannot be refuted or confirmed with a limited number of empirical tests. Additional theoretical and empirical work is required within the framework of social entropy theory, as within other theoretical and empirical approaches, if we want to find contextual clusters of variables, which influence (as structural and proximate causes, mechanisms and correlates – primarily as probability, not as determinants) types, frequencies and distributions of various unwanted and harmful phenomena in contemporary societies.

The challenge of empirical verification or confirmation of theories is one of the major problems of contemporary social sciences (Miller, 1986). The achieved results show, that social entropy theory can be used not only as broad verbal theoretical framework for the interpretation of reality, but also as a frame for model-building and model-testing. Thus, one of the advantages of SET, in comparison with other theories, is that it can be operationalised and empirically tested.

Results also show the usefulness of QCA and discriminant analysis as valuable tools for research. Although each theory and method has some advantages and limitations, and it is difficult to

satisfy all assumptions, it is useful to triangulate them (Janesick, 1998:16) to achieve greater confidence in the results. New events in the field of social sciences (e.g. complexity theory and fuzzy set qualitative comparative analysis (Ragin, 2000) open new possibilities in the fields of theory-building and theory-testing.

Finally, it must be emphasised that conflict and consensus are so important for the quality of life in contemporary societies, that the further research of their societal and contextual conditions (at macro and lower level) is necessary (Bailey, 1997:441).

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Miran MITAR, PhD has got a university diploma in the field of sociology (1978). Then he worked a great part of his career as the crime analyst in the Slovenian Ministry of Interior. In 1988 he joined former College of Police and Security Studies, now Faculty of Criminal Justice and Security Studies in Ljubljana. He has got M. Sc. degree in the field of security studies (1993) and he has got Ph.D. in the field of social sciences and security studies (2005). He published several works in the field of security studies, criminology and methodology of social science research, he discussed theoretical and empirical problems of research of various security phenomena (for example, crime and conflict). He published also the textbook *Introduction to methods of scientific research of security phenomena* (in Slovene language, 2000). His research interest is in an intersection of methodology, criminology, security, evaluation and empirical research. He tries to integrate new achievements in the field of new systems theories (especially Bailey's social entropy theory), main theories in the social sciences (about relationships between agency and structure) and newer theories in the field of security studies and criminology.

Assessment of Data Mining Methods for Forensic Case Data Analysis¹

Anne-Laure Terrettaz-Zufferey, Frederic Ratle, Olivier Ribaux, Pierre Esseiva, Mikhail Kanevski

ORIGINAL SCIENTIFIC ARTICLE

ABSTRACT

The role of data mining in crime analysis is to detect all types of relevant structures in a dataset. Once filtered, those structures may point to previously unseen criminal activities. Data mining covers a wide range of methods and techniques the potential of which strongly depends on the available dataset and the nature of the activity from which it is derived. Determining the most promising techniques to be applied in regards to different available forensic case databases is the aim of the research programme. A specific application to illicit drug profiling has been assessed. Analytical laboratory techniques are systematically applied to samples of cocaine seized by the police in order to extract their chemical profile. The data obtained was collated within a database. The cutting agents found are of particular interest, because they result from a treatment occurring toward the end of the distribution process. Their interpretation may then provide information on possible local illicit traffic networks. By focusing on the co-occurrence of a set of cutting agents, relevant patterns are detected. This combinatorial approach using graph theory will be further tested on other crime data.

UDK: 303:343.98

Keywords: Data mining, forensic analysis, drug profiling.

1 INTRODUCTION

Data mining is a widely used term subject to many definitions. It can be understood as the extraction of previously unknown and potentially useful information or knowledge from large datasets. The main principle is to devise computer programmes that scan databases and automatically seek deterministic patterns. The potential of data mining technologies strongly depends on the nature of the available dataset. They are successfully applied in different professional fields, e.g., remote sensing, biometry, speech recognition or business and marketing. They have seldom been tested on forensic case data, whereas they may potentially help to detect unknown and evolving criminal behaviours that are difficult to anticipate or predict through universal models. The intrinsic difficulty related to the use of such data lies in its heterogeneity, which is essentially caused by the lack of harmonisation across jurisdictions.

Moreover, factors that help evaluate the relevancy of implementing data mining techniques range from the activity from which the dataset results to its quality (degree of uncertainty, precision and completeness). The aim of this study is to select applications of data mining methods and techniques on forensic case data, specifically on cocaine chemical profiles (with a focus on cutting agents) that provide relevant results within a criminal intelligence perspective.

General Process of Data Mining and Its Forensic Application

The general data mining process contains three main steps (figure 1). The 'data preprocessing' step includes preliminary treatments such as data cleaning, normalisation, standardisation and coding. The 'pattern recognition' step applies statistical or mathematical methods in order to detect structures hidden in the basic data and highlight information. The 'interpretation' step is the use of expert knowledge and contextual information in order to associate meaning with the

¹ This research is supported by the Swiss National Science Foundation (No K-12-0-115965)

detected patterns. Thus, the whole methodology is based on a cooperative effort between a human expert and a computer.

within the database may have a very low interest. A categorisation of the detected patterns in three groups is proposed: a 'not useful' pattern

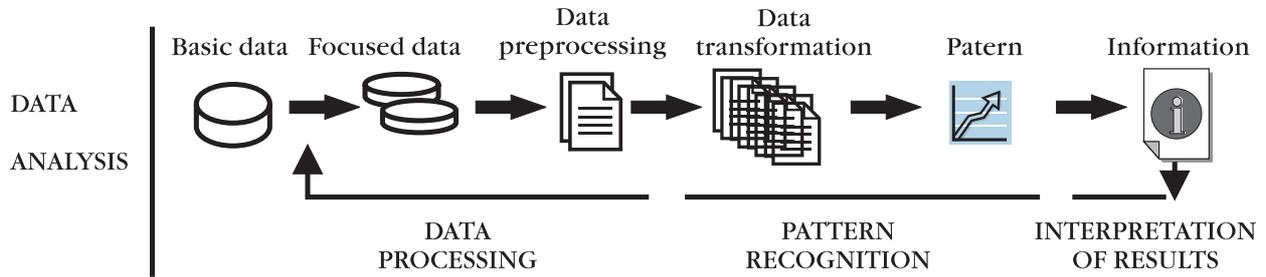


Figure 1: General process of data mining

Law enforcement agencies and forensic science laboratories collate a large amount of data of different types resulting from criminal activities. Forensic case data is a subset consisting of the physical material collected (for example, biological marks, toolmarks, fingermarks, shoemarks and illicit drug seizures). This kind of data can be numerical, binary (0 or 1) and categorical (for instance a colour). The features extracted are frequently imprecise (essentially due to measurement tools), incomplete (fragmentary) and uncertain. In this context, the use of data mining techniques necessitates a careful pre-assessment of their potential and even an adaptation of existing pattern recognition methods (figure 2).

(such as an evident structure visible without any computing or one irrelevant to the problem under consideration), a 'useful' pattern, which provides instant, interesting and workable information, and a 'to interpret' pattern, which cannot be categorized in the two previous groups and must, therefore, be studied by experts in the field.

This data is rarely collated within a single database. They are instead organised in relation to the type of crime under consideration, for example, high volume crime, illicit drug trafficking or organised crime. Treatments are thus to be considered along specific information processes. Additionally, the ratio signal/noise can be very weak, necessitating a careful preparation of data and extraction of a chosen set of discriminating variables. Moreover, depending on the criminal activity, structures

The final goal of the overall methodology is to provide intelligence, or recommendations, that will result in tangible policing strategies and operations. A systematic assessment of the obtained results is necessary, leading to possible further refinement of the implemented technology, or adaptation due to the evolution of the criminal activity under analysis. In the following, the approach is illustrated through the systematic exploitation of illicit drug seized by the police.

2 METHOD

Drug profiling is an intelligence approach for the systematic use of chemical and physical features extracted through laboratory techniques from illicit drugs seized by the police (Guéniat and Esseiva,

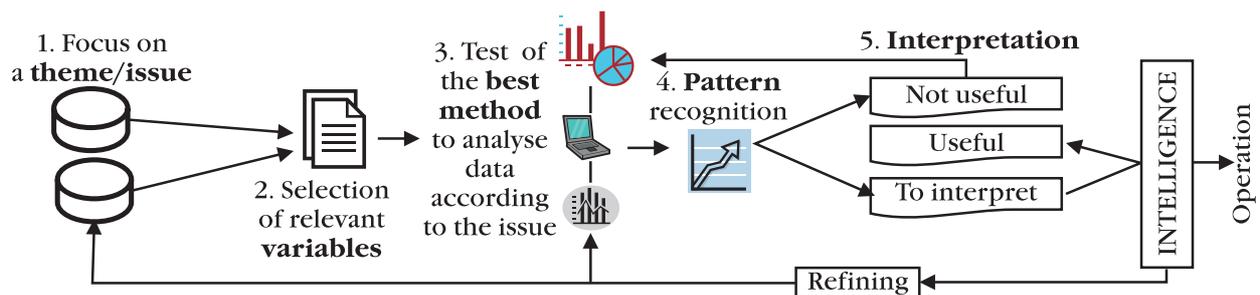


Figure 2: Forensic sciences application

2005). Pattern recognition methods have been systematically tested on a set of heroin and cocaine profiles in order to detect possible regularities that may yield information regarding the size and evolution of the traffic (Ratle et al. 2006a, Ratle et al., 2006b). Classical algorithms such as principal component analysis and various clustering and classification algorithms have been successfully applied to heroin datasets.

A new approach based on graph theory and combinatorial analysis has been suggested in order to better exploit cutting agents found in heroin seizures (Terrettaz-Zufferey et al., 2006). The cutting process may occur at different levels of the traffic, but most probably toward the end of the distribution process in order to keep the amount of substance to be conveyed as low as possible. Those agents are therefore of particular interest in facilitating our understanding of the local traffic network.

The study covers cocaine seizures made in a specific region of Switzerland (the canton of Geneva with a population around 500,000) during one year. The presence or absence of known cutting agents has been systematically detected through chemical analytical laboratory techniques. One single sample may simultaneously contain several

different cutting agents. One specific combination of cutting agents may be a marker at different levels of a supply chain. Hence, the dynamic of the occurrence of these combinations can be a good indicator of the evolution of the local market. This process can be naturally modelled through combinatorial analysis and graph theory.

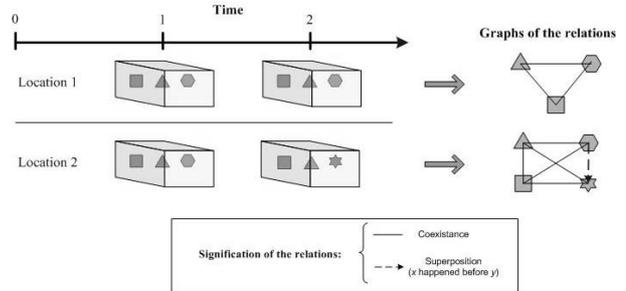


Figure 3: Construction of the graph. In Location 1, at two different times, the same combination of cutting agents was found. The modelling process leads to the construction of the graph whose nodes represent the cutting agents and the edges their co-occurrence. In Location 2, the situation is more complex. The two different seizures show the combination of the same two cutting agents, but one differs. The resulting graph can be conceptualised as the superposition of each graph where the same nodes are merged together.

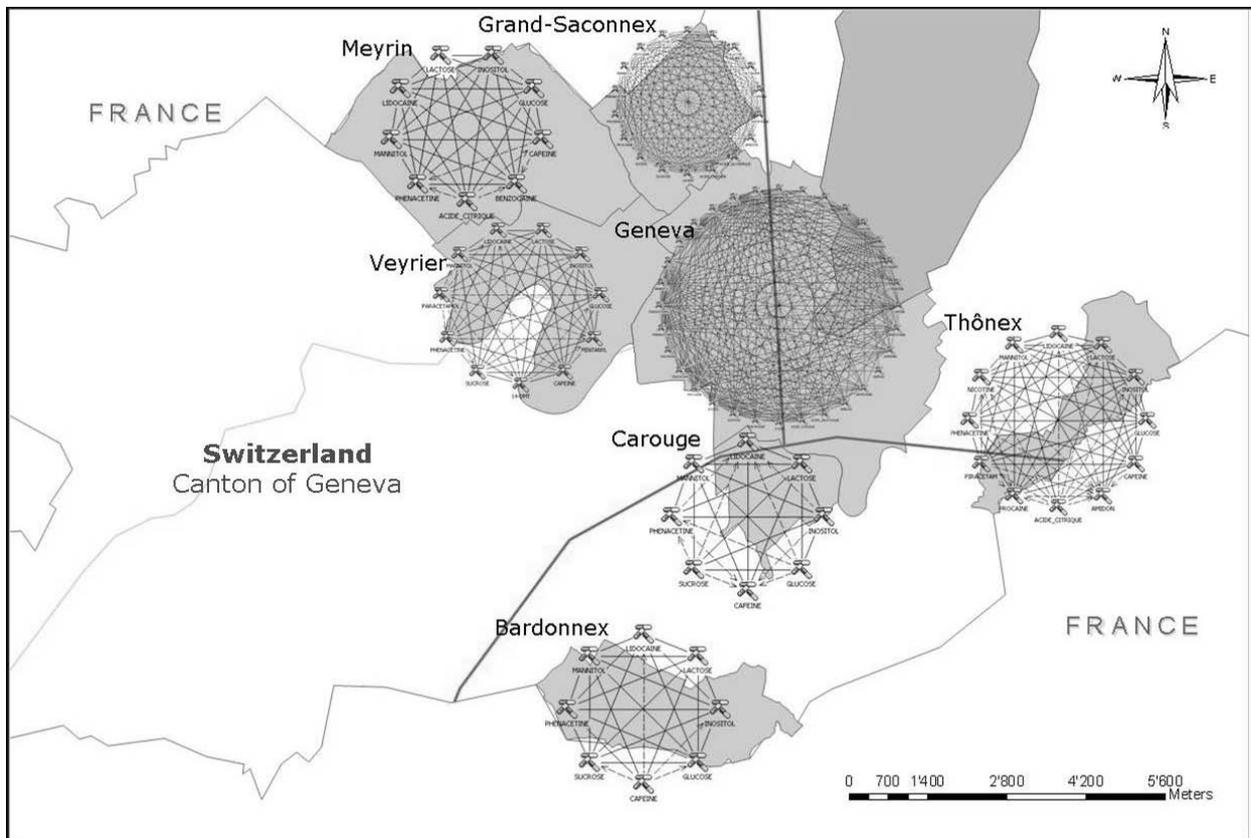


Figure 4: Graphs built from cutting agents found in cocaine seized in different areas of the region under consideration

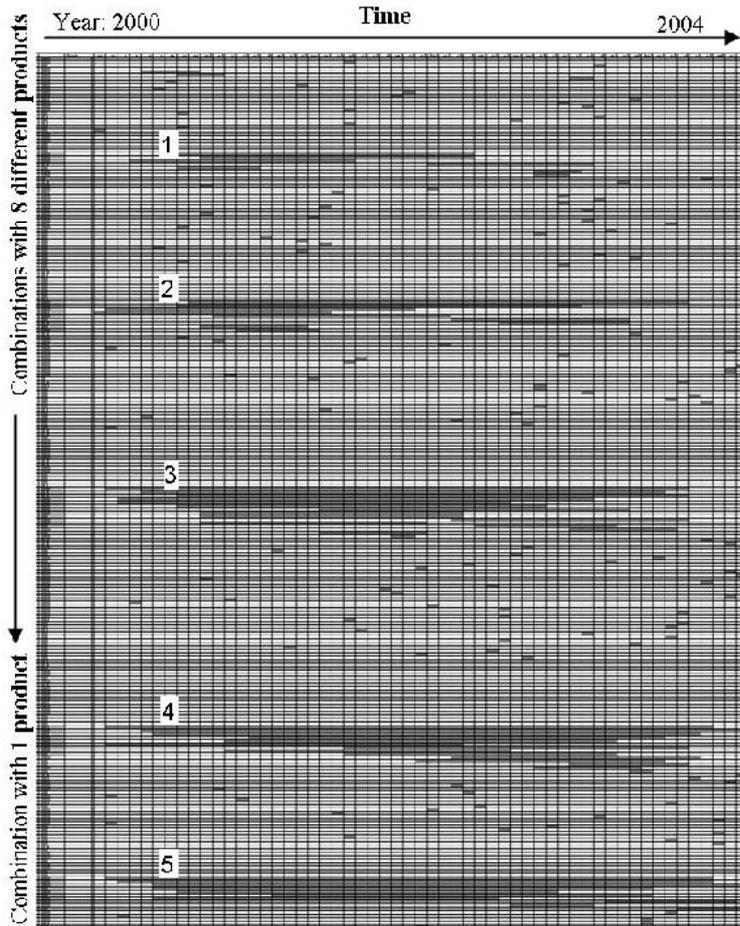


Figure 5: Persistency in time of combinations in a given place. Each block represents one month on the x-axis and one combination on the y-axis. Combinations are presented ranging from the greatest number of products (8) found in the combination (top) to the least number of products (1, bottom). One can readily appreciate the persistence of a given combination in time.

The database created for this study contains the following variables:

- seizure location and time period
- presence/absence of cutting agents
- combinations of cutting agents

The modelling process is explained in figure 3. It focuses on the co-occurrence of cutting agents in the same sample and the persistence of an identical combination over time.

3 RESULTS

A graph of the relationships between cutting agents has been drawn for several localities from border regions to the centre of the canton of Geneva. Geneva is a city that concentrates most of the population of this region (figure 4). Obviously, graphs resulting from seizures made in the city are more complex than those made at small localities close to the border. It is explained through the more intensive cutting process that prevails inside the country. This reflects the complexity of the local traffic. The seizures made at customs or in

regions close to the border give information on the state of cocaine when it is transported into Switzerland.

The 'life duration' of the combinations of cutting agents is very visible in figure 5. It is another analytical perspective that shows five groups composed of several combinations. More detailed analyses of the content of the five groups and comparisons with other regions have shown that combinations of groups 1, 2, and 3 occurred only in the canton of Geneva during the same period. Those of groups 4 and 5 were also found in other regions of Switzerland.

Because there is evidence that the structures of the graphs are different from one region to another, it is possible to consider a combination found in one region during a given time period as a marker for the distribution network. Some kind of subtraction of combinations found at the border (the state in which it is conveyed into Switzerland) may also accentuate these differences.

4 DISCUSSION

Data mining is generally considered as the extraction of useful knowledge from a large volume of data. This application is a demonstration that useful patterns can be extracted from criminal data after structured preparation of data and by focusing on a priori promising and well delineated aspects of a criminal problem where there is evidence that useful patterns can be found. In this case, cutting agents are potentially useful markers for understanding the local illicit drug market. The accurate delimitation of problem areas where data mining technologies can be physically implemented is a long-term research project.

The interpretation process has established the usefulness of most of the detected patterns, which validates the global approach. The method still has potential for improvement through consideration of a wider spatial and temporal spectrum, through building different types of graphs by providing different meaning to the edges (for example, representation of time and conjoint appearance) or by integrating some knowledge to change their structures (for instance, through the development of specific representations for graphs representing seizures made at the border).

This last point emphasises the need for an engagement between experts in the field and the development of appropriate methodology. Knowledge about the characteristics of forensic case data and the general dynamic of illicit drugs in Switzerland must be integrated into any interpretation of detected patterns.

5 CONCLUSION

Data mining techniques have a large potential in crime analysis and forensic intelligence. Criminal behaviours can hardly be universally modelled, given that they present a broad diversity and constantly evolve over time. New *modus operandi*, drug manufacture processes or other novel approaches may appear as a reaction to policing strategies or social changes such as those caused by the intensive use of new technologies.

The development of methodologies including recognition of patterns through data mining technologies could help to adapt to those changes by a detection of new or not yet understood criminal activities. This kind of analysis goes beyond traditional approaches that strictly rely on previous experiences or models developed on limited statistical foundations that constrain the thinking process and prevent in some way the detection of new strategies. However, it is also reasonable to 'think small' by limiting their application at first to realistic datasets that reflect delineated criminal problems. This will help us better understand how to derive useful tools for crime analysis and to distribute efforts between human experts (crime analysts) and the computer. In this perspective, the exploitation of cutting agents found in cocaine seizures has proved to be a good field of application for combinatorial approach and graph theory. This experience helps us to envisage the different possibilities for developing principles for crime analysis methodologies that efficiently integrate data mining technologies.

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Back to the Future: Slovenia's Penological Heritage

Dragan Petrovec, Gorazd Meško

REVIEW ARTICLE

ABSTRACT

This article presents probably the most relevant piece of research conducted in the Slovene prison system. The study was a two year research project sponsored by the Ministry of Justice and carried out by the Institute of Criminology in Ljubljana. Along with a longitudinal study of the social climate of Slovene prison institutions, it evaluates the theory and practice of socio-therapy as a specific approach to the treatment of offenders. In this case the treatment is simultaneously focused on the offenders' social climate including the prison staff. Socio-therapy began as an experiment in the mid-1970s and led to astonishing results. From 1980 onwards, and at an interval of 5 years, the social climate of every Slovene prison institution has been measured, focusing upon changes in regime, level of control or prisoner welfare, discipline (law and order philosophy) and treatment orientation. This article also deals with the situation following Slovene independence in 1991 and the impact of new legislation. The increasingly democratic nature of Slovene society appears to have heralded decreasing opportunities to treat offenders correctly and, correspondingly, to contribute to a decrease in crime. The situation is illustrated through an analysis of changes to the social climate of prison institutions between 1980 and 2006.

UDK: 343.8(497.4)

Keywords: Prison; Socio-therapy; institutional change.

1 INTRODUCTION

The Emergence of Permissive Regimes within Juvenile Correctional Institutions

From 1967 to 1971, a group of experts led by Katja Vodopivec, Director of the Institute of Criminology, conducted an experiment in a juvenile correctional institution nearby Ljubljana, the capital of Slovenia. The basic idea of the experiment was to prove that it was possible to treat juvenile offenders with much more permissiveness than they had been treated with so far. Permissiveness, furthermore, does not endanger society any more than repression does. Group counselling was one of the methods introduced to prove the hypothesis, especially in terms of fostering more acceptable behaviour patterns amongst both young offenders and institution personnel.

The results after four years indicated that:

- a) The permissive approach to treatment allowed juveniles to behave more spontaneously. Whilst the number of escapes from the

institution increased, the extent of crime committed during such escapes decreased and the majority of escaped juveniles returned without police intervention;

- b) The personal characteristics of staff were more important than their formal education;
- c) Group counselling proved to be an efficient method of work in the institution; and
- d) The social climate of the institution improved (Vodopivec, 1974; 219-220).

The experiment was conducted as a research project of the Institute of Criminology and was internationally supervised by Eugene S. Jones (Ib.: 249).

1.1 Experimentation within the Prison Institution

Encouraged by the results of the experiences in the juvenile institution, a group of Slovene penologists within the Ministry of Justice since the mid-1970s began an experiment that, it was anticipated, would

lead to the improvement of the social climate of a closed prison institution.

1.1.1 Theoretical Starting Points

The experiment was grounded in the basic principles of humanistic psychology and penology, and closely associated with the work of Maslow, Rogers and Fenton. Fenton's work in the field of penology and corrections (A handbook on the use of group counselling in correctional institutions; Sacramento, 1965) emphasises the importance of constructive group interaction characterised by:

- The creation of an environment that provides a forum for free discussion and the acceptance of the delinquent as he or she is;
- An acknowledgment by delinquents of the significance of emotional conflicts and how these may foster criminal activity;
- An improvement in the emotional climate in the institution;
- Treatment through constructive interpersonal relationships.

1.1.2 The Experiment in Action

Through the promotion of the fundamental idea, the experiment gained political support (from Parliament, the Ministry of Interior and the Ministry of Justice) media support and a broadly popular reception from the public. It was necessary to focus on an institution that would fulfil several conditions. First, the number of inmates should not exceed one hundred. Furthermore, there should be no pre-selection of prisoners with regard to any category concerning criminal activity (first time offenders, re-offenders, nature of crime or length of the sentence). Similarly, the personnel, especially the warden, should favour the idea of the reintegration of prisoners and of the opening up of the previously closed and disciplinarian regime. Senior personnel should adopt a non-authoritarian attitude, yet be assertive when dealing with problematic issues.

Bearing in mind all the conditions to be fulfilled, a prison institution with sixty inmates and thirty members of staff, near to Ljubljana the Slovene capital, was chosen. The goals of the experiment were rather vague at the beginning and nobody knew exactly what changes may occur. However, everybody expected, at very least, an improvement in the social and emotional climate of the

institution. Starting with group work, based on the work of Fenton, the inmates were divided into four groups, each one led by a therapist (a therapist not in a sense of psychiatry but in a sense of an expert capable of leading a group where dynamic psychological processes occur). The role of the therapist was given to a psychologist, two educators and a social worker, all of them having obtained formal skills through appropriate trainings. Groups were heterogeneous (with regard to criminal categories) and meetings were regular, once a week at a set time and venue.

Group therapists described, after the beginning of the project, all sorts of fears and anxieties. They were, for instance, afraid of losing authority, they feared unexpected situations and the potential aggression of their group. They were convinced that it was much easier to cope with an aggressive individual compared to an aggressive group. Furthermore, they were sceptical about their own knowledge and were aware of their lack of experience. Also, the goals, apart from the broad aspiration to improve the social climate, were not very clear and expectations might have been too high. Among other staff, not directly included in the group work, there was a fear of the unknown, including a feeling of threatening anarchy.

On the other hand, the inmates were at reluctant to accept the idea that problems could be solved within a group. Therefore, at first, most discussions were about house order, discipline and cleaning. Later on, conflict situations emerged causing major problems to the therapist who was faced with personal criticism. Therapists had to accept changes to their own behaviour in parallel to the inmates who were expected to modify their aggressive behaviour. What is important to emphasize is that there was no negative consequence whatsoever for inmates who criticised therapists, regardless of their behaviour at the group meetings. This was a necessary pre-condition for the creation of mutual trust and confidence.

After a certain period of group work the topics slowly began to change. Problems of house order were replaced by discussions about benefits, mostly free leave. Groups were not in a position to decide upon free leave but could suggest it to the expert team. The more their suggestions were accepted, the more inmates felt that they could decide upon a significant part of their lives.

Once a week, all the inmates and personnel gathered in a 'community meeting', where problems that could not be solved in small groups were opened to a broad discussion before a final decision was made. Over the course of time, a

system of shared decision-making was established, where inmates felt that they had de facto power to decide upon important issues regarding their life both within the institution and outside. Later on, when mutual trust increased, even conditional release was subject to an open discussion.

Each community meeting was followed by exhaustive discussion by a team of professionals (warden, psychologist, educators, social workers, nurse, representative of guard and instructors in production units), where important events during the meeting were re-examined. However, decisions that were made at community meetings were never changed at the experts' meetings.

The first major problem to be resolved was the basic distrust regarding the prisoners and their ability and willingness to discuss problems objectively and to propose rational solutions. Major problems also occurred in relation to the personnel. Many of them felt a loss of authority and traditional power over prisoners and, all of a sudden, they were faced with criticism from prisoners and had to change many of their traditional authoritarian behaviour patterns. A small number of the personnel could not accept this new position and left the institution.

Slowly, a traditional and closed institution was transformed into an open one. This was significant for a number of reasons. A hierarchical model of communication was substituted by a horizontal one. To achieve this it was necessary to establish a good cooperation between all services within the prison institution – psychologists, educators, doctors and guards. They also shared all information regarding decisions brought about by, and concerning, inmates. Furthermore, and even more importantly, it meant that within two years of the introduction of this experiment, 90% of inmates enjoyed the privilege of an open regime. Prisoners would leave the institution on Friday afternoon and come back on Sunday evening. Despite changes to the regime, it was uniform and there was no differentiation with regard to the nature of the crime committed or the length of the sentence. Also, there were very few inmates who abused their privilege in terms of not returning on time or committing crime when outside the institution. Disciplinary sanctions were taken out of use for the next 15 years, until the beginning of the 1990s.

A follow up project has measured the social climate of Slovene prison institutions since 1980. It generates data on, for instance, how much control inmates feel, their perceptions of order and discipline, the ways in which their personal

problems are resolved, their experiences of rehabilitation in prison and the type of support offered to them. Similar research is also undertaken with personnel.

In 1982, the social climate amongst the inmates in this prison institution was more positive than that experienced by staff in most Slovene penal institutions. The social climate was also more positive than that experienced by prisoners anywhere else in the Slovene penal system. The experiment proved that it is unnecessary to establish prison institutions with predominantly severe regimes. It will always be necessary to keep secure some prisoners for being dangerous, but their number does not exceed 10-20%. Besides the change in social climate, there were many practical benefits especially in terms of wider society (for example, on centres for social work, companies, employment agencies as well as inmates' families and friends). The prison institution succeeded in finding employment for more than 80% of inmates immediately after having served their sentences or being conditionally released. Many of the inmates were employed in companies outside the prison institution whilst serving their sentences. Some of them continued to work regularly after release.

The recidivism rate in this prison decreased to 20%, while the average number in other Slovene prison institutions was 60%. The regime was based on the socio-therapy approach, which means that it avoided traditional psychiatric interventions or medical ideas in general. It focused on psychodynamic processes that occur within small groups and larger communities (therapeutic communities) and involves a number of external factors that influence the prisoner after release. These external factors (such as, family, friends, relatives and employers) were included in the process, from the beginning of the sentence and not just from a few weeks prior to the release of a prisoner. These factors were instrumental in providing an element of rehabilitation.

In 1991 an important change occurred. The warden who was there from the very beginning of the experiment (an experiment that became daily practice) retired. She was substituted with a young psychologist with an appropriate level of knowledge but without the personal traits necessary to run the institution in the way it had been run for fifteen years. Quickly, the prison turned into a closed one, and the latest measurements of social climate (2000) proved that the satisfaction levels of both inmates and personnel had decreased significantly. The prison again became a traditional totalitarian institution where no abuses of human rights occur, but

neither is a reintegration of inmates into society expected in the same way and to the same extent as previously (Brinc; Petrovec; 2001). This section will conclude with the most important data relating to the experiment that transformed penal practice within a few Slovene correctional institutions. Through the experiment, three basic conditions were fulfilled beyond Fenton's basic principles:

- a) The political support of the Ministry of Justice, Ministry of Interior and, later on, Parliament led to the adoption of the basic principles of socio-therapy as an official penological concept within crime policy;
- b) The support of the mass media contributed to the understanding of rehabilitation of inmates; and
- c) The support of the local community (including employment, visits of families and medical treatment) contributed to the success of the regime.

To summarize the most important elements of the success the following should be emphasised:

- to trust in what is good in humans and to support it;
- to have courage to look at oneself before treating prisoners; and
- to abstain from the use and abuse of power over inmates.

The experiment was carefully examined and re-evaluated (including an assessment of the value of socio-therapy as both ideology and practice) in a research study twenty five years after the beginning of the project (Petrovec, 1999).

2 Some Changes in Treatment Ideology and Practice Brought about by Socio-therapy

2.1 The Difference between 'Contra Legem' and 'Praeter Legem'

The results encouraged many changes in the treatment of delinquents. The prison bureaucracy became familiar with legal principles such as, for instance, the difference between 'contra legem' and 'praeter legem'. Advocates of law and order always oppose the allocation of more benefits to prisoners. If inmates were allowed, under the open regime, to two unrestricted periods of leave per month, it would be considered illegal for them to be given any more than this amount. Such advocates would not accept it as a practice 'beyond the law' which makes the law more civilized and

just. Introducing more benefits brought about comprehension of a new concept which is not against the law but fosters new more humane solutions - 'de lege ferenda'. Slowly, the practice turned into new legislation, allowing four free leaves per week for all prisoners in the open regime. Slowly but steadily, some disciplinary measures disappeared from the penal armoury (for example, isolation and deprivation of visits).

2.2 A New Concept of Social Control

The prison institution functions as a means of a strong social control. Every dictatorial political system has experience of controlling people. However, people always behave according to what they expect and, therefore, it has always been very close to what is called a 'treatment game'. Everybody pretends to be something different, with the controller pretending not to be in control and the controlled behaving in a way that will satisfy the controller.

Socio-therapy leads to a throwing off of the masks. It demands direct communication and fair dialogue. If we want to re-educate, to treat and to advise we have to get to know. If we want to get to know, we have to permit people to behave freely. Therefore, if we want to know anything about people, they must be free. The crucial and inevitable disappointment of all traditional controlling systems is the awareness that freedom enables the best possible control (Petrovec, 1987). The principles of socio-therapy demand a fair reaction to inappropriate behaviour. It should never be treated with repression but neither should it be neglected.

2.3 The Role and Position of the Victim

Under conventional prison treatment programmes the victim was more or less ignored. During the 1990s, the concept of restorative justice opened new dimensions towards helping victims of crime. Yet, in a narrow vision of the ideology of a treatment there was no place for victim compensation. Restorative justice could be interpreted as a response to the conflict between retributive and treatment ideology (Bošnjak, 1999, p.6).

However, the concept of socio-therapy offered and established a much wider approach to victim compensation. Most of the prisoners agreed to the payment of a monthly amount of money to compensate the damage suffered by a victim. Perhaps, it was a bargain. Prisoners were rewarded for such behaviour by conditional release. However,

as a side effect, the prisoners have learnt, step by step, about right and wrong. Furthermore, no court could force prisoners to pay and they acted out of a free will. Since most of the prisoners were given free leave, there was a possibility that they would meet and have contact with their victims. In many cases, though not in all of them, it led to more constructive interpersonal relations.

2.4 The Meaning of 'Socio-therapy'

As the regime granted free leave it was necessary to prepare not only prisoners, but also their social environment, for their 'come-back'. Therapy was focused therefore on the families where many of the conflicts came from; it was focused on the working environment with an aim of the prisoner returning to where he or she had worked before; furthermore, it was focused on his social environment as a representative of a smaller part of public opinion. A clear message was conveyed to all parts of society that a prisoner is worthy of trust if he or she is granted free leave or given a job outside the prison institution or conditionally released. Since between 80 and 90% of inmates in this prison institution were granted an open regime, this message proved to be justified in so many cases that public opinion in general supported the penal policy based on socio-therapy.

Moreover, the socio-therapy means that the society accepts its' own contribution to crime as a social phenomenon, and is willing to support the reduction of it through non-punitive measures.

3 Weaknesses of the Socio-therapeutic Approach

3.1 The Size of a Penal Institution

Group counselling, as provided for within socio-therapeutic treatment, is carried out in small groups not exceeding 15 persons. Besides working in small groups, regular meetings of all prisoners and personnel are necessary. Good communication is possible only in prison institutions where the total number of inmates does not exceed 100. Therefore, prison institutions with substantial populations are unsuitable for such a treatment model.

3.2 The Need for Supervision

Although fully-implemented and established, the model was still precarious. The experts did not believe that after such success and 15 years of an open regime, it would return to the 'stone age' of Slovenian penology. Yet it happened. Lack of

supervision was one of the reasons, the second one, was the change of personnel. By the end of the experiment, there was no supervisor who either shared or represented the values and ideas that led to the humane prison regime. The Just Dessert philosophy swept away enthusiasm for the socio-therapeutic approach and its advocates (Petrovec, 1999, p.121).

3.3 Susceptibility of Society to Socio-therapy

As the new treatment approach brought about so many advantages compared to 'classical penology', one could justifiably pose a question - why could not we simply 'copy and paste' this experiment? Actually, no impediments exist but within those who have power to implement such a project. That is why Grendon was unique in England and why there was only one Slovene prison institution based on the socio-therapeutic approach. It does not mean that such institutions could be increased in number. It proves that state authority tolerates only a limited quantity of freedom regarding social marginalisation. As such, it could be used as a parade-horse to evidence a supposedly democratic and civilized society. Anything, surpassing this small quantity would threaten the centre of social power.

We have experience and proof that this model of prison and rehabilitation system works. The use of it is free of charge, there is no 'copyright' or legal protection of patent. It is simple to understand, yet so difficult to implement. It is not a question of intellect, it is a question of personal or personality traits. An honest and sincere introspection proves that we do not want things to work, because in that case we should change first, not the prisoners.

3.4 Weak Points of Socio-therapy

Socio-therapy is not a panacea. Some groups of delinquents are resistant to it. First, it does not have good enough results with drug-addicts. Addiction is stronger than attempts at rehabilitation and once in an open regime, many delinquents do not abstain from drugs. More promising is treatment within hospitals. The second group with less success are delinquents with serious personal disorders such as, for example, sex offenders or murderers. However, there always exists a group of prisoners who have to be in more secure systems. Yet, their number is much smaller than it is usually considered. According to the Slovenian experience it does not exceed 20%.

4 Measuring the Social Climate of Prison Institutions

Whatever names are given to the different treatment models, whatever ‘therapy’ is carried out, we are still largely unaware of what is going on behind the prison walls. Assessing the social climate illuminates previously hidden features. The first research of the social climate of Slovenian prison institutions was carried out in 1980, five years after the beginning of experiment, and has continued until the present, the last study taking place in 2000.

There are nine categories with which to assess social climate:

1. Involvement (social interaction in the day-to-day functioning of the programme);
2. Support (how supporting the staff are towards inmates and how supportive inmates are among themselves);
3. Expressiveness (possibility of open expression of feelings);
4. Autonomy (encouraging inmates to plan activities);
5. Practical orientation (preparing for release);
6. Personal problem orientation;
7. Order and organisation (how important it is and how the personnel encourage it);
8. Clarity (how explicit the programme rules are and if inmates know what to expect); and
9. Staff control (measures by which the staff control inmates) (Wenk, Moos and Rudolf, 1972).

Five years after the start of the experiment, and the introduction of the principles of socio-therapy, the following results were recorded:

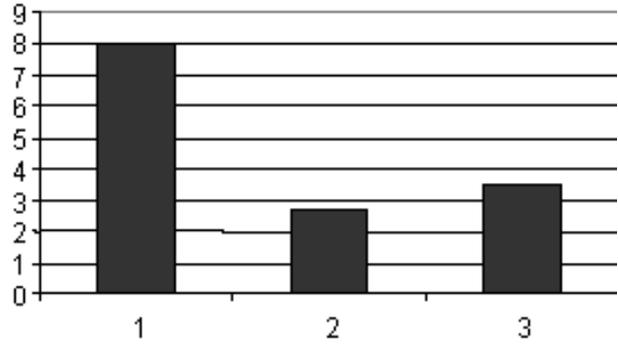
Measuring of Social Climate in 1980

Ig (experimental institution - 80 inmates)
 Dob (the largest prison institution in Slovenia- 800 inmates)
 Ljubljana (250 inmates)

	Ig	Dob	Ljubljana
Support	8.0	2.7	3.5
Expressiveness	6.2	3.0	3.0
Practical orientation	8.0	3.0	3.0
Clarity	8.2	3.6	3.8
Staff control	3.7	6.4	6.1

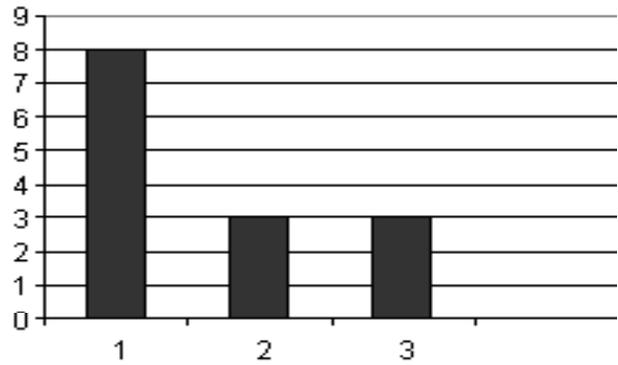
(Brinc and Petrovec, 2001, p.141).

Support



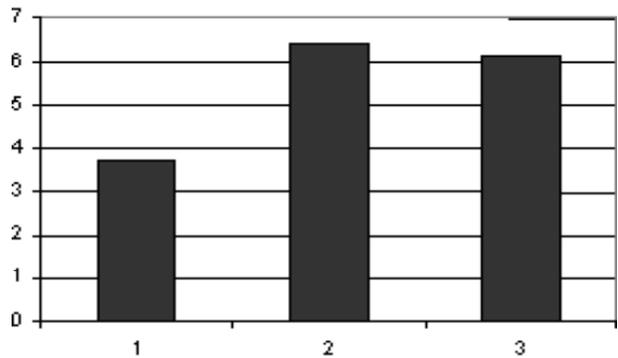
The graph illustrates the difference in support as perceived by inmates in three prison institutions - the first one in Ig.

Practical orientation - preparing for release



There is a clear difference in preparing inmates for their life after imprisonment. It also reflects the difference in recidivism (20% in the first institution and 60% in the other two institutions).

Staff control



According to the inmates, those regimes characterised by low levels of staff control had better social climates. Staff control as perceived in Ig was only half as severe as in other two institutions.

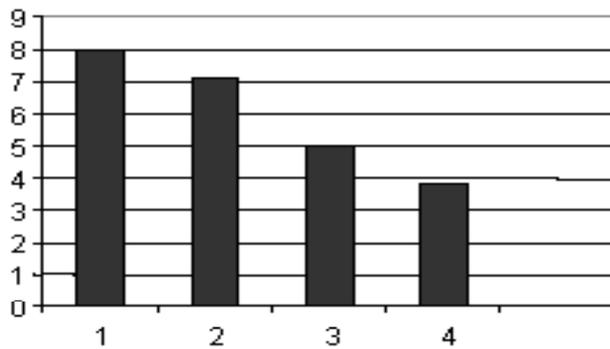
Changes regarding social climate in Ig (experimental institution) from 1980 till 2000.

Ig	Support	Exp-ress.	Pract. orient.	Clarity	Control
1980	8.0	6.2	8.0	8.2	3.7
1985	7.1	6.3	7.1	8.6	3.7
1995	5.0	4.5	5.2	5.6	5.5
2000	3.8	3.4	4.5	4.2	6.8

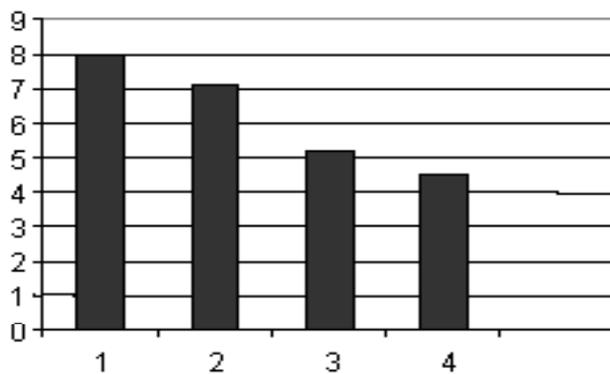
(Brinc and Petrovec, 2001, p.141)

The above representations clearly show a decrease in best possible practice within a penal institution. The changes of 1991 (new leadership in the prison institution, a new law and order orientation and a retreat from treatment ideology) led to a prevalingly closed institution with a social climate that does not differ from the closed institutions of 1980. For example, the feeling of being controlled was higher in Ig in 2000 (6.8) than in the maximum security prison (Dob) in 1980 (6.4).

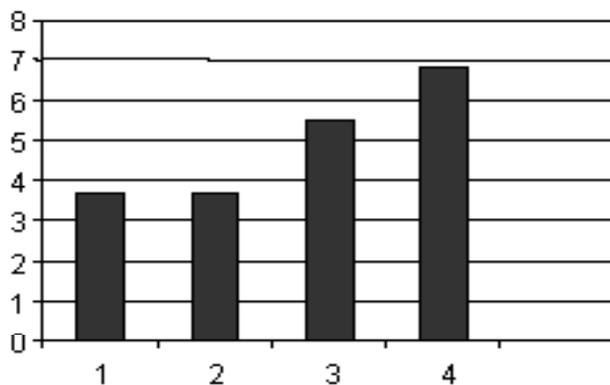
Support



Practical orientation



Control



5 THE GROUNDS FOR DECLINE OF SOCIO-THERAPY

When we refer to the death of treatment ideology we should ask ourselves – was it ever alive? It would be unfair to charge Martinson with the responsibility for the beginning of the end of treatment ideology although he is the most often repeated name in this respect. His famous question, “What works?” and confident reply, “Nothing” sent shockwaves through penal philosophy (Martinson, 1974). Yet, it seems that he merely triggered an avalanche that had been building up for years. In what was already a tense atmosphere of heated public and political opinion, all that was needed was a relatively weak impetus to turn it into a destructive force.

The criticism of treatment ideology was justified in several ways. Morris especially, stressed the concept of basic human rights. In respect of the protection of society, we cannot adopt unlimited means against a convicted person with, for instance, sentences linked to the success of treatment. (Morris, 1974, p.83). More effective than stressing the human right to personal integrity, which was being eroded by medical and psychological interventions, was Martinson’s referral to the inefficiency of treatment models. “Nothing works”, in reality, meant that in spite of all the efforts to change the human personality, crime was growing from one day to the next. Americans, obsessed with the issue of efficiency, could not be handed a better argument against treatment. And for them, data concerning crime and recidivism was the last nail in the coffin of rehabilitation philosophy and practice.

But to conclude that treatment is dead would be premature. Some criminologists have, with good reason, argued that, with few exceptions, it has not even been born yet. During the golden age of treatment ideology, Jessica Mitford made a study of conditions in American prisons. Her four year study (1970 – 1973) showed that the majority of prisons implemented complete censorship; letters sent to prisoners were rejected; breaches in discipline resulted in exemplary penalties; punishment for

criminal offences committed in prison inflicted without judicial procedure; and prisoners could not sue anyone for damage inflicted on them in prison (Mitford, 1974). For this reason Weigend's observation that there was little earnest intention to implement the treatment idea should be taken quite seriously (Weigend, 1983).

Yet, the situation in Slovene prison institutions was quite different. Evidence suggested that, "It Works" and that rehabilitation ideology and practice were alive. It worked, if we take the following criteria as proof of efficiency:

- The social climate in the experimental prison institution was more than favourable;
- Socio-therapy led to an opening up of a formerly closed institution regardless of the length of the sentence and the nature of the crime committed;
- The recidivism rate was 20% whilst, in other institutions, the level varied between 50 and 80%;
- Public opinion accepted new approaches in treatment practice;
- Socio-therapy was adopted as an official doctrine;
- Treatment encompassed a number of sectors of society – delinquent's family, friends, social and working environment; and
- Socio-therapy was the less expensive treatment.

5.1 What Went Wrong after 1991?

Slovenia's independence led to a significantly different political regime characterised by the pursuit of democracy. The old regime had sponsored and supported humanisation of the prison system since 1970s and criticising it openly, by showing aggression towards delinquents, would have been a high risk strategy. The new regime brought freedom and democracy and all which that entails. Freedom, to many, meant open mass media aggression towards the socially marginalised. The free market society led to social stratification and increasing numbers of people living in poverty. The outlook for unprivileged minorities (for example, delinquents, drug addicts, Roma people and ex-Yugoslav citizens) became bleak. The politicians of the new regime are confident in their knowledge of punishment and experts have been strictly excluded from influencing crime policy or legislation.

The consequences of such an understanding of democracy and freedom were, for instance, an increase in the maximum penalty of the Criminal

Code from 20 to 30 years, a decrease in the number of alternative sanctions, the introduction of harsher regimes in penal institutions and a 100% increase in the prison population between 1995 and 2000. Furthermore, the legacy of socio-therapy was overestimated. Although successful, it was easily substituted with law and order philosophy and practice. It appears that the human tendency towards domination is far stronger than the tendency towards cooperation.

6 CONCLUSION

To prevent the decline of socio-therapy, a constant influence of treatment-oriented experts is needed; furthermore, it should be established as a principal social doctrine. Finally, no implementation of such an idea is possible unless a certain level of progression within a society is being achieved. To achieve this point, we should go 'back to the future' (Petrovec, 2003). There is no future in what is being presented as current crime policy. The present has become the stone age of criminal justice, be it in terms of sentencing or imprisonment. Have we not noticed yet that our system is endangered not so much by crime than by our response to it? How much courage is still left to fight for ideas, to fight against repression? Courage is never needed when punishing others. Courage is not needed to start a war; power and greed are just enough. Courage is needed to keep faith in what is good in human person. If criminologists fail to change anything, then we will have to admit that we are nothing but a dispensable by-product in the development of the social sciences.

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Selected Publications of the Faculty of Criminal Justice and Security, and The Institute of Criminal Justice Research

2001-2006

Gorazd Meško, Bernarda Tominc

About the University of Maribor, Faculty of Criminal Justice and Security

The mission of the Faculty of Criminal Justice is to develop the field of criminal justice studies (also known as police and security studies), which is based on the traditional academic disciplines of law, sociology, psychology, political science, criminology, and organisational science.

The Faculty of Criminal Justice is aware of its responsibility – as the only university level institution in police and security studies in Slovenia – for the development of this field and for the quality and international comparability of its courses. It therefore endeavours to keep up to date and participate in trends in the relevant disciplines in Europe and around the world. In addition to transferring knowledge from the international sphere of criminal justice studies and adapting it to Slovenian requirements, the Faculty also wants to make its own contribution to the body of international knowledge in the field. This has led to the Faculty of Criminal Justice increasingly focusing on its own research projects, as well as its participation in international research. It also wants to strengthen its links with organisations that serve Slovenian diplomats and listen to their needs to ensure that the faculty courses are not only of the highest quality and internationally comparable but are also carefully adapted to meet the practical requirements of those they are intended for. Faculty graduates leave having learnt how to study properly and how to work legally, applying expertise in an ethical and effective manner to ensure the internal security of the state and its citizens. This is the Faculty of Criminal Justice's contribution to safeguarding a democratic society, and human rights and freedoms.

The work of the Faculty of Criminal Justice is spread across six departments: social sciences; law; information science and methodology; criminal investigation, criminology and criminal law; security studies; and management and police administration. The departments are responsible for teaching work and, together with the Institute of Criminal Justice Research, make a significant contribution to research into security study issues in modern societies

The Institute of Criminal Justice Research

The remit of the Institute of Criminal Justice Research is to participate in contemporary criminal justice research relating to the examination and development of theory, structure, process, cause, and consequence of societal responses to crime and criminality, and other security issues. While it incorporates the social and behavioural aspects of criminology, criminal justice is a much broader field of study because it is interdisciplinary in nature, covering the study of policing, prosecution, courts, prisons and other correctional and supervisory institutions, and security provision in contemporary society. The Institute's research work applies basic scientific approaches to the following areas:

- understanding the social, psychological, philosophic, economic, historical, legal and political aspects of crime, deviance and justice;
- exploring the aetiology, prevention, control and response to criminality and criminals;
- assessing the extent and form of crime and deviant behaviour in society;
- studying criminal law and legal procedures;
- studying law enforcement in practice and the work of prosecution services, the courts and correctional facilities;
- studying other social control mechanisms and methods of security provision in contemporary society.

International activities of the of the FCJS and ICJR

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 C/Ta – comparative/theoretical article
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 Pa – professional article
 rev – book review
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Legend of abbreviations – Type of Article:

R/Ea – research/empirical article

C/Ta – comparative/theoretical article

SSA – short scientific article

Pa – professional article

rev – book review

ot – other

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- Nikolić-Ristanović, Vesna, 2003/4/323, C/Ta.
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 Petrović, Borislav, 2003/3/252, Pa; 2006/8/145, Pa.
 Pipuš, Drago, 2004/4/319, R/Ea.
 Pirkovič, Ljubo, 2003/3/235, Pa.
 Podbregar, Iztok, 2006/8/XXX, C/Ta.
 Polajner, Bogdan, 2003/3/200, Pa.
 Polutnik, Boštjan, 2004/4/330, R/Ea; 2004/4/397, Pa.
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 Potparič, Damjan, 2005/3/245, C/Ta.
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 Prezelj, Iztok, 2006/8/18, C/Ta.
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 Pungartnik, Peter, 2002/2/140, Pa; 2005/2/183, Pa; 2005/4/350, SSA.
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 Purg, Adam, 2004/2/163, Pa.
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 Ribaux, Olivier, 2006/8/XXX, R/Ea.
 Robek, Andrej, 2003/1/49, Pa.
 Rupnik, Martin, 2006/8/97, R/Ea.
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 Sotlar, Andrej, 2001/3/190, C/Ta; 2003/2/174, ot; 2004/3/216, R/Ea, 2006/8/XXX, R/Ea.
 Stergar, Eva, 2003/3/183, R/Ea.
 Stres, Anton, 2000/2/168, Pa.
 Stušek, Janez, 2004/3/255, Pa.
 Svete, Uroš, 2006/8/31, C/Ta.
 Šavnik, Janko, 2005/1/82, Pa.
 Šimunič, Boštjan, 2002/1/40, C/Ta.
 Škoda, Bojan, 2000/1/46, ot.
 Škrbec, Jure, 2006/8/145, Pa.
 Števanec, Zvonko, 2004/4/339, R/Ea.
 Štirn, Mateja, 2003/1/5, C/Ta.
 Šturm, Jože, 2005/3/277, Pa.
 Šumi, Robert, 2006/8/XXX, R/Ea.
 Šuštar, Špela, 2003/1/67, Pa.
 Švajncer, Marija, 2000/2/174, Pa.
 Terpstra, Jan, 2006/8/XXX, C/Ta.
 Terrettaz-Zufferey, Anne-Laure, 2006/8/XXX, R/Ea.
 Tominc, Bernarda, 2006/8/5-20, C/Ta.
 Toporiš-Božnik, Mirjam, 2004/3/268, Pa.
 Trapečar, Matej, 2003/1/49, Pa; 2004/2/180, Pa.
 Tratnik Volasko, Marjeta, 2000/2/177, Pa.
 Trbovšek, Franc, 2001/1-2/42, Pa.
 Udovč, Bojan, 2001/4/278, Pa.
 Udovič, Bojan, 2003/1/23, Pa.
 Ulčar, Tadej, 2004/3/274, Pa.
 Umek, Peter, 1999/2/59, Pa; 2000/2/196, ot; 2000/4/380, Pa; 2001/3/171, C/Ta; 2001/4/247, C/Ta; 2002/2/101, R/Ea; 2003/3/192, C/Ta.
 Urh, Marko, 2005/2/150, SSA.
 Valenčič Vojko, 2002/1/40, C/Ta.
 Velikonja, Matej, 2002/2/158, Pa.
 Vergles, Eva, 2000/1/9, Pa.
 Videc, Robert, 2002/3/245, Pa.
 Vidic, Gorazd, 2004/2/180, Pa.
 Vidič, Branko, 2000/4/323, R/Ea.
 Virjent, Bojana, 1999/1/63, rev; 1999/2/82, rev; 2002/1/48, R/Ea; 2002/3/245, Pa; 2002/3/266, ot; 2002/4/316, R/Ea; 2004/3/225, C/Ta; 2004/3/309, rev; 2004/4/339, R/Ea.
 Višnikar, Hedviko, 2001/3/202, R/Ea.
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 Vršec, Milan, 2000/4/335, R/Ea; 2002/3/252, Pa.
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 Žaren, Franc, 2004/1/82, Pa.
 Železnik, Boris, 2005/3/282, Pa.
 Žibert, Franc, 2005/2/195, Pa; 2005/4/337, C/Ta, 2006/8/XXX, C/Ta.
 Žirovnik, Janez, 2005/3/291, Pa.
 Živec, Andrej, 2006/8/156, Pa.
 Žnidarič, Boris, 2000/4/389, Pa; 2001/1-2/110, Pa.

NAVODILA AVTORJEM PRISPEVKOV

Vsebinska navodila

Splošno	V Reviji za varstvoslovje praviloma objavljamo dela, ki vsebinsko sodijo v področje varstvoslovja. Objavljamo prispevke, ki še niso bili objavljeni in niso poslani v objavo drugi reviji. Pisec je odgovoren za vse morebitne kršitve avtorskih pravic. Če je bil prispevek že natisnjen drugje, poslan v objavo ali predstavljen na strokovni konferenci, mora to avtor sporočiti, pridobiti soglasje založnika (če je potrebno) in navesti razloge za ponovno objavo.
	Objavljamo prispevke v slovenskem jeziku s povzetki, prevedenimi v angleščino.
	Kaj objavljamo? <ul style="list-style-type: none"> • Razprave: znanstveni članki, rezultati raziskav avtorjev ter pregledne znanstvene članke. • Predloge za prakso: strokovni članki, prikazi in ocene pristopov in metod in njihova uporaba v praksi. • Ocene novih knjig s področja varstvoslovja.

Tehnična navodila

Omejitve dolžine prispevkov	Razprave: največ 24 strani oziroma 45000 znakov. Predlogi za prakso: največ 16 strani oziroma 30000 znakov. Ocene novih knjig: največ 3 strani oziroma 5500 znakov.
Recenzije	Razprave in predloge za prakso ocenita recenzenta. Recenzija je anonimna. Glede na oceno recenzentov, uredniški odbor ali urednik sprejme prispevek ter zahteva popravke ali pa ga zavrne.
Lektoriranje	Jezikovno pravilnost tekstov zagotavljajo avtorji prispevkov.
Naslov prispevka	Na začetku prispevka je naslov z velikostjo črk 20 pt. Črke naj bodo odebeljene, tekst pa poravnano na sredini (centriranje).
Navajanje avtorjev prispevka	Naslovu sledi navedba avtorjev ter ustanove, kjer delujejo. Če je avtorjev več, se vsakega posebej navede v svoji vrsti. Akademskih naslovov avtorjev se na tem mestu ne navaja. Navajanje avtorjev je poravnano na levi rob. Primer: Ime1 Priimek1, Ustanova1, Kraj1 Ime2 Priimek2, Ustanova2, Kraj2
Naslov in avtorji skupaj na eni strani	Naslov prispevka in avtorjev prispevka morajo biti na posebnem listu papirja.
Povzetek	Prispevku mora biti dodan povzetek z največ 1200 znaki (20 vrstic). Povzetek naj na kratko opredeli temo, ki jo obravnava prispevek, predvsem naj na kratko povzame rezultate in ugotovitve prispevka. Splošne ugotovitve in misli ne sodijo v povzetek, temveč v uvod.
Povzetek v angleščini	Avtorji so dolžni oddati tudi prevod povzetka v angleščino. Tudi za prevod povzetka velja omejitev največ 1200 znakov (20 vrstic).
Ključne besede	Ključne besede se navaja z odebeljenimi črkami in obojestransko poravnavo teksta.
Tekst	Avtorji naj oddajo svoje prispevke na papirju A4 s presledkom med vrsticami vsaj 1,5 in velikostjo črk 11 pt. Na zgornjem in spodnjem robu naj bo do teksta približno 3 cm, na levem robu je 2 cm, na desnem pa 4 cm. Na vsako stran pride tako približno 30 vrstic z okoli 62 znaki. Besedilo naj bo obojestransko poravnano.
Kratka predstavitev avtorjev	Avtorji morajo pripraviti kratko predstavitev svojega strokovnega dela. Predstavitvev naj ne presega 600 znakov (10 vrstic). Če je avtorjev več, se predstavi vsakega posebej, na čim bolj zgoščen način.
Strukturiranje teksta	Posamezna poglavja v tekstu naj bodo ločena s samostojnimi podnaslovi in ustrezno oštevilčena. Primer: 1 Uvod 2 Podnaslov 1 2.1 Podnaslov 2 2.1.1 Podnaslov 3
Citiranje literature	V seznamu literature je treba navesti po abecednem redu le citirane avtorje, celotna oznaka literature pa mora biti v skladu s sistemom APA: Koller, S. (1974). Naslov knjige. Kraj, Založba. Kosec, O., Petrov, A.M. (1996). Naslov članka. Naziv revije, 29 (4), 123 – 133.

Kennedy, K.J., Bach, R., Stephenson, R. (1993). Naslov članka ali poglavja v knjigi ali zborniku. Urednik. Naslov knjige. Čas in kraj konference, Kraj, Založba.

Kastelic, B. (1995). Naslov diplome (magisterija, doktorata). Diplomsko delo (Magistrsko, Doktorsko), Kraj, Institucija (univerza), Oddelek (npr. fakulteta).

Za citiranje literature z Interneta

Vse reference se začinjajo na enak način kot pri natisnjenih virih, le da običajnemu delu sledi še podatek o tem, kje na Internetu je bil dokument dobljen in kdaj. Podatek o tem, kdaj je bil dokument dobljen, je pomemben zaradi neprestanega spreminjanja WWW okolja.

Primer:

Jacobson, J. W., Mulick, J. A., & Schwartz, A. A. (1995). A history of facilitated communication: Science, pseudoscience, and antisience: Science working group on facilitated communication. *American Psychologist*, 50, 750-765. Članek je dobljen 25.1.1996 na WWW: <http://www.apa.org/journals/jacobson.html>

Pri citiranju zanimivih WWW naslovov v tekstu (ne gre za navajanje specifičnega dokumenta) zadošča navedba naslova (<http://www.fpvv.uni-mb.si>). Posebna referenca na koncu teksta v tem primeru ni potrebna.

Podrobnosti o citiranju so na voljo na domači strani revije (<http://www.fpvv.uni-mb.si>).

Sklicevanje na literaturo

Pri sklicevanju na literaturo med besedilom navedite le priimek prvega avtorja ter letnico izdaje

Primer:

..... (Smith, 1997)

Slike, diagrami in tabele

Slike, diagrami in tabele v prispevku naj bodo v posebej pripravljenih datotekah. V tekstu mora biti jasno označeno mesto, kamor naj bo vnesena slika. Skupna dolžina prispevka ne sme preseči dane omejitve.

Če avtor iz tehničnih razlogov grafičnih dodatkov ne more oddati v elektronski obliki, je izjemoma sprejemljivo, da slike priloži k tekstu. Avtor mora v tem primeru na zadnjo stran slike napisati zaporedno številko in naslov slike, v tekstu pa mora pustiti dovolj prostora za vstavev slike. Prav tako mora biti tekst opremljen z naslovom in številčenjem slike. Diagrami se prištevajo med slike.

Vse slike in tabele se številčijo. Številčenje poteka enotno in ni vezano za številčenje poglavij. Naslov slike je naveden pod sliko, naslov tabele pa nad tabelo.

Praviloma je v tekstu navedeno vsaj eno sklicevanje na sliko ali tabelo. Sklic na sliko ali tabelo je:

.... (Slika 5)

.... (Tabela 2) ...

Primer slike:



Slika 5: Naslov slike

Primer tabele:

Tabela 2: Naslov tabele



Opombe pod črto

Številčenje opomb pod črto poteka neodvisno od strukturiranja teksta in se v vsakem prispevku začne s številko 1. Posebej opozarjamo avtorje, da so opombe pod črto namenjene pojasnjevanju misli, zapisanih v tekstu in ne citiranju literature.

Format zapisa prispevka

Uredniški odbor sprejema prispevke, napisane z urejevalnikom besedil MS Word. Izjemoma sprejemamo tudi prispevke v samo tekstovnem zapisu (text only).

Naslov avtorja

S prispevkom pošljite polni naslov avtorja, na katerega se bo uredniški odbor obračal glede prispevka.

Kako poslati prispevek

Na naslov uredniškega odbora pošljite original in dve kopiji prispevka.

Ko uredniški odbor po opravljenih recenzijah in lektoriranju avtorja obvesti o sprejetju prispevka za objavo, mora avtor poslati še tekst v datoteki, ki je lahko:

- na disketi ali
- preko elektronske pošte.

V obeh primerih se lahko uporabi program za stiskanje (komprimiranje) datotek WinZip.

Potrjevanje sprejetja prispevka

Uredniški odbor avtorju pisno potrdi prejetje prispevka. Za avtorje, ki zraven svojega naslova sporočijo tudi naslov svoje elektronske pošte, se potrditev pošlje po tej poti.

Naslov uredniškega odbora

UM Fakulteta za policijsko-varnostne vede
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